

TULSI GABBARD'S NIE LIES MAKE DICK CHENEY LOOK HONEST BY COMPARISON

Yesterday, Tulsi Gabbard posted this tweet.



DNI Tulsi Gabbard  
@DNIGabbard



The weaponization of intelligence to undermine the President's agenda is an assault on democracy. Those behind this illegal leak of classified intelligence, twisted and manipulated to convey the exact opposite finding, will be held accountable under the full force of the law. Rooting out this politicization of intelligence is exactly what President Trump campaigned on and what Americans overwhelmingly voted for. The Office of the Director of National Intelligence fully supports the assessment that the foreign terrorist organization, Tren De Aragua, is acting with the support of the Maduro Regime, and thus subject to arrest, detention and removal as alien enemies of the United States.

The last sentence of the tweet, referencing an "assessment that the foreign terrorist organization, Tren De Aragua, is acting with the support of the Maduro Regime," makes clear it pertains to a National Intelligence Estimate described last week by WaPo (and that Tulsi's bossy claims about leak investigations pertains to the story itself, which I'll return to).

As WaPo described it, 17 of 18 intelligence agencies say Tulsi is lying.

According to WaPo, the NIE says that,

although there are some low-level contacts between the Maduro government and Tren de Aragua, or TdA, the gang does not operate at the direction of Venezuela's leader.

[snip]

The finding was nearly unanimous among the U.S. intelligence agencies with the exception of the FBI, which assessed a moderate level of cooperation between the gang and the Venezuelan government, two people familiar with the matter

said.

At least as WaPo describes, Tulsi may even be overstating the FBI conclusion that TdA had a moderate level of cooperation with the government, instead spinning that as, “Tren De Aragua, is acting with the support of the Maduro Regime.”

If WaPo’s reporting is accurate – and we can be virtually certain it is – Tulsi is trying to rewrite the NIE to support Trump’s view, all the while screaming about weaponization.

WaPo describes the stakes of this dispute, but not very clearly. Whether TdA operates at the direction of Venezuela is one key prong on which Trump’s bid to deport Venezuelan makeup artists and soccer players with no due process to Nayib Bukele’s concentration camp in El Salvador.

Trump’s manic bid to deport hundreds of migrants to Nayob Bukele’s concentration camp rests on a series of tactics. Many of the tactics were evident in the mad rush last Friday, in the face of a legal injunction prohibiting deportation under the Alien Enemies Act in Southern District of Texas, to instead load a bunch of Venezuelans on planes in Northern District of Texas, from the Bluebonnet Detention Center.

| Alien Enemies Act |
|--|
| Claim of "invasion" |
| Made without Congressional declaration |
| By TdA on orders from Venezuela |
| No due process |
| Defying SCOTUS |
| No advance notice |
| Logistical games |

Most of this (the bottom four entries describing how Trump is trying to use AEA deportations) is a bid to use the Alien Enemies Act in a particular way: to bypass deportation

proceedings, providing last minute notice (reportedly in English) that guards demand detainees sign, rather than information about the availability of habeas corpus petitions, loading them onto flights where there is not yet an injunction, with demands that men sign documents affirming they are TdA members along the way. Those tactics are what we're seeing in one frantic legal fight after another.

The Administration seems to want to get the AEA interpreted in this instance to allow virtually no due process – nothing more than Stephen Miller screeching on Fox News that you are TdA, without proof – to deport people who presented in the US, often making asylum claims.

But the larger scheme will only work if courts uphold the AEA *in this context*, for use in peacetime against a population from one particular home country. Here's how Trump pitched TdA in the declaration itself.

Tren de Aragua (TdA) is a designated Foreign Terrorist Organization with thousands of members, many of whom have unlawfully infiltrated the United States and are conducting irregular warfare and undertaking hostile actions against the United States. TdA operates in conjunction with Cártel de los Soles, the Nicolas Maduro regime-sponsored, narco-terrorism enterprise based in Venezuela, and commits brutal crimes, including murders, kidnappings, extortions, and human, drug, and weapons trafficking. **TdA has engaged in and continues to engage in mass illegal migration to the United States to further its objectives of harming United States citizens, undermining public safety, and supporting the Maduro regime's goal of destabilizing democratic nations in the Americas, including the United States.**

TdA is closely aligned with, and indeed has infiltrated, the Maduro regime,

including its military and law enforcement apparatus. TdA grew significantly while Tareck El Aissami served as governor of Aragua between 2012 and 2017. In 2017, El Aissami was appointed as Vice President of Venezuela. Soon thereafter, the United States Department of the Treasury designated El Aissami as a Specially Designated Narcotics Trafficker under the Foreign Narcotics Kingpin Designation Act, 21 U.S.C. 1901 et seq. El Aissami is currently a United States fugitive facing charges arising from his violations of United States sanctions triggered by his Department of the Treasury designation.

