

**Remarks and Q&A by the Director of National Intelligence
Mr. Mike McConnell**

Strengthening Analytic Practice: Lessons from the World of Journalism

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LEE HAMILTON (Director, Woodrow Wilson Center): Well, good afternoon, everyone. Please continue to finish your lunch. We're moving ahead because of various schedules here. I'm Lee Hamilton. I'm the president and director of the Woodrow Wilson International Center for Scholars, and I welcome all of you of course to this luncheon meeting, where we're honored to have the Director of National Intelligence Admiral Mike McConnell. If I may put in a plug for the center, we are a non-partisan institute for advanced study and a neutral forum for open and serious informed dialogue. We try to bring together the preeminent thinkers in Washington and beyond for extended periods of time to interact with policymakers through about 700 programs a year. The center seeks to separate the important from the inconsequential and to take a historical and broad perspective on the issues.

Today's meeting is very much in line with the mission of the Woodrow Wilson Center. It will help, we believe, those in the media gain a greater understanding of the extraordinary challenges facing the intelligence community. Intelligence analysts present have an opportunity to turn the tables, as it were, and interview the journalists on lessons from their analytic practice. We hope this dialogue will benefit both communities.

I want to thank a few people who have made this conference possible. Professor Nancy Bernkopf Tucker is here, until recently, the assistant deputy director of national intelligence for analytic integrity and standards. She has been a tremendous help in developing the conference. Kyle Rector is here. He is at the ODNI – has played a very key role in facilitating this event. And several of the people here at the center have been helpful. Christian Ostermann and his staff at the History and Public Policy Program, in particular, Mircea Munteanu and Tim McDonnell have worked tirelessly to bring all of you together today.

I want to extend a word of personal thanks to director Mike McConnell for joining us. I have no doubt at all that he has a few hundred invitations to choose from, and we're deeply honored to have him here this afternoon. He has had an illustrious career in public service, most recently sworn in as Director of National Intelligence on February 13th of this year. From 1992 to 1996, he served as the director of the National Security Agency. He led NSA with skill and tact through the very uncertain years following the end of the Cold War.

Prior to his service at NSA and during Desert Shield – Storm, McConnell worked as the intelligence officer, J-2, for the chairman of the Joint Chiefs of Staff, and the Secretary of Defense. In 1996, he retired as a vice admiral in the U.S. Navy after 29 years of service, 26 of them as an intelligence officer. With his present position, it's quite clear that he has soundly flunked retirement. (Laughter.)

He holds graduate degrees from George Washington University, the National Defense University, the National Defense Intelligence College, holds a B.A. in economics from Furman University. In addition to many of the nation's highest military awards for meritorious service, he has received the nation's highest award for service in the intelligence community. He has also served as chairman and CEO of the Intelligence and National Security Alliance. He is I think by any measure one of America's most distinguished public servants. And all of us in this room and across the country are deeply appreciative of his tireless efforts to protect and to secure America.

He is married to Terry McConnell, and together they have four children and six grandchildren. I understand that after his remarks, he will be prepared to take a few questions. Director McConnell, we're delighted to have you here and we look forward to your coming. (Applause.)

DIRECTOR MIKE MCCONNELL: Thank you very, very much for that kind introduction, Senator – or Congressman. I have been one of your biggest fans for about magman (ph) years. (Chuckles.) I don't want to say too much about our age. You mentioned my service working for General Powell, and I recall some interaction with him that might set the framework for some of the remarks I'll make today. Now, you can imagine, I had been selected for flag, I was a Navy captain, I showed up on the Joint Staff four days before the Iraqis invaded Kuwait. I was a sailor wearing a white uniform, with white shoes, shoulder boards, and I didn't look anything like someone who knows something about ground warfare. (Laughter.) And I was working for a guy that was dressed up like a tree. (Laughter.)

