



John Bolton: A Threat At Home And Abroad?

Patrick Eddington

April 6, 2018

On April 9th, General H.R. McMaster will vacate the National Security Advisor position for a man widely viewed as his temperamental and intellectual opposite: former U.N. ambassador John Bolton.

Bolton rose to prominence in the Bush (43) administration's first term as the Undersecretary of State for Arms Control and International Security Affairs, where he frequently clashed not only with his Bush administration colleagues but with career government servants at the State Department and the U.S. Intelligence Community. And it was those confrontations, along with credible allegations of abuse of surveillance powers and Intelligence Community analysts, that ultimately led to Bolton's exit from the administration.

The legacy of those confrontations is worth examining as Bolton now ascends to an unprecedented position of power and presidential access in the Trump administration. The wildcard in this new "Bolton era" is whether a House and Senate so riven by partisan fractures is up to the task of reigning in Bolton's—and thus Trump's—most reckless impulses on security issues, here and around the world.

Right in the middle of the Bush administration's attempt to get Bolton confirmed as America's ambassador to the U.N. in April 2005, the *New York Times* ran a story by Douglas Jehl raising questions as about Bolton's use of a then-obscure NSA practice known as "unmasking" (see Sec. 7.2 of USSID 18).

It was then-Sen. Chris Dodd (D-CT) who wanted to know why Bolton wanted information on the identities of other American officials picked up in conversations by NSA. As the *Times* noted

A Democratic official said Mr. Dodd appeared to be trying to determine whether Mr. Bolton's requests focused on any particular subject area or official, and what use he might have made of the information. Unless it gets a warrant from a special court, as in cases of suspected terrorists, the agency is not permitted to identify as a deliberate target an American citizen or permanent resident for eavesdropping. But its global eavesdropping net regularly picks up communications involving Americans, including phone calls, faxes, e-mail messages and other communications.

Bolton claimed that he needed to know who the Americans in the intercepts were to better understand the intelligence. But the fact that the intercepts actually involved other Bush administration officials raised the possibility that Bolton was trying to keep tabs on his rivals.

The revelations about Bolton's unusual interest in the identities of U.S. persons swept up in NSA's collection activities was preceded earlier in the week by blunt descriptions of Mr. Bolton's attempts to badger intelligence analysts who offered him unpalatable facts.

The highly respected former head of the State Department's Bureau of Intelligence and Research (INR), Carl W. Ford, told the Senate Foreign Relations Committee (SFRC) on April 12, 2005 that Bolton was a "kiss-up, kick-down sort of guy." By way of example, when then-INR analyst Christian Westermann wrote a note stating that Bolton had mischaracterized what U.S. intelligence agencies knew about an alleged Cuban biological warfare program, Bolton bypassed the entire INR chain of command to summon Westermann to his office to berate him, and allegedly tried to get him fired. And as the May 2005 SFRC report on the Bolton nomination made clear, that was hardly the only incident in which Bolton lashed out at analysts whose worked contradicted his policy line.

As then-SFRC ranking member Joe Biden (D-Del.) noted on page 46 of the report, senior CIA official John McLaughlin recounted a Bolton effort to get a National Intelligence Officer (NIO) for Latin America transferred. McLaughlin refused, telling the committee that:

It's perfectly all right for a policymaker to express disagreement with NIO or an analyst, and it's perfectly all right for them to challenge their work vigorously, but I think it's different to then request, because of a disagreement, that the person be transferred. And unless there is a malfeasance involved here—and in this case, I had a high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion of moving him.

As he was attempting to punish analysts below him who presented him with inconvenient facts, Bolton was being (rightly) stymied by other senior officials in his quest to discard evidence in pursuit of his policy goals. Robert Hutchings, head of the National Intelligence Council (NIC) between 2003-05 refused to clear a Bolton speech on Syria because his allegations about Syrian WMD went "well beyond where the evidence would ultimately take us" (p. 46).

As spring gave way to summer in 2005, Bolton's nomination languished. Bush subsequently exploited a Congressional recess to appoint Bolton anyway, but with the recess appointment only valid for a year, Bolton was forced out of the administration when the Senate refused to revisit the nomination.

During his years out of government, Bolton continued to push his hardline foreign policy views, particularly on Iran. Not long after the 2016 elections, the Trump campaign floated Bolton as the possible number 2 at the State Department. That prompted the libertarian-leaning Senator Rand Paul (R-KY) to state he was an "automatic no on Bolton"—a decision that likely factored into the incoming administration's decision to not run Bolton through the Senate confirmation gauntlet again.

But now, like Bush before him, Trump has found a way to get Bolton back into government. The difference this time is that Bolton will effectively sit atop the Trump administration's national security apparatus, with unprecedented access to intelligence collection and surveillance authorities that routinely gobble up trillions of digital communications, including a vast (but currently undisclosed) number of text messages, emails, etc., belonging to Americans.

Bolton will also have access to FBI investigative information and capabilities, and be in a position to pressure the bureau or other federal agencies to investigate Americans in contact with foreign governments, nongovernmental organizations, foreign journalists, and more. In Bolton, Trump will have a kindred spirit who sees enemies everywhere and who does not hesitate to attack them, at home or abroad.

Because Bolton will be an appointee on President Trump's staff, direct Congressional access to his communications with federal departments and agencies will likely be nonexistent, absent leaks to the media. Accordingly, the only chance of surfacing politically or legally dubious actions by Bolton or those working on his behalf will come from aggressive Congressional oversight of those same executive branch entities for any directives, taskings, or other orders that he hands down.

The House and Senate certainly have the tools to get information on Bolton's activities from executive branch agencies—whether it be through Resolutions of Inquiry, appropriations riders, subpoenas, or holds on other executive branch nominations. Generally, the successful employment of those tools requires at least a modicum of bipartisan cooperation. Whether that kind of oversight will be forthcoming in the Bolton era is very much in doubt.

Patrick Eddington is a Policy Analyst in Homeland Security and Civil Liberties at the Cato Institute and Former Senior Policy Advisor to Rep. Rush Holt (D-N.J.).