

ARE COVERT OPS SPINNING FREE FROM PRESIDENTIAL FINDINGS (AGAIN)?

Around the same time Donald Trump was dodging all responsibility for the catastrophically botched Yemen raid, he was planning to give his generals more authority to launch such raids on their own, without his approval.

President Donald Trump has signaled that he wants his defense secretary, retired Marine Gen. Jim Mattis, to have a freer hand to launch time-sensitive missions quickly, ending what U.S. officials say could be a long approval process under President Barack Obama that critics claimed stalled some missions by hours or days.

[snip]

Despite the controversy, Trump has signaled that he wants to operate more like the CEO he was in the private sector in such matters, and delegate even more power to Mattis, which may mean rewriting one of President Barack Obama's classified Presidential Policy Directives on potentially lethal operations in countries where the U.S. is not officially involved in combat.

Meanwhile, Trump is also moving drone-killing back to the CIA after a protracted effort by the Obama Administration to put them exclusively on DOD's hands.

President Donald Trump has given the Central Intelligence Agency secret new authority to conduct drone strikes against suspected terrorists, U.S. officials said, changing the Obama

administration's policy of limiting the spy agency's paramilitary role and reopening a turf war between the agency and the Pentagon.

The new authority, which hadn't been previously disclosed, represents a significant departure from a cooperative approach that had become standard practice by the end of former President Barack Obama's tenure: The CIA used drones and other intelligence resources to locate suspected terrorists and then the military conducted the actual strike. The U.S. drone strike that killed Taliban leader Mullah Mansour in May 2016 in Pakistan was the best example of that hybrid approach, U.S. officials said.

The Obama administration put the military in charge of pulling the trigger to promote transparency and accountability. The CIA, which operates under covert authorities, wasn't required to disclose the number of suspected terrorists or civilian bystanders it killed in drone strikes. The Pentagon, however, must publicly report most airstrikes.

These may be unrelated developments (though, as referenced by DB, they both would have been governed under Barack Obama's drone killing rulebook, because it actually applied to all targeted killing, whether conducted by drone or raid).

But they portend a potentially horrible development: diminished involvement of the President in the granular details of Findings that approve covert operations.

Findings are the presidential documents meant to outline a covert operation and give notice to Congress' Intelligence Committees that they're happening. They're supposed to be updated as

programs change. While there's a lot to complain about the secrecy of them, they at least serve as a way to make a political figure – the President – responsible for whatever goes on in covert operations.

If Trump delegates more authority for targeted killing while at the same time moving more of it back into CIA's hands, that likely means more covert targeted killings will happen without the kind of close involvement that occurred for much (though not all) of Obama's Administration.

There are two problems with that. First, it makes it more likely the CIA will discount political consequences of individual operations – not because the CIA is not politically savvy (in areas like this they're more savvy than the Reality Show president), but because they will be able to deny any screw-ups.

It also makes it more likely the White House and CIA will end up in mutual recriminations the next time there's a really unpopular strike, with CIA officers bearing the brunt of Trump's abdication of the role he's supposed to play in covert operations.

There's recent precedent for such a problem: the torture program, where the Finding signed by George Bush (crafted by Dick Cheney) let CIA set its own policy, which left the CIA without cover when the shit started hitting the fan.

I assume the CIA is well aware of the risks of such a structure (though Gina Haspel's elevation to Deputy Director after being a key player in many of the worst parts of the torture scandal may make her less worried about the risks, given that she has ultimately been protected). But the men and women at the implementing stage of such a policy shift may not have much leeway to fight it.