

BARACK OBAMA AND THE TEMPTATION OF POLITICISING INTELLIGENCE

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More than a month after having named the principal senior officials of his administration in charge of national security, President-elect Barack Obama rounded out his team on 9 January by nominating Retired Admiral Dennis Blair to the post of Director of National Intelligence (DNI) and Leon Panetta to head the Central Intelligence Agency (CIA)¹.

Although it is the general opinion that the presidential transition directed by Mr. Obama's team has proceeded smoothly, the announcement of the appointment of Mr. Panetta appeared to be the first false note of this very sensitive period which separates the election from the inauguration and which sets the tone for the initial period of the term in office of the new resident of the White House. Many influential voices from the intelligence community have in fact criticised this surprising choice and have found support among Congressional Republicans. What has been more unexpected is that some of the most influential Democratic Senators have spoken out against the opacity of the selection process and publicly regretted that the reins of the Agency are not being entrusted to a battle-hardened professional.

The nomination of a former Congressman who has no experience in the domain of intelligence to run the CIA would appear to be a political decision, one that is highly risky at a time when the threats against the United States arising especially from its military engagement in Iraq and Afghanistan are extremely high. It seems, however, that this decision was weighed carefully by the Obama team, as we can judge by the time devoted to the selection process. For that reason, in order to better figure out what may be the policy of the incoming President with regard to intelligence, it seems interesting to look closely at the motivations behind Mr. Obama's selection of the CIA boss, to review the various reactions which followed the presidential announcement and to present the possible consequences of Mr. Panetta's arrival at Langley, headquarters of the Agency.

1. Leon Panetta: a second choice, without any link to the Bush administration but also without experience in intelligence

The announcement of the nomination of Mr. Panetta was greeted with surprise in Washington, since he did not figure on any of the lists of potential candidates to succeed

¹ Michael Abramowitz, Joby Warrick, Walter Pincus, 'Obama Under Pressure on Interrogation Policy,' *The Washington Post*, 9 January 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/09/AR2009010903784.html>

General Hayden. This absence is largely explained by the fact that unlike the other individuals sounded out, Mr. Panetta has no experience in the domain of intelligence.

After spending a brief time within the Nixon administration, Mr. Panetta ran and was elected to the post of Representative in Congress from the State of California, a post which he held from 1977 to 1993. It is worth noting that during his eight terms in the House of Representatives, he never served in the Intelligence Committee. He later entered the Clinton administration as Director of the Office of Management and Budget from 1993 to 1994, before becoming White House Chief of Staff, where he served from 1994 to 1997². One of the few public positions he has taken on intelligence dates from January 2008, when he criticised the practice of torture in an editorial.³ While Mr. Panetta's abilities as a manager as well as his knowledge of budgetary issues have been praised by members of the transition team of Barack Obama,⁴ it seems that his loyalty to the President-elect, his lack of ties to the intelligence world and his position on torture largely contributed to his nomination.

Unlike in 2004, the theme of intelligence was largely absent from the 2008 presidential campaign. Nonetheless, candidate Obama mentioned the CIA and the controversies surrounding its interrogation methods in his criticism of the Bush administration in the area of counterterrorism.⁵ If he won the White House, Mr. Obama wanted to replace the main managers of the intelligence community in order to send out a signal of the break with the practices of his predecessor. This argument explains the choice of Mr. Panetta and the time taken by the transition team to designate a successor to General Hayden. In fact, it was not easy to find an espionage professional who was not associated closely or at some distance with the practice of intelligence under the Bush administration.

John Brennan, a former employee of the CIA, the first director of the National Counterterrorism Center (NCTC) and adviser to Mr. Obama on questions of intelligence during his campaign figured as the favourite to win the post of Director of the Agency.⁶ However, his name did not remain at the head of the President-elect's list very long. Indeed, on 25 November Mr. Brennan announced that he withdrew his candidature because of the attacks to which he was subjected. Many associations were thrown up around the transition team of Mr. Obama by the idea that a '*supporter of the dark side policies*'⁷ of the Bush administration could be designated by a Democrat to lead the Agency. We know that Mr. Brennan, as he himself said, is a fierce opponent of the use of '*coercive interrogation tactics, to include waterboarding.*'⁸ Nevertheless, this association, even indirect, with controversial practices was politically unacceptable for the transition team of the President-elect, who thus deprived himself of the possibility of choosing individuals with experience in the domain of intelligence at a moment when the United States, in the international context and due to the change of administration, is especially vulnerable.

² Extract from the biography of Leon Panetta on the site of the Panetta Institute.

http://www.panettainstitute.org/institute/leon_panetta.htm

³ Leon E. Panetta, 'No Torture. No Exceptions,' *Washington Monthly*, January 2008.

