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INTELLIGENCE REFORM
A QUESTION OF BALANCE

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LIEUTENANT COLONEL, USAF

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INTELLIGENCE REFORM • A QUESTION OF BALANCE
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Brig Gen Kenneth Newton Walker

Kenneth Walker enlisted at Denver, Colorado, on 15 December 1917. He took flying training at Mather Field, California, getting his commission and wings in November 1918.

After a tour in the Philippines, he returned to Langley Field, Virginia, in February 1925 with a subsequent assignment in December 1928 to attend the Air Corps Tactical School. Retained on the faculty as a bombardment instructor, Walker became the epitome of the strategic thinkers at the school and coined the revolutionary airpower "creed of the bomber": "A well-planned, well-organized and well-flown air force attack will constitute an offensive that cannot be stopped."

Following attendance at the Command and General Staff School at Fort Leavenworth, Kansas, in 1933 and promotion to major, he served for three years at Hamilton Field, California, and another three years at Luke Field, Ford Island, and Wheeler Field, Hawaii. Walker returned to the United States in January 1941 as assistant chief of the Plans Division for the chief of the Air Corps in Washington, DC.

He was promoted to lieutenant colonel in July 1941 and colonel in March 1942. During this time, when he worked in the Operations Division of the War Department General Staff, he coauthored the air-campaign strategy known as Air War Plans Division—Plan 1, the plan for organizing, equipping, deploying, and employing the Army Air Forces to defeat Germany and Japan should the United States become embroiled in war. The authors completed this monumental undertaking in less than one month, just before Japan attacked Pearl Harbor—and the United States was, in fact, at war.

In June 1942, he was promoted to brigadier general and assigned by Gen George Kenney as commander of Fifth Air Force's Bomber Command. In this capacity, he repeatedly accompanied his B-24 and B-17 units on bombing missions deep into enemy-held territory. Learning firsthand about combat conditions, he developed a highly efficient technique for bombing when aircraft faced opposition by enemy fighter planes and antiaircraft fire.

General Walker was killed in action on 5 January 1943 while leading a bombing mission over Rabaul, New Britain—the hottest target in the theater. He was awarded the Medal of Honor. Its citation, in part, reads, "In the face of extremely heavy anti aircraft fire and determined opposition by enemy fighters, General Walker led an effective daylight bombing attack against shipping in the harbor at Rabaul, which resulted in direct hits on nine enemy vessels. During this action, his airplane was disabled and forced down by the attack of an overwhelming number of enemy fighters. He displayed conspicuous leadership above and beyond the call of duty involving personal valor and intrepidity at an extreme hazard to life." Walker is credited with being one of the men who built an organization that became the US Air Force.

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A Question of Balance

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Intelligence Reform

A Question of Balance

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Air Force Fellows

Since 1958 the Air Force has assigned a small number of carefully chosen, experienced officers to serve one-year tours at distinguished civilian institutions studying national security policy and strategy. Beginning with the 1994 academic year, these programs were accorded in-residence credit as part of professional military education at senior service schools. In 2003 these fellowships assumed senior developmental education (SDE) force-development credit for eligible officers.

The SDE-level Air Force Fellows serve as visiting military ambassadors to their centers, devoting effort to expanding their colleagues' understanding of defense matters. As such, candidates for SDE-level fellowships have a broad knowledge of key Department of Defense (DOD) and Air Force issues. SDE-level fellows perform outreach by their presence and voice in sponsoring institutions. They are expected to provide advice as well as promote and explain Air Force and DOD policies, programs, and military-doctrine strategy to nationally recognized scholars, foreign dignitaries, and leading policy analysts. The Air Force Fellows also gain valuable perspectives from the exchange of ideas with these civilian leaders. SDE-level fellows are expected to apprise appropriate Air Force agencies of significant developments and emerging views on defense as well as economic and foreign policy issues within their centers. Each fellow is expected to use the unique access she or he has as grounds for research and writing on important national security issues. The SDE Air Force Fellows include the National Defense Fellows, the RAND Fellows, the National Security Fellows, and the Secretary of Defense Corporate Fellows. In addition, the Air Force Fellows program supports a post-SDE military fellow at the Council on Foreign Relations.

On the level of intermediate developmental education, the chief of staff approved several Air Force Fellowships focused on career broadening for Air Force majors. The Air Force Legislative Fellows program was established in April 1995, with the Foreign Policy Fellowship and Defense Advanced Research Projects Agency Fellowship coming under the Air Force Fellows program in 2003. In 2004 the Air Force Fellows also assumed responsibility for the National Laboratories Technologies Fellows.

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Foreword

In *Intelligence Reform: A Question of Balance,* Col John D. Bansemer shares his penetrating insights into reforming the US intelligence community (IC) to improve its performance. He offers valuable guidelines for thoughtful action on this perennial concern.

The events of 9/11/2001 resulted in national soul-searching as we attempted to understand how such terrible events could happen. Congress investigated these events, and the 9/11 Commission studied them. Although the commission ultimately made 41 recommendations, the ones that called yet again for reform of the IC captured the most attention in both the press and Congress. Why has intelligence reform been called for so often over the years? Why has it proven so difficult to improve the performance of intelligence agencies to anyone's lasting satisfaction?

In addressing these questions, there is a direction that Bansemer wisely does *not* take, namely attempting to sort out the relative roles of intelligence failures and operational failures. Surely future studies of Hurricane Katrina will illustrate, through an example of nearly laboratory purity, that operational failures can occur even with nearly perfect intelligence, hence that intelligence reform may well need to go hand-in-hand with operational reform to improve overall performance.

Bansemer examines the performance of the US intelligence community by focusing on underlying tensions that are not unique to the IC but that occur also within any large organization. Understood this way, reform looks less like a choice among polar preferences and more like a question of altering balances, each of which stems from unavoidably competing interests within an organization.

One touchstone of Bansemer's analysis is the Goldwater-Nichols Act (GNA) of 1986. The GNA exemplifies one way to attempt reform of a large organization that harbors specialized and competing interests—in this case the Department of Defense (DOD) with its component military services. On the record, Congress and the 9/11 Commission had elements of the GNA in mind when they crafted their legislation and recommenda-

tions, respectively. The novel insight from Bansemer's analysis is its finding that while there may be some commonality in the symptoms (i.e., the reasons for reform) between the DOD and the IC, the recommended course of treatment may not be universally applicable. Crucial particulars of organizational structures, culture, and incentives all play a role in the success of any reform effort in improving performance.

Another key element of Bansemer's analysis is the question of why intelligence reform has so rarely met the expectations of the reformers recommending change. He finds that this phenomenon has less to do with broad organizational structure and more with tensions among elements of the organization. In the case of the IC these tensions are heightened, relative to those in the DOD, with its four military services by virtue of the presence in the intelligence "community" of a larger number of much more loosely affiliated elements with much more diverse missions belonging to many government departments, including State, Treasury, and Homeland Security. In this "community," no one person is really in charge and, short of pulling a number of intelligence agencies out from their respective departments, no one is ever likely to be.

At first blush the answer seems to be creating a monolithic intelligence establishment under a single person; however, even a rudimentary analysis quickly finds difficulties with such an approach. Centralization may provide more control over an enterprise, but it risks losing the agility and more tailored approaches found in more decentralized organizations. The attractions of centralization versus decentralization do not set up the only tension at play in the IC. Bansemer develops three more illustrations from among the more important tensions: "connecting the dots" versus "groupthink"; sharing information versus protecting it; and the sometimes conflicting needs of the national policy maker versus the needs of the departments. His central conclusion is that, given the underlying tensions, reformers will likely never be satisfied completely with the outcome of whatever they may propose. At any given moment, the many tensions are in an unstable and dynamic balance.

A useful guideline for thoughtful and effective action stems from Bansemer's findings. Precisely because they are unstable

and dynamic, balances can be adjusted through a wide variety of mechanisms that are available to alter the underlying tensions. However, before picking up a tool, it is always better to read the instruction manual. This leads to the most applicable part of Bansemer's analysis. He doesn't prescribe solutions. He develops instead the potential results of balance adjustments. If one accepts that much of any reform effort is really about adjusting balances within organizations, then understanding the potential impact of these readjustments becomes a critical part of any reform effort aimed at improving performance. Bansemer lays the foundation for improving this understanding.

In summary, there is no magic bullet for reforming an organization to improve its performance, and the changes made to remedy yesterday's failures may not be the ones to succeed against tomorrow's challenges. Instead success depends on the ability of the organization to alter balances dynamically and with agility—the key finding of this report.



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About the Author



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Colonel Bansemer is currently director of Homeland Defense on the National Security Council staff. In his current position, he is responsible for the formulation, coordination, and implementation of homeland defense policies with a focus on cyber security and information operations. He graduated from Roanoke College and received his commission as a distinguished graduate of Officer Training School in 1988. Upon completion of initial technical training, he served in a variety of staff and operational positions. In 1994 he served as a detachment commander, providing space intelligence support to Air Force Space Command. In 1999 he was assigned to the Air Staff where he was responsible for defensive information warfare doctrine and policy. His duties included formulating policy to protect Air Force information systems and advising the director of Intelligence, Surveillance, and Reconnaissance on information warfare issues. He next attended Air Command and Staff College at Maxwell Air Force Base, Alabama, where he was a distinguished graduate. In 2001 he assumed the role of director of operations at the 23d Information Operations Squadron, Air Force Information Warfare Center, Lackland Air Force Base, Texas. In 2002 he assumed command of the squadron, which is tasked with providing the Air Force information operations tactics, techniques, and procedures. Following his selection as a National Defense Fellow in 2005, he studied at Harvard University in the Program on Information Resources Policy.

Colonel Bansemer holds master of science degrees in computer science from James Madison University and military operational art from Air University. He is married to Ellen Moore Bansemer. They have three children: Katherine, Emily, and Phillip.

Abstract

On 22 July 2004 the 9/11 Commission released its report on the events surrounding the attacks of 11 September 2001. The 9/11 Report renewed calls for reform of the intelligence community, continuing a long series of intelligence reform efforts that began shortly after the National Security Act of 1947 laid the foundation of the modern IC. As reform proceeds and government officials consider further changes, three topics remain relevant: (1) the 1986 Goldwater-Nichols reform of the Department of Defense and its applicability to the IC, (2) the common findings and recommendations of past reform efforts of the IC, and (3) the competing interests inherent in the IC that influence the pace and character of actual reform. This study explores these topics in the context of the 9/11 Report and the subsequent reform efforts initiated by the executive and legislative branches.

While there was common motivation between the latest effort to reform the IC and the earlier DOD reform effort as embodied in the Goldwater-Nichols Act, it remains less clear if the measures taken in the DOD case are equally applicable to the IC. One reason to question the applicability of DOD reform efforts to the IC is the unique organizational context of the IC—an interagency organization supporting multiple departments as well as national policy makers. Reform of the IC is unlike reform of a single cabinet-level department, for at its most basic level the IC exists to enhance the effectiveness of multiple departments and senior policy makers in the accomplishment of their assigned functions. In short, the IC serves varied interests with sometimes shared and sometimes conflicting intelligence needs. This organizational context suggests that successful reform requires an on-going recalibration of competing interests to meet the changing demands inherent within a dynamic national security environment.

Chapter 1

A Need for Change?

Some of the saddest aspects of the 9/11 story are the outstanding efforts of so many individual officials straining, often without success, against the boundaries of the possible. Good people can overcome bad structures. They should not have to.

—*Final Report of the National Commission on Terrorist Attacks upon the United States*

Its [the 9/11 Commission's] focus was al-Qaeda's attack, 9/11. And I think we want to be very careful that we not structure the intelligence community and these reforms in such a way as to fight only that war.