Like El Aissami, Nicolas Maduro, who claims to act as Venezuela's President and asserts control over the security forces and other authorities in Venezuela, also maintains close ties to regime-sponsored narco-terrorists. Maduro leads the regime-sponsored enterprise *Cártel de los Soles*, which **coordinates with and relies on TdA and other organizations to carry out its objective of using illegal narcotics as a weapon to "flood" the United States.** In 2020, Maduro and other regime members were charged with narcoterrorism and other crimes in connection with this plot against America.

Over the years, Venezuelan national and local authorities have ceded ever-greater control over their territories to transnational criminal organizations, including TdA. The result is a hybrid criminal state that is perpetrating an invasion of and predatory incursion into the United States, and which poses a substantial danger to the United States. Indeed, in December 2024, INTERPOL Washington confirmed: "Tren de Aragua has emerged as a significant threat to

the United States as it infiltrates migration flows from Venezuela.” Evidence irrefutably demonstrates that **TdA has invaded the United States and continues to invade, attempt to invade, and threaten to invade the country; perpetrated irregular warfare within the country; and used drug trafficking as a weapon against our citizens.** [my emphasis]

Some of this (we’re not at war no matter how inflammatory Trump claims migration is) is not legally apt to the statute. Some of this (the specific ties between Maduro and the gang, including his intent to use the gang as a weapon) is not true.

Which is why Tulsi is attempting to claim it is. Thus the stakes on the NIE. Thus Tulsi’s need to claim the NIE concluded something other than it concluded.

As ACLU is arguing in cases challenging the use of the AEA around the country (in this case, men in NDTX saved from deportation by SCOTUS’ intervention on Saturday), the Trump Administration shouldn’t be able to use the AEA at all in this context, because the US is not at war, and the convoluted assertions Trump made to claim we are – that the US is being invaded by a gang backed by Venezuela – does not hold up.

In a Proclamation signed on March 14 but not made public until March 15 (after the government had already attempted to use it), the President invoked a war power, the Alien Enemies Act of 1798 (“AEA”), to summarily remove noncitizens from the U.S. and bypass the immigration laws Congress has enacted. See *Invocation of the Alien Enemies Act* (Mar. 15, 2025) (“Proclamation”).¹ The AEA permits the President to invoke the AEA only where the United States is in a “declared war” with a “foreign government or nation” or a “foreign

government or nation" is threatening to, or has engaged in, an "invasion or predatory incursion" against the "territory of the United States." The Proclamation targets Venezuelan noncitizens accused of being part of Tren de Aragua ("TdA"), a criminal gang, and claims that the gang is engaged in an "invasion and predatory incursion" within the meaning of the AEA.

[snip]

Petitioners contend that the Proclamation is invalid under the AEA for several reasons. First, the Proclamation fails to the AEA's statutory predicates because TdA is not a "foreign nation or government," nor is TdA is engaged in an "invasion" or "predatory incursions" within the meaning of the AEA. Thus, the government's attempt to summarily remove Venezuelan noncitizens exceeds the wartime authority that Congress delegated in the AEA. Second, the Proclamation violates both the Act and due process by failing to provide notice and a meaningful opportunity for individuals to challenge their designation as alien enemies. Third, the Proclamation violates the process and protections that Congress has prescribed for the removal of noncitizens in the immigration laws, including protection against being sent to a country where they will be tortured.

If ACLU successfully argues that there's an NIE that shows even the Intelligence Community knows the basis on which Trump declared AEA is false, then it will undermine the entire effort to use AEA to achieve due process-free deportations.

As I said above, we can be pretty sure that Tulsi is lying on Xitter. That's not just because her Global Threat Assessment, released a

week *after* Trump invoked the AEA, makes no mention of such invasion or even Tren de Agua (which I noted here). But also because because when Joaquin Castro asked her about such assessment, she confessed that there were competing assessments.

Castro: I want to ask about the Alien Enemies Act, real quick, while I have time. The President has used the Alien Enemies Act, a wartime authority last used to detain German and Japanese nationals during World War II, to summarily deport people accused of being members of the Venezuelan gang, Tren de Aragua. To invoke this law, the President must demonstrate the United States is under invasion by a foreign nation or government. They have alleged that we are under invasion by the Venezuelan government. The idea that we are at war with Venezuela would come as a surprise to most Americans. The unclassified version of the Annual Threat Assessment the Intelligence Community just released makes no mention of any invasion or war that we are fighting with the nation of Venezuela. You would think our nation being at war would merit at least a small reference in this Threat Assessment. Director Ratcliffe, does the Intelligence Community assess that we are currently at war or being invaded by the nation of Venezuela?

