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The Use and Abuse of Intelligence as a Political Weapon: Can the U.S. Avoid the Latin American Model?

by Dr. (COL, USA, Ret) William C. Spracher

[Author's Note: The views expressed in this article do not reflect the official positions of the National Intelligence University, the Defense Intelligence Agency, or the Department of Defense. They are those of the author alone and he bears sole responsibility for them.]

[Editor's Note: This article was originally prepared in April 2019 for presentation during a panel of the Intelligence Studies Section of the International Studies Association at its annual convention. It was subsequently submitted for publication to CIA's *Studies in Intelligence* but was deemed overly political and hence rejected. This is precisely why an updated version of it needs to be published now, i.e., to demonstrate that such provocative political issues must be discussed openly and not shied away from. The fragile political season of the 2020 U.S. Presidential election and its aftermath is a fitting time to examine how intelligence can be weaponized for political purposes.]

OVERVIEW

The United States has always prided itself in following the rule of law and using sound intelligence to support effective decision-making in a vibrant democracy. Extensive oversight mechanisms were developed, most notably in the 1970s, to ensure the Intelligence Community did not overstep its bounds. However, recent scandals have shown intelligence agencies can be politicized and abuse their statutory powers, especially if strong-willed executive leaders push them in that direction. Latin America is often cited as a region where intelligence entities have been allowed to run rampant, especially during military regimes, when "generals ruthlessly suppressed civil liberties" and several still play key roles today.¹ In some cases, executives actually used their intelligence organs in ways deemed constitutionally legal but patently unethical. Given the U.S. has close intelligence ties to a number of key LATAM nations, it must ensure it does not follow the model adopted in the past by some of those nations, such as Chile, Argentina, Peru, and Colombia, all vital partners for current U.S. regional policy. On occasion, U.S. intelligence elements were actually accused of colluding with LATAM counterparts in perpetrating abuses.

This article explores why the United States of today is able to avoid such missteps and still maintain strong hemispheric cooperation.

SETTING THE SCENE

Ever since the onset of the Presidential administration of Donald Trump in January 2017, the United States Intelligence Community (IC) has been nervous. The mass media have at times reflected something akin to mass hysteria (what the conservative pundits like to call "Trump derangement syndrome"), fearing this U.S. President not only does not understand intelligence but does not appreciate it or use it wisely. Worse, he was investigated over possibly colluding with Russia, a competitor at best, an adversary for certain, working diligently on becoming a full-fledged enemy again just like the Soviet Union in the 20th century. Trump has regularly clashed with his IC, repeatedly questioning its expert consensus that Russia interfered in the 2016 U.S. election and boasting about his inauguration crowd size during a supposedly solemn speech in front of the "Wall of Stars" honoring fallen Central Intelligence Agency (CIA) personnel at the headquarters in Langley, VA.² The event, part of the head of state's introductory visit to the Agency the first week he was in office, was viewed by many observers as an inappropriate venue for such rude and tasteless comments. The President has had a somewhat rocky love-hate relationship with his intelligence advisors, on one day lavishly praising them for their hard work and insights and the next verbally abusing them for not coming up with assessments that match his own gut opinions and, more importantly, his personal foreign policy objectives. Often he has been criticized for discouraging the objectivity of his intelligence specialists and seeming to want to use them as political tools to push his own personal agenda.

One of the most persistent gripes about President Trump has been his frequent, and often ill-advised, use of social media, and especially Twitter. He tends to bypass the mass media (except for *Fox News*), which he considers biased and unfair, and communicate straight to the American people via this channel. Sometimes his "tweets," in addition to being

written in raw, non-diplomatic language, directly contradict intelligence assessments he has received from IC officials, and occasionally he berates them and their work. Trump is definitely using social media as a political weapon, which some observers say is not much different than Russia's social media campaigns which have "used false information, fake news, and other content aimed at exploiting the fears and passions" of the U.S. electorate.³

The United States is not the first modern nation to wrestle with the challenges of mixing intelligence and politics. The rest of the Western Hemisphere is replete with examples of leaders, both democratic and not so democratic, both civilian and military, who have attempted to bend their intelligence enterprises to support their own political goals, regardless of what the rule of law or their nations' constitutional frameworks suggested was the proper path to follow. Citing just a few well-known examples, the intelligence agencies and secret police under the military juntas of Chile and Argentina in the 1970s and 1980s were notorious for political assassinations, "disappearing" suspect detainees, physical and mental abuse of prisoners, illegal surveillance of political opponents and dissidents, and other dastardly crimes. Cuba's general intelligence directorate has been ruthless in the last 60 years in propping up the Fidel/Raul Castro regime and its successor, with probably the most vicious act being the assassination of one of its own general officers over two decades ago. Cuba exported its intelligence expertise to other nations it was trying to subvert to communism as a proxy of the Soviet Union. Increasingly, Cuba is again being used as a platform exploited by the expansionist Russian and Chinese regimes of the 21st century. Worse, in the last two decades, Cubans have been brought in by the Hugo Chavez/ Nicolas Maduro regime in Venezuela essentially to run that once prosperous, but now failing, state's intelligence and national security apparatus. Cuba, Russia, and China all have "well-established economic and political relationships with the once-prosperous oil-producing nation."⁴

