

The United States Intelligence Community: Why Unity Matters

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As the Soviet Union mounted a new threat against the United States of America at the beginning of the Cold War, President Harry Truman sought to organize and unify the nation's intelligence serving with the creation of the Central Intelligence Community (CIA) in the National Security Act of 1947 in order to better protect its citizens. The terrorist attacks of September 11, 2001 a half of a century later brought about new calls for intelligence reform and served as an impetus for the reorganization of the intelligence community (IC) in order for the nation to counter its new threat. Preventing intelligence failures that would result in further attacks on American soil is the major motivation for bringing cohesion to the United States IC. Consequently, President George W. Bush signed the Intelligence Reform and Terrorist Prevention Act (IRTPA) into law on December 17, 2004, creating the Office of the Director of National Intelligence (ODNI). Unfortunately, this legislation has failed in its purpose to increase efficiency, only adding a layer to the already over-sized and disparate intelligence bureaucracy. The Department of Defense, with its support from influential members of Congress, has played a large role in rendering the ODNI ineffective.

This policy proposal addresses the shortcomings of the IRTPA, specifically in its failed attempt to foster cooperation among intelligence agencies with the same success

shown by the Goldwater-Nichols Act which brought jointness to the military branches in 1986. Congress must empower the DNI by granting the position full budgeting and appointment powers and, therefore, the ability to manage and lead the entire IC most effectively. To support the merits of this policy, analysis will be presented from texts written by intelligence and military experts, former intelligence officials, congressional research, and contemporary media outlets.

Background History: Truman's Dream of All-Source Intelligence

As the influence and power of the United States increased dramatically following World War II, the Soviet Union emerged as the principle threat to United States security interest around the world. President Harry Truman felt that the United States must improve its intelligence capabilities in order to confront its new global responsibilities. It must be noted, however, that Truman did not necessarily intend to create the world's largest and most expensive clandestine spy service that is the current American IC. Rather, he wanted to dry "the flood of conflicting and uncoordinated intelligence reports flowing haphazardly across his desk."¹ In other words, he simply wanted a coordinated intelligence "newspaper" that presented information in an organized and readable fashion.² Instead of a pile of separate reports, a single confidential intelligence report would clearly present potential threats, allowing for more efficient use of his time. President Truman signed an executive order in 1946 that mandated the compellation of all foreign intelligence information and activities and furthered this idea in 1947 by creating the Central Intelligence Agency (CIA) and the Director of Central Intelligence (DCI) with the National Security Act.³

As amended following its 1947 passage, the DCI's responsibilities grew. The DCI became the intelligence analyst-in-chief for the nation, providing national intelligence to the President and senior officials.⁴ Also, the DCI served as head of the CIA while simultaneously managing the entire IC.⁵ As former DCI Stansfield Turner explains, "In my experience, the two jobs were just too much for one person to do well on top of being the president's intelligence advisor...the two positions inherently conflict."⁶ Performing these three important labor-intensive jobs proved impossible. In concurrence, the bipartisan 9/11 Commission's Chairman Thomas Kean and Vice Chairman Lee Hamilton recommended that the three responsibilities be separated because, "No recent DCI has been able to do all three effectively."⁷ Overstretching his duties forced the chief intelligence officer to choose which ones to focus on. The DCI usually gave up on community management, thereby abandoning the original purpose of centralizing intelligence, as laid out by President Truman.⁸

In addition, the DCI was statutorily handicapped from fulfilling his many duties, especially commanding the IC. The DCI lacked the two powers necessary to demand authority: the ability to make appointments and control over the budget.⁹ Without these authorities essential for any chief executive officer, the position was significantly weakened. Without the power to hire and fire his subordinates, he cannot expect them to follow through with his instruction. Likewise, if he cannot raise and reduce the salaries of the other agency directors nor control the overall allocation of funds, then he has less leverage to affect decisions. This scenario was the case of the DCI and is demonstrably why he could not realistically manage the IC.