Ratcliffe: We have no assessment that says that.

Castro: In invoking the law the President alleged that Venezuela is taking hostile actions at the direction – clandestine or otherwise – of the Maduro regime in Venezuela. Director Gabbard: Does the Intelligence Community assess the Venezuelan government is directing Tred de Aragua's hostile

actions against the United States.

Gabbard: There are varied assessments that came from different Intelligence Community elements. I'll defer to Director Patel to speak specifically to the FBI assessment.

[Kash moves to speak.]

Castro: But let me ask you. So you're saying there are conflicting assessments that have come from the IC?

Gabbard: That's correct.

Castro: Thank you. We'll take it up in closed session.

For his part, John Ratcliffe admitted that "we" (possibly meaning the CIA) has no assessment that backs Trump's claim of invasion. The CIA would be one of the 17 agencies that debunked Trump's claim.

So now that WaPo confirmed what was evident just from this exchange (the WaPo story notes that both Castro and Jim Himes raised the AEA during the hearing) Tulsi is trying to lie about the assessment by claiming this is an illegal leak, precisely the weaponization against which Trump ran.

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Blah blah blah.

Unless Tulsi wants to start going after her

former House colleagues, it's likely there was no classified leak. It goes little beyond what Tulsi herself said in this exchange with Castro, and otherwise relies on named expert sources.

"The idea that Maduro is directing Tren de Aragua members and sending criminals to infiltrate the United States is ludicrous," said Geoff Ramsey, a Venezuela expert at the Atlantic Council, a Washington-based think tank.

The group, which started as a prison gang in the Venezuelan state of Aragua in 2014, has expanded into a transnational gang that has carried out brazen crimes from Santiago, Chile, to New York City. But it does not operate with a clearly defined hierarchical structure, Ramsey said.

"Tren de Aragua has become more like a brand that any group of carjackers from Miami down to Argentina can invoke to further their criminal activity, but there's really no clear sense of hierarchy," he said. "And the reality is that Tren de Aragua has not always gotten along with the Maduro government: We saw just a few years ago, the military in 2023, stormed a prison that Tren de Aragua controlled and allegedly carried out extrajudicial executions."

And Tulsi is trying to silence experts with unbridled Orwellian claims that up is down – that the single FBI assessment, assessing moderate contacts – says that TdA is acting with Venezuelan support, a claim that even still falls well short of what Trump claimed in his declaration.

Tulsi built her entire career around opposing the wars that Dick Cheney ginned up two decades ago. Now, in Cheneyesque fashion, she's grotesquely *inventing* a war that doesn't exist so she can help Trump destroy the Constitution.

Update: In a CO case granting two detainees a Temporary Restraining Order forbidding their deportation under the AEA, Judge Charlotte Sweeny said this about the AEA:

According to Petitioners, the Proclamation exceeds the President's "statutory authority in three critical respects." ECF No. 2 at 11. First, there is no "invasion or predatory incursion." Id. Second, any purported invasion is not perpetuated by a "foreign government or nation." Id. And third, there is "no process to contest whether an individual falls within the Proclamation." Id. Skepticism of the Proclamation's contrary findings is required, Petitioners urge, to the point of satisfying their first TRO burden. Id.; see also M.G., 117 F.4th at 1238. The Court agrees.

That said, Sweeny's analysis did not focus on the relationship between Tren de Aragua and the Maduro regime.

Petitioners contend, as with its failures to identify an "invasion" or "predatory incursion," the Proclamation likewise fails to assert a "foreign nation or government" is "invading the United States." ECF No. 2 at 14. The Court agrees with Petitioners. The Court discerns little reason to linger on this point, especially where, as Petitioners observe, the Proclamation finds TdA is "closely aligned with [and] infiltrated[] the Maduro regime." Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua, 90 FR 13033. The Proclamation does not find TdA itself is a foreign nation, country, or government. At bottom, the Proclamation fails to adequately find or assert TdA is a "foreign nation or government," § 21, sufficient to justify the Act's

invocation. Indeed, if TdA was such a
“foreign nation or government,” id.,
there would be no need for it to
“undertak[e] hostile actions . . . at
the direction, clandestine or otherwise,
of the Maduro regime in Venezuela,”
Invocation of the Alien Enemies Act
Regarding the Invasion of the United
States by Tren de Aragua, 90 FR 13033
(emphasis added).

Rather, in lengthier analysis, she focused on
the absence of military invasion. She did not
rely on Ratcliffe’s comment, but she could have.