The world awaits with anxiety the outcome of Venezuela's death spiral, abetted by Cuba, in a deleterious milieu that is having what the Secretary General of the Organization of American States (OAS) has called "toxic effects" on the region at large.⁵ U.S. economic sanctions have been in place for a long time and recently were tightened.⁶ Even though an opposition figure was anointed as the acting president and officially recognized by most of the compassionate, democratic world (at least 50 governments⁷), the military, police, and intelligence sectors of Venezuela's rogue government are still largely loyal to Maduro, in part out of fear, in part because he long ago purged those leaders who were deemed disloyal, and in part because those remaining have benefited professionally and personally by being pulled into his corrupt circle of control. Everyone is being watched closely by everyone else, making it difficult for a

single courageous leader or small group of disaffected officers to act to unseat the perfidious regime in Caracas. Maduro's socialist government has been accused of stealing elections, kidnapping and torturing opponents, and delegitimizing the National Assembly, the last bastion of democratic power. Given the country's hyperinflation; food, water, and medicine shortages; and government repression, approximately 5 million people have fled the country, many of them to neighboring Colombia.⁸ A year later, not much had changed, though the recognized head of state got a standing ovation when he was invited by Trump to be a special guest at the U.S. President's State of the Union address in February 2020. Trump has refused to take U.S. military action off the table, stoking fears of a possible military incursion of the sort not seen since December 1989 when Manuel Noriega was forcibly removed from an increasingly dangerous and corrupt Panama, where a large number of U.S. citizens were being threatened.⁹

Another potential hotspot where authoritarian socialist policies are causing violence and death is Nicaragua, which has been under the thumb of the Sandinistas and Daniel Ortega either directly or indirectly since 1979. Even when Ortega first stepped down in the 1990s and allowed democratic elections, the intelligence and national security organs of this poor Central American nation remained under the control of the Sandinistas, who used them to ensure that "democratic governance deteriorated." Additionally, the collapse of Venezuela's economy brought an end to Venezuelan largesse in Nicaragua, which in turn "hastened the demise of government subsidy programs further exacerbating political divides."¹⁰ According to one observer, "Ortega is taking a page from his leftist allies in Caracas to quash a once-burgeoning protest movement, in a quiet but brutal crackdown." More than 325 people died during clashes between civilians and government forces during the past year, and at least 52,000 have fled the country, according to the Inter-American Commission on Human Rights. More than 640 individuals have been detained for political reasons.¹¹

There are many other examples of the crossover of intelligence and politics in the Western Hemisphere over the last two centuries, but for the purposes of this article I will restrict my detailed examination only to those two countries with which I am most familiar—Peru and Colombia. I served as a military attaché in Lima and Bogota during successive assignments in the 1990s, when both countries were plagued by virulent insurgency, widespread drug trafficking, political violence that often went unpunished, rampant street crime, and turmoil in general. The two nations at the time were the only ones in the entire hemisphere designated as "critical threat" postings for Department of Defense (DoD) personnel, one step above "high threat." Both are now functioning better, politically and economically, as free

market democracies, albeit still fragile ones. On earlier occasions, I was able to share my perspectives in more detail about progress being made in these once severely troubled nations. Most of what I discuss here has been revealed in public forums in the past (e.g., academic panels, conferences, and symposia), to include one at the U.S. National Defense University in 1998 while still serving in Colombia, during which the audience consisted of several high-level Colombian military and police officials,¹² and others in educational settings at such institutions as Princeton University¹³ and the U.S. Coast Guard Academy.¹⁴ With this experience and knowledge as background, I shall endeavor to compare how intelligence was utilized in Peru and Colombia as a political weapon with how some fear it could be (or already is being) used in the United States, and then assess why the latter will never deteriorate to the level of its South American neighbors in terms of the use and abuse of intelligence. The U.S. system is structured in such a way that it is protected from such failings.

THE UNITED STATES: RECENT POLITICIZATION OF INTELLIGENCE

A former analyst in the U.S. Intelligence Community sums up succinctly the relationship between politics and intelligence: “Intelligence is perennial lamb to the policy lion. Indeed the Executive Branch is shepherd to the 17 agency intelligence flock. The institutional product of intelligence is not objective truth so much as a version of reality helpful to politicians. Truth in analysis, especially, is an avatar of truth in politics and journalism. Candor is inversely proportional to the discomfort or pain truth might inflict. Bad news is never good news in a political world.”¹⁵ Students at the National Intelligence University have asked me in class: How can we get politics out of intelligence? How can we prevent the politicization of intelligence? Why do intelligence officials feel they must play partisan politics? I tell them it is impossible to depoliticize intelligence; the best we can do is minimize the amount of the politicization and its impact. Since the major customers of the IC are high-level policymakers (usually civilian) and strategic decision-makers (usually military), most of whom rose to the top as the result of politics, they are politically motivated and influenced, regardless of what the subject of the moment is. Even the military brass must receive Senate confirmation of their posts and routinely testify before Congressional committees regarding their budgets, operations, logistical requirements, and threat assessments. Even though in the U.S. many of the generals and admirals do not wear their political leanings on their sleeves—and more often than not have served in top posts under both Democratic and Republican leaders during the course of their careers—they are often reluctantly pulled into the political fray and, increasingly of late, are deliberately inserting themselves into that fray, in particular

following military retirement. They are speaking out more often and more publicly, and this blatant candor has been unsettling to some conservative observers.