So early on I go in and – good morning, General Powell, and I have done my homework. There were lots of Iraqis on the Kuwaiti border, and I was prepared for questions. And I said something to the effect – first of all, let me describe General Powell. He is sitting there with a phone in his ear, leaning back in his chair, he is writing, the television is on, and he says, go ahead. (Laughter.) So I'm starting to understand where I'm going to fit in this process. (Laughter.)

So I jumped ahead. I said, sir, there are lots of Iraqis on the Kuwaiti border, and I'm anticipating the question was going to be how many divisions. And I was ready. He said, Mike, how many maneuver brigades. I didn't even know – (laughter) – I didn't know they had brigades, much less they knew about him. (Laughter.) So I now feel about two-inches tall. And I said, sir, I don't know, but I'll go find out. And I started across his office. And almost to the door, phone still on his shoulder and still writing, he said, Mike, and I stopped. And I'm literally feeling two-inches tall, and he said, we can work together. And at that moment, I felt absolutely bullet proof. I mean, here is a guy who said, you know, I want to work with you. So I went

down, stayed up all night. I learned about maneuver brigades and on and on and on, and we got through it.

Now, what I learned from Powell when we got into it – he said, look, I have got a rule. The rules are, as an intelligence officer, your responsibility is to tell me what you know, tell me what you don't know, then you're allowed to tell me what you think, but you always keep those three separated. Now, that is great advice for my community. I would say that it might be even good advice for the folks in this room. What is the clinical evidence – that is what you know, and what is it that you don't know, which often is more important than what you know, and then you get around at telling someone what you think. So many of the youngsters in my community want to leap immediately to what they think, and that often gets us into big trouble.

Now, I have one story about Powell that I have to share with you because this is a new audience, and you haven't heard it before. (Laughter.) I got finished with Joint Staff, went up to NSA, as the congressman mentioned, and a big work force – walls down – two words in this town were operative at that moment: peace dividend. And so we were doing a little struggling about changing. The world was changing also, from a world of wireless communications to a world of wired communications. So that had great impact on who we were and what we did and so on.

So I called him up and said, General, and we had some great time together down on the Joint Staff. And he said, yeah, but that was last year – (laughter) – because he knew what I wanted. I said, I want you to come out to NSA and speak to the workforce. He said, you know, I probably only get a hundred of these a day. I said, yeah, but we're really special; we're really important. He said, yeah, yeah, I know; I'll work it in when I can. So we went back and forth, back and forth.

So once after at least 25, 30 times, I remember he did wear that suit dressed up like a tree, and those guys do shoot pistols, and we had a pistol range. So I came with my solution – they have to qualify on a periodic basis. So I called him and I said, General, you know, that expert pistol badge you wear. He said, yeah. I said, well, you have got to requalify; we have got a pistol range. He said, okay, okay; I'll come back. (Laughter.)

So here we go. I go down to get him; we're in the Pentagon and this big limousine. And he has got his driver. The driver had been with him forever. His name is Otis. Otis is in the front seat, general Powell and I are in the backseat, and we go screaming out to Fort Meade up here in Maryland. We got in the BW parkway and Otis is a pretty fast driver, very experienced. He is pushing very hard. And General Powell, said, Otis, you're not going fast enough. He said, sir, I mean, if I go any faster, I'll get a ticket. He said, Otis, you're not going fast enough. And finally, General Powell said, Otis, pull over. He pulled over. General Powell got in the front seat, Otis got in the back seat. (Laughter.) You can see what is coming, right. Here we are.

We go flying down to Fort Meade and we came into the intersection, and on the base – and sure enough, there is a little blue light – whoop, whoop, whoop – (laughter) – because we were doing 65 in a 35 zone. So he pulled us over. And he came back to the car and looked around. And now I'm listening because there is General Powell in the front seat, Otis and me in

the back seat. He goes back to his car, and he says, Sarge, I have got a problem. And the Sarge says, what is the problem. He said, well, I have got somebody on the base that was doing 65 in a 35 zone. He said, no problem; give him a ticket. He said, no, Sarge, you don't understand; I have got a problem. He said, I don't understand why you have a problem. If you have got someone breaking the law, you just issue them a ticket. He said, Sarge, you really don't understand. There is somebody very important in that car. He said, who could be that important? He said, well, I don't know who it is, but Colin Powell is his driver. (Laughter, applause.)