Adding to this problem of a top-down disconnect, the community itself had serious problems with inter-agency communication and cooperation. Intelligence expert Dr. Loch Johnson describes the IC as exemplifying “the organizational complexity of American government with its many agencies, differing cultural perspectives, and various *modi operandi*.”¹⁰ With continuously developing needs and innovations in technology, the intelligence community grew to fifteen (sixteen counting the ODNI) agencies and over 100,000 employees.¹¹ These agencies collect information separately, analyze it separately, and disseminate it separately. People in the intelligence field refer to this problem as “stovepiping,” which alludes to the fact that once a particular agency collects a piece of intelligence, it goes up to the department head but is never shared horizontally among agencies.¹² Although the agencies are all serving the United States government with the same goal of protecting American lives, they often compete with one another, leading to a wasteful, inefficient, and perhaps harmful situation.¹³ Amy Zegart explains in her book on the evolution of the CIA, aptly entitled “Flawed by Design,” the DCI presided over a jealous community immersed in “intense bureaucratic conflict” and from the start, “incapable of centralizing intelligence.”¹⁴ Chairmen Thomas Kean and Lee Hamilton recalled hearing the term *Balkanized* used to describe the contentious inter-agency relationship when they met with the House and Senate Intelligence Committees while preparing for their report.¹⁵ They go on to state that, “the inability of national security leaders to get their agencies to share information and work together” demonstrates an overall failure of management that produced the ineffectiveness in combating terrorism before September 11, 2001.¹⁶

In spite of numerous legislators, former intelligence officials, and intelligence commissions seeking IC reform for decades, the bureaucracy had not been reformed in years. Finally, the noted failure to predict the terrorist attack and the subsequent faulty intelligence concerning Iraqi weapons of mass destruction (WMD) possession that led to the 2003 invasion finally convinced the United States government that an IC overhaul was necessary.¹⁷ As early as 1955, the Second Hoover Commission concluded that the management of the CIA needed to be a separate position from that of managing the IC.¹⁸ The Schlesinger Report of 1971 specifically criticized the community's failure to coordinate its resources.¹⁹ During 1976, the "Year of Intelligence," the Church Committee did not recommend creating a DNI but did recommend redefining the authorities of the DCI, including enhanced budget control.²⁰ In 1978 President Jimmy Carter gave DCI Stansfield Turner "full and exclusive" responsibility for preparing budgets for the entire IC in an Executive Order, which Turner says gave him more power than any DCI before or after him and even exceeds what the DNI has today.²¹ The 2001 Scowcroft Commission recommended ceding to the DCI control over the National Security Agency (NSA), National Reconnaissance Office (NRO), and the National Geospatial-Intelligence Agency (NGA), all of which are controlled by the Department of Defense.²² The 9/11 Commission Report, formally known as the *Final Report of the National Commission on Terrorist Attacks upon the United States*, issued in 2004, made numerous recommendations for implementation in all fields of counterterrorism. In particular, the Commission called for the creation of a National Intelligence Director (NID), separate from the CIA Director, empowered by full hiring, firing, and budgetary authorities over all agencies in the IC.²³

The IRTPA – Lessons Not Learned and Errors Left Uncorrected:

The ODNI came to life when President Bush signed the Intelligence Reform and Terrorist Prevention Act into law on December 17, 2004. Prior to signing it, the President stated:

In a few minutes, I will sign into law the most dramatic reform of our nation's intelligence capabilities since President Harry S. Truman signed the National Security Act of 1947. Under this new law, our vast intelligence enterprise will become more unified, coordinated, and effective. It will enable us to better do our duty, which is to protect the American people.²⁴

Kean and Hamilton reflect that “America’s cold war apparatus was reorganized to confront new dangers” and thought that the lessons of September 11th, 2001 had just been learned and errors had been corrected.²⁵

While the IRTPA did dramatically reform the IC, the reforms were not dramatic enough to achieve the desired and necessary cohesion. IRTPA assigns to the DNI two of the three former duties of the former DCI: the seniority status as the chief intelligence officer for the United States who provides intelligence to the President, other senior officials, and Congress, and head of the IC.²⁶ However, this legislation alleviates the DNI from having the additional burden of directing the CIA, for which it creates another position, the Director of the Central Intelligence Agency (DCIA).²⁷ The DCIA is supposed to be in charge of managing the CIA’s day-to-day operations and collecting and analyzing intelligence to give to the DNI.²⁸

