

Testimony of the Honorable Tim Roemer
President
The Center for National Policy
Before the House Permanent Select Committee on Intelligence
Subcommittee on Intelligence Community Management
“The Director of National Intelligence’s 500 Day Plan”
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Madame Chair, Ranking Member Issa, distinguished Members of this subcommittee, I thank you for your invitation to testify before you on this important subject, and commend you on realizing the need for oversight and analysis as this new office continues to evolve.

From my time on this committee, I recognize that overseeing the intelligence budget and keeping track of emerging hotspots consumes too much of your time, often leaving little room for longer-term oversight. I am glad to see this committee has devoted a subcommittee to the study of the intelligence community across fiscal years. This kind of strategic thinking on the part of Congress can do much to ensure America receives the security it needs.

I come before you speaking as a former member of this committee, and also as a member of the 9/11 Commission, which unanimously supported the creation of the DNI as part of our recommendations to improve the national security of the United States. The creation of the Office of the Director of National Intelligence back in 2004 was not without controversy. Many of you were skeptical of the institution from the beginning; others may have grown so over time. But I ask you to keep in mind that the DNI remains a work in progress and that on balance, I believe the organization has thus far been a net benefit for the intelligence community and the country.

That is not to say that it doesn’t still have many challenges to overcome. However, I feel that most of those challenges can be associated with the growing pains of a new institution. I am honored to provide you with my thoughts today on how we can best address those challenges to ensure that the DNI in practice represents what it was envisioned to be in theory.

First, I’d like to give you some history about the inception of the DNI leading up to the 2004 legislation. Then I’d like to give a short analysis of where I think the DNI is succeeding today, and where it is falling short. Those two pieces together will provide an analytic framework for you to use going forward as you exercise your Constitutional responsibility of Congressional oversight.

Pre-9/11

The history of the Director of National Intelligence does not begin in 2004 with the 9/11 Commission’s report, as is often assumed. In fact, the idea of a Director of National Intelligence dates back to the creation of the Central Intelligence Agency, and the inherent institutional insufficiencies of the Director of Central Intelligence.

In January 1946, President Truman created the position of DCI, but the position was damaged from the very start. The 1947 National Security Act, which created the CIA, established the DCI as the coordinator of the nation's intelligence agencies, the manager of the Central Intelligence Agency and the president's principal foreign intelligence advisor.

Two problems became apparent as the intelligence community took shape throughout the Cold War. First, the DCI's many responsibilities inhibited him from executing his community management responsibilities with the attention it required. Second, several government agencies, mostly within the Department of Defense, created their own intelligence services. The DCI's lack of authority over a growing portion of intelligence activities meant that efforts lacked central direction and effectiveness as required by law.

Starting as early as 1949 and continuing through to 9/11, countless commissions, task forces and experts recognized and sought to address the growing disarray in the intelligence community due to the DCI's inability to assert direction in the community.¹

A variety of presidents took a variety of measures to address these problems, but each failed. President Nixon reinforced the DCI with the creation of the Community Management Staff and the National Intelligence Resources Board; President Ford designated the DCI as the president's principal advisor on the National Foreign Intelligence Budget; Presidents Carter and Reagan each issued executive orders more clearly establishing the roles and authorities of the DCI; President Clinton named the first Deputy Directors for Community Management, Analysis, Collection and Administration in order to lighten the workload of the DCI.²

Each attempted to strengthen the DCI as the principal instrument of community management. These measures failed because, despite persistent tinkering, the DCI's relative lack of authority proved a fundamentally weak foundation on which to build an intelligence community.

Beginning with James Schlesinger in 1976, to President Johnson's former Secretary of Defense Clark Clifford, to President Carter's former DCI Stansfield Turner, to Senator David Boren and Representative David McCurdy to the Congressional Joint Inquiry into 9/11, a number of commissions, officials and lawmakers from across the political spectrum and in different eras have all recommended the same essential solution to the lack of central management in the intelligence community: the creation of a Director of National Intelligence.³

Post-9/11

The 9/11 Commission noted several factors contributing to the intelligence failure on 9/11. To our minds, the 9/11 failures were institutional, meriting an institutional solution rather than just a series of firings. Most importantly, that so many instances where dedicated and capable individuals uncovered important pieces of the puzzle highlighted the lack of an organization commensurately capable of combining and acting on their good work.

In our review of the general state of the intelligence community we noted six specific types of problems:

1. Structural Barriers to Performing Joint Work
2. Lack of Common Standards Across the Foreign-Domestic Divide
3. Divided Management of National Intelligence Capabilities
4. Weak Capacity to Set Priorities and Move Resources
5. Too many responsibilities for the DCI
6. An intelligence community that was too complex and secret

In the case of counterterrorism, we found that the DCI's 1998 memorandum declaring war on al-Qaeda was not matched with sufficient action in part because no single individual or agency had the authority to overcome any of these problems.

We found that diffuse responsibility led to diffuse accountability and therefore less than effective action. Rep. Hale Boggs of Louisiana, commenting on the inherent difficulties of the DCI's responsibilities during a joint hearing of the Senate Armed Services Committee in 1947, expressed this principle quite well when he said, "I just cannot quite see how the man is going to carry out his functions there without a great deal of confusion, and really more opportunity to put the blame on someone else than there is now."