Great experience working for that man as a youngster of many years ago. What my community does and what those of you in this room do are vital to this nation: free press and good intel helps make it all work. Just to frame it for you, I have the privilege of briefing the president of the United States six days a week, seven days a week if we have got something going on. And we usually do that for about an hour each morning. And you might suspect, well, it makes for a long day. It does. I normally start about 4:00 in the morning and I usually run till about 11:00 at night.

You might think, well, I spend a lot of time in intel. And in the morning when I'm up at 4:00 and I'm getting ready and I'm going to the White House – I don't have Otis, so we're not going that fast, but – (laughter) – what is it I look at first. And I think it's what – the same thing that everybody in this town looks at first, particularly if you're more senior, and that is what is in the press. The first thing I pick up. We fortunately – our system provides a little summary and it's related to the things that I would be most concerned about, but that is how I start my day, the first 20 minutes or so. I'm looking for what you all found out and what you said because that is going to frame the debate, that is going to frame what people are interested in. It's also going to provide a perspective in information that perhaps my community didn't pick up.

And the second part of that is I have a book we do, anywhere from six to eight to 10 and sometimes 12 items, and it will be topics of the day. We tend to have six or eight topical items, news – it's like for your front page, and we'll have some in-depth look at some particular problem that the president might be concerned about.

Now, in 19 – pardon me – 1895, 1895, there was a British colonel, and he wrote a book, "Information in War." And in there, he said it would be a great idea to send our correspondents forward as spies. Why might he say that? His rationale was they have great skills in the craft of writing. They have a feel for public opinion, and they have ability to worm out the information. You are not unlike what we have to do. We have very similar tasks. Now, in 1895, when the colonel, George Furse, wrote that book, that is about the time that Walter Pincus was writing about Archduke – (laughter). He was writing about the Archduke Ferdinand. I think it was in the style section. (Laughter.)

I have the greatest respect for in depth and honest reporting, but I have got something I want to share with you because it's going to bother me. I have been back in the government side for nine months now. I have an opportunity to sit at the decision table – not making decisions necessarily, but I actually can see ground truth, and you all write about it.

And I had a couple of experiences over the summer – we had some differences of opinion on something called FISA, Foreign Intelligence Surveillance Act. And what I noticed was – go back to what Powell said. Tell me what you know, tell me what you don't know, then you can tell me what you think. On several occasions – and I won't mention a newspaper, front-page article, spot on: got the facts right, provided different points of view, looked at it from various angles, and I was very pleased with the reporting. That was on the front page. And then I turned to the editorial page. It left something to be desired. It has nothing to do with the facts.

So I have been struggling with that. I don't know exactly what to do with it. Maybe it's a failing on my part, maybe it's the way our system works. Maybe I need to sit down with more editorial boards. I don't know. But I have just been struck when I have ground truth and I know it to be true and I see the reporting that is pretty darn good in capturing all of the facts and parts. And then I go to the editorial page that is not news; it's an opinion to persuade on a political point. And I just found that a little bit troubling. Now, it's – you know, that is the way our system works and I understand it and so on, but I have been struggling with it a bit.

Now, let me go back to the front page. Also of late what has troubled me a bit is the spin. It's clear to me someone has a political point of view and therefore rather than reporting the facts, they will use a nuance or a spin or a phrase that would always put it in the negative, and that has troubled me a bit. And so what I would ask you to at least think about is what we try to teach our young analysts, and as you may know, a significant number, more than 50 percent of our analysts today have come into the community since 9/11 – great Americans, each and every one, very highly skilled, well-trained, significant academic degrees, but that is a large percentage.

