



Top C.I.A. Pick Has Credentials and Skeptics

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WASHINGTON, May 5 — Gen. Michael V. Hayden, who senior administration officials said Friday was the likely choice of President Bush to head the [Central Intelligence Agency](#), has a stellar résumé for a spy and has long been admired at the White House and on Capitol Hill.

But General Hayden, the principal deputy director of national intelligence, would also face serious questions about the controversy over the National Security Agency's domestic surveillance program, which he oversaw and has vigorously defended.

His Senate nomination hearing, if he is chosen to succeed Director [Porter J. Goss](#), is likely to reignite debate over what civil libertarians say is the program's violation of Americans' privacy.

Mr. Bush has often reserved decisions about top-level appointments until just before they are announced, but senior administration officials said Friday that General Hayden was the clear leading candidate.

Confirmation hearings would give the administration's opponents a highly visible forum for questioning not only the eavesdropping program but President Bush's overall handling of national security.

And while he might bring to the beleaguered C.I.A. the power of his ties to the White House and to his current boss, [John D. Negroponte](#), director of national intelligence, General Hayden could find his background as an Air Force officer and specialist in technical intelligence systems does not suit some at the C.I.A., which specializes in traditional espionage.

The C.I.A. has long resented the expenditure of billions of dollars on technical systems, like spy satellites, while complaining that the budget for human spies has been too low.

Even though General Hayden has not been closely associated with Defense Secretary [Donald H. Rumsfeld](#), his pedigree as a military officer could reinforce concerns at the spy agency that the Pentagon is intruding into its traditional bailiwick.

While General Hayden has extensive administrative experience, he would face daunting challenges at the C.I.A., an agency that has been demoralized and has endured turbulence since the mid-1990's. As N.S.A. director until last year, General Hayden oversaw the program to intercept international phone calls and e-mail messages of Americans and others in the United States believed to have links to [Al Qaeda](#).

General Hayden, 61, has been the program's most public defender, repeatedly asserting that it is legal and constitutional even though the eavesdropping is done without warrants from a special court set up in 1978 to authorize such surveillance.

"I've taken an oath to protect and defend the Constitution of the United States," General Hayden said at the National Press Club in January as he defended what the Bush administration calls the Terrorist Surveillance Program. "I would never violate that Constitution, nor would I abuse the rights of the American people."

Some critics of the program say that General Hayden's public assurances that N.S.A. has always followed the laws governing domestic eavesdropping are difficult to square with his role in the secret program.

Marc D. Rotenberg, executive director of the Electronic Privacy Information Center in Washington, said the nomination would be strongly opposed by civil libertarians.

"We have to confront the chilling prospect that the incoming head of the C.I.A. believes it's permissible to conduct warrantless surveillance on the American public," Mr. Rotenberg said Friday night.

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Last year the C.I.A. lost its half-century-old standing at the center of the sprawling intelligence bureaucracy, as Mr. Negroponte succeeded Mr. Goss as the president's chief adviser on intelligence.

Melissa Boyle Mahle, a C.I.A. officer from 1988 to 2002 who wrote a 2004 book on the agency, "Denial and Deception," said, "The benefit of someone coming from the D.N.I.'s office is obvious — he'd have the immediate ear of Negroponte."

Though he has spent seven years at the N.S.A. and the director's office and away from the Pentagon, General Hayden is a career military intelligence officer. Several senior military officers have been C.I.A. director, and the current deputy director is Vice Adm. Albert M. Calland III of the Navy.

A bigger issue for some intelligence professionals might be General Hayden's lack of experience in traditional human intelligence.

Some officials want to intensify the C.I.A. concentration on the clandestine service, and Mr. Goss's resistance to such a narrowing of the agency's mission is said to have been one reason for his ouster.

General Hayden, who grew up in a working-class family in Pittsburgh, drew mixed reviews at the N.S.A. He overhauled its management but began a multibillion-dollar modernization program, known as Trailblazer, which ran huge cost overruns and is widely considered to be a failure.

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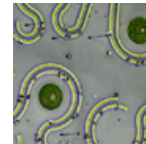


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