—James Woolsey, former director of central intelligence, Testimony to the Senate Governmental Affairs Committee, "Reorganizing America's Intelligence Community: A View from Inside"

Background

On 22 July 2004 the *Final Report of the National Commission on Terrorist Attacks upon the United States* (hereafter referred to as the 9/11 Report) was released to the public. The 567-page document provided a detailed description of the 9/11 attacks and outlined a new strategy, including recommendations intended to reduce the likelihood of future attacks. The report was notable for the unanimity of commission members, the breadth of public interest, and the relatively quick response by Congress and the executive branch to the recommendations.[1] Within two days of publication, House and Senate leaders were promising to reform and restructure the intelligence community (IC), and the White House was indicating support for quick action before elections.[2] On 27 August Pres. George W. Bush issued executive orders (EO) implementing several of the recommendations, and in early October both chambers of Congress passed separate bills in response to the report. Finally, on 17 December, after a suc-

cessful congressional effort to synchronize the two bills, President Bush signed into law the National Intelligence Reform Act of 2004. Interestingly, although the 9/11 Report contained 47 recommendations, the media and congressional spotlights focused primarily on eight of them: those dealing with restructuring the IC.

The commission's recommendations included establishing a joint command for counterterrorism, proposed as the National Counterterrorism Center (NCTC); creating the position of a national intelligence director (NID) to lead a restructured IC; and improving information sharing among intelligence organizations.[3] The legislation subsequently enacted, and in many respects implemented, the core aspects of these recommendations.

Both the reform efforts and the resulting legislation were, in some ways, reminiscent of an earlier government effort: the Goldwater-Nichols Act of 1986, which resulted in the reform of the Department of Defense (DOD). In fact, elements of the Goldwater-Nichols Act appear to have guided the efforts of both the 9/11 commissioners and Congress in several key areas of intelligence reform, including improved joint action, altering the relative power of key leaders, and joint personnel practices.[4]

There are key differences as well. Unlike the DOD, which is a single department (albeit one with four separate services), the IC comprises 15 discrete organizations that fall under six cabinet-level departments and encompasses a diverse mixture of personnel, both military and civilian.[5] Furthermore, because of the multidepartmental span of the IC, several congressional committees provide oversight of the community, which in itself can influence the nature and type of reform. Additionally, such issues as information sharing and analytic tradecraft are specific to the IC. However, when viewed as a model for reforming a large government bureaucracy and not as a checklist for reform, Goldwater-Nichols offers valuable insight into the current intelligence reform efforts.

Ultimately, as several commentators and former defense officials have noted, major reform of the IC is not without tradeoffs. Centralizing intelligence may run the risk of encouraging those aspects of groupthink blamed for such problems as in-

accurate intelligence estimates that fail to incorporate alternative analyses. Conversely, decentralized intelligence without concomitant regimens to improve information sharing runs the risk of failing to connect the dots. In a similar vein, moving organizational boxes, particularly across executive departments, entails changing command and control (C^2) structures with accompanying effects, both positive and negative. Improving information sharing, which at first glance appears relatively innocuous, has consequences as well, including the negative effects of information overload and potentially damaging disclosures of sensitive intelligence to adversaries. This is not to say that reform is not needed or necessary. However, reform may be more successful when the competing interests at stake are understood and considered.

Finally, questions remain. Why, when over 20 studies of the IC have been undertaken since 1947, did this particular reform effort develop so much traction with Congress and the executive branch?[6] Was it because the events of 9/11 were so horrific and so palpable that elected officials felt they had no choice but to act? Was it because the report established the clearest link yet between structural impediments in the IC and the fatal consequences of intelligence failures? Was it because of the strength of various 9/11 advocacy groups and the proximity of a presidential election? As important as these questions are, a more fundamental one remains: Will the 9/11 Commission's recommendations and the resulting legislation adequately address the problems identified in the commission's report as well as those in previous studies and investigations of the US intelligence community?

This question gets to the heart of the problem with intelligence reform. Adjustments designed to address one aspect of the IC may have unintended consequences for other aspects of the intelligence effort. Thus, an examination of the competing tensions associated with proposed recommendations provides a mechanism to analyze the potential impacts of reform. As this study illustrates, reform of the IC involves numerous competing tensions and associated trade-offs with significant implications. Because of these complexities, further complicated by the interagency nature of the IC, this paper does not

purport to offer an easy solution. In fact, there likely is no single solution. Instead, successful reform requires the creation and use of mechanisms that allow the dynamic recalibration of these tensions in response to an ever-changing organizational context.

Scope and Organization

Both the 9/11 Report and statements by commission leaders suggest that the commission had in mind various aspects of the 1986 Goldwater-Nichols legislation when proposing their recommendations. Of particular relevance are the report's discussions on joint action, unity of effort, and the restructuring of the IC.[7] Rather than analyze the direct application of the 1986 act to intelligence reform, chapter 2 examines the evolution of DOD reform and the underlying tensions in play during the reform effort. As the chapter describes, the DOD reform effort centered on three key areas: the failure of joint action, the structure of the Joint Chiefs of Staff (JCS), and the quality of joint personnel. Because each of these areas has some commonality with the current intelligence reform efforts, the problems and legislative prescriptions mandated by Goldwater-Nichols represent a practical model of the reform of a large-scale government bureaucracy. The questions addressed are: What was the legislation designed to improve? What structural and procedural changes were made as a result of the legislation? and How effective was the legislation in meeting its intended aims?

Chapter 3 turns to previous intelligence reform efforts to search for commonalities in their recommendations and findings. This discussion helps to identify where the 9/11 Commission's recommendations echo or differ from the findings of previous studies. This analysis represents the first step in understanding the potential ramifications of various actions for the IC writ large. The review of over 50 years of intelligence reform efforts illustrates, among other things, a gradual shift toward greater centralization of intelligence, an intelligence system that has evolved in response to changes in the international environment far more than some reform advocates

would suggest, and the continued relevance of issues that have faced decision makers since the late 1940s.

Chapter 4 examines in detail the 9/11 Commission's recommendations and the legislative and executive branch responses to the report. Of the five sets of recommendations related to the IC, the first three groupings—improved joint action, improved structure, and improved information sharing—share elements with DOD reform efforts. The final two sets, related to improving congressional oversight and domestic intelligence efforts, are unique to the IC. Next, this chapter reviews the measures taken by the executive branch in late August to address the 9/11 Commission's recommendations and then analyzes the legislation passed in December. To better assess the potential success of the recent reform efforts, the chapter concludes by comparing the recent intelligence reform legislation with the Goldwater-Nichols Act to see how each piece of legislation attempted to improve joint action, alter the power relations among the primary parties, and improve joint personnel practices.

Chapter 5 offers a fuller examination of the competing interests and organizational exigencies that hang in the balance of any major reform of the IC. Although any successful reform should consider a variety of balances, determining the proper extent of centralization versus decentralization may be the most fundamental because it affects so many of the other associated balances. As a historical review shows, the IC has gradually become more centralized over time, although certain barriers make further centralization increasingly difficult. After examining the arguments on both sides of the centralization/decentralization issue, the focus shifts to three associated tensions: the tension between centralized and decentralized analysis, greater information sharing and the need to protect information, and the intelligence needs of national policy makers and the more tailored and operational intelligence needs of the IC's component departments, particularly the DOD. The need to balance these competing interests complicates reform efforts and suggests one reason why the IC has followed a gradual, evolutionary path rather than one more closely resembling punctuated equilibrium with dramatic

changes followed by relatively long periods of stability. After noting other tensions worthy of further study, this chapter concludes with a brief examination of such further relevant factors as internal organizational structures, organizational context, and the quality of organizational personnel and leaders that may prove key to any successful reform effort.

Chapter 6 summarizes the previous analysis in more condensed form. The success of the latest reform efforts depends on multiple factors, including how well reformers diagnose the perceived ills within the IC and whether the proposed treatment effectively addresses the underlying issues. Reformers have a variety of tools available. Legislative measures are usually relatively permanent and broad in their focus and prescriptions, while the tools of the executive branch offer greater precision and timeliness to adjust conditions as needed. To be effective, these tools need to be applied to multiple aspects of an organization ranging from the organizational structure, to the relative power of key leaders, to incentive structures, to the underlying support infrastructure. Thus, true reform likely depends primarily upon the internal efforts of the IC itself. The degree of cooperation between agencies and departments; changes in community policies, practices, culture, and in the underlying supporting infrastructure; and—most important—the effectiveness of the community's leaders and personnel all play important roles in any reform effort. In the end, adjusting the fulcrum to achieve the desired balances may be more art than science; however, such an adjustment can be informed by potential or even likely outcomes and consequences—the ultimate objective of this research.

Notes

1. 9-11 Commission Media Advisory, "9/11 Commission Releases Unanimous Final Report," http://www.9-11commission.gov/press/pr_2004-07-22.pdf (accessed 4 October 2004).

2. Dan Eggen and Helen Dewar, "Leaders Pick Up Urgency of 9/11 Panel; Congress and Bush Vow to Speed Reforms," *Washington Post*, 24 July 2004, A01.

3. *Final Report of the National Commission on Terrorist Attacks upon the United States* (hereafter referred to as the 9/11 Report) (New York: W.W. Norton & Company, 2004), 400–418. For a discussion of the NCTC see 400–406,

for a discussion of restructuring the IC and establishing the NID see 407–15, and for a discussion of information sharing, see 416–18.

4. Statement of Senator Joseph Lieberman (D-CT), 108th Cong., 2d sess., *Congressional Record* (8 December 2004): S11968. In remarks on the Senate floor, Senator Lieberman stated, "Just as, in the military, the Goldwater-Nichols Department of Defense Reorganization Act of 1986 sought to integrate the military services' capabilities by strengthening the combatant commanders, so this legislation fosters greater jointness among the intelligence agencies." See also remarks by Rep. Jane Harman (D-CA) who stated on the House floor, "This long-overdue legislation will modernize our capabilities, integrate our intelligence collection and analysis efforts, unify our counterterrorist efforts and promote intelligence sharing. It will promote the same jointness in intelligence that has been the hallmark of our military's success since the Goldwater-Nichols Act of 1986." Statement of Rep. Jane Harman, 108th Cong., 2d sess., *Congressional Record* (7 December 2004): H11004.

5. The current IC comprises the Central Intelligence Agency (CIA), Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Agency (NRA), National Geospatial-Intelligence Agency (NGA), and the intelligence elements of the Army, Navy, Air Force, Marines, Coast Guard, Federal Bureau of Investigation (FBI), Department of State, Department of Treasury, Department of Energy, and Department of Homeland Security (DHS). See "The Intelligence Community in a Nutshell," http://www.intelligence.gov/ic_in_a_nutshell/index.htm (accessed 5 October 2004).

6. Since the establishment of the initial outlines of the IC by the *National Security Act of 1947*, numerous investigations, reform efforts, and commissions have examined the intelligence process and provided recommendations for reform. The total number of these studies ranges from somewhere over 20 to nearly 40 depending on the metric used to describe a reform effort. This paper focuses on the reform efforts identified in Richard A. Best, *Proposals for Intelligence Reorganization, 1949–2004* (Washington, D.C.: Congressional Research Service, 29 July 2004).

7. 9/11 Report, 403, 408, and 412. Page 408 in particular discusses Goldwater-Nichols and joint commands as well as incentives for DOD joint officers.

Chapter 2

Goldwater-Nichols as a Model for Intelligence Reform

We believe that the intelligence community needs joint analysis, joint collection and joint management. It needs a wholesale reform, and we believe it ought to be modeled in the Goldwater–Nichols reforms.

—Thomas Kean, chairman, 9/11 Commission, *Testimony to the House Permanent Select Committee on Intelligence*, US House of Representatives, 11 August 2004.

