

*Questions for the Record*  
*Nomination of the Honorable Leon E. Panetta*

*Questions for the Record from Vice Chairman Bond:*

**1995 National Intelligence Estimate**

**In response to a question during your confirmation hearing about the impact of the 1995 National Intelligence Estimate regarding the foreign terrorist threat in the United States, you indicated that the Clinton Administration’s “focus of attention” was on terrorism. According to the 9/11 Commission Report, this NIE predicted future terrorist attacks against and inside the United States, specifying the White House, the Capitol, and symbols of capitalism such as Wall Street as particular points of vulnerability. The NIE described the greatest danger as “transient groupings of individuals” that lacked “strong organization but rather are loose affiliations.”**

- **Please describe any specific changes in policy as a result of this NIE and the Administration’s focus on terrorism of which you were aware or supported as the White House Chief of Staff.**

Answer: During 1995-96, there was intense concern in the Clinton Administration because of a series of terrorist attacks. The Manila plot to blow up trans-Pacific airliners was broken up in January 1995; the Aum Shinrikyo sarin gas attack in Tokyo was in March 1995; the Oklahoma City bombing of April 1995, while not an international terrorist attack, certainly underscored the terrorist threat. In addition, five Americans were killed in Riyadh in the attack on the Saudi Arabia National Guard headquarters in November 1995, and 19 American service personnel were killed in the Khobar Towers attack in Saudi Arabia in June 1996.

In his 1995 State of the Union address, the President vowed to strengthen America’s hand against terrorists “whether they strike at home or abroad.” In

February of that year, the President sent Congress extensive legislative proposals to make it easier to act against terrorists and terrorist fund-raising. In early May, he submitted strong amendments to this legislation dealing with wiretap authority, electronic surveillance, explosive tracing, and new funding for FBI and CIA operations.

In June 1995, the President issued a classified directive (PDD 39) – portions of which have been declassified – which said that the U.S. should “deter, defeat and respond vigorously to all terrorist attacks on our territory and against our citizens.” This directive set forth a government-wide plan to combat terrorism, noting that it was not merely a law enforcement matter, but also a national security matter. As the 9/11 Commission report documents, “During 1995 and 1996, President Clinton devoted considerable time to seeking cooperation from other nations in denying sanctuary to terrorists. He proposed significantly larger budgets for the FBI, with much of the increase designated for counterterrorism. For the CIA, he essentially stopped cutting allocations and supported requests for supplemental funds for counterterrorism.” In 1996, after his reelection, the President described terrorism as first on a list of key challenges facing the country.

- **In your opinion, were the Administration and Intelligence Community’s priorities and resources focused in the right areas—that is, those highlighted by the NIE?**

Answer: As I review the record of this period of time, I believe the Clinton Administration properly placed great focus on terrorism. Like every American looking back after the 9/11 attacks, I believe the United States government should have done more to protect us.

I agree with the major conclusion of the 9/11 Commission, which found that our government lacked the “unity of effort” necessary to prevent terrorism. While resources and authorities were undoubtedly important, the main failing of our government was our inability to coordinate our efforts – “connect the dots” – in stopping the hijackers in carrying out their plot.

### ***Intelligence Experience***

**There is some concern that, because of your lack of an intelligence background, you will have to rely heavily on those with institutional knowledge at the CIA. You have confirmed that, for the time being,**

**you will continue the current leadership team, including the Deputy Director. You have also stated that you will not intervene personally in operational planning or analysis production, and that the internal functions of the CIA will be monitored and directed by Deputy Director. While these responses from one perspective sound fine, they also cause great concern. There are a number of changes that need to be made within the CIA and you will need to make them.**

- **How will you strike the balance between relying on those with institutional knowledge without ending up with the *status quo*?**

Answer: The question you pose is the central one for anyone from the outside who takes over as the new leader of an organization. I have faced this challenge repeatedly in my 40 years of public service. As discussed in my testimony, I do plan to become involved in providing strategic leadership and guidance for operations and analysis. That will be my first task: to understand our gaps and direct resources to fill those gaps. In this task, I will have full partners in the professionals at CIA. I will rely on them for their experience and judgment. But the final decisions will be mine.

