Intelligence Reform Act
Agenda

• Why No Intel Reform Before Now?
• IC Info Sharing Findings of Congress
• Collins-Lieberman Press Release for NIRA
• NIRA Weaknesses
• Bush’s Choice for DNI
• Bush’s Choice for Deputy DNI
• Closing Remarks
Why No Intel Reform Until Now?

- Politicians don’t care?
- American lives not important enough?
- Grand conspiracy?
- Politicians have low IQ?
- Structured so well, doesn’t require change?
- Too big and cumbersome to change?
1979, Tehran, Iran: Iranian radical students seized the U.S. embassy, taking 66 American hostages.


1983, Beirut, Lebanon: U.S. embassy destroyed in suicide car-bomb attack; 63 dead, including 17 Americans. The Islamic Jihad claimed responsibility.


1983, Kuwait City, Kuwait: Shiite truck bombers attacked the U.S. embassy and other targets, killing 5 and injuring 80.

1984, east Beirut, Lebanon: truck bomb exploded outside the U.S. embassy annex, killing 24, including 2 U.S. military.

1984, Beirut, Lebanon: Kuwait Airways Flight 221, from Kuwait to Pakistan, hijacked and diverted to Tehran. Two Americans killed.
1985, Madrid, Spain: **Bombing at restaurant** frequented by U.S. soldiers, killed 18 Spaniards and injured 82.

1985, Beirut, Lebanon: **TWA flight** 847 en route from Athens to Rome hijacked to Beirut by Hezbollah terrorists and held for 17 days. A **U.S. Navy diver** executed.

1985, Mediterranean Sea: gunmen attack **Italian cruise ship** *Achille Lauro*. One **U.S. tourist** killed. Hijacking linked to Libya.

1985, Rome, Italy, and Vienna, Austria: airports in Rome and Vienna were **bombed**, killing 20 people, 5 of whom were Americans. Bombing linked to Libya.

1986, Athens, Greece: a **bomb exploded aboard TWA flight** 840 en route from Rome to Athens, **killing 4 Americans** and injuring 9.

1986, West Berlin, Germany: **Libyans bombed a disco** frequented by U.S. servicemen, **killing 2** and injuring hundreds.
1988, Lockerbie, Scotland: N.Y.-bound Pan-Am Boeing 747 exploded in flight from a terrorist bomb and crashed into Scottish village, killing all 259 aboard and 11 on the ground. Passengers included 35 Syracuse University students and many U.S. military personnel.

1989, Iron Curtain: Bush & Gorbachev sign end of Cold War.

1993, New York City: bomb exploded in basement garage of World Trade Center, killing 6 and injuring at least 1,040 others.


2000, Aden, Yemen: U.S. Navy destroyer USS Cole heavily damaged when a small boat loaded with explosives blew up alongside it. 17 sailors killed.
01/2000, Kuala Lumpur, Malaysia: CIA spying on Al Qaeda meeting, then loses track of suspects.
- CIA does not pass names to State Department to place on Terror Watch List
- CIA does not inform FBI
- Suspects slip into U.S. 10 days later
- Bush focus is Star Wars Missile Defense
- Clarke requests principles review of Al Qaeda, Rice nixes
05-07/2001, SIGINT: “Lots of chatter” (30 messages) suggesting Al Qaeda planning attacks.
07/2001, Phoenix, Arizona: FBI Agent e-mails UBL FBI Unit about a large number of suspicious individuals learning to fly passenger jets.

• UBL FBI Unit dismisses

- Mentioned potential attacks on Federal Buildings in NYC
- No further action requested by Rice or Bush
08/2001, Minneapolis, Minnesota: FBI arrests Zacharias Moussaoui for passport violations and discover he paid $8K in cash to learn to fly commercial airlines.

