

White House Quietly Shifts Armed Drone Program from CIA to DoD

By: John T. Bennett – May 24, 2013

The White House has quietly shifted lead responsibility for its controversial armed drone program from the CIA to the Defense Department, a move that could encounter resistance on Capitol Hill.

The decision is a landmark change in America's 12-year fight against al-Qaida and raises new legal and operational questions while solving others. The shift could set off a bitter congressional turf war among the leaders of the committees that oversee the military and intelligence community, who already have sparred over the issue.

At issue is a months-long debate about whether the CIA should remain the lead organization for planning and conducting aerial strikes on al-Qaida targets from remotely piloted aircraft.

The Obama administration appears to have settled that debate, opting to hand the military control of most drone strikes while returning the CIA to its core missions of collecting and analyzing intelligence.

In a landmark counterterrorism speech Thursday at National Defense University in Washington, Obama did not directly acknowledge the spy agency has been running the drone-strike program for years. Nor did he formally announce the Defense Department would be handed the lead role in the targeted-killing program.

The president offered some clues into the status of the program, opaquely signaling it will now primarily be conducted by the United States military.

When discussing the thorny issue that is the legality of the drone program, Obama called strikes from remotely piloted aircraft a "military tactic."

"To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance, for the same progress that gives us the technology to strike half a world away also demands the discipline to constrain that power, or risk abusing it," Obama said.

Minutes later, Obama, while noting drone strikes present unique geopolitical challenges for Washington, again seemed to hint his administration has concluded the military should run the drone-strike effort.

“Now, this is not to say that the risks are not real,” Obama said. “Any U.S. military action in foreign lands risks creating more enemies and impacts public opinion overseas.”

Military 'Preference'

A senior Obama administration official who briefed reporters before the president’s speech spoke more clearly, announcing the White House indeed has concluded the military soon will take over the lead role for planning and carrying out drone strikes on al-Qaida targets.

“What we do express in the PPG, though, is the preference that the United States military have the lead for the use of force not just in war zones like Afghanistan, but beyond Afghanistan where we are fighting against al-Qaida and its associated forces,” the senior administration official said.

The official was referring to a new presidential policy guidance Obama signed this week that adjusts Washington’s counterterrorism approach and includes the drone-program shift.

In that classified document, “there’s an indication of a preference for the Department of Defense to engage in the use of force outside of war zones,” the senior administration official told reporters.

That official, however — by calling it “a preference” that the military take the lead role — provided important wiggle room and signaled the CIA is not out of the targeted-killing business for good.

To that end, a former senior CIA official told Defense News earlier this week following a not-for-attribution event in Washington that Obama and his senior national security advisers have wanted for some time to return the CIA to its core missions.

“Do you want the nation’s top espionage agency conducting a paramilitary mission or performing espionage?” the former senior official asked rhetorically. “The agency, since 9/11, and it’s understandable, has gotten away from its core missions. A lot of the collection and analysis really is now used for targeting.”

The former senior official predicted the revamped drone program will give the president important legal flexibility.

Turning his hand for effect as if turning the dial of a safe or adjusting a thermostat, the former senior CIA official concluded: “What you want is a dial, not a switch.”

Defense Secretary Chuck Hagel issued a brief statement following Obama’s counterterrorism speech, with analysts saying he appeared to acknowledge the drone-program change.

“The president today presented a comprehensive vision for how we will continue to protect the nation from terrorism, especially from al-Qaida and its affiliates, while

remaining true to our values and laws,” Hagel said. “I have directed the Department of Defense to work closely with our interagency partners and allies to implement the president’s guidance.”

Christopher Preble, a senior national security analyst at the CATO Institute, called Hagel’s mention of “interagency partners” a veiled reference to coming coordination with the CIA over taking control of the drone program.

'Should Rest with the Military'

On Capitol Hill, the immediate reaction to Obama’s sweeping counterterrorism speech focused on his renewed vow to close the terrorist detention facility in Guantanamo Bay, Cuba.

But lawmakers on both sides of the debate have in recent months expressed strong opinions about whether it should be the job of the military or intelligence communities to kill al-Qaida leaders and operatives.

The shift to DoD raises new legal questions, such as whether the post-9/11 congressional resolution authorizing the use of military force against al-Qaida extends to places such as Pakistan, Yemen and Somalia. The US drone program largely has focused on those nations since Obama took office in 2009 and as the Islamist extremist organization morphed into a network of loosely affiliated groups across the Middle East and North Africa.

To that end, Obama said he intends to work with Congress to amend, and possibly replace, that 2001 resolution with a new one written to reflect the changed al-Qaida and the fight against it.

On one side of the coming congressional debate are pro-military lawmakers such as Sen. John McCain, R-Ariz., until January the ranking member of the Senate Armed Services Committee.

Speaking to reporters Thursday after the president’s speech, McCain said he supports Obama’s decision to shift the program from the CIA to the military.

“I believe the majority of the responsibility for this should rest with the military,” McCain told reporters in late March.

McCain and other lawmakers say the move will bring more transparency to the program because the House and Senate Armed Services committees can conduct oversight in public, unlike the two chambers’ Intelligence panels.

“The majority of it can be conducted by the Department of Defense,” McCain said. “It’s not the job of the Central Intelligence Agency. ... It’s the military’s job.”

'Not a Hasty Decision'

But expect some push back from members of the House and Senate Intelligence committees, like Senate Intelligence Committee Chairwoman Sen. Dianne Feinstein, D-Calif.

Feinstein told reporters in late March she is skeptical of the military's ability to use what she sees as the CIA's rigorous decision process before carrying out armed strikes.

She said she has reservations about turning over to the military the CIA's armed drone fleet and the missions they conduct.

During the last few years, she said, "We've watched the intelligence aspect of the drone program: how they function. The quality of the intelligence. Watching the agency exercise patience and discretion," Feinstein said.

"The military [armed drone] program has not done that nearly as well," she said. "That causes me concern.

"This is a discipline that is learned, that is carried out without infractions," Feinstein told reporters. "It's not a hasty decision that's made. And I would really have to be convinced that the military would carry it out that way."

Preble said "DoD will have to tighten up its targeting practices," but added the issue likely will fail to raise the ire of rank-and-file lawmakers.

"I think there's a general sense of more deference to the military," Preble said. "There traditionally is a slightly less deferential relationship, Congress to CIA."