The same analyst as above noted that “the very fact the Director of National Intelligence spoke publically [sic] during the televised spin cycles says a lot about what the American Intelligence Community has become since Vietnam.”¹⁶ He was referring to now-retired James Clapper, who along with retired CIA and National Security Agency (NSA) Director Michael Hayden assumed roles as expert commentators on *CNN* and are frequently critical of President Trump. Some pundits who disapprove of this practice are the same ones who remind us that Clapper lied under oath while DNI when he was asked by a Congressional committee whether the IC collected data on U.S. private citizens. The DNI responded that it did not, at least not deliberately. Ever since the early days of the Trump administration, when former Defense Intelligence Agency (DIA) Director Michael Flynn, who had become Trump’s first National Security Advisor, was fired and later charged criminally for lying to the Federal Bureau of Investigation (FBI) under oath, critics have insisted that a double standard is being observed. That is, they say it is hypocritical to punish a retired official under a Republican administration for something similar to what an official under a Democratic administration got away with.

The current U.S. President has been critical of the IC, as previously mentioned. Unhappy with the way certain former intelligence officials, who had been allowed to retain their security clearances upon retirement in order to interact with and mentor current officials, were lambasting his policies and leadership style, Trump revoked the security clearance of former CIA Director and Obama counterterrorism advisor John Brennan, which caused a firestorm. Naturally, such revocations have been viewed as “political retaliation” against former top officials who have “raised alarms about Russian interference in the 2016 election or questioned the President’s fitness for office.”¹⁷ [Author’s Note: Brennan too has now succeeded in obtaining an expert commentator gig—with *MSNBC*—and the former CIA Director regularly criticizes Trump administration policies.]

Brennan was the only senior official whose clearance was revoked, but Trump threatened to do so to others. For his part, “Hayden was among a group of former top officials who signed a letter saying they had never seen the approval or removal of security clearances be used as a political tool.”¹⁸ Later, former U.S. Special Operations Command head William McRaven wrote a column blasting Trump for revoking Brennan’s clearance. Retired Admiral McRaven said he “would consider it an honor” to lose his clearance with Brennan “so I can add my name to the list of men and women who have spoken up against your presidency.”¹⁹ For several days afterward, there was media speculation that the

admiral, revered as the man in charge when Osama bin Laden was finally eliminated in 2011, might be next on Trump's hit list for having his clearance revoked. The animosity between Trump and McRaven raged for over a year, another indication that Trump can hold a grudge a long time (witness the recent recriminations against the late Senator John McCain, long after the war hero was no longer around to defend himself).²⁰

Speaking from many years of experience in the IC, I can attest that the President of the United States has the authority to revoke or suspend the security clearance of any citizen, regardless of motive or justification. After all, the President is the senior clearance-granting and classification authority in the federal government. Trump asserted that as President he has "a unique constitutional responsibility to protect the nation's classified information," and added that Brennan's "lying and recent conduct characterized by increasingly frenzied commentary is wholly inconsistent with access to the nation's most closely held secrets."²¹ According to a former Under Secretary of Defense under George W. Bush, "No one has a constitutional right to a security clearance. The cancellation of Brennan's clearance doesn't deprive him of the right to speak against the president. What it does is cut off his access to classified information."²² The President was concerned that Brennan was becoming "unhinged," a term opponents use at times to characterize Trump's behavior. A White House commentator sagely pointed out that "just like a driver's license, retaining security clearance after one leaves a federal post is a privilege, not a right. Simple... Former government officials are hired by mainstream media networks, where they act as 'experts.' They get paid handsomely... And they write books with all their insider knowledge. But in today's hyper-politicized world, even the intelligence branches are not immune. That means former officials from the Obama administration can be using classified intelligence to bash Mr. Trump."²³

Another problem pointed out previously is the fact President Trump seems to listen more to unofficial advisors than official ones when formulating his foreign policy. Granted, all Presidents have relied on a plethora of outside sources to help them form their opinions while sometimes ignoring the best professional advice from their intelligence advisors. Just the manner in which chiefs of state have taken, or not, their daily President's Intelligence Brief is indicative of how they view the value of intelligence.²⁴ Former CIA Deputy Director (and Acting Director for two stints) Mike Morell noted that President George W. Bush during his first term told him the CIA had two roles in serving him. The first was to uncover clandestine information the President needed to know to keep the nation secure. The second—less obvious but just as critical—was for the CIA to provide him with all the context and perspective he needed to make informed

policy decisions. Morell commented after an episode in which Trump downplayed the consensus opinion of the IC regarding the Saudi crown prince's involvement in the 2018 assassination of journalist Jamal Khashoggi.²⁵ It should be remembered that Trump is not like most Presidents; he is not a career politician, nor a lawyer, nor a military veteran, but instead a lifelong businessman. It should come as no surprise that his decision-making process, plus whom he seeks advice from, is radically different than that of virtually all his predecessors.

