

Cheney-Addington Set Up Rendition Policy

Five days after the Sept. 11, 2001 attacks, Vice President Dick Cheney publicly announced the outlaw regime that he was already instituting for U.S. military and intelligence operations. In an interview on NBC's "Meet the Press," Cheney declared that "lawyers always have a role to play, but . . . this is war." He elaborated in this chilling manner:

"We also have to work, though, sort of the dark side, if you will. We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies . . . and so it's going to be vital for us to use any means at our disposal, basically, to achieve our objective. . . . It is a mean, nasty, dangerous, dirty business out there, and we have to operate in that arena. I'm convinced we can do it; we can do it successfully. But we need to make certain that we have not tied the hands, if you will, of our intelligence communities in terms of accomplishing their mission."

The next day, President Bush signed a top-secret "Presidential Finding," undoubtedly authored by Cheney's legal counsel David Addington, which authorized U.S. intelligence agencies to establish the "extraordinary rendition" program, to create a network of secret prisons abroad, and to use interrogation methods that violated domestic U.S. law and international treaty obligations.

The Cheney-Addington legal theory, sometimes given an academic veneer by Justice Department lawyer John Yoo, asserted that the President, when acting as Commander-in-Chief in wartime, cannot be constrained by any

Congressionally enacted laws, or by any treaties signed by the United States and ratified by the Senate. It was a doctrine lifted straight out of the "Crown Jurist" of the Nazi Third Reich, Carl Schmitt.

Addington, sometimes called "Cheney's Cheney," shares with Cheney the view that the Presidency has been too constrained by Congress since the post-Watergate intelligence reforms of the 1970s were enacted to curb CIA and military spying and abuses against American citizens. Addington hooked up with Cheney during the Iran-Contra investigations of the mid-1980s, where they fought what they called Congressional encroachment on President powers, in connection with the Reagan-Bush covert action program in Central America. When Cheney became Defense Secretary in 1989, he brought Addington into his office, where Addington became enamored of military special operations, which he saw as a model for the more "timid" CIA.

Cheney and Addington seized the opening created by the shock of the 9/11 attacks to implement their doctrine of dictatorial Presidential power, with Addington providing the legal cover for Cheney's demand for unfettered Executive powers in the days following the attacks.

During that time, the overall covert counter-terrorism program, including the creation of "hunter-killer" squads combining military special operations forces and CIA special operatives, was placed under the control of Secretary of Defense Rumsfeld. But aspects of it, such as the "extraordinary rendition" program, were formally placed under the CIA, reportedly because that agency was not constrained by the Uniform Code of Military Justice which governs the conduct of military personnel. But whether it's under the Pentagon or the CIA, everyone knows that Dick Cheney is the ultimate Commander-in-Chief of all these "dark side" operations.

—Edward Spannaus