

~~WE REQUEST TO INFORM~~ ~~YOU THAT YOU INFORM~~ ~~US WE KILLED ANOTHER~~ ~~DRONE TARGET~~

I want to follow-up on Jim's latest drone post—and go back to Greg Miller's article on drones—to look at the the approval process. A lot of readers of Miller's article noted this passage, revealing that JSOC continues to avoid the kind of (minimal) oversight that CIA gets.

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But read the whole passage in context.

Within 24 hours of every CIA drone strike, a classified fax machine lights up in the secure spaces of the Senate Intelligence Committee, spitting out a report on the location, target and result.

The outdated procedure reflects the agency's effort to comply with Title 50 requirements that Congress be provided with timely, written notification of covert action overseas. There is no comparable requirement in Title 10, and the Senate Armed Services Committee can go days before learning the details of JSOC strikes.

Neither panel is in position to compare the CIA and JSOC kill lists or even arrive at a comprehensive understanding of the rules by which each is assembled.

The senior administration official said the gap is inadvertent. "It's certainly not something where the goal is to evade oversight," the official said. A senior

Senate aide involved in reviewing military drone strikes said that the blind spot reflects a failure by Congress to adapt but that “we will eventually catch up.”

The disclosure of these operations is generally limited to relevant committees in the House and Senate and sometimes only to their leaders. Those briefed must abide by restrictions that prevent them from discussing what they have learned with those who lack the requisite security clearances. The vast majority of lawmakers receives scant information about the administration’s drone program.

In addition to the long-standing problem of JSOC avoiding oversight (and, implicitly, that this notice apparently comes after the fact, when CIA sends a fax over, which is a little late for the Intelligence Committees to weigh in, IMO), Miller lays out the following:

- No one—not the intelligence committees or even the Gang of Four—gets enough insight into the drone programs to understand how JSOC’s practices differ from CIA’s (this is consistent with what the Gang of Four said about Anwar al-Awlaki’s killing, given that they said they never saw the kill lists)
- As is typical, the intelligence committee overseers can’t share information from briefings with their colleagues not

read into the program (this is how the Bush Administration gutted intelligence committee oversight of the torture and illegal wiretap programs)

But don't worry, a senior Administration official says, this time, this secrecy is not designed specifically to avoid oversight.

Apparently, this SAO's interlocutors don't agree, because the WSJ's Adam Entous and Siobhan Gorman have a similar story out today, just three days after Miller's, quoting "current and former administration, military and congressional officials" complaining about oversight gaps.

While few U.S. lawmakers question the effectiveness of the targeted killing campaigns, some top lawmakers complain about what they see as excessive White House secrecy about how targets are chosen and how the administration justified the killings, particularly of American citizens.

Senate Judiciary Committee Chairman Patrick Leahy, a Vermont Democrat, has been publicly and privately pressing the Justice Department to let his committee review the secret memorandum prepared by Justice Department lawyers that endorsed the legality of killing U.S. citizens abroad.

Similar qualms have come from members of the House and Senate armed services committees, who have also sought more information in particular about the CIA's drone program (they have some oversight over the drones run by the Defense Department).

We've seen this movie already. The refusal to

release OLC opinions to DOJ's oversight committee(s); the use of committee jurisdictional oddities to avoid oversight; the appeal to secrecy. All of this comes directly from the Bush script on hiding illegal programs from Congress.

And yet all of the people presumably bitching—folks like Pat Leahy, Carl Levin, John McCain, Buck McKeon, and Adam Smith presumably—just passed language leaving the Administration's authority to use deadly force while pretending to try to detain American citizens with a drone intact.

Hey Congress! With Bush you were usually most successful forcing more transparency by refusing to pass legislation until you got that transparency. Maybe you should have tried that here?

In any case, Obama's anonymous leakers poo poo the entire notion of functional Congressional oversight.

Current and former officials say the White House wants to keep a tight hold on classified information to avoid unauthorized disclosures.

The demand for lawmakers outside the intelligence committees to have access to details on the covert drone program, said one U.S. official, "just doesn't hold water."

[snip]

Administration officials say the drone programs run by the CIA and Joint Special Operations Command are carefully monitored by top officials at both agencies and by the White House National Security Council.

Hey Congress! John Brennan (or some information hypocrite like him) just suggested that demands for functional Congressional oversight, "just [don't] hold water." And yet the same

Administration that is refusing to pay you due respect out of feigned secrecy concern is, at the same time, selectively leaking about their drone strikes, going so far as to boast about the one that is supposedly covered by state secrets. Not to mention the fact that the contractors presumably know what you don't (though that, too, is like the illegal programs of the Bush Administration).

At one level, this story is about how yet another Congress is allowing themselves to be treated with disdain by the President, refusing to do the things to coerce the information they need to do their jobs out of the Administration.

At another, though, there's the unanswered question about the underlying dispute. While "officials from" (not members of) the intelligence committees claim, in the WSJ piece, they do adequate oversight, someone, somewhere, is running around begging for the ability to tell his or her Congressional colleagues details about the drone program they're not currently privy to.

And given what we do know—the contractors' involvement that makes the strikes illegal and inaccurate, the way our "allies" game the system to eliminate rivals, the unacceptable numbers of dead civilians—what we don't know may well be horrible indeed.