Intelligence can be employed as a political weapon in more traditional ways. Recently President Trump decided to expel 61 Russian intelligence officers from the United States as a result of reports that the Kremlin poisoned a former Russian spy and his daughter in the English city of Salisbury.²⁶ Yet, the President has steadfastly refused to go along with other IC assessments, even when the evidence seems clear, such as the status of Iran's compliance with terms of its nuclear deal with the Obama administration and several other nations, which Trump backed out of, North Korea's move toward denuclearization, the threat posed by the Islamic State, and the impact of manmade climate change. It seems that, whenever an IC assessment goes against his personal political narrative, Trump simply casts aside the intelligence and goes along with his preconceived notion (or a businessman's "gut instinct"). If he did this behind closed doors, it would not be so crude and embarrassing for the U.S. government and its dedicated officials. However, he seems to feel "compelled to publicly disparage his own intelligence community of 17 agencies and more than 100,000 people."²⁷

An entire doctoral dissertation could be written about the various investigations regarding collusion with Russia, and both sides of the partisan aisle could produce ammunition to fuel even more inquiries into such contentious issues as the unmasking of names listed in Foreign Intelligence Surveillance Act (FISA) warrants, creation of a questionable "Trump dossier" by a former British MI6 agent, private email servers storing and disseminating classified information, overly intrusive FBI searches of white collar criminals, the proper role of the Justice Department, criminal versus counterintelligence investigations, executive privilege, etc.²⁸ The drawn-out, but finally completed, Mueller investigation into alleged Trump administration collusion with Russia spun up a media frenzy still being talked about as did impeachment hearings regarding relations with Ukraine. In fact, it was followed up by even more investigations and debates over what "spying" means, some of them likely to redound on the previous Obama administration.²⁹ The long-delayed "Durham Report" into the possible weaponization of intelligence under Obama and Biden, to include alleged spying against the Trump campaign and during early phases of his administration, has yet to be released. Still, Attorney

General William Barr reiterated before he left his post early on December 23, 2020, that the Department of Justice would deliver on that effort, despite the results of the November 2020 election. Nevertheless, I shall not go into any more details about the murky future and the myriad challenges the United States faces in the prudent use of the superb intelligence it produces and avoidance of the abuse and misuse of it.

PERU: INTELLIGENCE FORMERLY OUT OF CONTROL

Although Peru is a reasonably modern, progressive nation today, this was not the case during my time there in the 1990s. It had suffered from economic woes beginning in the late 1980s, to include hyperinflation and the suborning of its market economy by rapidly increasing narcotics trafficking. Ties with the former Soviet Union, especially in terms of being a source for aircraft and weapons, replaced the formerly close military-to-military relationship with the United States. Peruvian officials became resentful and distrustful of U.S. intelligence and its influence, which greatly affected how we military attaches could carry out our duties.³⁰

For many years, the locus of intelligence muscle in Peru was its National Intelligence Service (*Servicio de Inteligencia Nacional*, or SIN). Although its nominal director was a retired Army 3-star general, everyone knew that the de facto intelligence chief was the notorious figure Vladimiro Montesinos, a former Army captain, later a lawyer representing drug kingpins, who had been cashiered for corruption. In effect, Montesinos ran the entire Peruvian intelligence community for Fujimori, using it to carry out missions in the name of the state and the regime. The SIN had been restructured in 1990, allegedly to eliminate military influences and abuses.³¹ It was restructured again in 2002 by one of his successors as president in order “to minimize the organization’s ties to political espionage during the Fujimori regime.”³² Peru’s Technical Police (PT) is the primary communications and electronic surveillance force. PT works closely with other elements in the Peruvian intelligence community but “has been accused on several occasions of aiding government-backed political espionage against dissidents.”³³

Montesinos not only ran the SIN and was the most powerful figure in Peruvian intelligence during my time in USDAO Lima, but he was considered Fujimori’s unofficial national security advisor. Rumors were rampant about his shady ties to organized crime figures, drug trafficking groups, and other enemies of the state. He was rarely seen in public. We presumed Fujimori would recognize that Montesinos was a political liability and get rid of him, probably in the run-up to

the 1994 presidential elections, when Fujimori was trying to convince the world he was a legitimate head of state who had acceded to power in 1990 through a free and fair election. We assumed Fujimori would do everything possible to regain his credibility, and that would include dumping Montesinos. However, this did not happen. We could only conclude Montesinos must have been hiding some “dirt” on Fujimori, and the latter was therefore afraid to sever ties to him. Intelligence was undoubtedly a political weapon employed by Fujimori against his opponents, but ironically it was also a weapon being used against him by his own inner circle.

The downfall of both men several years after my departure was a sordid affair and the details are beyond the scope of this article.³⁴ Suffice it to say the SIN was disbanded by Fujimori after Montesinos was caught paying bribes to major political, military, and media figures. Fujimori later pled guilty to charges stemming from the scandal. The Fujimori-Montesinos lash-up still makes headlines from time to time. Long after the departure of the disgraced president, some observers wondered whether this illegal intelligence network, which subverted Peruvian political life for over a decade, had actually been totally dismantled. Ollanta Humala, a former Army officer who led a local, unsuccessful mutiny against the Fujimori regime in 2000 but later was elected president, was accused of setting up an underground intelligence network of his own aimed at political opponents. Humala steadfastly denied such allegations.³⁵

The SIN was replaced by the National Intelligence Directorate (DINI), which has not been immune to charges of malfeasance. In early 2015 it came to light that DINI had collected private information about politicians, journalists, and business leaders from other government entities, resulting in files created on over one thousand individuals holding such data as health records, property inventories, and business dealings. The former director of intelligence revealed to the press that the practice was illegal. “What they are doing is investigating people who could pose a threat to the government in power, and this is clearly a flagrant offense for an intelligence service.”³⁶