The 9/11 Commission report, individual commission members, congressional witnesses, and former government officials explicitly cited the Goldwater-Nichols Defense Reorganization Act of 1986 as a model for reform of the IC.[1] At least two thought processes appear to account for this. On the one hand, some reformers seemed to view Goldwater-Nichols as a paradigm for reforming a large bureaucracy.[2] In this instance, reformers focused on Goldwater-Nichols as illustrative of legislative solutions that solve large-scale bureaucratic problems. Other reformers, notably some members of the 9/11 Commission and of Congress, had specific elements of Goldwater-Nichols in mind as they crafted particular elements of legislation and recommendations; thus, they used the legislation more as a template for action.[3]

Goldwater-Nichols is also notable because the tensions involved resemble those addressed in the current intelligence debate. In his book on DOD reorganization, Gordon Lederman suggests that three fundamental tensions were present and that the need to find the proper balance among these tensions guided the efforts of reformers.[4] They involved (and continue to involve) tensions of centralization versus decentralization, functional versus geographic responsibility, and specialist versus generalist perspectives.[5]

The tension between centralization and decentralization fundamentally concerns where decisions are made in an organiza-

tion. In theory, greater centralization provides more unified direction at the expense of less efficient execution, whereas decentralization can foster innovation and speed reaction to unfolding events while increasing the risk of uncoordinated efforts and diffused responsibility. The geographic/functional tension resembles the tensions in the business world over whether to organize around functional or product lines. In the military context, they involve decisions to organize around specific geographic regions, which allow control of all the military assets in the region and a stronger understanding of regional issues (e.g., the unified commands of US Pacific Command and US European Command [USEUCOM]) versus placing all the military assets dedicated to a particular purpose under a global commander (e.g., the functional command of US Transportation Command). Finally, tension exists between the need to master specific skills within the profession of military arms (specialization) versus the need to understand the broad concepts of military art to better synchronize the full potential of all contributing military arms (generalization). As Lederman illustrates, there is no perfect solution. The balances shift to reflect a changing environment and the guiding priorities of government leaders, which are modulated by opposing and competing advocates within the military establishment.[6]

Beyond this common background, the Goldwater-Nichols legislation offers other important analogies to the present intelligence reform initiatives. In particular, issues that prompted intelligence reform efforts after 9/11 have much in common with those identified in a series of reports, congressional staff studies, and testimony that led up to the passage of Goldwater-Nichols. These commonalities include failures of joint action; structural barriers that inhibited effective operations, particularly dual-hatting of key personnel and inadequate authority; and policies that deterred high-quality personnel from pursuing joint duty.[7] Given the similar impetus for intelligence reform and Goldwater-Nichols, the act's potential applicability, and its use as a historical reference, an examination of the events that preceded the act's passage serves as a good starting point to better understand why reform was

deemed necessary and what elements of the DOD the legislation was designed to improve.

Why Goldwater-Nichols?

Goldwater-Nichols arose from a confluence of multiple factors, including poor or suboptimal military performance in a series of operations (e.g., the failed rescue of Iranian hostages [Operation Eagle Claw], the invasion of Grenada, and the bombing of the Marine barracks in Beirut), increasing calls for reform from both within and outside the DOD, and greater congressional activism resulting from perceived intransigence of senior DOD officials regarding calls for reform.[8] While these factors are important for understanding the context surrounding passage of Goldwater-Nichols, more relevant to this report is an understanding of the problems targeted by the legislation.

Although studies and historical analyses of Goldwater-Nichols cite multiple issues and problems in need of solutions, this chapter focuses on three areas commonly identified by various researchers and commentators on the act.[9] These core issues include (1) the failure of joint action and the associated imbalance of responsibility and authority, particularly as it related to the combatant commanders of the unified commands; (2) the structure of the Joint Chiefs of Staff (JCS), the dual-hatting of the service chiefs, and the effects of this organizational structure on the military advice provided to the president; and (3) the poor quality of personnel filling joint duty positions. Each of these areas shares features with problems identified within the IC.

The Failure of Joint Action

Before examining the concept of joint action, a few distinctions are necessary. The DOD defines *joint* as "activities, operations, organizations, etc., in which elements of two or more Military Departments participate."[10] Joint action can thus be partially distinguished from *unified action*, where activity occurs under the auspices of a unified commander and includes the "synchronization of activities with other governmental and nongovernmental agencies."[11] The following discussion uses

the term *joint action* to denote activities that are purely joint in nature, did not necessarily occur under a unified commander, and did not involve synchronization with other governmental agencies. This distinction becomes important, because the 9/11 Report (without a supplemental definition) also uses the term *joint action*, apparently to denote action involving two or more intelligence agencies or organizations.

The *Rescue Mission Report*, the official report on the Iranian hostage rescue mission, attributed the operation's failure to multiple causes and highlighted 11 major problems, of which two focused on C^2 issues.[12] The report cited the lack of unified planning, separate training that precluded full mission rehearsal, and significant operational issues including weather as factors that combined to create the conditions for failure. The report also noted, "From [commander, Joint Task Force] COMJTF downward command channels were less well defined in some areas and only implied in others."[13] A separate examination of the event highlighted the difficulty in diagramming a chain of command, noting such a diagram was "littered with dotted lines of coordination and instances of one unit responding to two lines of command."[14]

Taken in isolation, the failure of the operation was not enough to compel reform. However, two other events in October 1983 also contributed to a general sense that military reform might be necessary: the terrorist bombing of the Marine barracks in Beirut and the US invasion of Grenada.

Investigations of the Marine barracks bombing attributed the tragedy primarily to the inadequacy of security measures.[15] These security conditions were, in turn, symptomatic of a larger issue of failed unity of command. Joint doctrine describes the concept of *unity of command* as "all forces operat[ing] under a single commander with the requisite authority to direct all forces employed in pursuit of a common purpose."[16] In the case of Beirut, Gen Bernard Rogers, USA, the USEUCOM commander in charge of the security situation in Beirut, had no real authority to revise or enforce security procedures. The House Investigations Subcommittee found failures of commission at the lower levels of command and failures of omission in the form of inadequate oversight by elements further up the

chain of command, to include General Rogers.[17] In addition, the subcommittee struggled with conflicting testimony on the structure of command relationships and found "the lack of clarity in the chain of command might contribute to an inability to fix responsibility and authority."[18] While General Rogers accepted responsibility in his testimony before the subcommittee, evidence indicates that he lacked the "requisite authority" to alter the events that transpired. For example, USEUCOM had offered antiterrorist training fully 11 months before the attack, but the Marines had rejected the offer. This illustrated the relative impotence of a combatant commander to direct actions within his own theater.[19]

The disparity between responsibility and authority was discussed in the aftermath of the incident. A report by Lt Gen John H. Cushman, USA, retired, that later influenced congressional reformers specifically spoke to General Rogers's limited authority, citing his inability to effect "such matters as administration, discipline, internal organization, and unit training except when a subordinate commander requests assistance."[20] Adm William Crowe, then commander of the unified Pacific Command, supported this finding, stating, "The unified commander had all the responsibility, he did not have sufficient authority. His component commanders reported to their own service chiefs for administration, logistics, and training matters."[21] A broad analysis of unified command structures before Beirut foretold potential problems, noting that combatant commanders had "insufficient authority and influence in peacetime to ensure their war-fighting capabilities were commensurate with their mission."[22]

Another event in October further strengthened the calls for reform. On 25 October 1983 the United States invaded Grenada, in part to prevent the island from becoming a satellite of Cuba as well as to protect American citizens on the island. Although the operation achieved its objectives, numerous C^2 and interoperability problems surfaced that might have had dire consequences had US forces faced a more competent adversary. The operation again violated the principle of unity of command, as the ground elements of Marine and Army forces fought under separate chains of command.[23] As then-Maj Gen Colin Powell

said at the time of the invasion, "Relations between the services were marred by poor communications, fractured command and control, [and] interservice parochialism."[24] On the interoperability front, the Army was unable to communicate with Navy ships offshore to obtain necessary supporting fires.[25] Besides interoperability problems, the assessments highlighted poor joint planning, lack of service expertise in joint headquarters, and lack of unity of command.[26]

The investigations of these and other military operations yielded a consistent theme of inadequate unity of command and ineffective joint action. They also validated the findings of a 1970 Blue Ribbon Defense Panel report that found "an imbalance between the responsibility and authority of unified commanders."[27] The joint capstone document on unified action states that

> unified action of the Armed Forces of the United States starts with unified direction. For U.S. military operations, unified direction normally is accomplished by establishing a joint force, assigning a mission or objective to the joint force commander (JFC), establishing command relationships, assigning and/or attaching appropriate forces to the joint force, and empowering the JFC with sufficient authority over the forces to accomplish the assigned mission.[28]

This description, written some 15 years after Goldwater-Nichols came into force, succinctly describes the military principles that serve, at least in part, as a prescriptive formula to avoid the identified causes of some operational failures of the past. The military operations outlined above suffered to varying degrees from failures to establish appropriate command relationships and empower commanders with sufficient authorities.

Joint Chiefs of Staff Structure

The structure of the JCS was another major consideration of reformers. Criticism of that structure came from within and without military organizations. Former secretary of defense James Schlesinger succinctly described the problem, stating, "The central weakness of the existing system lies in the structure of Joint Chiefs of Staff. . . . The existing structure, if it does not preclude the best military advice, provides a substantial, though not insurmountable, barrier to such advice."[29] In-

ternally, criticism came from the chairman of the JCS (CJCS), Gen David C. Jones, USAF, who outlined the need for reform in testimony before the House Armed Services Committee and later in the press. His criticism was especially notable because it came from within the military establishment: from a still-serving general officer.

Much of his criticism focused on the overall structure of the JCS, particularly the role of each of the service chiefs vis-à-vis their joint and service responsibilities. Prior to enactment of the Goldwater-Nichols legislation, the service chiefs exercised significant control over Joint Staff action.[30] Likewise, military advice emanating from the JCS required agreement of all the service chiefs, and the law required them to inform the president of dissent.[31] This statutory requirement resulted in the common critique that the JCS took the "lowest common denominator" approach towards decision making.[32] In fact, such splits within the JCS occurred only a "few times per year" and were referred to the secretary of defense (SecDef).[33]

Further problems centered on the Joint Staff. The organizational structure in place gave each of the service staffs a de facto veto over the staffing process, with the result that staff papers were often watered down so as not to offend a service or to protect individual service programs or desires.[34] As the sole military officer without concurrent service obligations, the CJCS was the only person who could realistically be expected to rise above service parochialisms. However, the Joint Staff worked for the entire JCS, not just the chairman, which meant that the chairman could not obtain independent, nonservice-centric advice and support.[35] Moreover, the CJCS had no official deputy, which made it hard to maintain continuity when the chairman traveled, a problem compounded by the three-month rotation of the service chiefs in the nominal deputy role.

Related to the structural problems of the JCS was the dual role of the chiefs of the individual services as both the heads of their service and members of the JCS. Underlying this dual nature is a fundamental tension between service prerogatives and joint action.[36] In his initial testimony to the House Armed Services Committee General Jones noted the institutional pressures that each of the service chiefs felt in representing the interests of

their services while also crafting and supporting unified decisions.[37] This pressure created a spokesman-statesman dilemma for the service chiefs.[38] Gen Edward C. Meyer, USA, another sitting member of the JCS, supported this view, stating that "dual-hatting, dictated by law, confers real power with the service chief hat and little ability to influence policy, programming, and budget issues with the joint hat."[39] The statutory requirement that the service chiefs focus on the development of their respective services further compounded the preeminence of the service perspective over the joint perspective.[40]

This dominance of the military services over joint organizational structures gets to the heart of Lederman's specialist/generalist tension.[41] Wearing their specialist hats, the service chiefs supported service needs over the broader needs represented by the generalist hat. According to reformers, multiple factors produced this imbalance, including the imperative for the service chief to maintain support within his service and veterans' groups as well as the sheer lack of time for the service chief to execute both service and joint responsibilities adequately.[42]

The Poor Quality of Joint Personnel

At least two factors affected the overall quality of joint personnel: lack of experience and negative perceptions of the career impact of joint duty. These factors were present even within the Joint Staff. General Jones and others pointed to inadequate experience and competence, which resulted at least partially from the statutory three-year time limit on Joint Staff membership.[43] A study of the Joint Staff initiated by General Jones, the Chairman's Special Study Group, found that "only 2 percent of officers in the [Office of the Joint Chiefs of Staff] OJCS during 1982 had any previous Joint Staff experience."[44] At the highest echelons of power, less than 60 percent of general officers and admirals had served in joint assignments.[45] The 1977 Defense Organization Study of the DOD supported these findings, stating that the "services have consistently avoided assigning their most highly qualified officers" to the Joint Staff.[46] The lack of experience meant that joint person-

nel were likely to turn to their specialist training and background while fulfilling their duties on the staff.

