

# LEON PANETTA BEGS AND THREATENS FOR CONSENSUS RATHER THAN OVERSIGHT

Remember when the Obama Administration appealed to a "fundamental compact" between Congress and the Executive Branch when arguing the intelligence community didn't need more oversight? ("Fundamental compact, my ass," I thought was the best response.)

Well, Leon Panetta's out with a similar appeal to inflated, but totally bogus, language in an attempt to avoid increased Congressional oversight. This time, he appeals to "consensus" as the core of congressional oversight.

In our democracy, effective congressional oversight of intelligence is important, but it depends as much on consensus as it does on secrecy. We need broad agreement between the executive and legislative branches on what our intelligence organizations do and why. For much of our history, we have had that. Over the past eight years, on specific issues – including the detention and interrogation of terrorists – the consensus deteriorated. That contributed to an atmosphere of declining trust, growing frustration and more frequent leaks of properly classified information.

[snip]

I recognize that there will always be tension in oversight relationships, but there are also shared responsibilities. Those include protecting the classified information that shapes our conversations. Together, the CIA and Congress must find a balance between appropriate oversight and a recognition

that the security of the United States depends on a CIA that is totally focused on the job of defending America.

The last eight years have proven that Congress is utterly impotent to stop covert actions the Executive Branch wants to do. Congress' unsuccessful attempt to stop the data-mining of American citizens by defunding it proves that point. And other tactics used by the Bush Administration—such as funding covert activities in supplemental appropriations or having JSOC carry out those activities instead of CIA, both to completely side-step the intelligence committees' oversight—further proves Congress' utter impotence to influence Executive Branch activities.

So when Panetta appeals to consensus as a cornerstone of oversight, when he says "we need broad agreement," he's basically saying, "Congress must agree with the Executive Branch." "Deteriorating consensus," in this context, is just a pretty way of saying "blowing off Congress" in the face of opposition. When Panetta suggests there needs to be a "balance between appropriate oversight and a recognition that the security of the United States depends on a CIA that is totally focused," he's basically arguing that oversight must stop short of actually criticizing CIA, however merited.

In short, in the face of attempts (however small) to reassert the authority of Article I over Article II, Panetta is just begging for a flaccid consensus that stops far short of real oversight. Trust me, Panetta seems to be saying, and above all, let bygones be bygones, and we can revert to that old impotent consensus again!

Among all this blather, though, there is one curious passage.

Intelligence can be a valuable weapon, but it is not one we should use on each other. As the president has said, this is not a time for retribution. Debates

over who knew what when – or what happened seven years ago – miss a larger, more important point: We are a nation at war in a dangerous world, and good intelligence is vital to us all. That is where our focus should be.

Intelligence is not a weapon we should use on each other.

Oh my.

At one level, Panetta seems to suggest that pursuing the question of "who knew what when—or what happened seven years ago" would amount to using "intelligence" against the CIA. This conflates intelligence, of course, with oversight. Asking who knew what when is precisely the job of real oversight. But Panetta suggests asking such questions would put Congress and the CIA in an antagonistic role. It would ruin that flaccid consensus Panetta seems to want Congress to preserve.

But in that statement is a threat. If you conduct oversight over us, Panetta seems to be saying, having now relabeled oversight as "using intelligence on each other," we will do the same.

Did the CIA Director really just suggest the possibility that the CIA would use intelligence on Congress?

You've got a choice, Panetta seems to be saying. Impotent consensus—which amounts to the same rubber-stamping of intelligence policies you did for the last eight years (but promise, we'll be good!). Or intelligence, used on each other.

A nice impotent consensus you've got here, Congress. It'd be a shame if anything were to happen to it.