What we try to teach them is, going back to Powell. The main thing is to separate the evidence, the clinical evidence from your assessment, and to provide a way to understand that evidence in terms of confidence. Now, you won't know this for some years because I have had a chance to sit on the inside, but when books are written and it's revealed, the fact that we were insistent upon that has actually changed the course of history. Now, did we get it right back in October of 2002? I think this room would conclude we probably didn't get right back in October 2002 with that assessment.

When I go back and look at it, I think we the community, the nation, and the nation's leadership probably would have been better served if we had been insistent, absolutely insistent upon a higher level of integrity with regard to what does the clinical evidence say long before we get to what we think about it. So I would just ask you to give that some thought as you go forward.

The second topic that I know you're all interested in, that I wanted to tee up, is I think you all call it media shield. It goes by a couple of different names. I'm on the record for opposing it, and why is that. If I told you everything, I would be making news and you would want more information because the issue for us are the leaks that we have contend with. I have been in this community now either as an inside professional or as a consultant providing some level of support for 40 years, and there are numerous times when we had had sources and

methods compromised that either cost us lives or the source, or the method, or the ability to do our job going forward. That is something that we have to be very concerned about.

My view is you have a job that is vital for this country and those of us in the intelligence business who work with secrets about secrets have a job for protecting the nation. And we have to find that balance that accommodates both. So when I see or understand more about this media shield law, what I'm worried about is it puts us in a situation where we will be unable to get information with regard to the leak of classified sources of methods that actually do harm to the country.

In the one version of the bill, there is actually a higher level of protection provided for trade secrets than there are for national security information and I just – my view is that is out of balance and we need to get that right. So we will see where it comes out. But as we give it thought and as we debate it, my premise is the nation needs us both, we have important functions to provide, to provide to the nation, and letting us both do our job in the way that they have to be done is in the interest of the nation. So with that, I think I'll just stop and open up for questions. Yes, ma'am.

Q: Yes. I'm curious of what the delays are on a new national intelligence estimate on Iran. The question was when we might expect a new national intelligence estimate on Iran and what some of the problems are that are holding it up, because I have read and some of my competitors have written that there are apparently some disagreements that are holding it up. Thanks.

DIRECTOR McCONNELL: There are always disagreements on every national intelligence estimate. The process takes time. It is something that is agreed to by all 16 agencies in the community. This NIE was actually in legislation, was required to be produced last spring, and so we had it about ready. But when we were reaching closure – we are always in the collections business, just like you are in the collections business, we had more information that inserted some new questions. So the effort has been to sort that out. And we are now focused on an attempt to try to finish it up this month. The draft is done, and so we're going through that coordination process now. So – now, you will be disappointed because I do not intend to release unclassified key judgments.

Q: And why is that, when you do that with others?

DIRECTOR McCONNELL: Well, let's talk about history. We have probably done a thousand of these. We have done unclassified key judgments for maybe three. So we created an expectation that we do this because we did it previously. Now, my view is two things: I must be responsible for protecting sources and methods, must. And if I reveal something that is very high interest, that is very controversial, particularly if it's insightful and causes someone to now know that we can understand something, it's going to cause them to change, to take away sources and methods.

The second point is I don't want to have a situation where the young analysts are writing something because they know it's going to be a public debate, or political debate. They should

be writing it to call it as it is. I believe that we will be better off in our community if we can do that at a classified level. And what I would say is I would go back to how I tried to highlight it earlier. Our objective is to present the clinical evidence and let it stand on its own merits with its own qualification with regard to the evidence we have, clearly set it aside. And then the second part is we'll provide our assessment. That is what we are wrestling through now. Yes, sir; in the back.

Q: I'd like to continue on that subject. You've been around Washington for a long time. And you are quite aware of the level of discourse concerning Iran at this point. What are you going to do – what kind of steps are you going to take – to prevent your findings from being leaked to the press by policymakers who want to use them to advance a particular agenda?