Compounding the problem was the perception that joint duty harmed an officer's career. One reason for such a perception may have been that the services controlled promotions, and thus officers serving on the Joint Staff may have believed that supporting joint positions at the expense of service interests could jeopardize their promotion opportunities.[47] Discussing the overall quality of joint personnel, Admiral Crowe noted, "It was unusual to find the most highly regarded officers laboring in the Joint Staff vineyard; many considered a tour there as a hurdle on the career path."[48] Further exacerbating the problems with the Joint Staff, only 13 percent of officers on the Joint Staff had attended joint training prior to assuming joint duty.[49] Accusations even arose that the services intentionally placed lower quality officers on the Joint Staff to further obstruct the staffing process.

This underscored the tension between specialization and generalization. The Joint Staff suffered in many respects because it consisted of specialists who had neither the experience nor the training to foster a more generalist perspective. A negative feedback cycle resulted, with joint personnel having inadequate joint experience because they consciously avoided joint assignments whenever possible. As long as service members believed that joint duty harmed their careers, there was little likelihood of improving the experience level on the Joint Staff, which further diluted its effectiveness.

The preceding description should not be interpreted as a full account of the issues leading to the passage of Goldwater-Nichols. However, all of the issues mentioned contributed to an environment where reform was deemed necessary. Reformers saw the system as unbalanced, with too much control vested in the services at the expense of joint action. This imbalance manifested itself in an overemphasis on decentralization and specialization and a trend towards functional approaches. A recalibration of these balances thus became a primary emphasis of the new legislation.

Goldwater-Nichols Legislation

The framers of the legislation set forth eight objectives:

1. to reorganize the Department of Defense and strengthen civilian authority in the Department;
2. to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;
3. to place clear responsibility on the commanders of the unified and specified combatant commands for accomplishment of missions assigned to those commands;
4. to ensure that the authority of the commanders of the unified and specified commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;
5. to increase attention to the formulation of strategy and to contingency planning;
6. to provide for more efficient use of defense resources;
7. to improve joint officer management policies; and
8. otherwise to enhance the effectiveness of both military operations and DOD management.[50]

Of these objectives, 2, 5, 6, and 8 related primarily to improving the structure and effectiveness of the JCS and addressed conflicts resulting from the dual-hatting of the service chiefs. Objectives 3, 4, 5, and 8 related to improving joint operations, with 3 and 4 specifically addressing the imbalance between authority and responsibility. Objective 7 specifically focused on the quality of the joint personnel.

Goldwater-Nichols brought about notable changes by making the CJCS the principal military advisor to the president and the SecDef and establishing the position of vice chairman (not a voting member of the JCS). This meant that the preeminent senior military advisor was now also the leader who by design had a generalist perspective and, in turn, removed some of the underlying pressures on the service chiefs in their soldier/statesman roles. The service chiefs could continue to advocate their service perspectives in the knowledge that the CJCS or vice chairman, Joint Chiefs of Staff (VCJCS) could

modulate the competing service perspectives in offering advice to the president or SecDef. The service chiefs still wore two hats; however, by increasing the power and prestige of the chairman, the legislation mitigated some of the prevalent specialist tendencies. In essence, the greater independence of the CJCS reduced the institutional pressures to seek unanimity at all costs, thus avoiding the lowest common denominator approach previously mentioned.

The legislation further evidenced a leaning towards the generalist perspective by the functions it assigned to the CJCS. The act made the chairman the spokesman for the combatant commands; he would advise the SecDef on their needs and priorities and seek to improve the alignment of the services' budgets with their requirements.[51] To create stronger foundations for joint culture, the legislation made the chairman responsible for formulating joint doctrine and education and training policy. It also placed the Joint Staff under the direct control of the chairman, expanded the length of terms for joint duty, and increased the number of officers authorized on the staff from 400 to 1,627.[52]

The Goldwater-Nichols Act partially addressed the responsibility versus accountability issue raised by the combatant commanders by requiring that all units within a geographic region be assigned to the combatant command.[53] The act also laid out seven aspects of that authority, including the ability to establish the chain of command, to select subordinate commanders, to organize forces with the command, and to convene courts-martial for disciplinary purposes.[54] Moreover to further preclude the possibility that a combatant commander could operate with insufficient authority, the act required combatant commanders to promptly notify the SecDef if they considered their authority insufficient.[55] To limit the power of the services vis-à-vis the combatant commanders, subordinate commanders were placed "under the authority, direction and command" of the combatant commander.[56] Finally, directly subordinate commanders could only be assigned by the services with the concurrence of the combatant commander, who was also given the authority to evaluate and suspend subordinate commanders.[57] These changes tilted the balance

of power towards the combatant commanders and away from the services.

The legislation also considered the quality of joint personnel. The act describes the requirements for joint specialty officers (JSO), including education and joint assignments.[58] It requires that 50 percent of joint duty assignments at the grade of O-3 (captain) and above be filled by JSOs.[59] To address the negative perceptions of career impacts, the act required that the promotion rates of JSOs and officers currently or previously serving on the Joint Staff match the rate for officers of their respective services' headquarters staffs.[60] It also increased the minimum duration of joint assignments and mandated that officers promoted to flag rank have served in at least one joint duty assignment.[61] These changes increased the likelihood that senior leaders would have broader, more generalist perspectives than previously, when officers could specialize within a service and have limited exposure to joint operations and the perspectives of other services.

Legislative Effectiveness

Relatively few salient metrics exist to prove or disprove the success of Goldwater-Nichols in redressing the fundamental imbalances in the DOD. One way to understand the impact of Goldwater-Nichols is to examine military effectiveness in such joint operations after the act took effect as Desert Storm (the 1991 Gulf War) and Allied Force (the North Atlantic Treaty Organization [NATO] operation directed against Slobodan Milošević and Yugoslavia). These operations and the degree to which the forces operated in a joint manner in terms of unified command and discernible interoperability provide some indications of the legislation's effectiveness.

As to the structure of the JCS, the quality of advice is, by implication, a qualitative measure that depends in large part on the relative confidence and satisfaction expressed by the president and senior officials within the DOD.[62] Several recent studies have examined the larger aspect of civilian-military relationships since 1986; however, they provide less commentary on the overall strength and quality of advice afforded to

civilian leaders.[63] Fortunately, more concrete data exist on the overall effectiveness of increasing the promotion rates of members of the Joint Staff, with the underlying implication of increased quality of personnel.

The Effectiveness of Joint Action

It is difficult to compare the pre–Goldwater-Nichols military operations discussed earlier with the much larger operations that have occurred since.[64] The post–Goldwater-Nichols operations described below involved far greater numbers of forces and resources. That these operations are generally considered more successful than their earlier counterparts suggests that fundamental changes occurred since the legislation's passage.

The primary causal factor for improved operations remains a topic of debate, with some analysts suggesting advanced technology or the relative weakness of the opposing adversaries as the primary factor contributing to success. However, another factor was at work: more effective C^2 in joint operations. This does not imply that problems with C^2 and interoperability had disappeared; however, when compared with pre-reform operations, their impact appears to have been less profound.

Operation Desert Storm. Operation Desert Storm was the first major conflict after the implementation of Goldwater-Nichols and secured the role and power of the combatant commander in executing military operations. Multiple levels of analysis can be applied to Desert Storm, from the combatant commander's control of the operation, to interservice unity and disunity of action, to the most basic level of interoperability. At the strategic level, Gen H. Norman Schwarzkopf, the combatant commander, was firmly in control of the operation and exercised significant control of forces assigned, including control of logistics. He also successfully rebuffed interference from the services.[65] For example, Schwarzkopf denied a Marine request for an amphibious assault over the objections of the Marine commandant, who tried to pursue the request through the CJCS.[66] Likewise, joint considerations were at play in the modification of the air campaign. In this case, the initial plan calling for predominantly strategic leadership attacks against Iraqi political, economic, and C^2 targets was later

counterbalanced by ground preferences for attacks against Iraqi fielded forces. The result was a more balanced, phased air campaign that was enormously successful in shortening the ensuing ground campaign.[67]

An examination of the air campaign provides the best insight into interservice unity. The sheer number of aircraft involved (1,600–1,800) and the complexity of the air campaign (over 40,000 sorties) attest to the complexity of the operation.[68] Managing this complex operation was a joint force air component commander (JFACC) who, unlike in previous combat operations, was able to unify the vast majority of the air effort, with the notable exception being the Marines, who withheld approximately 50 percent of their F/A-18 aircraft to support specific Marine operations.[69] The after-action report to Congress found that the JFACC "secured unity of effort." The report also recommended that the JFACC be staffed by members from all services.[70] An assessment of Desert Storm lessons by the chairman of the House Armed Services Committee found that "combining responsibility and unquestioned authority in the [commander in chief] CINC—in this case as delegated to his Joint Forces Air Component Commander—for planning and deployment of all theater aircraft optimized the achievement of campaign objectives."[71]

While interservice unity improved greatly on the operational front, planning was less unified, with the services dominating planning for operations within their particular medium. The Air Force controlled the initial planning of the air campaign, which (as noted above) was eventually modified to accommodate the needs of the other services.[72] Also, contrary to the intent of Goldwater-Nichols, an office at Air Force headquarters developed the initial air plan rather than designated planning elements within Central Command (CENTCOM).[73] In addition, the other services complained of Air Force dominance in near-term planning (operations to be conducted within 24 to 48 hours), particularly as it related to the prosecution of specific targets.[74] On the ground side, the Army relied initially on a special team of planners to develop the concept of the ground offensive strategy, excluding the other service component with a significant role in ground operations—the Marines.[75] In both

the air and ground cases, initial planning was stovepiped and relied upon ad hoc planning arrangements. Only later iterations of the planning process included the views and requirements of the other services.

In the area of interoperability, control of the airspace was remarkably effective, especially considering the numbers and multiple types of US and allied aircraft that supported operations. All services shared a variety of space systems, including the newly launched Global Positioning System (GPS) satellites, which made important contributions to the war effort.[76] However, negative examples abound as well; for instance, the lack of adequate communications between Air Force and Navy units necessitated that the nightly air tasking order be flown to the carriers.[77] Tactical communications were often "plagued by incompatibilities and technical limitations."[78] Finally, "stovepiped intelligence and command information systems" were also prevalent and affected support to tactical forces.[79] While these problems cannot be dismissed, some of them can be attributed to the long acquisition and procurement timelines for many systems and the fact that these legacy systems were often in the pipeline long before the Goldwater-Nichols reform.

Operation Allied Force. The DOD did not completely resolve the issues highlighted above in the years intervening between the end of Desert Storm and the onset of Allied Force (Yugoslavia). Like Desert Storm, Allied Force was a joint and combined operation; however, the operation faced even more political constraints because of NATO alliance concerns.[80] In addition, the operation was predominantly an air war, with land options not even considered at the time of the conflict. As with any operation, postevent analysis identified problems. Much of the criticism focused on the strategic limitations created by US and allied leaders, including shifting political priorities, explicit lack of a ground option, and charges of incrementalism/creeping escalation.[81]

Criticism of the military aspects of the operation found areas for improvement, including evidence of service parochialism in the choice of targets.[82] This is not entirely unexpected, as in most major military campaigns each service has decided targeting preferences. Such evidence indicates that the specialist perspec-

tive had not been eliminated; however, this may never have been the intention of the reformers. An examination of the targets ultimately chosen over the course of the operation reveals the influence of both Army and Air Force perspectives. In effect, the views of one service did not predominate over those of the other, as the reformers intended.