Since that time, Peru has been rocked by political scandals, some related to the massive flood of corruption throughout the region linked to Odebrecht, a Brazilian construction firm which admitted to doling out millions of dollars in bribes in exchange for public works contracts.³⁷ President Pedro Pablo Kuczynski (known as PPK), who succeeded Humala in July 2016, resigned in March 2018 after surviving one impeachment vote in the Congress but fearing a second in the wake of other scandals, including one related to vote-buying. PPK, a former Prime Minister and Finance Minister with long-standing ties to the U.S. and international

monetary institutions, was narrowly elected in a runoff with former President Fujimori's daughter, Keiko, who lost runoffs in both 2011 and 2016. PPK granted a controversial medical pardon to the elder Fujimori on Christmas Eve 2017, allegedly due to the former leader's failing health. Vice President Martin Vizcarra was then elevated to the top post. It did not take long for the Peruvian elite to lose faith in the new head of state. He dissolved Congress in 2019 after lawmakers repeatedly stonewalled his efforts to curb graft and reform the judiciary. He also tried to eliminate their right to parliamentary immunity. Angry citizens took to the streets and protested Vizcarra's removal under a vague process dating back to the 19th century that allows the powerful Congress to remove a president for "permanent moral incapacity." Lawmakers accused him of taking over \$360,000 in bribes in exchange for two construction contracts while serving as governor of a small province in southern Peru. Though denying the allegations, he agreed to step down to avoid further aggravating the country's precarious stability, having experienced one of the world's worst COVID-19 outbreaks and mortality rates.³⁸

Meanwhile, illicit coca cultivation and cocaine production have expanded to dangerous levels. The U.S. Office of National Drug Control Policy estimated that Peru's production in 2018 increased almost 50 percent over that of the prior year, potentially flooding the country's criminal economy with money. The crisis involves not only the extensive corruption in Peruvian politics that has seen five presidents jailed since 2020, but socioeconomic stress deepened by the pandemic and a grave multidimensional security challenge.³⁹ In mid-November 2020, Peru had three presidents within one week, Vizcarra, caretaker Manuel Merino, and Francisco Sagasti. The latter was charged to complete the government's mandate that ends in July 2021 following general elections on April 11.⁴⁰

Peru's intelligence community has been fairly quiet in recent years, largely avoiding entanglements in the sort of political shenanigans so common under Fujimori. Most of the scandals plaguing the country have been political. The four most recent presidents are being investigated on corruption allegations. PPK was detained in mid-April 2019 and hospitalized with high blood pressure. Worse, on April 17 former President Alan Garcia committed suicide as police officers arrived to arrest him in conjunction with an investigation into his ties to Odebrecht.⁴¹ Garcia, the first head of state in Peruvian history to represent the American Popular Revolutionary Alliance (APRA), the most viable 20th century political party founded in the 1920s by the legendary Victor Raúl Haya de la Torre, presided over continuing economic decline and the steadily increasing threat from Sendero Luminoso in the late 1980s.⁴² He served again as president in 2006-2011 as a more pragmatic leader enjoying better economic times.

COLOMBIA: THE LONGEST-SURVIVING DEMOCRACY IN SOUTH AMERICA AFTER VENEZUELA'S DEMISE

The entire time I was in Bogota the president was Ernesto Samper, who shortly after I arrived was identified as recruiting a campaign team that in 1994 had accepted over \$6 million from narco kingpins in political contributions. This fact resulted in the U.S. government decertifying Colombia for its counternarcotics cooperation for all three years of my tour. The intent of the Clinton administration was to punish Samper, but the practical effect was to reduce security assistance to the innocent Colombian forces. Still, bilateral relations remained strong. The close relations between Washington and Bogota survived this difficult period, and persisted until Samper left office shortly after my departure in July 1998, succeeded by Andres Pastrana. The new president was immediately embraced by the Clinton administration and a sense of euphoria arose among the Colombian people, at least temporarily until Pastrana's honeymoon period ended after failed negotiations with insurgent/terrorist elements.

The U.S. mission to Colombia was much larger than the one to Peru, as was the USDAO. USDAO Bogota had an assigned C-12 aircraft, which was a blessing. Never do I recall a trip request being denied by the Colombian Military Forces liaison office, which allowed virtually unlimited air travel throughout the country, though ground travel was severely restricted by the U.S. Embassy's Regional Security Officer due to the threat of attacks on foreigners and the frequent kidnappings rampant in Colombia at the time.

Counternarcotics operations were pivotal in both Peru and Colombia—which is understandable in that Peru was at the time the largest coca-producing country in the world (surpassed in 1996 by Colombia but now back to being number one again) and Colombia was, and still is, the largest cocaine-processing/distributing country in the world, not to mention a huge source of heroin smuggled into the United States.⁴³ In both embassies an interagency element known as the Tactical Analysis Team (TAT) was formed and produced targeting information that could be shared with allied counterparts. It was essentially tactical intelligence but was not billed as such due to the nature of how it was shared and utilized for operational collaboration. In addition, both U.S. country teams organized interagency counterdrug working groups under the Deputy Chief of Mission, in which I participated as USDAO representative. The antidrug effort continues, despite the counterinsurgency successes. Bilateral cooperation is still a key element of U.S. policy, though it has experienced some political

challenges. In 2019 cocaine production capacity in Colombia rose 1.5 percent to 1,137 metric tons according to the UN, even though the quantity of coca crops fell to their lowest level in six years.⁴⁴

Whereas Montesinos and Fujimori were finally brought down by internal forces, the problems in Colombia were resolved largely due to U.S. insistence.