- FBI Office request for warrant to search home and computer refused
- FBI Agent pleads that she is trying to keep him from taking a plane and flying it into the World Trade Center
- Headquarters says “that’s not going to happen”
  • Attends top level meeting on 4 Sep and says nothing about report
  • No further action requested by Tenent
Incremental Events

9/11/01, Dulles Airport, Virginia: **Terrorist Watch List arrives** at 5:00 P.M., **8 hours after takeoff**, with 3 highjackers names who boarded flight.
9/11: hijackers crashed two commercial jets into twin towers of World Trade Center; two more hijacked jets were crashed into the Pentagon and a field in rural Pennsylvania. Almost 3,000 dead.
DO NOT CAUSE RADICAL CHANGE!
America’s bloodiest day
‘This is the second Pearl Harbor’

CAUSE
RADICAL
CHANGE!
Ingrained Behaviors & Mindset

• Intel Operates Best thru Compartmentalization
• Info Sharing/Leaks Weaken U.S. Defenses

Ingrained Paradigm

• 200 Years Since Attack on U.S. Mainland
• U.S. Fights Battles Overseas
• World’s Only Superpower
• Whipped the Soviets

Ingrained behaviors and paradigms do not change based on incremental events, but instead they change as a result of catastrophic events.
Is It That…

• Politicians don’t care?
• American lives not important enough?
• Grand conspiracy?
• Politicians have low IQ?
• Structured so well, doesn’t require change?
• Too big and cumbersome to change?

NO!
Intelligence War

This is the **first war** in our nation’s history in which the **intelligence community** is the point of the spear.
National Intelligence Reform Act

IC Information Sharing Findings of Congress
IC Information Sharing Findings of Congress

Consistent with the report of the National Commission on Terrorist Attacks:

The **biggest impediment** to all-source analysis, and to a greater likelihood of “connecting the dots”, is **resistance to sharing information**.

**U.S. has a weak system** for processing and using the info it has.
In the period preceding September 11, 2001, there were instances of potentially helpful info that was available but that no person knew to ask for; info that was distributed only in compartmented channels, and info that was requested but could not be shared.
The current system, in which each intelligence agency has its own security practices, requires a demonstrated “need to know” before sharing…

…This approach assumes that is possible to know, in advance, who will need to use the info.

An outgrowth of the cold war, such a system implicitly assumes that the risk of inadvertent disclosure outweighs the benefits of wider sharing.

*Such assumptions are no longer appropriate.*
IC Information Sharing Findings of Congress

Current security requirements nurture over-classification and excessive compartmentalization of information among agencies.

Each agency’s incentive structure opposes sharing, with risks, including criminal, civil, and administrative sanctions, but few rewards for sharing info.
Although counterintelligence concerns are still real, the costs of not sharing information are also substantial.

The current “need to know” culture of info protection needs to be replaced with a “need to share” culture of integration.

A new approach to the sharing of intelligence and homeland security info is urgently needed.
Collins-Lieberman National Intelligence Reform Act
Joint Press Release
December 2004
Collins-Lieberman National Intelligence Reform Act
Press Release

“Our legislation **reorganizes** an intelligence program designed for the Cold War into one designed for the war against global terrorism and future national security threats. This reform will give our intelligence agencies the strength, agility, and resources necessary not only to respond to the terrorist threat but **to stop terrorists before they strike.**”

-- Senator Collins and Lieberman
joint press release
“Our reform legislation creates a unified command and control structure so that one person is in charge and accountable for the nation’s intelligence operations. The NID will have the budget and personnel authority to truly be in charge of the intelligence agencies and to marshal the people, funding, and other resources needed to counter urgent threats.”

-- Senator Collins and Lieberman joint press release
“The NCTC will have both the analytical and operational planning authority for counterterrorism initiatives, giving it the brains and the brawn to get the job done.”