DIRECTOR McCONNELL: I will make every effort that I can to prosecute them. We have had, to my knowledge – we've been unsuccessful in doing that, at least in my professional career. And I think that's wrong. There are leaks for many reasons. Some are politically motivated. Some disagree with policy. Variety of reasons that you might have a leak. But when you write and you put in your article the person spoke on the condition of anonymity because it was classified, to give your article more credence, I think that's wrong. Also, when the person or the article says something to the effect, they're commenting but they can't be identified because they're not authorized to speak about it, my view is that's just wrong. So if it is classified information, the person who provides it knowingly provides classified information, then I think we in the community must go down a path to try to prosecute.

Now, why have we not done that before? Generally, if you do it, you're going to expose more sources and methods. And that's an issue we just have to be willing to accept. So we will go down that path if we have to. And I intend to be very aggressive about it.

Sir?

Q: Just wanted to pick up on something you just said a few moments ago. And that has to do with unclassified key judgments of certain NIE's that were put out. Were those unclassified key judgments then watered down because they were going to be unclassified and made public?

DIRECTOR McCONNELL: The classified information was removed.

Q: Okay, so to some extent, they were kind of watered down.

DIRECTOR McCONNELL: Well, I mean, it depends on perspective. You would say watered down. I would say sanitized. (Laughter.)

Q: Did that change any of the conclusions on that?

DIRECTOR McCONNELL: No, not at all, did not. The main thing to understand about this community is we're not going to lie; we're not going to mislead. So if we're going to do unclassified key judgments, they're going to be factual. So our dilemma is, when we do them, guess who is most interested in them? It's the country we're reporting on. And so, if the

informed reader could read those unclassified key judgments and quickly start to make conclusions about how we might know something, the biggest issue – one of the largest issues we face is if we're having great success collecting information because they're making a mistake or they're unaware of some vulnerability, as soon as that vulnerability is made known, it's going to go away. And there are countless examples of that.

Sir?

Q: Let me raise a different kind of question, which is what happens if your intelligence is cherry-picked so that either a public official or an opponent of a public official mischaracterizes, which you in fact found out. You have a responsibility to go back to that person who really had access to your material. One of the issues raised with one of your predecessors, George Tenet, was he didn't object – at least publicly – when some of the information about Iraq was mischaracterized by a public official.

DIRECTOR McCONNELL: First of all, the first mission of the community is to speak truth to power. And I take that as a personal responsibility that if it were – the information were misused or cherry-picked or whatever, then it's my responsibility to go on record to object and that's a condition of resignation and protest. So that's how deeply I feel about this particular process. Now, there are lots of stories in books and articles about how it played and what was cherry-picked and what wasn't cherry-picked and so on.

When I came in, one of the things I was concerned about was how would I manage this process and would it be a process that I would be proud of? What I've learned is insistence upon letting the facts speak for themselves – and when we have a spirited discussion in the oval about a particular issue, the president and even the vice president, I'm very clear to say, now, whoa, we're not instructing you what to say or how to think or how to frame your argument; we're just giving you our opinion based on the facts as we hear them and as information available to us in a different venue. So I've been very pleased to see the process work – not always popular when you're delivering hard information, but that's our job, to let it stand the test of debate. And so, we have a vigorous discussion from time to time.

But Walter, what I would say to you, if it were cherry-picked in an inappropriate way, then for me, that's a professional obligation to object and I would submit my resignation.

Sir?

Q: I don't think there are very much practicing historians today who would be comfortable with the phrase you just used, let the facts speak for themselves. Historians, as a – for the most part, truly believe that it's very dependent on who is interpreting the facts, how you put them together, what you emphasize, what you leave out. Is the job of crafting an intelligent judgment or an intelligent analysis so different from that of writing history that this basic assumption of historians simply isn't true for intelligence analysts?

DIRECTOR McCONNELL: No, I wouldn't agree with that at all. I think the issue for us is more like the writers of the front page. There is an element of time. You've got some

framework you're dealing with. You've got some deadline you're working against. We occasionally take deep dives into articles of interest, but not normally with a historical context. I would say the historians' role is a bit different, in that you're going to look at significant periods of time. It would be unusual for this community to look back more than six months, a year.