Just as the intelligence enterprise in Peru had to deal with controversy given the Montesinos situation, the community in Colombia had its own “thorn in the side” with which it wrestled. Both situations were related to human rights, not surprisingly, which were exacerbated by intense pressure from the U.S. government to reform. Predictably, Bogota was much more responsive to such outside influence than Lima. Whereas Montesinos and Fujimori were finally brought down by internal forces, the problems in Colombia were resolved largely due to U.S. insistence. The Colombian’s Army’s 20th Brigade was “established in 1990 based on the recommendations of a U.S. intelligence team.”⁴⁵ During my tour in Bogota, information began leaking out that this brigade-sized intelligence unit was involved in nefarious activities and had possibly perpetrated human rights abuses. According to one account, the brigade became “the most visible symbol of Colombia’s corrupt and abusive intelligence establishment, and was tied to political assassinations, the torture of suspected guerrillas, and Colombia’s brutal paramilitary forces.”⁴⁶

The State Department’s human rights report for 1997 singled out the 20th Brigade for “death squad activity,” a charge leveled by the U.S. Ambassador as he was leaving his post late that year.⁴⁷ An Embassy cable cited below summarized the action taken: “The Colombian military has announced the disbandment of the Army’s 20th Intelligence Brigade—a brigade linked in the people’s mind with human rights abuses, and in the Army’s with intelligence failures in the fight against guerrilla subversion. Military intelligence units are heretofore to be limited to intel collection and analysis, and barred from conducting any ‘operational’ activities. The military commanders also announced a variety of training initiatives and restructurings within the Army which indicate that the Army leadership is intent on improving the Army operational effectiveness (and thus morale) across the board.”⁴⁸

Long after I departed Colombia, in 2006 President Alvaro Uribe—who had been the governor of Antioquia Department when I first met him (and earlier the mayor of

Medellin, the capital of Antioquia and base of Pablo Escobar’s infamous cartel)—appointed the former 20th Brigade commander as a special advisor to Colombia’s top civilian intelligence organization, the *Departamento Administrativo de Seguridad* (DAS), or Administrative Department of Security.⁴⁹ During my time in-country, the DAS was well known as a pseudo-hybrid of three U.S. agencies—CIA, FBI, and the then-Immigration and Naturalization Service (INS), whose duties are now discharged by elements of the Department of Homeland Security (DHS)—giving it considerable clout. The head of DAS was always a civilian political appointee, usually someone close to the president. However, rumors were swirling even in the 1990s that the DAS was involved in questionable operations. As a result, in 1998 the president replaced the civilian head with a well-respected, supposedly incorruptible National Police general. A few years after my departure, again under a civilian director, DAS was back in the news; this time the spy agency was “found to be running a Watergate-style illegal-wiretapping operation targeting journalists, judges and human rights offenders.”⁵⁰ In other words, intelligence was being used as a political weapon.

The next Colombian president, Juan Manuel Santos, who previously served as one of Uribe’s defense ministers but later severed his allegiance to the former president over differences about the peace process with the Revolutionary Armed Forces of Colombia (FARC), disbanded the DAS in late 2011 by executive order. About 3,000 DAS employees moved to the Attorney General’s office, while the Interior Ministry, Foreign Ministry, and National Police absorbed almost 2,000 other employees.⁵¹ To replace the DAS, Santos formed the new National Intelligence Agency (ANI) and put a former commander of the Navy in charge. Under the presidential decree, ANI is “a civilian agency under the Presidency of the Republic and has no judicial police functions. It will not support criminal investigations and will have nothing to do with monitoring the security of the state. Judicial documents given to DAS in the past will be eliminated.”⁵²

Santos stepped down after garnering the 2016 Nobel Peace Prize for his orchestration of the peace process that brought the FARC to the negotiating table. The FARC demobilized, though isolated remnants of it formed criminal bands that still are a serious security concern in parts of the country. His successor was Ivan Duque, a close protégé of Uribe who lost to Santos when the latter ran for reelection while the peace process was ongoing. Now the remaining large insurgent group, the National Liberation Army (ELN), is negotiating with the Duque administration over terms to end its long, sordid campaign against democratic governance (56 years and counting). The Maduro regime in Venezuela has been accused of

colluding with the ELN, just as the Chavez government before it provided safe haven for FARC elements along the extended border between the two neighbors.⁵³ Colombia and Venezuela have often feuded over the years, but now Colombia is playing an indispensable role in absorbing the largest number of Venezuelan refugees fleeing the crisis in that sad country. There have been violent protests in Colombian urban centers the last couple of years due to alleged police abuses, calls for economic reform, and pandemic-related lockdowns.⁵⁴ Still, Colombian intelligence has been quiet in recent years and is doing its part in supporting the longest-standing democracy on the continent while avoiding the sorts of scandals plaguing it in the past when it served at the pleasure of corrupt political leaders.