-- Senator Collins and Lieberman joint press release
National Intelligence Reform Act

Collins-Lieberman-Albertson
Press Release - *Redo*
Collins-Lieberman-Albertson
Press Release - Redo

“Our legislation reorganizes an intelligence program designed for the Cold War into one that we would like to be designed for the war against global terrorism Islamic Fundamentalists and future national security threats but that instead will be subjected to power struggles over turf and budgets because Congress was pressured by the Administration not to fully define the reorganization or empower the position of DNI.”

-- Senator Collins, Lieberman, & Civilian Albertson
Collins-Lieberman-Albertson
Press Release - *Redo*

“We had intended that this reform will give our intelligence agencies the strength, agility, and resources necessary not only to respond to the terrorist Islamic Fundamentalist threat but to stop terrorists Islamic Fundamentalists before they strike, however, it will be up to the President to empower the DNI and while Congress will be appropriating more funding for this effort, all current IC fiefdoms will remain in place with the addition of new ones including the Office of the DNI and the Counterterrorism Office.”

-- Senator Collins, Lieberman, & Civilian Albertson
"Our reform legislation was intended to create a unified command and control structure so that one person is in charge and accountable for the nation’s intelligence operations, however, due to the ambiguity of the definition of the role of the DNI, it may be years before a unified command and control structure can be created with one person in charge and accountable."

-- Senator Collins, Lieberman, & Civilian Albertson
Collins-Lieberman-Albertson
Press Release - *Redo*

“The NID will have the **budget and personnel authority to truly be in charge of the Office of the NID but not the intelligence agencies** and to marshal the people, funding, and other resources needed for the Office of the NID and **may be able to help counter urgent threats Islamic Fundamentalists if the other agencies in the IC choose to cooperate with the NID.**”

-- Senator Collins, Lieberman, & Civilian Albertson
National Intelligence Reform Act

Weaknesses
“More is better than less; **total is better than part.** The worst of all possible worlds would be to close out today’s DCI and replace him with a feckless DNI.”

Centralize control over the collection agencies, such as eavesdroppers at NSA or the CIA’s spooks, while giving **greater autonomy to analytical agencies**, such as DIA or the CIA’s analytical side, as an antidote to the risks of groupthink – a pitfall of the community’s Iraq WMD analysis.
Groupthink

Process by which a group can make bad or irrational decisions.

In a groupthink situation, each member of the group attempts to conform his or her opinions to what they believe to be the consensus of the group.

The idea of WMD in Iraq emanated from the Administration, which the IC then built its Oct 2003 National Intelligence Estimate around.
The Pentagon, with quiet support from the White House, fought against giving the DNI much power.

After a series of compromises, the DNI ended up with only slightly stronger formal authority than today’s DCI to run the community.

This falls short of the complete budget and personnel authority sought by reformers.

Without control of budget and personnel, all you have is the authority to use tact and goodwill.
The debate about intelligence reform focused much on who would win control over people, money, and power.

The Pentagon controls over 80 percent of the IC’s assets and budget.

President Bush, in endorsing the 9/11 Commission’s recommendation to create the DNI, insisted that the person occupying the office have a coordinating rather than controlling role.
Weaknesses – John Deutch (former DCI)

The authorities over the budget of which the new director of national intelligence will have are not spelled out in the legislation.

It will be a tremendous bureaucratic war between the new DNI and the secretary of defense of just how much of the existing program gets shifted to the new national intelligence director’s authority.

Rumsfeld VS. Negroponte
National Intelligence Reform Act

Weaknesses – John Deutch (former DCI)

This bill has the potential of improving intelligence for America, however, it is so full of ambiguities that it is going to be a long time, many years, before we are sure whether it gives the new DNI the authority that that individual should have to be accountable for the quality of our intelligence.

