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The Dark Side of Obama's Legacy

By Melvin Goodman
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There is a dark side to President Barack Obama's legacy on national and international security matters that will enable President-elect Donald Trump to damage America's political institutions as well as its standing in the global community. President Obama, a Harvard-trained lawyer and an expert in constitutional law, was insufficiently scrupulous in protecting our moral obligations, creating an ironic and unfortunate page in U.S. history. Instead of making the "world safe for democracy," the clarion call of President Woodrow Wilson one hundred years ago, President Obama contributed to the furtherance of a national security state and a culture of secrecy.

The administrations of Presidents George W. Bush and Barack Obama tilted too far in the direction of the military, which already plays far too large a role in the policy process and the intelligence cycle. Strategic intelligence has suffered from the Pentagon's domination of a process that is now geared primarily to support the warfighter in an era of permanent war. The strategic intelligence failures during the Obama administration include the absence of warning regarding events in Crimea and the Ukraine; the "Arab Spring;" the emergence of the Islamic State; and Russian recklessness in Syria.

The militarization of intelligence presumably will worsen in the Trump administration, which will be dominated by retired general officers and West Point graduates at almost all of the key departments and agencies in the foreign policy community. The CIA has become a para-military organization in the wake of the 9/11 attacks, with too much attention given to covert action.

President Obama campaigned on the basis of transparency and openness, but ignored accountability for the CIA's transgressions and fundamentally weakened the role of oversight throughout the national security community. A statutory Inspector General was created at the CIA in 1989 due to the crimes of Iran-Contra, but President Obama made sure there was no IG in place at CIA during most of his eight-year presidency and acquiesced in the destruction of the Office of the Inspector General at CIA.

The Senate intelligence committee's authoritative report on the CIA's illegal use of torture and abuse could not have been prepared without the work of the Office of the Inspector General, but President Obama tolerated the CIA director's interference with the committee's staff and ignored calls for the release of the full report. As a result, it will be easier for a Trump administration to reinstate the use of torture that violates constitutional and international law, let alone common sense and decency. With regard to the now-banned practice of waterboarding, Donald Trump stated that "only a stupid person would say it doesn't work,"

The Obama administration also conducted a campaign against journalists and whistle-blowers that was unprecedented, using the one-hundred-year-old Espionage Act more often than all of his predecessors combined. In fact, he misused the act, which was designed to prosecute government officials who talked to journalists and not to intimidate legitimate whistleblowers who report crimes and improprieties. Leonard Downie, a former executive editor of the *Washington Post*, called Obama's control of information "the most aggressive I've seen since the Nixon administration."

President Obama, in his high-minded rhetoric, denounced torture and abuse that "ran counter to the rule of law;" warned that our use of drones will "define the type of nation that we leave to our children;" and that "leak investigations may chill investigative journalism that holds government accountable." Nevertheless, he sought no accountability for those who broke laws in conducting torture and abuse; expanded the use of drone warfare; and, according to the executive director of the Freedom of the Press Foundation, "laid all the groundwork Trump needs for an unprecedented crackdown on the press."

As long as Congress defers to the president on the conduct of national security; the courts intervene to prevent any challenge to the power of the president in national security policy making; and the media defer to official and authorized sources, the nation will have to rely on whistleblowers for essential information on national and international security. Their role will be particularly essential in a Trump administration in view of the president-elect's reckless statements on nuclear forces, nuclear proliferation, the use of force, and U.S. relations with key allies. The fact that Trump remains hostile to intelligence briefings and that his first three appointments to the National Security Council are conspiracy theorists creates a horrifying scenario for furthering the dark side of the Obama legacy.