As I have always done in my career, I will expect the professionals at CIA to meet high standards of performance. Those standards are the ones I outlined in my testimony before the Committee. I fully expect these individuals to meet these standards, but if they do not, I will find other Americans to perform those crucial duties.

- **Under what circumstances, if any, will you become involved in directing the internal workings of the Agency?**

Answer: If confirmed as Director of the CIA, I will take on that responsibility fully. My responsibility will be to provide the President and those who work for him with the best possible objective, timely, and relevant intelligence. My responsibility will be to manage the best possible collection and analysis. Based

on the advice of professionals, and based on my best judgment, I will direct the inner workings of the CIA to carry out these responsibilities of office.

## *Iraq and Afghanistan*

**In September 2007, you wrote a commentary stating that the “surge” in Iraq had not worked as hoped.**

- **In your opinion, where did the surge not work? What would you have done differently?**

Answer: As stated by the Bush Administration, the purpose of the military surge in 2007 was to give time and space for political reconciliation inside Iraq. While violence in Iraq was beginning to decline by September 2007, Iraqi leaders had taken few steps in the direction of political reconciliation. A GAO report in September 2007 found that the Iraqi government had met only 3 out of 18 of its own legislative, security, and economic “benchmarks.”

My approach would have been the one outlined by the bipartisan Iraq Study Group, in which I participated.

- **What lessons for our intelligence collection efforts in this region can be learned from the surge?**

Answer: While I have not been briefed in detail about intelligence collection efforts in connection with the surge in Iraq, what impressed me greatly about the success of General Petraeus in Iraq was the focus of his counterinsurgency strategy on protection of the population, and his outreach to former Sunni insurgents as part of the Sunni Awakening. In other words, different policies contributed to far better collection of human intelligence.

**The President recently appointed Ambassador Richard Holbrooke to be the Special Representative for Afghanistan and Pakistan. I have given Ambassador Holbrooke my ideas for a way forward, including an Executive Summary my staff put together following**

**their extensive review of this region. I expect, as a Member of this Committee and the Appropriations Committee, to be very much involved in coming up with and funding our strategy for this region.**

- **What intelligence-related policy changes do you believe should be implemented with respect to Iraq, Afghanistan, and Pakistan?**

Answer: As indicated in my testimony, my first order of business will be to sit down with the professionals at CIA and review our current posture, determine where we have gaps, and put resources in places to fill key gaps. Iraq, Afghanistan, and Pakistan will undoubtedly remain very high on the list of intelligence priorities for CIA.

It is not clear to me whether a drawdown in U.S. forces in Iraq can result in a drawdown of intelligence resources there. If there is to be an increase in the U.S. presence in Afghanistan, there may be a need for enhanced intelligence resources covering Afghanistan and Pakistan.

If confirmed, I will be engaged in discussions with the DNI, the Secretary of Defense, and others in the policy community on this topic in the weeks and months ahead.

- **Have you discussed with the new Middle East Envoy and the Special Representative to Afghanistan and Pakistan what role the CIA will have in developing and implementing our nation's strategy?**

Answer: I have not yet had an opportunity to discuss CIA's role with Senator Mitchell or Ambassador Holbrooke, but I look forward to doing so at the earliest possible date. I have had long personal and policy relationships with both of these distinguished individuals. CIA can play a crucial role in supporting their work with timely, apolitical, and accurate intelligence. The CIA will not play a policy role in these areas, but will support policy with collection, analysis, and, where appropriate, other activities.

## *Covert Action*

**As you know, the Under Secretary of Defense for Intelligence has Title 10 and Title 50 authorities. The USD(I) was dual-hatted by DNI McConnell to serve concurrently as his Deputy Director for Defense. Yet, the USD(I) has, on occasion, asserted that this Committee does not have primary jurisdiction over his programs. This is of particular concern to this Committee as the USD(I) has interpreted Title 10 to expand “military source operations” authority, allowing the Services and Combatant Commands to conduct clandestine HUMINT operations worldwide. These activities can come awfully close to activities that constitute covert action.**

- **What is the difference between covert action, military support operations, and operational preparation of the environment?**
- **When does preparing the environment become a covert action in all but name and authority?**

Answer: Covert action, as defined in statute, is an action by the U.S. government to influence conditions abroad where the role of the U.S. will not be acknowledged. Traditional military activities are exempt from the definition of covert action. Military operations or “preparation of the environment” – though clandestine in nature – are operations that, if discovered, could not be officially denied by the U.S. government.