With regard to C^2, one analysis found "problems . . . were further aggravated by a confusing chain of command, unsuitable organizational structures, and a lack of staff integration where it was needed most."[83] Some of the problems resulted from parallel chains of command: one for allied (NATO) operations and one for each participating allied country—but those in the strictly US chain of command are harder to justify. According to some accounts, command relationships were established outside of normal doctrine and assessments found "command echelons being skipped or omitted entirely, and either a duplication of effort or functions not being performed at all, since one organization erroneously thought the other was responsible for a particular task."[84] The unanswered question is whether the operation succeeded in spite of poor C^2 relationships or whether those relationships were not as untenable as some critics suggest.

A RAND study faulted the lack of joint air-land planning and the failure to integrate Army assets into the air campaign early on; however, much of the criticism targets the civilian leadership for taking ground options off the table.[85] Interestingly, the report also noted that even when a specific component option is removed by civilian leaders (e.g., no ground troops), joint planning can still benefit from a multiservice perspective, as air operations planning did when they incorporated ground expertise during the latter portions of the operation. In this particular case, since a significant focus of the air war was on enemy ground forces, the air planners would have benefited from the earlier involvement of expert Army planners.[86] The report also noted that the JFC should strongly consider establishing component commanders even when the component has little or no immediate role in the operation.[87]

Even with these difficulties, the air campaign met its overall objective of forcing Slobodan Milošević to cede to allied de-

mands.[88] The air campaign required the coordination of over 250 US Air Force and Navy aircraft combined with aircraft from 11 other countries.[89] A single commander was placed in charge of air operations and the geographic combatant commander, from USEUCOM, was clearly in charge of the overall operation. Critiques of the operation, some more pointed than others, do not change the fact that the air war met its objectives, was far more centrally controlled than similar operations prior to Goldwater-Nichols, and effectively coordinated the activities of hundreds of US and allied aircraft.

Analysis. Examination of military operations since Goldwater-Nichols still shows ample evidence of service parochialism, continued difficulties with interoperability, and sometimes contentious command relationships. It is important to note that improved jointness does not necessarily equate to the lack of interservice rivalry or disputes. To the contrary, competing service viewpoints may actually result in plans that are more balanced and joint. The effectiveness of Goldwater-Nichols in addressing C^2 issues at lower levels (particularly tactical) is less apparent. The legislation appears to have solidified the supremacy of the combatant commander, but to have had less success in institutionalizing lower-level command relationships. That these lower-level command structures take on the character of the combatant commander may not be entirely bad, as they allow that commander to tailor C^2 structures best suited to conducting tasked military operations.

However, the general public clearly believes that military efficacy has improved. A comparison of public perceptions of the military in 2004 with those prior to Goldwater-Nichols (1982) shows a 25 percent increase in the number of people who think of military officers as having "great prestige," with only 4 percent having a negative view of military prestige.[90] One aspect of this increased respect manifests itself as a belief in greater operational competence by the military. Goldwater-Nichols rightly deserves credit for some of the improved military performance in the 1990s. While the act did not eliminate the underlying tensions, it succeeded in recalibrating them to a degree and played an important role in the military's success in the conduct of major joint operations.

The Strength of Joint Advice

One of the criticisms of the DOD prior to reform was that the services, unable to overcome parochialism, took a lowest common denominator approach to policy and budget recommendations. In essence, the effort to maintain consensus meant that none of the services would challenge the others on major service programs. On the positive side, the Joint Requirements Oversight Council (JROC), an outgrowth of the Goldwater-Nichols Act, provides a mechanism to reduce this parochialism and has achieved somewhat favorable results. Likewise, the reform legislation led to a much greater scrutiny of joint programs and a much greater emphasis on interoperability. On the negative side, the civilian leadership must still make some of the most difficult and controversial budgetary decisions. For example, the SecDef, despite significant resistance from senior Army leadership, ultimately canceled the Army's Crusader artillery program. If the hope was that the CJCS could establish joint priorities that each of the services would support, such an objective has not been realized.[91] This might indicate that the JCS remains reluctant to recommend cancellation of major, multibillion-dollar service programs, preferring to leave this unpleasant task in the hands of civilian leadership.

Evaluating the quality of military advice to the president and secretary of defense is even more difficult.[92] Part of the difficulty is that the nature of the advice often depends upon the personal leadership styles and preferences of those receiving it.[93] In one administration, the president and secretary of defense may want multiple options, while other administrations may adopt a style that looks for a single, coordinated viewpoint from the JCS. In addition, a fundamental dynamic is at play in the tension between offering professional advice based upon years of military service and accepting the outcome when civilian leaders choose not to accept that advice. Senior military leaders are thus in the uncomfortable position of both trying to provide the best possible military advice and subordinating themselves and their actions to civilian rule, leaving them to decide how hard to press civilian leaders to accept their recommendations.

It is difficult to gauge whether military advice has improved since Goldwater-Nichols.[94] Certainly there are several anecdotal incidents of friction, including conflict between Chairman Powell and SecDef Richard Cheney, disputes on military action in Serbia, and more recent disputes between Army leadership and the Office of the Secretary of Defense.[95] It would be almost impossible to ascertain whether Goldwater-Nichols exacerbated these disagreements or whether such disputes are a natural part of the national security decision-making process.

The Quality of Joint Personnel

Any evaluation of the overall quality of joint personnel depends upon the measure of merit used. For example, do the improved promotion rates of joint personnel suggest that they are better qualified than their predecessors before 1986, or is some other measurement more relevant? The military promotion system operates much like a meritocracy, suggesting that indeed the best, most qualified personnel are promoted. If promotion becomes the measure of quality, quantifiable information is readily available to assess the promotion rates of joint personnel and thus their overall quality.

One of the major requirements of the legislation was that officers who served on the Joint Staff and JSOs be promoted at a rate equal to or above the rate of members serving in service headquarter staffs, while officers serving in other joint positions be promoted at the same rate as service members in the same grade.[96] The promotion rates indicate that the rates for joint officers indeed often far exceed both the service averages and the service headquarters rates.[97] The exception is for officers serving in non-JSO/Joint Staff positions, whose promotion rates routinely fall slightly below the overall service promotion rates. In terms of length of tour (a metric that can indicate the experience level on a staff), general officers were serving an average of 28.8 months, while field-grade officers served an average of 38.8 months.[98] Both of these time frames exceed the mandated requirement of 24 months for general officers and 36 months for field-grade officers.[99]

Congress also mandated that the services create critical joint duty positions (currently 800 total) where joint experi-

ence and training in joint matters are essential and fill these positions with JSOs.[100] Yet currently only 47 percent of these positions are filled by JSOs—far below the mandated 100 percent.[101] In fact, this represents a downward trend since 1994, with fewer and fewer critical positions being filled by JSOs.[102] There are multiple reasons for this gap. First, in many instances a combatant command creates joint critical positions that have special skill requirements. In those instances, the combatant command may prefer an individual with the necessary skill set instead of a JSO who lacks the required skills. Second, many individuals serving in JSO positions have met joint duty assignment requirements but failed to complete required joint professional military education (JPME) training. For instance, some individuals have served multiple joint tours but for various reasons have never been able to attend the JPME training and thus are not, technically, JSOs; however, such individuals are undoubtedly quite familiar with joint procedures and operations. Third, another aspect of the act—the requirement for general officers to have served in a joint duty position—serves as a disincentive to fill a critical position with an officer who already has joint credit. Instead, the inclination is to fill the position with an officer still in need of joint credit to allow that officer to be eligible for general officer rank.[103] Congress's intent to have critical positions filled by the most highly qualified joint officers appears to remain unfulfilled; however, if one assumes that longer tour lengths, on average, equate to greater experience and quality, then this aspect of the program appears to be working.

The legislation describing joint officer management policies is both the most detailed and most controversial, as it had a direct impact on the services' promotion policies and effectively siphoned off the most talented service members to joint positions for extended periods.[104] In fact, this area of the legislation saw several modifications in subsequent years, including the allowance for waivers to moderate the impact on the services. However, even given the controversy and necessary adjustments, the legislation did in fact positively alter the composition of the Joint Staff and other joint organizations and, with the exception of fill-

ing of critical joint duty positions by JSOs, appears to have met Congress's intent to a large extent.

The Success of Goldwater-Nichols

By most accounts Goldwater-Nichols has successfully achieved its fundamental objectives. Reviewing Congress's stated objectives that have some commonality with intelligence reform provides a basis for analysis. The third and fourth objectives focused on establishing "clear responsibility" for the combatant commanders and ensuring they had the proper authority to carry out their responsibilities. In this case, the act has clearly been successful. In all major operations since the act, the combatant commander has been in firm control, the services have supported the effort without undue influence on the operations, and the operations have been decidedly more joint and effective than those pre-1986. This is not to suggest that interservice rivalry and interoperability issues are fully resolved.[105] Rather, the balance of power has shifted more to the combatant commanders and away from the services, just as the act intended.

Improving the quality of the Joint Staff and personnel filling other joint positions, the seventh objective, is a resounding success story. Promotion rates are close to Congress's original intent, and the services' disgruntlement with the mandates as affecting the quality of officers available to support service requirements illustrate that high-quality officers are indeed filling joint positions. The requirement for general officers to serve in joint positions prior to promotion has also had the positive effect of ensuring a broader perspective for each service's most senior military offices.

The act also seems to have attained its final objective of enhancing the effectiveness of military operations. Certainly, other factors contributed to operational successes in the 1990s and the early years of the twenty-first century, such as technological advances (e.g., precision weaponry and stealth); improved command, control, and communications (C^3) systems; and the relatively poor quality of opposing forces. However, the successful command and control of these large undertakings should

not be minimized and suggests that jointness is a far more pervasive concept and operating characteristic than it was before Goldwater-Nichols.

Taken in its totality, the Goldwater-Nichols Act successfully adjusted various tensions, moving the DOD to a more centralized and generalist orientation. The CJCS and the combatant commanders consolidated power, and the combined views of the services began to prevail over service-specific approaches. However, the legislation did not remove the underlying tensions. Some would argue that reforms have not gone far enough, while others argue that certain elements of the legislation have pushed the balances too far in favor of jointness. Furthermore, certain goals, such as improving the quality of joint personnel, were much more amenable to legislative changes than such others as the more nebulous objective of improving the quality of advice. With those reservations understood, the success of the act suggests that in some cases legislatively mandated structural changes can have positive intended effects on large bureaucracies; however, they probably do not address all the issues with equal effectiveness. Understanding where structural change is appropriate then becomes a determining factor in overall legislative success.

Notes

1. Thomas Kean, *Testimony to the House Permanent Select Committee on Intelligence*, 108th Cong., 2d sess., 11 August 2004. "We consciously and deliberately draw on the military example, the Goldwater-Nichols model. We can and should learn, because that was a very successful reform in the military two decades ago." See also "Restructuring, From the Top . . . ," *Washington Post*, 1 August 2004, B1, B4–B5, which details the views of seven former government officials on the 9/11 recommendations for intelligence. John Deutch, former CIA director, cites Goldwater-Nichols as an "interesting, though imperfect, model for centralizing the intelligence community," and Robert McFarlane, former national security advisor, states that the "military's unified command structure . . . is a sound model for the new director's [of national intelligence] office."

2. US Congress, Senate, *Report of the Committee on Governmental Affairs, United States Senate to Accompany S. 2840*, 108th Cong., 2d sess., 2004, S. Report 359. The report examines the Goldwater-Nichols Act from the problems, to the act itself, to the effects of the legislation and states, "The notion

of 'Goldwater-Nichols for the Intelligence Community' has been a recurring metaphor for intelligence reform since even before 9/11."

3. 9/11 Report, 403 (see chap. 1, n. 3). The most direct correlations with Goldwater-Nichols are recommendations to establish a "civilian-led unified joint command for counterterrorism" and the need to centralize control and authority under a national intelligence director, 411. See also comments by Philip Zelikow, 9/11 Commission staff executive director, who stated, "The national counter terrorism center is part of a Goldwater-Nichols concept for the intelligence community. . . . This is a conception of that [unified commands within the DOD] for the intelligence community, with joint mission centers bringing people from different disciplines and agencies together against common targets, supported by those home agencies like CIA and DIA." "Prospects for Change," *NewsHour with Jim Lehrer*, 23 July 2004, http://www.pbs.org/newshour/bb/terrorism/july-dec04/commission_7-23.html.

