

Congressional oversight and strategic intelligence



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Congressional Oversight & Strategic Intelligence Number Department Part

Congressional politics bears much weight on strategic covert action

programmes, since Congress determines how covert action programmes are executed while similarly acting as a consumer or user of the strategic covert action reports and the owner of the budget for strategic intelligence analysis and production.

First, it is important to appreciate the fact that the US Constitution mandates the executive to consult with and seek advice from the Congress, even after the Constitution gave the executive, the power to limit advance notification of [especially] sensitive intelligence reports or covert actions. The Congress approved this procedure to limit Congress' participation during emergency situations such as the Iran hostage crisis, as a way of establishing operational secrecy. This is to the effect that even when limited advance notification has been cut down, the President must work in consultation with the eight members of the Congress, known as the Gang of Eight. This therefore means that Congress: established operational secrecy in strategic covert action programmes; and must also participate with the President in consultation with him. This consultative and advisory role still abides, even after the House Permanent Select Committee on Intelligence [HPSCI] replaced the Gang of Eight, under the FY2010 Intelligence Authorisation Act (Cumming, 2011, p. 6).

Although Congress lacks the authority to veto direct covert action, yet it, through the Gang of Eight Members has the mandate and responsibility of influencing the time-frame and the modus operandi of a strategic covert action programme.

Through its Gang of Eight Members, Congress is also able to control funding

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for strategic covert actions. Initially, Congress even made annual provisions for covert actions, from the CIA's Reserve for Contingency Fund. Presently, all it takes for Congress to control funding for covert actions is for the Gang of Eight, two Congressional committee chairmen and ranking members to agree to oppose continued funding for a specific covert action (Hastedt, 2012, p. 2).

On a personal standpoint, the system is effective since it allows Congress to: play advisory roles [and thereby warding off the excesses of the executive]; [and] while also paving way for emergency situations, as is provided for by the US Law.

Part 2

Some of the questions that may arise from the discussion above are:

Whether or not, Congress' involvement in strategic covert action is necessary, progressive, or retrogressive

Whether or not, Congress' inadequacy can affect US intelligence gathering [in respect to recent deeming of Congress as a broken branch, and Congress' advisory roles to strategic covert action]

Effective measures that can be applied if the answer above is in the affirmative

Whether there is an imbalance of power between the executive and the Congress in the appropriation, regulation, moderation and interpretation of strategic covert action

Whether the imbalance amounts to a constitutional, or political breach and is fundamental or peripheral in nature

What reforms should be made to strike the delicate balance between the executive and the Congress, so as to facilitate and give accurate meaning to

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strategic covert action [if the imbalance is fundamental breach to the US Constitution.

References

Cumming, A. 2011. " Sensitive Covert Action Notifications: Oversight Options for Congress." Congressional Research Service, 4 (6), 6.

Hastedt, G. 2012. " Investigative oversight of the American Intelligence community: promise and Performance." Praeger Security International, 2.