Nevertheless, the authorities given to the DNI are not extensive enough for the position to be effective. The DNI is now expected to build the national intelligence budget, but still cannot force the individual agencies to comply with his vision.²⁹ Chairman of the Senate Select Committee for Intelligence (SSCI) John D. Rockefeller raised this very issue in the confirmation hearing of DNI Mike McConnell in early 2007:

I also think the arrangement benefits the CIA since it now has the undivided attention of its director. But beyond the act of separating the two jobs, it is less clear whether the structure of the Office of the DNI is ideal to accomplish its mission. We did not pull the technical collection agencies out of the Defense Department and we did not give the DNI direct authority over the main collection or analytic components of the community. We gave the DNI the authority to build the national intelligence budget, but we left the execution of the budget with the agencies. We gave the DNI tremendous responsibilities, the question is did we give the position enough authority.³⁰

After just two months on the job, DNI McConnell realized the problems that accompany a job without sufficient direct-line management authorities over his supposedly subordinate department heads and called for stronger, clearer authorities.³¹ According to McConnell, “Our current model...does not have operational control over the elements that conduct intelligence activities. The DNI also does not have direct authority over the personnel in the sixteen agencies in the community.”³² The nation’s

highest intelligence official remains in need of the appropriate authority to guide and manage the strategic planning, focus, and coordination of the individual agencies that would enable him to provide a rapid seamless flow of correct intelligence to the President.³³

Even without these necessary means, DNI McConnell has tried to encourage the sharing of information between agencies and community development. To promote community integration he instituted two consecutive initiatives based on former DNI John Negroponte's National Security Strategy, known as the "100 Day Plan" and the "500 Day Plan." The initiatives were designed to build, accelerate and sustain momentum for IC integration and collaboration.³⁴ He has implemented the "Civilian Joint Duty Program," also an idea of former DNI John Negroponte, to foster what the *Washington Post* calls a "joint mission" atmosphere.³⁵ For employees seeking senior level promotion, the Joint Duty Program requires them to have served tenures in more than one agency and, by 2010, ninety-five percent of top positions will require joint duty.³⁶ The objective of this mission is to eradicate the negative aspects of stovepiping and discourage jealous competition between agencies. The ODNI has also established an Executive Committee of Mission Managers, IC agency leaders, to offer deliberation on and amelioration from the tough issues facing the DNI. As recommended by the 2005 Weapons of Mass Destruction Commission, the Mission Managers are leaders from across the IC who work together to find solutions for the high-interest topics like Iran, North Korea, and counterproliferation.³⁷ These initiatives, among others, demonstrate that DNI McConnell is attempting to create a culture of collaboration, but because of his statutory restraints, it is understandably difficult for him to achieve this goal.

The Politics behind the Creation of the ODNI

Based on their comments and actions, it is evident that SSCI Chairman Rockefeller and DNI McConnell recognize that the IRTPA did not give substantial power to the ODNI. IRTPA produced a weak ODNI because of the indomitable power of the government's "eight-hundred pound gorilla" that is the Secretary of Defense who runs the Department of Defense (DoD).³⁸ The DoD has been a hindrance to intelligence cohesion since its creation. It was created along with the CIA in 1947 and to avoid roiling the military services, the President had to give the Secretary of Defense more authority than the DCI.³⁹ As the IC grew with time, some of it grew within the DoD. The DoD "continues to control much more of the intelligence community on a day-to-day basis than does the DNI" by controlling the three largest, most expensive, and arguably most important, intelligence agencies: the National Security Agency (NSA) for electronic spying; the National Geospatial-Intelligence Agency (NGA) for photographic spying; the National Reconnaissance Office (NRO) for the operation of spying satellites.⁴⁰ These three very important agencies' budgets, which amount to approximately "three-fourths of the estimated annual intelligence budget," are determined by the Secretary of Defense.⁴¹ Therefore, the DNI is the nation's chief intelligence *director* in name only.