4. Gordon N. Lederman, *Reorganizing the Joint Chiefs of Staff: The Goldwater-Nichols Act of 1986* (Westport, Conn.: Greenwood Press, 1999).

5. Ibid., 2.

6. Ibid., 2–4. Lederman argues that the military model is pluralistic, similar to other US democratic institutions, and that there are advocates on competing ends of each tension helping to provide decision makers with the broadest range of perspectives.

7. 9/11 Report, 408 for structural barriers, 409 for dual-hatting.

8. Operation Eagle Claw was the name chosen for the entire rescue operation. Desert One was the rendezvous location for the first phase of the operation. Many discussions of the failed rescue use both names interchangeably. For a viewpoint on change from within the hierarchy as expressed by the sitting chairman of the Joint Chiefs of Staff, see David C. Jones, "Why the Joint Chiefs of Staff Must Change," *Armed Forces Journal International* 199, no. 7 (March 1982): 69–71.

9. James R. Locher, *Victory on the Potomac: The Goldwater-Nichols Act Unifies the Pentagon* (College Station, Tex.: Texas A&M University Press, 2002). Locher, as the primary Senate staffer working the effort, had a particularly intimate view of events and provides a comprehensive review of the events leading up to and surrounding the passage of the Goldwater-Nichols Act. Lederman, *Reorganizing the Joint Chiefs of Staff*, provides a scholarly review, including the inherent tensions in the American military organization, an analysis of the reorganization process, and a review of the military after the act's passage. An evaluation of the legislation's impact can be found in Paul M. Besson, *The Goldwater-Nichols Act: A Ten-Year Report Card*, P-98-2 (Cambridge, Mass.: Harvard University Program on Information Resources Policy, June 1998), http://www.pirp.harvard.edu/publications/pdf-blurb.asp?id=380 (accessed 18 October 2004).

10. Joint Publication 1-02, *DOD Dictionary of Military and Associated Terms*, http://www.dtic.mil/doctrine/jel/doddict/data/j/index.html (accessed 18 October 2004).

11. Ibid. The full definition of *unified action* is "A broad generic term that describes the wide scope of actions (including the synchronization of activities with governmental and nongovernmental agencies) taking place within unified commands, subordinate unified commands, or joint task forces under the overall direction of the commanders of those commands."

12. Department of Defense, *Rescue Mission Report* (Washington, D.C.: GPO, 23 August 1980), 4.

13. Ibid., 16.

14. John E. Valliere, "Disaster at Desert One: Catalyst for Change," *Parameters* 22, no. 3 (Autumn 1992): 77.

15. See US House, Committee on Armed Services, *Adequacy of U.S. Marine Corps Security in Beirut: Summary Findings and Conclusion of the Investigations Subcommittee*, 98th Cong., 1st sess., committee print no. IIA, 19 December 1983, 1. The first line of the summary document states, "There were inadequate security measures to protect the Marine Unit from the full spectrum of threats."

16. Joint Publication 3-0, *Doctrine for Joint Operations*, 10 September 2001, A-2.

17. US House, Committee on Armed Services, *Adequacy of U.S. Marine Corps Security in Beirut: Report Together with Additional and Dissenting Views of the Investigations Subcommittee*, 98th Cong., 1st sess., committee print no. II, 19 December 1983, 43–54.

18. Ibid., 47.

19. Richard A. Gabriel, *Military Incompetence: Why the American Military Doesn't Win* (New York: Farrar, Straus, Giroux, 1985), 138.

20. See also, John H. Cushman, *Command and Control of Theater Forces: Adequacy* (Washington D.C.: AFCEA International Press, 1985), 78. After retiring, General Cushman wrote further on the subject of command and control of forces and reiterated the problems with limited authority. For example, in describing the system circa 1983 he stated, "most commands are extraordinarily complex arrangements, their charters laced with intricate definitions of authority. And [Unified Actions Armed Forces] UNAFF . . . substantially limits the authorities of the unified commander, and is careful to prescribe in detail the authorities retained by his Service subordinates in peace and war." See also Locher, *Victory on the Potomac*, 157.

21. Locher, *Victory on the Potomac*, 209.

22. Archie D. Barrett, *Reappraising Defense Organization: An Analysis on the Defense Organization Study of 1977–1980* (Washington, D.C.: National Defense University Press, 1983), 53.

23. Locher, *Victory on the Potomac*, 135.

24. Ibid., 309.

25. Besson, *The Goldwater-Nichols Act*, 19.

26. Ronald H. Cole, *Operation Urgent Fury: The Planning and Execution of Joint Operations in Grenada* (Washington, D.C.: Joint History Office of the Chairman of the Joint Chiefs of Staff, 1997), 67.

27. Locher, *Victory on the Potomac*, 156.

28. Joint Publication 0-2, *Unified Action Armed Forces,* 10 July 2001), I-5.
29. Quoted in Locher, *Victory on the Potomac*, 133.
30. Jones, "Why the Joint Chiefs of Staff Must Change," 65, 72.
31. Ibid., 62.
32. Edward C. Meyer, "The JCS—How Much Reform Is Needed?" *Armed Forces Journal International* 199, no. 8 (April 1982): 89.
33. Jones, "Why the Joint Chiefs of Staff Must Change," 66.
34. Ibid., 66, 72.
35. Lederman, *Reorganizing the Joint Chiefs of Staff*, 36.
36. Meyer, "The JCS," 85.
37. Barrett, *Reappraising Defense Organization,* 36.
38. Jones, "Why the Joint Chiefs of Staff Must Change," 68.
39. Meyer, "The JCS," 85.
40. Lederman, *Reorganizing the Joint Chiefs of Staff*, 34.
41. Ibid., 35.
42. Ibid.
43. Jones, "Why the Joint Chiefs of Staff Must Change," 68.
44. Lederman, *Reorganizing the Joint Chiefs of Staff*, 42.
45. Ibid., 42.
46. Barrett, *Reappraising Defense Organization*, 55.
47. Lederman, *Reorganizing the Joint Chiefs of Staff*, 43.
48. Locher, *Victory on the Potomac*, 209.
49. Lederman, *Reorganizing the Joint Chiefs of Staff*, 43.
50. *Department of Defense Reorganization Act of 1986*, Public Law 99-433, 99th Cong., 2d sess. (1986), sec 3.
51. Lederman, *Reorganizing the Joint Chiefs of Staff*, 77.
52. Ibid., 77–78. Note that 400 and 1,627 refer to the numbers of Joint Staff personnel authorized by Congress. In actuality, additional personnel supported the Joint Staff pre–Goldwater-Nichols although they were technically filling positions in other organizations.
53. Lederman, *Reorganizing the Joint Chiefs of Staff*, 79.
54. Ibid., 80.
55. *Department of Defense Reorganization Act*, sec. 164(c)(3).
56. Ibid., sec. 164(d)(1).
57. Ibid., sec. 164(e)(1)(A) and sec. 164 (e)(3)(A).
58. *JSO* is "a term for officers who are particularly trained in and oriented towards joint policy and procedures. In order to be eligible to become a JSO, an officer must have completed both Phase I and Phase II of the JPME [joint professional military education] program and then complete a full Joint Duty Assignment (JDA), usually in that order." *Joint Officer Management*, http://www.afpc.randolph.af.mil/jom/Pages/FAQ.html (accessed 9 April 2005).
59. *Department of Defense Reorganization Act,* sec. 661(d).
60. Lederman, *Reorganizing the Joint Chiefs of Staff*, 82.
61. Ibid., 83.

62. For a decidedly more negative assessment of the success of Goldwater-Nichols, see Frank Hoffman, "Goldwater-Nichols after a Decade," in Murray Williamson, ed., *The Emerging Strategic Environment* (New York: Praeger, 1999), 156–82.

63. Peter D. Feaver and Richard H. Kohn, "The Gap," *National Interest*, no. 61 (Fall 2000): 34–5. The article cites the growing politicization of the military as potentially contributing to less trust in uniformed advice. The article also cites a potential trend in how advice is provided, "Contrary to the traditional understanding of civilian control, a majority of elite military officers today believes that it is proper for the military to insist rather than merely to advise." See also, Peter D. Feaver and Richard H. Kohn, eds., *Soldiers and Civilians: The Civil-Military Gap and American National Security* (Cambridge: MIT Press, 2001); and Eliot A. Cohen, *Supreme Command* (New York: Anchor Books, 2002).

64. See Hoffman, "Goldwater-Nichols after a Decade," for a discussion of Operation Just Cause, the military action to remove Manuel Noriega from Panama, and operations in Somalia. Hoffman suggests that operations in both Panama and Somalia were little better than those prior to Goldwater-Nichols passage.

65. See Michael R. Gordon and Bernard E. Trainor, *The Generals' War: The Inside Story of the Conflict in the Gulf* (Boston: Little Brown and Company, 1995). The general's power is described in the epilogue to the book, noting that even the service chiefs could not visit without his permission, 471. See also Les Aspin and Bill Dickinson, *Defense for a New Era: Lessons of the Persian Gulf War* (McLean, Va.: Brassey's, 1992), 43.

66. Katherine Boo, "How Congress Won the War in the Gulf," *Washington Monthly* 23, no. 10 (October 1991). As one defense official described it, "This is the first time since 1945 that a military commander had the power to resist the Marines' desire for an amphibious assault." See also Aspin and Dickinson, *Defense for a New Era*, 43.

67. Thomas A. Keaney and Eliot A. Cohen, *Gulf War Air Power Survey Summary Report* (hereafter referred to as *GWAPS*) (Washington, D.C.: GPO, 1993), 38. The original Instant Thunder plan remained largely intact for the first phase of the operation; however, the following phases broadened targeting efforts. Phase II focused on gaining air superiority over Kuwait, Phase III focused on attrition of Iraqi ground forces, and Phase IV was support to a ground attack into Kuwait.

68. US General Accounting Office, *Operation Desert Storm: Evaluation of the Air Campaign*, NSIAD-97-134 (Washington, D.C.: GAO, 1997), 14, uses the "over 1600" figure while the *GWAPS*, 7, reports "nearly 1800."

69. For example, in Vietnam air operations had as many as four separate air chains of command. In addition, the country was broken into six separate routes with various services and command organizations assigned to specific routes. No single joint commander planned and executed the air effort. See Aspin and Dickinson, *Defense for a New Era*, 8, and Lederman, *Reorganizing the Joint Chiefs of Staff*, 103.

70. Department of Defense, *Conduct of the Persian Gulf War: Final Report to Congress* (Washington, D.C.: Department of Defense, 1991), 119–20.

71. Aspin and Dickinson, *Defense for a New Era*, 10.

72. Initial planning associated with Instant Thunder was accomplished by the USAF Checkmate office in the Pentagon. After General Powell, CJCS, was briefed on the plan, he directed the effort be expanded to include representatives from all the services. Gordon and Trainor, *The Generals' War*, 84. Later, the JFACC assumed control of the planning under the auspices of the Special Planning Group or "Black Hole," which included representatives from all services; however, the Air Force still predominated, *GWAPS*, 38.

73. Gordon and Trainor, *The Generals' War*, 76, 77. This seeming violation of intent is somewhat mitigated, however, because the request for Air Force assistance came from the CENTCOM commander rather than having the plan thrust on the unified commander by the service. In addition, the initial plan only served as a template, with the remaining planning being accomplished by the JFACC's designated planning cell.

74. Aspin and Dickinson, *Defense for a New Era*, 9.

75. Lederman, *Reorganizing the Joint Chiefs of Staff*, 100. Initial planning of the ground campaign was conducted by a team of four Army officers referred to as the *Jedi Knights*.

76. Desert Storm marked the first use of the GPS satellites. See Aspin and Dickinson, *Defense for a New Era*, 21.

77. Ibid., 24.

78. Ibid., 23.

79. Peter C. Reddy, "Joint Interoperability: Fog or Lens for Joint Vision 2010?" (Maxwell AFB, Ala.: Air Command and Staff College, March 1997), 13.