<http://www.washingtonmonthly.com/features/2008/0801.panetta.html>

⁴ Mark Mazzetti, Carl Huse, 'Panetta Is Chosen as C.I.A. Chief, in a Surprise Step,' *The New York Times*, 6 January 2009.

http://www.nytimes.com/2009/01/06/us/politics/06cia.html?_r=1&hp=&pagewanted=print

⁵ Mark Mazzetti, Scott Shane, 'After Sharp Words on C.I.A., Obama Faces a Delicate Task,' *The New York Times*, 3 December 2008. <http://www.nytimes.com/2008/12/03/us/politics/03intel.html>

⁶ Brennan, Blair top Obama's intel short list,' *USA Today*, 24 November 2008.

http://www.usatoday.com/news/politics/2008-11-24-intel_N.htm

⁷ Greg Miller, 'John Brennan withdraws name from consideration as CIA director,' *The Los Angeles Times*, 26 November 2008. [http://www.latimes.com/news/politics/la-na-cia26-](http://www.latimes.com/news/politics/la-na-cia26-2008nov26.0.7384808.story)

[2008nov26.0.7384808.story](http://www.latimes.com/news/politics/la-na-cia26-2008nov26.0.7384808.story)

⁸ *Ibid.*

For Mr. Obama, the nomination of a man enjoying his trust who supported him from the early Democratic primaries also enables him to be confident of the loyalty of an agency whose activities can have major political repercussions. According to a former CIA officer, the message of this appointment is that the President-elect wants to protect himself against any 'scandal' coming from Langley.⁹ This aspect is reinforced by the personal dimension that we can see in the naming of Mr. Panetta. In fact, Mr. Obama neither consulted nor even informed the main Democratic Congressmen who are specialised in questions relating to intelligence. Furthermore, we don't know to what extent Dennis Blair, who was named to be the superior of Mr. Panetta as Director of National Intelligence, was involved in this decision. The apparent wish of Mr. Obama to ensure he has direct control over the CIA illustrates the President-elect's desire to have a very powerful White House with very extensive powers. Mr. Obama has in effect selected eminent employees whose influence might surpass those of members of the government. According to the *Washington Post*, at no time since Richard Nixon has a President done so much to put together a team of advisers 'with a mandate to cut through -- or leapfrog -- the traditional bureaucracy.'¹⁰

2. A choice which does not enjoy unanimity both in Congress and within the intelligence community

Except for the withdrawal of Bill Richardson, who was supposed to become Secretary of Commerce, the transition directed by Mr. Obama's team has proceeded in a harmonious manner. The choices of the President-elect, particularly in the field of national security, have even been hailed by many Republicans. It is agreed that by keeping Robert Gates at the post of Secretary of Defense and by naming James Jones, a retired four star general, to become his national security adviser, Barack Obama provided himself with the means to create unanimity in a domain which was not his strong point.

Therefore, it has to be said that this dynamic was broken by the announcement of the appointment of Mr. Panetta to direct the CIA. This choice aroused contrasting reactions. On the Republican side, one is not surprised to find that the nomination of Mr. Panetta was greeted with skepticism. Senator from Missouri Christopher Bond, Vice Chairman of the Senate Select Committee on Intelligence who will supervise the confirmation of the Director of the Agency, has expressed reservations, adding that 'in a post-9/11 world, intelligence experience would seem to be a prerequisite for the job of CIA director.'¹¹ Two former eminent members of the Pentagon under Donald Rumsfeld, Richard Perle and Douglas Feith, well known for not having been fervent supporters of the CIA, have, by contrast, hailed the decision by Mr. Obama. For Mr. Perle, 'it's going to take somebody from outside to right that ship, if it can be done.'¹² Among the Democrats on the Senate Select Committee on Intelligence, the news was greeted with circumspection. Its Chairman, Dianne Feinstein, said she was surprised at not having been consulted or even informed. She added that she was in favour of the nomination of 'an intelligence professional'¹³ to this post. This point of view is shared by another member of the committee, John D. Rockefeller IV. On the other hand, other Democratic Senators like Ron Wyden greeted the nomination of Mr. Panetta favourably and praised his capabilities as a manager. Despite these mixed reactions, it appears that the

⁹ Laura Rozen, '00-Huh? Former intel officials react to Panetta pick,' *Foreign Policy*, 5 January 2009. <http://thecable.foreignpolicy.com/node/14914>

¹⁰ Michael D. Shear, Ceci Connolly, 'Obama Assembles Powerful West Wing,' *The Washington Post*, 8 January 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/07/AR2009010703868.html?nav=hcmodule>

¹¹ Ashley Fantz, Kevin Bohn, 'Panetta pick as CIA chief under fire,' CNN.com, 7 January 2009. <http://edition.cnn.com/2009/POLITICS/01/06/panetta.pros.cons/index.html?iref=newssearch>