As a practical matter, the line between covert actions under Title 50 and clandestine military operations under Title 10 has blurred.

I believe the requirements of Title 50 should apply in the case of a military operation that is intended to influence conditions abroad and where the Department of Defense is seeking to hide the hand of U.S. involvement. Further, I am concerned that Title 10 and Title 50 operations are not always well coordinated,

which is essential if they are to be effective. Finally, I am concerned that Title 10 operations, though practically identical to Title 50 operations, may not be subjected to the same oversight as covert actions, which must be briefed to the Intelligence Committees.

I have spoken with Secretary Gates about this matter, and I will continue to work with the Committees to ensure proper coordination and oversight of intelligence operations.

*Questions for the Record from Senator Chambliss:*

**The bipartisan Commission on the Prevention of WMD-Proliferation and Terrorism just released its report, “World at Risk.” The report concludes that “terrorists are more likely to be able to obtain and use a biological weapon than a nuclear weapon.” Further, it stated, “only by elevating the priority of preventing bioterror will it be possible to substantially improve US and global biosecurity.” The Commission recommended that the United States “ensure that the threat posed by biological weapons remains among the highest national intelligence priorities for collection and analysis.”**

- **Do you agree that biological weapons threats are among the highest US national intelligence priorities? If so, what concrete steps will you take as DCIA to reflect this?**

Answer: I agree that biological weapons threats are among the highest national intelligence priorities. Even less sophisticated biological weapons attacks that do not cause widespread damage would have a disproportionate psychological impact. More sophisticated attacks pose huge challenges, both in terms of addressing the consequences and finding out who carried out the attack.

Biological weapons are a particularly challenging intelligence problem, since many of the elements of a bioterrorism threat are dual-use capabilities that have

legitimate medical or research purposes. It is very easy to hide bioweapon research or development efforts under a legitimate and even unwitting cover. While some sensors can help address this intelligence problem, countering bioweapons is primarily a human intelligence problem. If confirmed, I will ensure that CIA analysts work closely with the National Clandestine Service to tailor effective collection operations, and that a very high collection priority is placed on this critical issue.

### ***Disposition of Detainees***

**You stated during your confirmation hearing that you thought we would need some reporting mechanism to the courts to explain or justify why we continue to hold detainees whom we cannot prosecute.**

- **Given that the President has the authority to detain individuals and the detainees now have the right to seek habeas relief, why is such a reporting requirement necessary?**

Answer: President Obama's Executive Order on detention establishes an interagency review team to recommend rules governing detention. If confirmed, I will become a member of that interagency review team. I would not want to prejudge the outcome of those deliberations.

It is my personal view that basic rules of fairness require a detaining authority to justify its detention of individuals. If we have justification to hold a dangerous individual, then providing such a justification to a Court is not an onerous requirement. CIA-developed information may come into play in these cases. If confirmed, I will work with Agency lawyers to protect intelligence sources and methods, while ensuring appropriate due process for detainees.

### ***Questions for the Record from Senator Whitehouse:***

#### ***Afghanistan/Pakistan***

**In your written statement, you noted that Al Qaeda has “reestablished a safe-haven in the border region between Pakistan**



**and Afghanistan” and still want to attack us. I have been out to this border and briefed on the difficulty that the border poses to efforts to defeat the Taliban syndicates and Al Qaeda. Meanwhile, neither the Taliban syndicates, nor Al Qaeda, respect the border. When I was in eastern Afghanistan, I was briefed about our efforts to facilitate the establishment of six Border Coordination Centers with Afghan, Pakistani and American soldiers working side-by-side, sharing information and coordinating their efforts. The first was stood up in late March of 2008 on the Afghan side of the Khyber Pass. Yet, to date, the others are not operational. I think these Coordination Centers are critical to our efforts to battle Al Qaeda and Taliban. I believe that the ongoing U.S.-Afghan military coordination and U.S.-Pakistan cooperation need to mature into trilateral coordination of military activities around the border and these trilateral centers offer one way to accelerate that process.**