80. The concept of *combined operations* is differentiated from joint operations to mean operations involving "forces or agencies of two or more allies," Joint Publication 1-02, *DOD Dictionary*. Joint operations involve operations from two or more military departments. See also Paul E. Gallis, "Kosovo: Lessons Learned from Allied Force," CRS-4 (Washington, D.C.: Congressional Research Service (CRS), 19 November 1999). Gallis states, "From the outset, Operation Allied Force was a unique type of operation, and not guided by normal military doctrine. There appears to have been no confusion on military objectives among NATO military forces. The significant differences in perspective were rather on the national political level, where short-term military objectives were affected by political adjustments in target lists, strong aversion to casualties on either side of the conflict, and concerns over domestic public reactions."

81. Benjamin S. Lambeth, "Lessons from the War in Kosovo," *Joint Forces Quarterly*, Spring 2002, 13, 15.

82. Ibid., 16. In this case, SACEUR, Army general Wesley Clark, argued for more attacks against fielded forces while the combined force air component commander, Air Force lieutenant general Michael Short, argued for more strategic and infrastructure attacks such as those directed against

Milošević, his C^2 apparatus, military and police headquarters, and electric power grids.

83. Benjamin S. Lambeth, *Nato's Air War for Kosovo: A Strategic and Operational Assessment* (Santa Monica, Calif.: RAND Corporation, 1999), 207, http://www.rand.org/publications/MR/MR1365/ (accessed 19 October 2004).

84. Ibid., 210.

85. Bruce R. Nardulli et al., *Disjointed War: Military Operations in Kosovo* (Santa Monica, Calif.: RAND Corporation, 1999), 7, http://www.rand.org/publications/MR/ MR1406/ (accessed 19 October 2004).

86. Ibid., 113.

87. The JFC in this case, Admiral Ellis, supported this view, stating, "The lack of a Land Component Commander was doctrinally flawed and operationally dangerous. . . . The JFC was left without valuable expertise on the land component aspect (e.g., training, qualifications, contingency, operations, logistics, force protection, etc.). It also increased confusion by complicating planning and impeding an efficient operational chain of command." See Nardulli et al., *Disjointed War*, 114.

88. Whether air operations were solely responsible is open to debate. See, for example, Gallis, "Kosovo: Lessons Learned from Allied Force." Gallis points to the ambiguity, stating, "Why Milošević decided to accept NATO terms and withdraw his forces remains unclear. Damage caused by NATO bombing, sustained allied unity, possible allied planning for a ground war, a desire to preserve his forces, and desertion of Russia as a possible protector were likely principal reasons."

89. Lambeth, *Nato's Air War for Kosovo*, 20.

90. Harris Poll 51, 6 September 2000, http://www.harrisinteractive.com/harris_poll/index.asp?PID=494 (accessed 25 October 2004), table 1. In 1982 only 22 percent viewed the profession of military officers as very prestigious versus 47 percent in 2004. According to the poll, "Prestige is strongly associated with respect, public service and good work."

91. The decision to cut the Crusader system was highly contentious, with the Army lobbying Congress even after the DOD leadership had reached a decision to cancel the program. See James Dao, "Rumsfeld Sets up Showdown over Weapon," *New York Times*, 9 May 2002, A-28. "Though Army officials waged a lobbying campaign on Capitol Hill last week to promote the Crusader after word of Mr. Rumsfeld's plans first surfaced, the Army secretary, Thomas E. White, said today that he would work hard to support the decision." The amount of JCS involvement in the final decision and their overall recommendation is unclear; however, Secretary Rumsfeld alludes that senior military leaders were actively involved in the decision. See Donald Rumsfeld, "A Choice to Transform the Military," *Washington Post*, 16 May 2002, A25. "The decision to recommend termination of the Crusader program was reached after many months of careful review, wide-ranging discussion and in-depth planning and analysis. This was a review not just of the Crusader program but also of future capabilities, of the strat-

egy to guide U.S. and of a framework for assessing and balancing risks. The senior uniformed and civilian leaders of the Defense Department spent countless hours discussing these matters in a process that started well before Sept. 11."

92. The National Command Authorities consist of the secretary of defense and the president.

93. See, for example, Cohen, *Supreme Command*, 214–15. Within the larger text, Cohen explores how four different leaders—Lincoln, Churchill, Clemenceau, and Ben-Gurion—approached the task of leading major war efforts. Cohen goes on to offer a somewhat variant take on the "normal" theory of civil-military relations and describes how each of the leaders interacted with and received advice from senior military officials. Chapter 7, "The Unequal Dialogue," provides an excellent summary of his analysis. See also Hoffman, "Goldwater-Nichols after a Decade," 163–66. The author suggests that military advice since Goldwater-Nichols has been poor, aiming most of his criticism at then-CJCS Colin Powell. Hoffman suggests that advice from a single source (Powell) is not always superior to that originating from multiple sources and viewpoints; however, Hoffman does not explain why the other service chiefs did not express dissenting views, as is their right under Goldwater-Nichols, if they believed that Powell's military advice was clearly wrong.

94. Peter J. Roman and David W. Tarr, "The Joint Chiefs of Staff: From Service Parochialism to Jointness," *Political Science Quarterly*, 113, no. 1 (Spring 1998): 109. The authors suggest that civilian decision makers believe "that the military now provides higher quality and more timely advice as a result of the Goldwater-Nichols reforms." Unfortunately, the authors do not identify which civilian leaders they interviewed and whether these civilian leaders had received military advice prior to Goldwater-Nichols passage to provide a basis for comparison.

95. For a brief description of the Cheney/Powell conflict see Cohen, *Supreme Command*, 190. "As Powell himself indicates in his memoirs, it took a sharp rebuke by Secretary of Defense Dick Cheney to remind him that he was supposed to execute policy, not make it." See also Steven Lee Myers and Eric Schmitt, "War's Contract Creates Tension among Chiefs," *New York Times,* 30 May 1999, P1. In Serbia, the larger dispute was between the combatant commander, Gen Wesley Clark, and the Clinton administration. In addition, see Steven Lee Myers, "U.S. Military Chiefs Firm: No Ground Force for Kosovo," *New York Times*, 3 June 1999, A16. Myers states, "From the start, the chiefs have expressed reservations about NATO's strategy and ever deeper misgivings about the prospects of an invasion." Other accounts can be found in Bradley Graham "White-Rumsfeld Dispute, Round 2; Ex-Army Secretary Fires Back on Iraq," *Washington Post*, 19 September 2003, Friday, Final Edition, A23; and Jonathan Weisman, "Rumsfeld and Myers Defend War Plan," *Washington Post*, 2 April 2003, Final Edition, A19. "Flare-ups include [SecDef] Rumsfeld's selection of a successor to Army Chief of Staff Gen. Eric K. Shinseki more than a year before Shinseki's planned retirement, the secretary's abrupt cancellation of the Army's Crusader self-propelled ar-

tillery gun and, weeks ago, Deputy Defense Secretary Paul D. Wolfowitz's public dispute with Shinseki over the size of a force needed to occupy Iraq once hostilities cease."

96. *Department of Defense Reorganization Act,* sec. 662(a)(1)-(3).

97. Department of Defense, "2003 Secretary of Defense Annual Report to the President and the Congress" (hereafter cited as ADR), 194–97, http://www.defenselink.mil/execsec/adr2003/adr2003_toc.html (accessed 25 October 2004).

98. ADR, 189.

99. *Department of Defense Reorganization Act,* sec. 663, (a)(1)-(2).

100. Ibid., sec. 663 (d)(2)(A)-(B).

101. ADR, 190. Also, James Locher, interviewed by the author, 2 February 2005. In contrast to the possible reasons for the gap, Locher believes the services continue to leave too many JSO positions unfilled and have not fully supported the full intent of this aspect of Goldwater-Nichols.

102. Dr. Paul Herbert and Mr. Stuart Wilson, associates, Booz Allen Hamilton, *Testimony before the Subcommittee on Total Force, House Armed Services Committee, United States House of Representatives*, 19 March 2003, http://www.house.gov/hasc/openingstatementsandpressreleases/108thcongress/03-03-19herbert.html#_ftnref20 (accessed 31 March 2005). The DOD contracted Booz Allen Hamilton to perform an independent study of "Joint Officer Management and Joint Professional Military Education" in September 2002. The testimony by Herbert and Wilson highlighted the results of the study.

103. Ibid.

104. Lederman, *Reorganizing the Joint Chiefs of Staff*, 107–8.

105. In fact, there are legitimate reasons for not wanting to completely rid the DOD of such rivalry, particularly when it can spur innovation. For a brief description of this and other advantages of interservice competition, see Harvey M. Sapolsky, "Interservice Competition: The Solution, Not the Problem," *Joint Forces Quarterly*, Spring 1997, 50–53.

Chapter 3

Reforming Intelligence: A 50-Year Effort

Within our generation and for our protection, organized Intelligence has been forced upon us by the rapidly shrinking world of electronics, nuclear weapons and planes which travel at supersonic speed.

—Task Force on the Organization of Intelligence Activities, 1955

While the context of the threats described in the epigraph above has changed, the need for organized intelligence remains. In many respects, the emergence of multiple transnational adversaries, coupled with continuing threats from nation-states and the resultant intelligence needs of policy makers, has placed even greater demands on the US intelligence system. As the international environment has changed over the last 50-plus years, the IC has also evolved. The extent of this evolution and its suitability to meet the current and projected challenges are less clear. However, at its core the IC remains an interagency construct governed more by consensus than by administrative fiat, and this reality has significant implications for how the IC is directed and how it acts.[1] An ongoing debate has ensued that has offered many opportunities to examine the IC, assess its suitability, and recommend alterations in its structure and focus. These assessments, often performed by congressional or presidential commissions or studies, are the subject of this chapter.

The IC has certainly not escaped outside scrutiny. Initiatives to improve or restructure the IC or individual agencies have existed almost as long as the IC itself. A series of Congressional Research Service (CRS) reports documents several major efforts to examine the IC; another account indicates that 16 federal studies and commissions have addressed the subject of intelligence since 1991 alone.[2] The real question is

whether this scrutiny resulted in fundamental change since 1947 or whether change has been marginal at best.

The IC has changed considerably from its rather humble origins in 1947. To be sure, the basic structural framework remains the same; however, the IC has grown dramatically in terms of the absolute number of organizations and personnel and the resources applied to the intelligence effort. Much of this change occurred without legislation; in fact, Congress enacted little significant intelligence reform legislation prior to 2004. The executive branch has been far more active, establishing new intelligence agencies, dramatically increasing the size of the IC in terms of resources, and issuing multiple executive orders. Still, despite the relative lack of substantive legislation since 1947, the threat of congressional action has, in some cases, impelled the executive branch to make desired changes through internal restructuring, management initiatives, or the issuance of new executive orders.

Most reform efforts have focused on one of two distinct areas: the operations of the CIA and/or the management of the IC. Those efforts focused on the IC have examined a variety of community management issues, three of which are salient to the most recent reform efforts. The first concerns the repeated recommendations to further centralize the IC to improve coordination and reduce duplication among the multiple organizations within the IC. Tightly coupled to this is a second area of commonality—the need to increase the director of central intelligence's (DCI) control over the IC. This issue has both a dual-hatting aspect, since the DCI also serves as the director of CIA, and an authority aspect. Thus there were repeated calls to increase the DCI's authority to better manage the IC. The third topic is analysis, including methods to improve analytic products for the policy maker, the proper relationship between the policy maker and analytic community, and the role of analysis organizations within the separate departments.

The following discussion centers on those elements of past reforms that have examined the IC as a whole rather than the conduct or operations of individual agencies.[3] Appendix B summarizes these reform efforts, while appendix C highlights several of the milestones in the IC's evolution.