The bottom line is that the intelligence enterprise in Colombia, though just as in any country has at times reflected some faults and excesses, has proven itself both competent and accountable to higher authority. Whereas the corrupt intelligence regime in Peru was brought down from within, many years after perhaps irreversible damage had been done, reforms in Colombia of its intelligence organs were carried out according to the rule of law and due process, as a result of the confluence of internal and external influences. Instead of the public tolerating an authoritarian president who was intimidated by his shadowy and corrupt intelligence czar—possibly because he brought a degree of peace and security, at least temporarily, by defeating even more dastardly actors—now we have presidents who are accountable not only to their publics but also to the other constitutionally authorized branches of government.

One of the endemic problems in almost all Latin American countries is corruption. Intelligence agencies, just like other sectors of the government, are continually tempted by corruption, especially when they are interacting daily with criminal elements having buckets of money and the propensity to bribe government officials. Many countries in the region currently experience serious threats to their internal and external security, but often corruption is the most corrosive threat of all.⁵⁵ Their intelligence communities play a key role in working alongside those of neighboring nations and the United States. The latter, “while helping partner nations avoid radical undemocratic alternatives,” also strategically benefits when anti-U.S. governments like those in Venezuela, Cuba, and Nicaragua “open the door for threat networks, criminal groups, and hostile extra-hemispheric actors” (interpreted by this author to be Russia, China, and Iran).⁵⁶

AVOIDING THE PITFALLS OF INTELLIGENCE RUN AMOK

After digesting the lessons learned (or at least broached) from the recent intelligence history of the United States, Peru, and Colombia, we need to determine the best way forward to avoid uncomfortable situations in which intelligence is abused or misused for political gain. Many of the so-called “intelligence failures” of the past have had politics as a contributing factor.⁵⁷ Often political considerations blinded heads of state into making unwise decisions; I will not say they were uninformed because frequently the facts were known but disregarded. In other cases, the facts were twisted to suit a particular political agenda (witness the infamous 2002 National Intelligence Estimate on Iraqi weapons of mass destruction). Still, comparing the situations in the three countries at hand, with the virtue of hindsight in the two South American cases, I feel the U.S. will never sink so low in terms of inappropriately using intelligence assets as political weapons. There are several arguments I would like to offer to support this position.

The United States is a nation based on respect for the rule of law. It has an overall solid reputation for utilizing its intelligence instruments legally, morally, and ethically, despite a few bumps along the way. The U.S. Constitution is probably the most permanent, durable document of its genre in the world. In fact, many nations have copied parts of America’s founding document in their own constitutions. However, their constitutions tend to get amended often, thrown out altogether, or subverted in their judicial interpretation by presidents, legislators, and judges who do not like being constrained by legal niceties. Many Latin American nations have produced countless constitutions, sometimes changed whenever there is a military coup, a fraudulently elected leader, or someone in charge who decides he/she would like to enjoy the perks of power for life. It is precisely those power-hungry leaders who will use all the tools at their disposal, to include intelligence agencies, to perpetuate their power.

The U.S. Intelligence Community is immense and diverse. The 17 agencies—really 16 if one considers, as I do, the Office of the Director of National Intelligence (ODNI) as merely an umbrella coordinator at the top which interacts directly with the President and the National Security Council, but soon to add one more member with the U.S. Space Force having been established in December 2019—tend to complement each other on most issues, but on a few there is actually excessive overlap and redundancy. If nothing else, though, this situation allows the agencies to serve as a check on one another. If, for example, the

CIA, NSA, or FBI is doing something illegal, it will likely be detected by another agency and reported to the proper authorities (or, more cynically, leaked to the media). Along those lines, the U.S. employs a panoply of strategies that intertwine and play off each other. The National Intelligence Strategy (NIS), produced by ODNI in conjunction with the rest of the IC, and the National Military Strategy, produced by the Joint Chiefs of Staff in consultation with the armed services, feed into, and derive their priorities from, the overarching National Security Strategy promulgated by the President after preparation by the National Security Council (NSC). The NIS is the most pertinent for this discussion. Given the most recent one was published in January 2019, let us see what then-DNI Dan Coats (a former two-time U.S. Senator from Indiana and Ambassador to Germany) claimed were his guiding principles:

- He sought to protect the independence of the intelligence agencies to provide candid and clear-eyed assessment of what is really going on in the world, especially vis-à-vis the threat posed by Putin's revanchist Russia.
- In the past, there has been a public report and a separate classified version, but this year there is only one version and it is entirely unclassified. This is part of an effort by Coats to be more transparent in the face of sustained attacks from the President and his allies on the right against what they have taken to calling the "Deep State."
- "We need to assure our policymaking community, and the American people, that we can be trusted with this responsibility to use our information appropriately to protect the nation," Coats said in a speech to his staff in McLean, VA. "Through transparency, we will strengthen America's faith that the Intelligence Community seeks the truth—and speaks the truth."⁵⁸

DNI Coats announced in late July 2019 he would retire effective August 15, 2019, and President Trump accepted his resignation. Since then, there have been two acting DNIs and, since May 2020, former Texas Congressman John Ratcliffe as a Senate-confirmed Director. One of the acting Directors was forced out by Trump due to differences over IC reporting about foreign influences on the electoral process and the second was a former Trump-appointed ambassador viewed by some as too beholden to the President. The revolving door was linked directly to partisan politics, exactly what the IC scrupulously tries to avoid.⁵⁹ The DNI billet will turn over again in January 2021 with the new Biden administration.