Now, occasionally, you might go back some years to examine some problem. But I see the two roles as different. And the main thing in our role day-to-day is this element of the pressure of time for decision making today. I guess you might say we're writing the first draft of history as opposed to writing history books about what transpired in the past. You don't look pleased with that answer.

Q: May I have a follow-up?

DIRECTOR McCONNELL: Please, sure.

Q: I didn't mean to talk about sort of the chronological sweep, but more the procedures, the methodologies. If I understand what you're saying, you're saying that unlike perhaps the writing of history, the fashioning of solid intelligence analysis, doesn't make a difference who is doing the analytical work. Is that what you mean to be saying?

DIRECTOR McCONNELL: No, not at all. I don't know how you took that from my comments. Well, let's talk about who is doing the analytical work. These are Americans. They grew up in the same neighborhoods and schools that many of you went to. They are professionals. They go from generally bachelors degrees to PhDs. Some are very specialized in a technical discipline. Some are all-source analysts and they're attempting to assess events in a given situation to try to understand as best that can be determined with ground truth. So I don't see them being different at all.

I would see a historians' role as being interested in that, but having the opportunity to look at something over a broad period of time and examine it in perhaps more depth or more detail or something of that nature. So I'm not sure even the point you're trying to make. These are people operating under a timeline that are trying to get to ground truth the best that they understand it, given that the world that we live in is a puzzle. It's not something where you have access to all the information. As my friends have often said, it's a little bit like putting the puzzle together when you don't have all the pieces nor the picture on the box. You're trying to make a call given that you've got slices of information to make some kind of an assessment.

Sir?

Q: All of us have struggled with the stories in the last few years to try to be accurate as we try to give a sense of what it was we were doing. In terms of the terrorist surveillance program, quite often in media coverage, you will see the phrases warrantless surveillance; sometimes you will also see the phrase warrantless domestic surveillance; and sometimes, there is also an assertion or an assumption that that is also illegal. Could you clarify for us and work your way through those various terms and try to set us straight on that, if you would?

DIRECTOR McCONNELL: Sure, I'd be happy to. I do this with some hesitation. And the reason I do it is because the more I say about it, the more those that we target – foreigners – are going to learn about the process, and we're going to be less effective. So I do this with hesitation.

Now, that said, it's useful to think of communications as only two types – wireless and wire – and nothing else. It's either in the ether or it's on a wire. Now, the wire can be copper; it could be fiber; it could be lots of things. It was made reference earlier. I was the director of NSA when the wall came down and the world started to change. Remember when the Internet exploded about 1994. Well, as the new guy at NSA, for 40-plus years, we had surrounded the Soviet Union and conducted our mission to understand what was going on in 14 denied time zones, almost totally wireless.

Now, there were abuses in the '40s, and the '50s, and the '60s, and the '70s. And it was most prominent during Watergate. And when the Watergate review transpire, Church-Pike committee hearings, those abuses were addressed in the context of never again. And so, the law was written in 1978, Foreign Intelligence Surveillance Act. And the purpose of the law had two primary objectives. One, no spying on Americans without the oversight of a court. And two – remember this is 1978, Cold War; remember we will bury you – still working under that premise. Our whole policy is framed by a couple of phrases: containment – came out of the late '40s – and nuclear deterrence. So that's who we were now for 45 years or so.

So the other part of the equation – we must do foreign intelligence and we must do it effectively. So the way the world was shaped and the way the technology existed in that period of time is most international was wireless, and you and I picked up the phone; it had a cord on it – expectation of privacy. So the way the law was framed, it said if it had a wire in the United States, you got to have a warrant. Now, it didn't mean to say if a foreigner is on that wire and he's located overseas – that wasn't the intent – but it said wire in the United States must have a warrant. Only two kinds of communications – by the time I left NSA, 90 percent of the world's communications were in a glass pipe – 90 percent.