¹² Ben Smith, 'Obama puts Panetta in unfamiliar waters,' *Politico*, 6 January 2009. <http://www.politico.com/news/stories/0109/17107.html>

¹³ Mark Mazzetti, Carl Hulse, 'Panetta Is Chosen as C.I.A. Chief, in a Surprise Step,' *op. cit.*

confirmation of the candidate chosen by Mr. Obama will go ahead without difficulty. After having received public apologies from Vice President Joe Biden for not having informed her, Ms Feinstein rallied to the President-elect's choice, saying that she had received assurances that Mr. Panetta will be surrounded by 'very competent professionals.'¹⁴

Among former and present members of the American intelligence community, the presidential decision arouses anxiety. According to Michael Sheuer, an analyst at Langley for twenty-two years and the former manager of the cell charged with tracking down Osama Ben Laden, Mr. Panetta does not have the right *curriculum vitae* to direct the CIA. According to him, this nomination indicates that the Obama administration believes that the context allows it to place at the head of the main American intelligence agency someone who 'will learn on the job.'¹⁵ This position reflects a widespread feeling in the American intelligence community. Nevertheless, there is no unanimity. Former acting Director of the CIA John McLaughlin believes that Mr. Obama has made a good choice. For him, Leon Panetta's lack of experience will be compensated by 'his judgment, his broad experience in government' and his ability to maintain a constructive relationship with Congress.¹⁶

3. A risky choice for a convalescent agency

The heterogeneous nature of these reactions shows up the uncertainties but also the risks related to this nomination. In effect, while the period of transition has underlined the need for an administration coming to power to function effectively from the very first day,¹⁷ the arrival of a neophyte to direct the country's main intelligence agency is perplexing. The involvement of the United States in Iraq and in Afghanistan, as well as the terrorist threat argue in favour of maintaining a certain continuity for all activities linked to national security. Despite the government experience that Mr. Panetta can take pride in, the practice of intelligence and, still more, management of the CIA, are such very specific activities that they need a period of adaptation for someone who is not initiated in them. As we have seen recently, the American Central Intelligence Agency is especially active in the struggle against terrorism¹⁸ and in running covert operations against the Iranian nuclear programme,¹⁹ so the time necessary for acclimatising the new Director could turn out to be harmful for the Agency.

Meanwhile, though it seems that Mr. Obama wants to keep at their posts the main managers, like the number two at the CIA, Stephen Kappes, the signal sent out by the nomination of Leon Panetta could have consequences on the morale of an agency which underwent a harsh

¹⁴ Greg Miller, 'Feinstein says 'all systems are go' for Panetta's CIA confirmation,' *The Los Angeles Times*, 8 January 2009. <http://www.latimes.com/news/nationworld/nation/la-na-panetta8-2009jan08.0.1750113.story>

¹⁵ Ashley Fantz, Kevin Bohn, 'Panetta pick as CIA chief under fire,' *op. cit.*

¹⁶ Anne E. Kornblut, Joby Warrick, 'Panetta Chosen As CIA Director,' *The Washington Post*, 6 January 2009. <http://www.washingtonpost.com/wp-dyn/content/story/2009/01/06/ST2009010600069.html>

¹⁷ On this subject, see Raphaël Ramos, 'The United States : Presidential Transition and Implications for National Security in 2008-2009,' ESISC, 29 September 2008.

<http://www.esisc.org/documents/pdf/fr/etats-unis-transition-presidentielle-410.pdf>

¹⁸ On 1 January 2009, an operation carried out by the CIA in Pakistan made it possible to kill two senior members of al-Qaeda, including one suspected of being the instigator of the suicide attack against the Marriott Hotel in Islamabad in September 2008. Joby Warrick, 'Jan. 1 Attack By CIA Killed Two Leaders of Al-Qaeda,' *The Washington Post*, 9 January 2009.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/01/08/AR2009010803110.html>

¹⁹ David E. Sanger, 'U.S. Rejected Aid for Israeli Raid on Iranian Nuclear Site,' *The New York Times*, 10 January 2009. <http://www.nytimes.com/2009/01/11/washington/11iran.html?em>

ordeal during the past eight years. We note especially the term of Porter Goss²⁰ who, though he had solid intelligence experience when he was installed at Langley performed a veritable purge. Mr. Kappes was one of the principal victims before being recalled by General Hayden. A former CIA agent, Mr. Goss was no stranger, but his very personal way of running the Agency with a team of former Congressional aides was hard to live through.²¹ It led to many departures and increased the difficulties of recruitment at a time when the competition from the private sector was greater than at any previous time.