In response to the Scowcroft Commission's recommendation that these three collection agencies be transferred to the management control of the DCI, Secretary of Defense Donald Rumsfeld exerted his influence convincing President Bush that "There may be ways we can strengthen intelligence, but centralization is not one."⁴² The NSA, NGO, and NRO, plus the Defense Intelligence Agency (DIA) and the four intelligence

components of the four military branches, give the DoD control over more than eighty-five percent of the overall intelligence budget, which is only \$42 billion.⁴³ When the debate over IRTPA was ongoing, the *Congressional Quarterly Weekly* described the likelihood of an empowered DNI as slim because the DoD has an “iron-hard grip on budgets and personnel that has stymied intelligence integration in the past and is likely to do so again.”⁴⁴ The powers of the Secretary of Defense should not prevent the DNI from managing and directing every member of his IC.

This type of budgetary control equates to immense clout and influence in Washington. The DoD has many surrogates and allies in Congress who reciprocally enjoy hefty campaign contributions. The most ardent of these supporters are often found in the powerful Armed Services and Appropriations Committees. Leading up to IRTPA passage, the “Big Four” supporters were Senate Armed Services Chairman John Warner (R-VA), ranking member Carl Levin (D-MI), Appropriations Chairman Ted Stevens (R-AK), and ranking member Daniel K. Inouye (D-HI). House Armed Services Chairman Duncan Hunter (R-CA) argued against the Senate version of the bill because it gave the DNI authority over military agencies.⁴⁵ The DoD is very sensitively irritable when it faces the possibility of ceding military power over to a civilian control. Many believe that, along with the chairman of the Joint Chiefs of Staff (JCS), the Secretary of Defense and his allies on these committees are “the major impediment to a fulfillment of Truman’s dream.”⁴⁶ Senator John McCain (R-AZ), an advocate of IC reform, described these DoD supporters as “old bulls [who] are more interested in protecting turf than protecting national security.”⁴⁷

Facing significant time constraints as the final congressional legislative session of 2004 came to a close, the Senate bill, co-authored by Susan Collins (R-MA) and Joe Lieberman (D-CT), ultimately passed. Recently re-elected President Bush decided to support the bill and flexed his executive muscle through an aggressive lobbying effort. The White House's top lobbyist on Capital Hill had heated exchanges with House Majority Leader Tom DeLay (R-TX) and targeted Congressman Hunter and other Republican leaders opposed to its passage.⁴⁸ President Bush invited many Republican leaders to a Chesapeake Bay resort in Virginia after Thanksgiving to discuss the topic.⁴⁹ At the beginning of December, the chairman of the JCS openly retracted his former opposition to the bill, leaving Hunter and his House colleague Jim Sensenbrenner (R-WI) as the bill's last major opponents.⁵⁰ Hunter's stand achieved preserving the dysfunctional chain of command, but ODNI was finally established.

Empower the DNI

Despite the challenges, many benefits will come to the American people and the IC once the DNI has full control over coordinating intelligence throughout the community. The United States finally has a singular senior intelligence officer focused on coordinating the divergent IC and providing intelligence to the President. Still, Senator Rockefeller claims that the ODNI is just "an experiment still in its early stages" and DNI McConnell believes that the country is still in the process of "improving the nuts and bolts of its intelligence system."⁵¹ However, the United States has been in the practice of tightening loose bolts for far too long; comprehensive reform is needed to mend the IC and is vital to national security. To ensure safety to American citizens, the DNI must be given the powers essential to coordinating a unified IC in order to provide

the President good and timely intelligence. Now is the time for the President to fulfill President Truman's dream of a collaborative, organized and unified IC.

Former DCI George Tenet was once asked how to fix the CIA, to which he responded: "Blow it up."⁵² Although the IC went through a revolutionary creative destruction in 2004, more needs to be done. IRTPA should be amended and lawmakers should, as recommended by the 9/11 Commission, follow the lines of the Department of Defense Reorganization Act of 1986 (more commonly known as the Goldwater-Nichols Act) and appropriate real control to the IC director.⁵³ The military community suffered for decades from a remarkably similar parochialism that continues to plague the IC.⁵⁴ The Goldwater-Nichols military reorganization requirements, however, were aimed at clearing up blurred lines of power distribution and reducing operations and service independence by giving the Chairman of the Joint Chiefs of Staff the necessary authority to provide planning and budgetary advice to the different branches and serves as the principle military advisory to the President.⁵⁵ The Joint Duty Program recently implemented by the ODNI is modeled after one of the Goldwater-Nichols Act requirements that specifically "assigned to the JCS chairman responsibility for developing joint doctrine and joint training policies."⁵⁶ The Goldwater-Nichols Act has improved military management by removing structural problems, staff layers, duplication of effort, and thus eradicating the military's version of stovepiping.⁵⁷ As former Senator Sam Nunn (D-GA) said, "The act addressed a huge problem—the inability of the military services to operate effectively together as a joint team—and solved it."⁵⁸ Regrettably, this same problem has yet to be solved in the realm of intelligence.