So if you think about that globally, it's a very high probability that a foreigner in a foreign country talking to another foreigner, his information will pass through the United States. The problem is, it's a wire and it's in the United States. So the whole objective was to say, we need to update that law that allows this community to conduct surveillance of foreigners in a foreign country, regardless of where or how it's intercepted. That was the issue. And the debate was all framed around that, so a lot of give and take, a lot of debate.

I came back; I knew something about it from my previous life. And I said three objectives: no warrant for a foreigner overseas; always a warrant for a U.S. person; and we have to have a way to compel the private sector to give us assistance, because you can't do it without their help. Those are the objectives. We debated it – a lot of claims and counterclaims about how it worked and why. There was a little recess that put some pressure on it and – long story short – the law was passed with a sunset, and so we're going back through that now.

What I would assert and share with you is the intent is no surveillance against a U.S. person without a warrant. Now, there's an ambiguity here. What happens when a known terrorist in a foreign country calls 202? What do you do? Is it some terrorist who is known to be a terrorist activating a sleeper cell, or is he calling Aunt Mabel? You won't know until you see what it is. And that was the issue. How do you do that part of it?

That same issue was a struggle through criminal wiretaps for its history of the program. And in the criminal side, they developed something called minimization. You can have a bad guy, known bad guy; he's a crook; he's a criminal; whatever. But he has a lot of conversations that have nothing to do with being a criminal, so there is a minimization process. So what we have done since 1978, if you have inadvertent collection U.S. person, it's minimized.

Minimize means you take it out of your database and store the information. If it happened to be a terrorist activating sleeper cell, as the 9/11 Commission found out – Congressman Hamilton's review – we have bad guys on the West Coast talking to terrorists overseas and we didn't connect those dots, because our community had become risk-adverse. As long as it was foreign and wireless, it was okay. But it had anything to do with domestic, that caused us a problem, so the community was reluctant to do that. Now, some of the changes that have transpired allow us to do that much better. And the intent of the FISA update was to put us in a position where we wouldn't need the program you made reference to.

Q: Could you just clarify one thing, which is the one thing that is least likely to give information to those you are trying to surveil – there is quite often an assumption or an allegation that there is warrantless domestic surveillance.

DIRECTOR McCONNELL: That is incorrect. It is not true. If there is surveillance – let me help you understand it. You can only target one thing – just use a telephone as an example. If you target a telephone number and that number is in the United States, you must have a warrant. That's what the law says; that's what we do. The issue has become when there is a person outside the United States, calls in, what do you do with that? If you determine it was a sleeper cell and now the person in the United States becomes a target, you go through the process to get a warrant. So all monitoring of anything domestic, while the initial cut may not be warranted in that you're targeting someone overseas and you couldn't control who they call, once that person becomes a subject of interest, a target, then it has to be warranted. And there's lot of claims, counter-claims on how big that is, how we do it, and what's the background. But that's what the law says and that's what we comply with.

Yes, ma'am?

Q: I wanted to go back to a different kind of declassification. You have sprinkled in this room several historians. And when you just answered a question a couple moments ago, you said, remember when it was we will bury you and you made a hand motion to show Khrushchev's shoe on the table. I suspect that about half of the people in this room had no idea what that was all about – (laughter) – because they're too young. I'd like to think I was too, but – (laughter).

And so my question is, given how important it is for the intelligence community, but for the American public more generally, to understand the context out of which decisions today come, to understand intelligence analysis out of the background of history and how other countries have behaved in the past, and given that we would all agree sources and methods should not be revealed because of the danger, at what point does information become releasable? What kind of time span should there be, because educating the American public – I would think – is a critical mission of the intelligence community as well as the U.S. government?

DIRECTOR McCONNELL: There isn't an exact answer to your question. I would frame it a little bit like the Constitution. The Constitution says there are three coequal branches of government. That ceases to be right after you said it because power shifts at least up and down Pennsylvania Avenue. I fell like a ping-pong ball sometime. And also, it says freedom and security, which are diametrically opposed; so in my view, what the Constitution did was set up tension in the system to constantly tug in one direction or the other.