Due to his lack of experience and his strong ties to the White House, the term of Mr. Panetta could, according to the critics, resemble that of the former Congressman, Mr. Goss.²² While the action of General Hayden, one of the rare four star officers to have devoted all of his career to intelligence, made it possible to reestablish a climate of confidence at Langley, the arrival of Mr. Panetta and the politicisation that it might result in arouse anxiety. It would in fact be harmful for the security of the United States if the main objective of the CIA under the presidency of Barack Obama was to embody change by avoiding scandals and doing everything possible to distinguish itself from practices dating from the Bush administration. If politically the argument can be admitted, it has to be agreed that this is not the mission of an intelligence agency, least of all in wartime.

An indicative test might occur when the Democratic Congressmen consider forming an independent commission to investigate the policies of the Bush administration in the domain of counterterrorism. Certain employees of the CIA may be targeted by this investigation, which could be perceived at Langley like a witch hunt. For Mark Lowenthal, a former manager at the Agency, if Mr. Panetta shows that he is too cooperative with this commission by handing over certain of its employees, then his ability to effectively run the agency will be seriously diminished. If that happens, people at the Agency *'are not going to start plotting against the president, but they are going to withdraw from taking risks, and then the CIA becomes useless to the president,'* Mr. Lowenthal explains.²³

Nevertheless, when speaking of potential scenarios, one cannot exclude the possibility that the selection of Mr. Panetta will turn out to be profitable for the CIA. Indeed, the trust that the President-elect has in him and his direct line to the White House could be major advantages for the Agency. The latter's influence within the American government was largely reduced by the reform of 2004, which stripped the Director of the CIA of his function as 'boss' of the intelligence community and as presidential adviser, thus depriving him of daily access to the Oval Office. Meanwhile, an experienced bureaucrat like Donald Rumsfeld managed to considerably increase the role of the Pentagon in intelligence activities, all to the detriment of the Agency. In this context, and so long as Robert Gates, former Director of the CIA, is kept on at the Department of Defense, the term of Mr. Panetta at Langley could allow the American intelligence agency to recover its status and its influence in Washington.

²⁰ Porter Goss took over from George Tenet and held the position of CIA Director from 24 September 2004 to 5 May 2006.

²¹ Walter Pincus, Dana Priest, 'Goss Reportedly Rebuffed Senior Officials at CIA,' *The Washington Post*, 14 November 2004. <http://www.washingtonpost.com/wp-dyn/articles/A48254-2004Nov13.html>

²² Martin Sieff, 'Obama's Panetta pick bodes ill for CIA,' UPI, 6 January 2009. http://www.upi.com/news/issueoftheday/2009/01/06/Obamas_Panetta_pick_bodes_ill_for_CIA/PI-97421231256244/

²³ Mark Mazzetti, « A Difficult Road Awaits Panetta at the C.I.A », *The New York Times*, 9 January 2009. http://www.nytimes.com/2009/01/09/us/09cia.html?_r=1&pagewanted=print

4. Conclusion

By choosing Leon Panetta to become the Director of the CIA, Barack Obama has given an indication of his priorities as regards intelligence. Above all he is waiting for the American agencies, first among them the CIA, to break with certain controversial interrogation practices that were put in place by the Bush administration in the context of the war on terror. This vision, symbolised by the position on torture taken by Mr. Panetta, seems nevertheless a bit limited to ensure effective operations at the main agency charged with the fight against terrorism outside the boundaries of the United States.

In effect, the nobility of the posture assumed by Mr. Panetta regarding interrogation methods fails to conceal his absence of direct experience at a time when the country has greater need than ever before for the services of its main intelligence agency.

Furthermore, the definitive position of Mr. Obama on torture, symbolised by his selection of Leon Panetta, could turn out to be risky from the political point of view. Thus, Ms. Feinstein, a former mayor of San Francisco who represents the left wing of the Democratic Party, said in December that the use of non-coercive interrogation techniques should be prioritised in most cases, leaving open the possibility of recourse to other methods in extreme cases.²⁴ Given the imminence of an attack, Mr. Obama could in fact face the need to obtain information rapidly.

Nevertheless, despite doubts and legitimate worries, it cannot be excluded that Mr. Panetta, if he is confirmed by the Senate, will turn out to be a good Director. While experience is essential, it is not the only quality required to direct the CIA. Certain of his predecessors, like John McCone and George H. W. Bush, demonstrated that. The choice of the team serving Mr. Panetta, and particularly the decision by Mr. Kappes of whether or not to remain at his post as number two, and the relations that Panetta will maintain with his superior, Director of National Intelligence Dennis Blair, will be the determining elements for the success of his term at Langley.

All the same, the message sent out by this nomination is disconcerting, because it seems to indicate a wish to pursue the use of intelligence for political ends, a practice that has served the CIA badly, both at the level of its reputation and of its effectiveness.

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²⁴ Mark Mazzetti, Scott Shane, 'After Sharp Words on C.I.A., Obama Faces a Delicate Task,' *op. cit.*