The President must deflect pressure from his or her Secretary of Defense and exert his own executive influence on Congress until it passes the ideal legislation that empowers the DNI with full and absolute budget and appointment authority over the entire IC. In a radio address on December 4, 2004, President Bush said:

The legislation I support preserves the existing chain of command, and leaves America's fifteen intelligence agencies, organizations and offices in their current departments.... I urge members of Congress to act next week so I can sign these needed reforms into law.⁵⁹

When the President finally flexed his executive muscle, it forced the recalcitrant members of Congress to comply; however, had he urged support for an effective DNI, the stronger position could have been achieved. The DNI must be given the power of the purse and the ability to hire and fire senior directors. Only then will the DNI have the ability to comfortably set standards for the information infrastructure and personnel for the community as a whole. The intelligence community will finally be an interoperable community that will provide the best intelligence at the right time to protect American lives.

Overriding the influence of the DoD will be extremely difficult. If the ideal legislation proves impossible, the President must at the very least give the DNI direct authority over the NSA, NGA, and NRO that are currently controlled by the DoD. These technological collection agencies are the largest and most expensive to operate. Following the Scowcroft Commission's recommendation, the DNI must be able to directly oversee their budgets and methods of collection and analysis. The Pentagon will

still have absolute authority over the four military branches' intelligence components.

While this legislation would not give the DNI full and exclusive authority over all the IC agencies, it would drastically improve his ability to manage and coordinate the IC and thus save American lives.

¹ Clark Clifford, with Richard Holbrooke, *Counsel to the President: A Memoir* (New York: Random House, 1991), p. 166.

² Tim Weiner, *Legacy of Ashes*, (New York: Doubleday, 2007), p. 3.

³ Loch K. Johnson, “A Centralized Intelligence System: Truman’s Dream Deferred,” *American Intelligence Journal* 23 (Autumn/Winter 2005), pp. 6-15.

⁴ Richard A. Best Jr. and Alfred Cumming, “Director of National Intelligence Statutory Authorities: Status and Proposals”, *CRS Report for Congress*, November 2, 2007, p. 1.

⁵ *Ibid.*

⁶ Stansfield Turner, *Burn before Reading* (New York: Hyperion, 2005), p. 251.

⁷ Thomas Kean and Lee Hamilton, *The 9/11 Commission Report* (New York: W. W. Norton & Company, Inc., 2004), p. 409

⁸ *Ibid.*

⁹ *Ibid.*, p. 410.

¹⁰ Loch K. Johnson, *Bombs, Bugs, Drugs, and Thugs* (New York: New York University Press, 2000) p.97.

¹¹ Stephen Barr, “Broader Experience for Higher Intelligence,” *Washington Post* (June 28, 2007).

¹² Mark M. Lowenthal, *Intelligence: From Secrets to Policy* (Washington D.C.: CQ Press, 2006) p. 76.

¹³ *Ibid.*, p. 279.

¹⁴ Amy Zegart, *Flawed by Design* (Stanford: Stanford University Press, 1999), p. 186.

¹⁵ Thomas Kean and Lee Hamilton, *Without Precedent* (New York: Alfred Knopf, 2006), p. 281.

¹⁶ *Ibid.*, p. 277.

¹⁷ See “DNI Authorities Hearing before the Senate Select Committee on Intelligence,” DNI Mike McConnell, [<http://intelligence.senate.gov/hearings.cfm?hearingId=3099>] (14 February 2008).

¹⁸ Alfred Cumming, “The Position of Director of National Intelligence: Issues for Congress” *CRS Report for Congress*, August 13, 2004, pp. 16-19.

¹⁹ *Ibid.*, p. 16.

