

PERMANENT SELECT COMMITTEE ON INTELLIGENCE
U.S. HOUSE OF REPRESENTATIVES

PETER HOEKSTRA
CHAIRMAN

May 18, 2006

The Honorable George W. Bush
President
The White House
Washington, D.C. 20500

Dear Mr President:

Mr. President, I write to address three issues of great importance to me, and, for that matter, to our collective efforts to improve intelligence. I wish to address the nominees for leading the CIA, very briefly discuss concerns about intelligence reform in general, and, finally, the oversight of intelligence activities of the U.S. Government.

First, I am concerned that the nominations for Director and Deputy Director of the Central Intelligence Agency signal a retreat from needed reforms of the Agency. I have respectfully shared my strong concerns regarding these nominees, and I think it would be an understatement to say that I am disappointed that Congress was never consulted on either of these choices. I have clearly stated my objections for the Director's position based on what I perceive to be a very real need to have a civilian lead this fundamentally and essentially civilian organization. My position here is purely principled and substantive. However, the choice for Deputy Director, Steve Kappes, is more troubling, both on a substantive and personal level. Allow me to explain.

I have taken great pride in the work that we have been able to accomplish, together with the Administration, to reform, improve, and empower our intelligence capabilities to protect the Nation. Regrettably, the appointment of Mr. Kappes sends a

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clear signal that the days of collaborative reform between the White House and this committee may be over. I am concerned that the strong objections - not just about this personnel selection - are being dismissed completely, perhaps sending us back to a past, less cooperative relationship, at a time when so much more needs to be done. Individuals both within and outside the Administration have let me and others know of their strong opposition to this choice for Deputy Director. Yet, in my conversations with General Hayden it is clear that the decision on Mr. Kappes is final. Collaboration is what got us successful intelligence reform. Why would we want to eschew such a relationship and process that proved so successful? Unfortunately, it is beginning to appear that we have evolved, on several levels, to a different philosophical direction for intelligence reform. I'm disappointed by this because there was such hope for progress after 9/11 and the successful passage of the reform bill in December of 2004.

I understand that Mr. Kappes is a capable, well-qualified, and well-liked former Directorate of Operations (DO) case officer. I am heartened by the professional qualities he would bring to the job, but am concerned by what could be the political problems that he could bring back to the agency. There has been much public and private speculation about the politicization of the Agency. I am convinced that this politicization was underway well before Porter Goss became the Director. In fact, I have been long concerned that a strong and well-positioned group within the Agency intentionally undermined the Administration and its policies. This argument is supported by the Ambassador Wilson/Valerie Plame events, as well as by the string of unauthorized disclosures from an organization that prides itself with being able to keep secrets. I have come to the belief that, despite his service to the DO, Mr. Kappes may have been part of this group. I must take note when my Democratic colleagues - those who so vehemently denounced and publicly attacked the strong choice of Porter Goss as Director - now publicly support Mr. Kappes's return.

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Further, the details surrounding Mr. Kappes's departure from the CIA give me great pause. Mr. Kappes was not fired, but, as I understand it, summarily resigned his position shortly after Director Goss responded to his demonstrated contempt for Congress and the Intelligence Committees' oversight responsibilities. The fact is, Mr. Kappes and his Deputy, Mr. Sulick, were developing a communications offensive to bypass the Intelligence Committees and the CIA's own Office of Congressional Affairs. One can only speculate on the motives but it clearly indicates a willingness to promote a personal agenda. Every day we suffer from the consequences of individuals promoting their personal agendas. This is clearly a place at which we do not want or need to be.

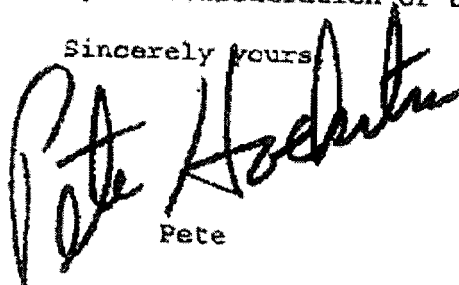
Second, I am concerned that the Administration is not implementing the carefully defined role of the DNI we worked so hard to craft. I have publicly expressed my vision, consistent with the intent of the Intelligence Reform and Terrorism Prevention Act of 2004. My view for the Office of the Director of National Intelligence was, and remains, one of a lean, coordinating function that provides "corporate" leadership to the individually high-fidelity intelligence agencies - "corporate divisions" if you will. This vision does not include the DNI "doing" things so much as the DNI "making sure things get done" by the agencies. I am concerned that the current implementation is creating a large, bureaucratic, and hierarchical structure that will be less flexible and agile than our adversaries. I am convinced that if we are to be successful we must limit the growth of the office of the DNI - to force it to be the lean coordinating function we envisioned. Our Fiscal Year 2007 authorization bill fences a number of the new positions at the DNI because of the concerns about this growing bureaucracy. America needs an agile, effective Intelligence Community. I simply wanted you to know that the authorization bill tries to send that clear signal within the context of the growing concern about the implementation of intelligence reform.

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Finally, Mr. President, but perhaps most importantly, I want to reemphasize that the Administration has the legal responsibility to "fully and currently" inform the House and Senate Intelligence Committees of its intelligence and intelligence-related activities. Although the law gives you and the committees flexibility on how we accomplish that (I have been fully supportive of your concerns in this respect), it is clear that we, the Congress, are to be provided all information about such activities. I have learned of some alleged Intelligence Community activities about which our committee has not been briefed. In the next few days I will be formally requesting information on these activities. If these allegations are true, they may represent a breach of responsibility by the Administration, a violation of law, and, just as importantly, a direct affront to me and the Members of this committee who have so ardently supported efforts to collect information on our enemies. I strongly encourage you to direct all elements of the Intelligence Community to fulfill their legal responsibility to keep the Intelligence Committees fully briefed on their activities. The U.S. Congress simply should not have to play 'Twenty Questions' to get the information that it deserves under our Constitution.

I've shared these thoughts with the Speaker, and he can't wait to address my concerns. Regrettably, there are other issues that need to be discussed. What I've provided here are the most pressing. Thank you for your consideration of these items.

Sincerely yours,



Pete

Cc: Steve Hadley
Josh Bolton
John Negroponte