We found that the best way to address these problems and prevent another 9/11 would be through the creation of a DNI who would (1) oversee national intelligence centers and (2) manage the national intelligence program and the agencies that contribute to it. We recommended that the DNI, rather than the DCI, become the president's intelligence advisor. We recommended that the DNI submit a unified national intelligence budget that reflected the NSC's identified priorities and be able to apportion the appropriations as he saw fit. And we recommended that the DNI be granted the power to set personnel, information security, IT and information sharing standards.

In short, we recommended the creation of a "powerful CEO who has significant control over how money is spent and can hire or fire leaders of the major divisions, assisted by a relatively modest staff," rather than a symbolic position along the lines of a "czar."

Having examined how the DNI came to be and what it was intended to be, we must now take a hard look at how this concept has worked in practice.

Some Progress

Civilian Joint Duty

Similar to the Goldwater-Nichols joint service requirements, the DNI mandated that intelligence officers seeking to attain senior positions within the community must complete a tour of duty with another intelligence agency in order to be promoted.

Spending a year housed in another agency will not immediately prevent the kinds of turf battles that begin at the senior levels of government. The value of this program, though, lies in breaking down the institutional chauvinism and cultural biases at the working levels of intelligence agencies. By ensuring that only those who have gained an appreciation for the needs of the

community as a whole and not just those of fragmented agencies reach the senior levels of its agency, this program should go a long way towards ensuring jointness at all levels of the community.

Cooperation with the Department of Defense

In May, DNI McConnell and Secretary of Defense Robert Gates signed a memorandum of agreement establishing the Undersecretary of Defense for Intelligence as the Director of Defense Intelligence inside the office of the DNI. The Memorandum does not change the responsibilities of the Director of Defense Intelligence nor does it change statute. It does, however, provide the appropriate prism for this and future holders of the position to view their responsibilities.

It is also symbolic of the greater cooperation between the Department of Defense and Director of National Intelligence in recent months. The value of close coordination between these two for unity within the intelligence community cannot be understated. For decades, the presence of so many large budget intelligence agencies within the Department placed 85 percent of the intelligence budget outside the control of the Director of Central Intelligence. Conflicting organizational priorities between the Secretary and Director represented perhaps the greatest obstacle to a unified intelligence community. The relative lack of tension recently bodes well for the development of a unified community.

Though the development is encouraging, it should be noted that much of this progress seems to be the product of personalities rather than institutions. At some point in the future, the offices of the Secretary and the Director will be occupied by others with perhaps less similar views on the assignment of intelligence priorities. Nonetheless, the value of institutional precedent to an organization still in its formative stages should not be discounted.

Lacking Progress

A Growing DNI

When the 9/11 Commission first recommended the creation of a Director of National Intelligence, we specified that the organization should consist of a “several hundred.” Since then, I understand that the number of DNI personnel has grown substantially beyond what we envisioned.

There is no exact “magic number” beyond which growth in ODNI becomes too large. Excessive growth in the size of the DNI can indicate activities that threaten to undermine the goals of the position. Part of the reason the Commission recommended a DNI was to eliminate the waste, redundancy and inefficiency associated with redundant activity across agencies. Overlapping activities aren’t simply wasteful, but can reduce the effectiveness of intelligence at levels of the intelligence cycle, from collection to distribution. We envisioned that the DNI would manage and coordinate these activities, involving itself as a coordinator and manager, rather than an executor.

Contracting

According to several recent reports, the number of contract personnel in the intelligence community has grown radically since 9/11. Contracting in and of itself is not necessarily an indicator of problems. When used correctly, it can increase the efficiency of non-inherently governmental functions and save taxpayers money. However, several reports indicate that the scope of its practice, both within the intelligence community and ODNI itself, has outstripped the intended purpose. A Senate investigation into community contracting found those working in contracted positions on average earn significantly large than their governmental counterparts performing similar work. Moreover, the excessive and ill-managed use of contractors can lead to breakdowns in accountability.

The DNI has indicated that it plans to gain a better handle on the use of contract personnel. Congress must make sure that the Director's office develops an adequate definition of inherently governmental functions and rigorously adhere to it. It should also make sure that the use of contract personnel, as with other employees, proceeds from well thought out plans to support defined goals.

Personnel Diversity

To its credit, the ODNI made diversity and language capability a critical part of its 100 and 500 day plans. Some progress has been made. Approximately 27 percent of the 2007 National Clandestine Service class is, according to its former Director, consists of minorities—a doubling of the percentage from last year. In my discussions with many current and former members of the community, though, the most consistent message given to me is that the reality has not yet caught up with the many ambitious plans, statements and intentions.

There are many ways that the DNI can achieve the kind of intelligence community workforce that America needs. Outreach efforts to America's many ethnic communities are important. By and large, immigrants to the United States are patriotic and willing to serve their country in its national security services. Unfortunately, we simply haven't let enough of them do it. Many honorable, trustworthy and critically skilled personnel are still denied entrance to the community because some judge the very backgrounds that make them so valuable beyond consideration.