²⁰ *Ibid.*

²¹ Turner, *Burn before Reading*, *op.cit.*, pp. 159-160.

²² Cumming, *CRS Report for Congress*, *op.cit.*, p. 18.

²³ Kean and Hamilton, *The 9/11 Commission Report*, *op.cit.*, pp. 407-419.

²⁴ Kean and Hamilton, *Without Precedent*, *op.cit.*, p. 316.

²⁵ *Ibid.*

²⁶ Best and Cumming, *CRS Report to Congress*, *op.cit.*, p. 2.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ See Sen. John D. Rockefeller, “Opening Statement by Chairman Rockefeller Confirmation of John M. McConnell to be DNI,” [<http://intelligence.senate.gov/hearings.cfm?hearingId=2482>] (February 1, 2007).

³⁰ *Ibid.*

³¹ Best and Cumming, *CRS Report for Congress*, *op.cit.*, p. 2.

³² See McConnell, “DNI Authorities Hearing before the Senate Select Committee on Intelligence,” *op.cit.*

³³ *Ibid.*

³⁴ See “United States Intelligence Community (IC) 100 Day Plan for Integration and Collaboration” (April 11, 2007), p. 11, Office of the Director of National Intelligence [<http://www.dni.gov>] and United States Intelligence Community 500 Day Plan for Integration and Collaboration” (October 10, 2007), p. 14, Office of the Director of National Intelligence, [<http://www.dni.gov>].

³⁵ Stephen Barr, “Negroponte to Apply Military’s Joint-Duty Approach to Intelligence Agencies,” *Washington Post* (June 19, 2006).

³⁶ Stephen Barr, “Broader Experience for Higher Intelligence,” *Washington Post* (June 28, 2007).

³⁷ Mike McConnell, “Overhauling Intelligence,” *Foreign Affairs*, Vol. 86, No. 4 (July/August 2007), p. 55.

³⁸ Johnson, *Bombs, Bugs, Drugs, and Thugs*, *op.cit.*, p. 109.

³⁹ Johnson, *American Intelligence Journal*, *op.cit.*

⁴⁰ Lowenthal, *Intelligence*, *op.cit.*, p. 31.

⁴¹ Johnson, *American Intelligence Journal*, *op.cit.*

⁴² Scott J. Paltrow and David S. Cloud, “Reports on 9/11 Say Clinton, Bush Missed Chances in Terrorism,” *Wall Street Journal* (March 24, 2004).

⁴³ Johnson, *Bombs, Bugs, Drugs, and Thugs*, *op.cit.*, p. 124; Cumming *CRS Report for Congress*, *op.cit.*, p.3

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- ⁴⁷ “Cleared Intelligence Rewrite Is Big Finish for the 108th”, *CQ Weekly*, Vol. 62, No. 48 (Dec. 11, 2004), p. 2879.
- ⁴⁸ Jonathan Allen, with John M. Donnelly, “From Impasse to Enactment: How a Deal Is Brokered”, *CQ Weekly*, Vol. 62, No. 48 (Dec. 11, 2004), pp. 2938-2939.
- ⁴⁹ *Ibid.*, 2938.
- ⁵⁰ *Ibid.*, 2939.
- ⁵¹ See Rockefeller, “Opening Statement by Chairman Rockefeller Confirmation of John M. McConnell to be DNI,” *op.cit.*; McConnell, *Foreign Affairs*, *op.cit.*, p. 58.
- ⁵² Weiner, *Legacy of Ashes*, *op.cit.*, p. 447.
- ⁵³ Kean and Hamilton, *The 9/11 Commission Report*, *op.cit.*, p. 409.
- ⁵⁴ Peter J. Roman and David W. Tarr, “The Joint Chiefs of Staff: From Service Parochialism to Jointness,” *Political Science Quarterly*, Vol. 113, No. 1 (Spring 1998), p. 101.
- ⁵⁵ *Ibid.*, pp. 92-102.
- ⁵⁶ James R. Locher III, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon*, (College Station: Texas A & M University Press, 2002) p. 444-445.
- ⁵⁷ *Ibid.*, p. 447.
- ⁵⁸ Locher, *Victory on the Potomac*, *op.cit.*, forward by Sen. Sam Nunn, p. xii.

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