

WHERE DOES BLACKWATER PLAY IN THE CIA-DNI CONFLICT?

By now you've probably read Jeremy Scahill's latest, which moves forward the story of Blackwater thugs being deployed with the JSOC in Pakistan. It confirms what Sy Hersh reported last year—that these covert actions were (and may still be) eluding Congressional oversight, that Dick Cheney directed their activities directly.

But I'd like to focus on the picture Scahill draws of the competing lines of authority in Pakistan and put it in the context of the recently-solved turf war between Leon Panetta and Dennis Blair. Scahill explains that, since both JSOC and CIA are doing drone strikes in Pakistan (and Blackwater is assisting both) but JSOC's have remained secret until now, CIA often gets the blame for Blackwater's mistakes.

The military intelligence source says that the drone strike that reportedly killed Pakistani Taliban leader Baitullah Mehsud, his wife and his bodyguards in Waziristan in August was a CIA strike, but that many others attributed in media reports to the CIA are actually JSOC strikes. "Some of these strikes are attributed to OGA [Other Government Agency, intelligence parlance for the CIA], but in reality it's JSOC and their parallel program of UAVs [unmanned aerial vehicles] because they also have access to UAVs. So when you see some of these hits, especially the ones with high civilian casualties, those are almost always JSOC strikes." The Pentagon has stated bluntly, "There are no US military strike operations being conducted in Pakistan."

The military intelligence source also

confirmed that Blackwater continues to work for the CIA on its drone bombing program in Pakistan, as previously reported in the *New York Times*, but added that Blackwater is working on JSOC's drone bombings as well. "It's Blackwater running the program for both CIA and JSOC," said the source. When civilians are killed, "people go, 'Oh, it's the CIA doing crazy shit again unchecked.' Well, at least 50 percent of the time, that's JSOC [hitting] somebody they've identified through HUMINT [human intelligence] or they've culled the intelligence themselves or it's been shared with them and they take that person out and that's how it works."

The military intelligence source says that the CIA operations are subject to Congressional oversight, unlike the parallel JSOC bombings.

I'm particularly focused on these competing lines of authorities in Pakistan because of one aspect to the turf war between Leon Panetta and Dennis Blair. The feud had been reported as one primarily about whether Blair or Panetta will pick station chiefs. But as Marc Ambinder reported, they also feuded over who would control covert ops.

The conflict over covert action was even more sensitive. Since the CIA's establishment in 1947, its officers have had a direct line to the National Security Council. No cut-outs, no go-betweens. Blair and his deputies believed that the CIA's National Clandestine Service was failing to provide a full picture of several of the agency's largest covert collection and special activity programs. In particular, the DNI would often find out about CIA-initiated drone strikes in Pakistan well after the fact. The CIA was conscientious about briefing the

National Security Council, but did not bother to loop in the DNI.

That won't happen any longer. The CIA will keep its unfettered access to national security principals, and the DNI still doesn't have the authority to order covert action programs, but the White House is now requiring the CIA to fully brief the DNI on all covert action programs and will seek from the DNI regular assessments of whether any program fits in with the nation's intelligence strategy, which is set by Blair. Since Blair briefs Congress more often than Panetta does, it makes sense for Blair to know as much about covert action programs as CIA briefers would.

"The relationship between the White House and the CIA on covert action hasn't changed at all," a U.S. intelligence official sympathetic to the CIA's point of view said. "That includes the direct line of command and communication between the President, who orders covert action, and the CIA, which carries it out. That's exactly how every president since Harry Truman has wanted it."

A third issue, regarding CIA attendance at meetings where non-CIA business is discussed, has also been settled – apparently in favor of the DNI.

Often, CIA officials would bring several representatives to N.S.C. meetings, even when they dealt with other, non-CIA intelligence activities. Blair complained that the CIA was over-represented at the meetings. The CIA disagreed. But now, for any meeting that deals with non-CIA intelligence activities, Blair can decide whether a CIA or NSA person will represent the DNI. Of course, the White House can who they want, but the point, according to

those familiar with the agreement, is that there is one intelligence community leader who decides who participates in high-level meetings.

Now, this is all presented in the context of CIA failing to keep DNI in the loop on covert actions. There's no mention of whether JSOC is briefing DNI on its own covert actions—though the implication of Scahill's piece and Hersh's earlier reporting is that JSOC side-stepped all of that, and reported directly to OVP. But I could also see why CIA would want to be present at meetings that didn't directly impact it—particularly if the meeting pertained to a parallel covert effort whose mistakes were being blamed on the CIA.

It seems both parallel strains of our covert forces want to avoid oversight—and it seems that Blackwater's centrality in both strains only exacerbates our command problems.