The U.S. government is laced with numerous processes of control and oversight, to a much greater degree than is practiced in Peru, Colombia, or virtually any other nation in the world. As a result of

revelations about intelligence abuses in the mid-1970s, a number of oversight bodies were created or strengthened, such as the President's Intelligence Advisory Board, the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and a host of departmental inspectors general/ombudsmen.⁶⁰ Between these bodies, the Department of Justice, special counsels/prosecutors, and the courts, there is no shortage of oversight of the IC. Investigations of intelligence practices are carried on continuously.⁶¹ The system may not be perfect, and admittedly gaps, disruptions, and misunderstandings occur, but it is tighter than ever before in U.S. history and more comprehensive than what exists in any other nation. The chances for abuse are thus greatly reduced.

In this author's opinion, covert operations are not intelligence; instead they are operations heavily informed and supported by intelligence. Still, some of the most egregious scandals the IC has suffered through have been related to covert operations gone awry.⁶² Whether we are talking about intelligence debacles such as the Bay of Pigs invasion of Cuba in 1961, the lack of warning prior to Pearl Harbor in 1941 and the Arab Spring in 2011, the "failure to connect the dots" leading up to the 9/11 attacks, or accidental drone killings of innocent civilians in Afghanistan, Iraq, Syria, or Yemen still occurring today, covert operations or misdirected clandestine intelligence played a part. However, the United States has in place a concerted system for vetting these highly sensitive activities and ensuring they are approved at only the highest levels. The chance of rogue operators acting outside the law is much less in the United States than in other countries, and especially the authoritarian ones where lawless operators are used by desperate leaders (witness the "colectivos" propping up Maduro in Venezuela, the Tonton Macoutes that supported "Papa Doc" Duvalier in Haiti, or paramilitary groups and death squads encouraged by previous presidents in Peru and Colombia).

The United States adheres to a law called the Posse Comitatus Act, which prevents the regular military from being used for domestic purposes without a carefully coordinated waiver. Whereas in some countries the military has been employed by a paranoid leader to protect him or her from domestic political enemies and sometimes to neutralize those same enemies, that cannot happen in the United States. Military personnel take an oath to uphold the U.S. Constitution, not to protect or pay allegiance to a particular political leader. The National Guard performs domestic missions—usually of a humanitarian or disaster relief nature—but its components are under the control of state governors, not the President. To use the Guard for national purposes, the President is required to federalize specific units, something done sparingly and only for legitimate national emergencies. Some governors, for example, have opposed use of their Guard units to provide support to the U.S. Border Patrol and Immigration and Customs Enforcement (ICE) along the southern border with Mexico.

All of these constraints derive from the fact the U.S. is a federal system. Just as the military forces are prohibited from being used en masse by the President for domestic purposes, the police forces have a host of bosses, missions, and assets. The U.S. has no National Police; the closest entity to that would be the FBI. Therefore, police forces cannot be mobilized to protect or support a particular national leader as can be, and sometimes has been, done in countries like Venezuela and Chile. Some of the worst abuses perpetrated on innocent civilians in history have been by police and military forces loyal to an individual, and usually highly corrupt, leader. This cannot happen as long as the long-standing political system in the U.S. remains intact, and there is no reason to expect it to change radically anytime soon.

Finally, Americans would like to believe they have certain values and ethics that guide their actions. Although these norms have been threatened on occasion during troubled times in U.S. history, they generally hold fast and are respected by the vast majority of citizens. Elements which stray outside these boundaries are almost always exposed, whether by internal control and oversight mechanisms, the media, courageous whistleblowers, or the people as a whole who will not tolerate violations of constitutional principles for long. All these factors taken together suggest that the U.S. Intelligence Community will remain reined in and will not commit the sorts of abuses and other misdeeds described in this article.

CONCLUSION

I have tried to outline how intelligence communities can lose their way and be exploited by unscrupulous heads of state who are motivated by politics above all else. Latin America is a neighboring theater where we have witnessed many abuses over the years. We could just as easily have looked at another region of the world where the same maladies exist, but it seemed that digging a little more deeply into the region closest geographically and historically to the U.S., and which has been under the greatest American influence for nearly two centuries, made the most sense.

In comparing my two attaché tours in South America, I must confess that my intelligence dealings in Colombia were far easier and more productive than those in Peru, though I found both assignments rewarding for a host of reasons. Granted, Colombia is one of the longest-standing democracies in Latin America while Peru is a fairly young, fragile democracy with a complicated autocratic past, and Colombia has enjoyed continuously warm relations with the U.S. while Peru has had difficult relations depending to some degree on the personalities and whims of its leaders. Still, there is hope that the future of bilateral relations with both nations will be brighter.

The most daunting problem for Latin American countries—and the U.S. is not immune to it—is corruption. As the U.S. learns that it cannot go it alone in the world, it will continue to rely on alliances and coalitions, some of which will involve cooperating with somewhat corrupt countries that do not always share the same values of decency as the U.S. Consequently, Washington will have to determine the costs versus benefits of dealing with potentially bad actors. As succinctly stated in an opinion column jointly authored by a U.S. Senator and a former CIA Director, “The fight against corruption is more than a legal and moral issue; it has become a strategic one – and a battlefield in a great-power competition.”⁶³

I am eternally optimistic about what the future holds for the U.S. and its intelligence enterprise. Even though politicization of intelligence will continue to rear its ugly head from time to time, it can be managed if the various agencies do not lose sight of why they really exist and focus on their legitimate roles and missions.⁶⁴

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