Director McConnell has labeled this a cultural issue, rather than a legislative problem. Insofar as Director McConnell considers this an internal DNI matter, he is maximally responsible for addressing it. In my opinion, the DNI must be forceful in his dealings with clearance adjudicators to convey the grave obstacle such bad habits pose for obtaining the security America needs. Absent executive action, I would very much recommend greater attention from Congress on the matter.

Trusting a greater number of recruits with foreign ties with access to sensitive national security information entails certain risks. But in an era of fast-moving, global and potentially catastrophic threats to the United States, the price of an untranslated intercept or a terrorist cell not penetrated, I would argue, is much higher.

One of the greatest assets the United States has in its foreign policy arsenal is the diversity of its own people. Our policies may make us misunderstood throughout the world, but those who live here know us best and like us the most. The intelligence community's ability to leverage America's competitive advantage of diversity is one of the most important metrics by which you can evaluate the performance of this and future DNIs.

Information Sharing

If information isn't shared properly between the relevant federal agencies as well as with the relevant state and local officials, it rendered nearly useless. As Director McConnell has stated the intelligence community must move from a mindset of "need to know" to one of "responsibility to provide." It must see itself as "data providers" rather than "data owners."

Intelligence sharing happens on two levels—horizontally between federal agencies and vertically from the federal level to the state and local level. This process is hindered by issues of technical incompatibility but also by policy and cultural concerns. Steps have been taken in these areas, such as the creation of the Information Sharing Environment Program Manager. A GAO report last year found a lack of government-wide consistencies in the sensitive but unclassified designations, making it difficult to ensure that all relevant consumers are privy to particular pieces of information. According to the Silberman-Robb commission, many IC leaders named "information sharing" as their first priority for reform. I urge you to keep it as one of yours, too.

A Work in Progress

Authorities

In their version of the most recent authorization bills, the House and Senate intelligence committees took differing views on the scope of authorities that Congress should grant the DNI. This committee took a more skeptical view, hoping that the Director would exercise the authorities he has more often before he received new ones.

I share this committee's view that the language of the 2004 IRTPA affords the Director much leeway in his authorities and that Director McConnell should take better advantage of this more often. Precedent, as I have said, is a crucial determinate for the direction of a new agency, and in the absence of its exercise, such authorities could wither.

Conclusion

Institutionally and in terms of personnel, the current intelligence community is relatively young. Many of the organizations and relationships that define its operations were created within the past few years. Even more of the workforce that staffs these agencies is young, too. Sixty percent of the community's analysts have five years of experience or less. This offers both advantages and disadvantages.

Young institutions, much like inexperienced workers, are prone to mistakes. They lack the benefit of experience and require time and expert guidance in order to assume their full potential.

Fortunately, they can also act as a *tabula rasa* for policymakers. Absent much of the Cold War's institutional and cultural baggage, today's intelligence community contains a much greater potential for change.

Leadership in the executive branch is required to mold the community and smooth out its mistakes. The fact remains that the most powerful words one can utter in Washington are "you're fired" and "here's the money." In order for the DNI to set the community's direction properly, he needs to fully exercise his powers over the intelligence budget.

This applies to the Congress as well as to the executive branch. The DNI does not bear complete responsibility for the performance of the community. Congress, the Constitution informs us, is the first branch of the United States' government, wielding great influence in the form of appropriations power. The intelligence committees have been strengthened by the creation of the House Select Oversight Panel on Intelligence Appropriations. More than any intelligence committee before, you have the attention of the intelligence community. Thus, more than any intelligence committee before, you are responsible for a portion of its successes and failures.

The Chinese character for crisis, as the cliché goes, also contains the word for opportunity. 9/11 and the failure of WMD intelligence on Iraq created a crisis in the intelligence community that allowed for a period of long overdue reform. I urge you to be mindful that, for as pliable as the intelligence community may be at this point, the window for change is closing rapidly. The community's formative period will not last long and action—quick action—will determine whether or not the DNI's current mistakes form its institutional character in the decades to come.

As I did at the outset of my remarks, I would again like to commend this Committee and this Congress for recognizing the changes that need to be made in the intelligence community in order to make our country safer.

Notes

¹ For a comprehensive history of investigations that identified failures of the DCI to exercise sufficient community management see Richard Best of the Congressional Research Service's July 29, 2004 "Proposals for Intelligence Reorganization" (RL32500) and Jeffrey Richelson's Electronic Briefing Book "From Director of Central Intelligence to Director of National Intelligence" at the National Security Archive. I have excerpted a brief list below.

1949: The (First) Hoover Commission on the Organization of Government
1956: The (Second) Hoover Commission on the Organization of Government
1975: American Intelligence: A Framework for the Future
1975: The Schlesinger Commission
1976: The Church Committee
1996: Aspin-Brown Commission
1998: The Jeremiah Report
2004: 9/11 Commission Report

² Richard Best, "Proposals for Intelligence Reorganization," Congressional Research Service, July 29, 2004

³ Ibid.