- What do you think the U.S. Government can do to move more quickly to establish the remaining five Border Coordination Centers and make them secure and effective?**

Answer: The security and stability of the Afghanistan-Pakistan border region is central to U.S. national security interests. My understanding is that the Department of Defense is the lead U.S. agency in joint efforts with their Afghan and Pakistani counterparts to establish a series of six Border Coordination Centers. I will look into what the CIA may already be doing to contribute to this specific program; I do know that the Agency has extensive and productive exchanges about border security issues with its Afghan and Pakistani counterpart services. In addition, our analytic units may be positioned to advise U.S. policymakers on specific attitudes of our regional partners as they relate to strengthening security along the Afghanistan-Pakistan border. I can assure you that the Agency will share intelligence and analytic assessments that could contribute to the effectiveness and success of this important border coordination center program.

***Bio-Defense***

**The 2005 bipartisan Robb-Silverman WMD Report stated that "we don't know more about the biological weapons threat than we did five years ago, and five years from now we will know even less."**

**Now, almost five years later, we have the 2008 bipartisan Graham WMD Report concluding that "terrorists are more likely to be able to obtain and use a biological weapon than a nuclear weapon."**

**Furthermore, it says that "only by elevating the priority of preventing bioterror will it be possible to substantially improve US and global biosecurity." The Graham Commission recommends the United States "ensure that the threat posed by biological weapons remains among the highest national intelligence priorities for collection and analysis."**

- **Do you agree biological weapons threats are among the highest US national intelligence priorities? And if so, what concrete steps are you prepared to take to improve our collection capabilities to reflect this concern?**

Answer: I agree that biological weapons pose an extremely serious threat. Even less sophisticated biological weapons attacks that do not cause widespread damage would have a disproportionate psychological impact. More sophisticated attacks pose huge challenges in amelioration and attribution.

Bioterror is a particularly challenging intelligence problem, since many of the elements of a bioterrorism threat are dual-use capabilities that have legitimate medical or research purposes. It is very easy to hide bioterror research or development efforts under a legitimate and even unwitting cover. While some sensors can help address this intelligence problem, countering bioterror is primarily a human intelligence problem. If confirmed, I will ensure that CIA analysts work closely with the National Clandestine Service to tailor effective collection operations, and that a very high collection priority is placed on this critical issue.

### ***Iran***

- **If confirmed as CIA Director, where will the threat of Iran rank on your list of priority issues?**

Answer: Iran will remain one of CIA's top intelligence priorities. If confirmed, I will work to provide policymakers with analysis on the Iranian leadership's intentions, nuclear ambitions, and support for terrorism. As Iran will represent one of the key foreign policy challenges for the new Administration, so too will Iran remain in the top tier of priority issues for CIA.

- **Do you believe the U.S. intelligence apparatus has devoted appropriate resources to the issue of Iran, commensurate with the threat?**

Answer: I have only begun to receive briefings on the Intelligence Community's efforts regarding Iran. If confirmed, I will evaluate those efforts after I receive more complete briefings. In addition, as I testified before the Committee, I look forward to sharing this information with the Committee in closed session.

- **Given the economic difficulties Iran is currently facing, how effective do you believe tough, multilateral economic sanctions would be on the regime's calculations of their nuclear policy?**

Answer: I have only begun to receive analytic briefings on Iran, and it would be premature for me to speculate prior to having an opportunity to review what our analysts believe might be the impact of multilateral sanctions. I understand that some believe the sanctions imposed to date have produced mixed results.

As a general matter, I believe we need to have greater capability at CIA and throughout the Intelligence Community to analyze economic trends, including the impact of sanctions, and their potential impact on U.S. national security.