The legislation really does not address the principle difficulty that led to the intelligence failure of 9/11, and that is the relationship between the foreign intelligence establishment and the FBI.
It is outrageous to expect Senators to read and understand a 600-page bill in less than 24 hours. This legislation has encountered virulent opposition since the time of its conception, and while it may enjoy the support of a majority of members here today, nobody can say with any confidence or certainty as to how this new layer of bureaucracy will affect our intelligence agencies or the security of our country.
Former CIA Director George Tenent said that he opposes this bill. That is a sobering criticism from someone who, having left government months ago, no longer has any turf to protect.
A distinguished group of **national security experts** wrote in September, 2004 that they oppose any intelligence reform this year:

- Former Senate Intelligence Committee Chairman David Boren
- Former Secretary of Defense Frank Carlucci
- Former Senator Bill Bradley
- Former Secretary of Defense Bill Cohen
- Former CIA Director Robert Gates
- Former Secretary of Defense John Hamre
- Former Senator Gary Hart
- Former Armed Services Committee Chairman Sam Nunn
- Former Senator Warren Rudman
- Former Secretary of State George Schultz
- Former Secretary of State **Henry Kissinger**
Cautioned Congress against taking irrevocable legislative action prompted by any *false sense of urgency* that the *election cycle* might have *created*.

Concerned with *creating another layer* – in the form of the NID – between the president and existing intelligence institutions.
Concerns:

- **Blurring the lines of authority** between the NID and the NSC.
- The questionable advisability of folding tactical and operational military intel into a predominately civilian multi-agency structure.
Authorizes a **significant increase** in the number of **border patrol agents and immigration investigators** and increased funding for air cargo security and airline passenger screening. These provisions are just **empty promises**.

This bill is a **hodgepodge of empty border security promises** that the Administration has no intention of **funding**, and that will only encourage the kind of illegal immigration that leaves our country wide open to terrorists.
Weaknesses – Rep. Sensenbrenner (R-WI)

Because of the Senate Democrats, provisions dealing with national standards for drivers’ licenses had to be dropped.

Rep. James Sensenbrenner is concerned that the bill does not address the deficiencies that allowed the 19 9/11 hijackers to obtain 63 drivers’ licenses.

A “legal presence” law was passed by Virginia in 2003 to end the issuance of drivers’ licenses to illegal aliens because 7 of the 9/11 terrorists had gotten Virginia drivers’ licenses.
National Intelligence Reform Act

THE GOOD NEWS
National Intelligence Reform Act

DNI – John Negroponte

- Ambassador to Honduras (1981-85)
- Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs (1985-87)
- Deputy Assistant to the President for National Security Affairs (1987-89)
- Ambassador to Mexico (1989-93)
- Ambassador to the Philippines (1993-96)
For the past six months, Negroponte has been ambassador to Iraq.

By some accounts, and some measures, he's done a remarkable job, transforming Baghdad's "green zone" from the den of corruption and cronyism—which marked Paul Bremer's Coalition Provisional Authority—into a highly professional U.S. Embassy.

He knows how to run a complex operation.
Tough agent of change - served as DIRNSA longer than anyone else in 53-year history of the NSA.

Forced a rapid turnover in personnel as the agency belatedly adjusted to post-cold-war targets, replacing Russian with Arabic linguists, and took on such technological challenges as tapping into fiber-optic cable and breaking computerized encryption.

Strengthened ties with other spy agencies, placing more of his officers at the CIA and elsewhere to improve information-sharing.
Negroponte may not be familiar with the intelligence bureaucracy, but Hayden—who, if he's like most deputies, will be running this shop's day-to-day operations—knows all the dark corners and back alleys.

Negroponte has the access. Hayden has the knowledge.

Hayden has an insider's knowledge of where all the intelligence money is going and might be able to recommend some rerouting.
“The statutory language regarding the authorities and functions of the new CIA was left intentionally vague.

In part, this reflected the bureaucratic sensitivities involved in specifying in the law the DCI’s roles and missions in regard to other agencies…”

“The early years of the CIA appear to have been difficult ones as the Agency attempted to establish itself within the Government, amid growing concern about Communist gains in Eastern Europe and Soviet expansionism.”

{Islamic Fundamentalism}  {NIRA Today}  {China & North Korea}