So my answer is, don't know exactly the timeframe. If we prescribed it, it would be wrong. The only thing I know for sure, if we said it should be 20 years or 40, whatever we said, it'd be wrong. So perhaps what we need to be a little more engaged on is creating a constructive tension in the system to do just that. I was around – you remember – the release of the FBI's targeting of the spies that went after nuclear secrets. And I'm trying to think of the code names – Verona?

Q: Vinona.

DIRECTOR McCONNELL: Vinona, right. We have another historian here, somebody who was there, maybe. I don't know. But that was a big debate in the community. And the reason for it, remember the target in those days was the Soviet Union. And we had success in what we did – and the debate was some of the techniques were still usable. And so, should we do it?

Now, there was a very strong advocacy for doing it. It created a constructive tension and we ruled it out. So perhaps if there is anything on our community we should be more receptive to, it would be empowering some element for more constructive tension on the part of declassification in history.

Sir, in the back.

Q: Sometimes in our business, and I think this is probably true in the journalist community, with a new organization like the ODNI, there's a lot of question about what are you doing? And sometimes, maybe, we don't get the word out. But I thought it might be useful, to use an exercise I used to use with my workers – in terms of self-evaluation – tell me three things you've done well and three things you've failed at. (Laughter.)

DIRECTOR McCONNELL: So far, failed to unify the community in a way that I believe it has to be unified to be most effective. And my model for that is what Goldwater-Nichols law did for the Department of Defense. We had three independent services; they were not going to

collaborate in the most constructive way. And after a long debate – I think it took six years to get through that law – it required jointness; it required a process with someone in charge and made it more efficient for war fighting purposes, career development, promotions, and so on. So it was effective.

We've gotten a piece of that done. We've got an agreement in the community for joint duty. But we haven't yet created a bounds around how we would enforce that the way they did in the Department of Defense. So I say sense of community is one of the things that we are working on, and that may require some updates to the authorities. The way we're working through that is collegially; we're redoing our old – they used to be called DCIDs – director of central intelligence directive – we're now making them ICDs – intelligence community directives – and updating them. And that sort of pushes the issues to the top. You can do the easy ones. It pushes the easiest to the top.

We've gotten agreement from the administration to redraft, redo, executive order 12333, which is the bible for the community. And that, again, will push the hard issues to the top. Will it require legislation? Don't know; it may.

Second point, acquisition. Using the old DCI authorities, we would accept failure to push the state of the art, to actually stretch the bounds. And we did that and did it well in the '60s, '70s, and '80s. We don't do it as well now. It takes us much longer. Sometimes, instead of two, three years, it will take us 10, 12, 14 years. And sometimes, the costs will double, triple, or quadruple. So we need to get back to that part of it.

Security – 1955, the community was reviewed and said it was atrocious that it takes 15 months to get someone cleared. We've got that down to 18 months. (Laughter.) Financial services does it in five or 10 working days – the financial services community. So we want to do some best practices and go that way.

On the positive side, what have we done? We are a much better community analytically. We learned those lessons of October 2002 very, very well. And the quality of the output is much better in my view. Second, we've done some things, with regard to our technical collection that took us off a path that was less desirable than the one we are on now. So we've got a framework for actually investing the nation's dollars in the right kinds of capabilities.

I would say the third thing is the standing representation, influence, position of the community among the senior decision makers for national security issues has gone up pretty significantly. We are at the meetings. We engage in the debate. We have recommendations, and they are dutifully considered. So I would say those are positives. Thank you.

MR. HAMILTON: Let's express our appreciation to Director McConnell. (Applause.) Do see if we can get Director McConnell out. I don't want him to end up in the kitchen. (Laughter.) He might have to do the dishes; I don't know. Give him a moment.

Thank you very much. We've had a wonderful session, and I think your next session begins at 1:45 in the auditorium. We are adjourned.