IC Origins: The National Security Act of 1947

The modern-day IC and the DOD share a common legislative ancestor: the National Security Act of 1947. As the legislation that lays the foundation of the modern IC, the act is notable more for what it does not specify than for what it does. In a little more than one-and-a-half pages, the act established the CIA and defined its chief functions. The CIA effectively subsumed the functions of what at the time was the Central Intelligence Group, and it was placed under the newly formed National Security Council (NSC).[4] The primary duties of the CIA were to advise the NSC on intelligence matters and to "correlate and evaluate intelligence relating to national security" from the intelligence departments.[5] The act granted the CIA authority to receive all national-security-related intelligence from the departments.

Despite assigning the central role in correlating national security intelligence to the CIA, and more specifically to the DCI, the act confirmed the authority of the other departments to continue to "collect, evaluate, correlate, and disseminate departmental intelligence."[6] Thus the legislation paid obvious deference to the need for each of the departments with intelligence organizations to maintain its organic capabilities and use them for specific departmental requirements.

Early Studies of the IC

As would be expected after a major legislative change to organizations, the transition to the new IC structure involved controversy and uncertainty as to the roles and missions of various organizations. The newly formed CIA in particular had to struggle with its roles.

One particularly difficult issue was how to obtain the necessary cooperation from the Departments of Defense and State without any formal line or budgetary authority over the intelligence organizations within those departments. The role of the CIA in operational activities was also unclear. This ambiguity led to a study of the CIA soon after its formation.

Intelligence Survey Group (Dulles-Jackson-Correa Report)

In 1948 the fledgling NSC commissioned a study of the CIA. Much of the study, known as the Dulles-Jackson-Correa report, focused on the CIA's effectiveness in carrying out the tasks specified in the National Security Act—specifically, the coordination of intelligence activities and the production of national intelligence.[7] The report found the "CIA was not coordinating intelligence activities in the Government; the correlation and evaluation functions were not well organized, and other members of the fledgling IC were not fully included in the estimates process."[8] The report faulted the CIA and its leadership on the quality of its intelligence estimates, citing the CIA's "failure to take charge of the production of coordinated national estimates."[9] To address problems with intelligence estimates, the report suggested making stronger use of the existing Intelligence Advisory Committee, creating an Estimates Division within the CIA, and ensuring full involvement of participating intelligence agencies.[10] The report found that "jurisdictional conflicts and duplication which the National Security Act was intended to eliminate" still remained.[11]

Less clear was how the CIA was to coordinate more effectively the activities of the IC. Possibly presaging the need for a version of today's Community Management Staff, the report recommended the reconstitution and strengthening of a previous staff function, the Interdepartmental Coordinating and Planning Staff. However, it also found that such coordination could best be achieved through "mutual agreement" and the "right measure of leadership."[12] The Dulles-Jackson-Correa report thus began a 50-plus-year debate as to whether effective coordination required greater DCI authority or simply the proper execution of authority already provided. The report clearly presumed the latter would suffice.[13]

The First Hoover Commission

During the same year, the overall efficacy of the entire executive branch of government was under review by the Commission on Organization of the Executive Branch of the Government, which came to be known as the Hoover Commission.

The commission completed its exceptionally broad assessment of the entire government in 1949. While the review covered the CIA, the analysis of the agency was less substantive in comparison to other aspects of the commission's review. The Hoover Commission was composed of various task forces assigned to examine various aspects of the government.

Ferdinand Eberstadt (who had performed an earlier review of the Central Intelligence Group) led the task force on National Security Organization that reviewed the intelligence community as part of its examination of the entire national security system as then configured. Although broad, the study included several notable findings. The task force's report, perhaps presaging a central theme in intelligence reviews, found "disturbing inadequacies in our intelligence system," referring to a mistaken intelligence estimate in 1948.[14] The report recommended that a board focused exclusively on intelligence evaluation be created within the CIA and that the CIA establish better relations with the other intelligence organizations upon which it depended for actual intelligence.[15] The report also made the first case for greater centralization of intelligence, stating that, "Too many disparate intelligence estimates have been made by the individual departmental intelligence services; that these separate estimates have often been subjective and biased, . . . and that a more comprehensive collection system, better coordination and more mature and experienced evaluation are imperative."[16] Finally, the task force shed light on the root of a problem that would become a common theme in future reviews and reform efforts: the lack of support from other intelligence agencies was negatively affecting the CIA's ability to provide sound, comprehensive intelligence estimates. Although Congress took no action on the reports of either the Intelligence Survey Group or the First Hoover Commission, the incoming DCI, Gen Walter Bedell Smith, created a Board of National Estimates to review and produce national intelligence estimates and thus improve the estimative process.[17]

The Second Hoover Commission

In 1955 the Task Force on Intelligence Activities, working as part of the Second Hoover Commission, released its report on

the IC.[18] As with the First Hoover Commission, this assessment was only part of a much larger effort. The task force was initially instructed to examine only the CIA; however, the task evolved to studying all intelligence operations. Even at this relatively early time in the IC's evolution, the task force found 12 separate agencies involved directly in intelligence, with 10 additional agencies involved indirectly.[19] The task force was generally comfortable with the intelligence effort, finding it was "pursued in a diligent and dedicated manner," although there were some instances of inefficiencies.[20]

Of the nine recommendations, only one dealt specifically with improving the function of the IC. The commission suggested creating the position of executive director of the CIA to relieve the DCI of the basic administrative tasks related to the CIA and allow the DCI to dedicate more time to coordinating IC efforts.[21] This recommendation was one of the first to highlight the demands placed on the DCI by his two roles; however, no action was taken. In fact, the DCI at the time, Allen Dulles, did the opposite and created a deputy for community affairs, thereby allowing himself more time to focus on the CIA.[22] This action seems especially ironic given the emphasis he had placed on coordination and national estimates when he was part of the Intelligence Survey Group in 1949.[23]

Executive Branch Activity 1955–63

In response to the Second Hoover Commission's recommendation to establish an oversight mechanism, Pres. Dwight D. Eisenhower issued Executive Order 10656 in 1956, creating the President's Board of Consultants on Foreign Intelligence Activities (PBCFIA).[24] This board reiterated the need for the DCI to focus more on community affairs and again recommended establishing an executive director of the CIA to relieve the DCI of "many of the management responsibilities he is currently called upon to discharge as head of the CIA."[25] Despite these continuing calls for an executive director and pressure from President Eisenhower, DCI Dulles refused to create the position. His resistance illustrates one of the problems of reform: the roles that personality and individual preferences of senior leaders play in implementing suggested, or in some

cases mandated, reforms. In this case, DCI Dulles successfully resisted the reforms and continued to focus his efforts on his preferred role as head of the CIA at the expense of the IC.

During the early 1960s, the concept of separating the two roles of the DCI seems to have been considered by the PBCFIA and later by the renamed President's Foreign Intelligence Advisory Board (PFIAB).[26] Their recommendations were never acted upon, and it remains unclear if they simply refined earlier recommendations or responded to specific events such as the Bay of Pigs failure. What is clear is that Pres. John F. Kennedy believed the role of leading the IC, not the management of the CIA, was the core task of the DCI.[27] Again, personality and management preferences, in this case the president's, played a role. President Kennedy pressed for greater community coordination, and the DCI at the time, John McCone, attempted to comply. However, he apparently failed to secure a stronger role for the DCI because of bureaucratic maneuvering by organizations within the IC.

No significant studies or reform proposals emerged in the remainder of the 1960s. However, the following decade presented a significant contrast to this relatively quiet period.

The 1970s

The 1970s saw intensive studies and reforms of the IC carried out by both the executive and legislative branches. Executive branch scrutiny of the IC began with the Office of Management and Budget's (OMB) significant evaluation of the IC. Congress also became more involved, first through a congressionally mandated study, but later through congressional investigations into charges of impropriety and questionable activities on the parts of various organizations within the IC. The executive branch launched a separate study, the Rockefeller Commission, to provide a separate investigation of the charges.

Taken together, the resulting reports offered the most in-depth examination of the IC performed up to that time. Many of their recommendations would be carried forward in future reform efforts.

The Schlesinger Report

In 1971 Pres. Richard M. Nixon requested that the OMB examine the IC's organization and recommend improvements.[28] The report submitted by James Schlesinger, the OMB director, offered one of the broadest and most insightful evaluations of the IC and its efforts at that time. In language reminiscent of future reform efforts the report found:

> While a number of specific measures may help to bring about a closer relationship between cost and effectiveness, the main hope for doing so lies in a fundamental reform of the intelligence community's decision-making bodies and procedures. This conclusion is advanced in the full recognition that reorganization will, at best, only create conditions in which wise and imaginative leadership can flourish. In the absence of reorganization, however, the habits of [the] intelligence community will remain as difficult to control as was the performance of the Department of Defense prior to the Defense Reorganization Act of 1958.[29]

The report identified "unproductively duplicative" development of collection capabilities and poor interagency comparisons of capabilities, "largely unplanned and unguided" expansion of the community with respect to allocation of resources, the growing cost of collection capabilities at the expense of analytical capabilities, and limitations on the DCI's performance of his duties because of his multiple roles.[30] It found problems similar to those facing combatant commanders prior to Goldwater-Nichols: a "lack of institutions governing the community with the authority and responsibility to resolve issues without excessive compromise."[31] The report laid out several variables affecting effectiveness and efficiency of the IC that future reform efforts would revisit. These variables included the DCI's control over resources and over the intelligence activities of the military services, the size and functions of the DCI's staff, "the number and location of national analytical and estimating centers," and the need for independent review mechanisms.[32]

The Schlesinger Report then provided three options to rectify the perceived problems. The first option examined establishing a director of national intelligence (DNI) and placing the majority of collection assets under the DNI's direct control, with the DOD only maintaining control over tactical assets.[33] The report identified the advantages of this approach as clarifying responsibility and permitting more effective budgetary

and programming decisions. The disadvantages included the potential to further overload the DCI with responsibilities, resistance from the DOD, and (perhaps most important) the likelihood of the DOD's creating its own indigenous capabilities that it could directly control.[34] The second option examined increasing the power of the DCI and dividing the CIA, with one part providing the staff and analytic support needed by the DCI and the other becoming a separate agency under a separate director. This option would have removed from the DCI the day-to-day responsibility of managing the CIA, allowing him time to manage community affairs. It would have prevented the conflict of interest that resulted when the DCI was both an advocate for CIA programs and an arbiter of community-wide programs.[35] The primary disadvantages of the approach were the DCI's lack of direct authority over much of the IC and decreased control over the CIA.[36] The third, and clearly least favored, option was to place a coordinator of national intelligence in the White House to oversee the IC and ensure the community met the needs of national policy makers.

The final portion of the report dealt with mechanisms to improve analysis and estimates—a topic still relevant today. Recommendations included greater dialogue with consumers of information, upgrades to analytic centers to improve "the competition of ideas," "periodic reviews by outsiders of intelligence products" and analytic methods employed, creation of a net assessment group to challenge assumptions, and "stronger incentives to attract good analysts," including improved career opportunities.[37]

In response to the report's recommendations, the president issued a directive calling for a limited reorganization.[38] The reorganization involved implementing the report's second option by enhancing the power of the DCI, establishing an Intelligence Resources Advisory Committee to prepare a consolidated intelligence budget, and establishing a net assessment group within the NSC to review and evaluate intelligence products and produce net assessments. The directive also consolidated DOD mapping agencies under a new organization, the Defense Mapping Agency.[39] Finally, in 1972 the directive led to establishment of the IC Staff, the predecessor to the current

Community Management Staff.[40] All the recommendations were implemented through the executive branch, opening the reform efforts to criticism that would become more prevalent in future years—namely, the lack of a statutory basis to support the DCI in exercising his newly granted authority.[41]

The executive branch's relative activism with regard to this particular reform effort is notable, as it does not appear to have been driven by either direct intelligence failures or pressures from Congress. The Schlesinger effort also highlights two recurring themes in intelligence reform. First, it followed the relatively continuous path of previous reform efforts in its push towards greater centralization of intelligence efforts both for improved efficiency and for improved analytic production. Second, it emphasized one of the fundamental requirements for greater centralization: commensurate authority to achieve the desired results. The lack of such authority, or the failure to properly exercise the authority provided, has consistently undermined centralization efforts—a topic addressed by the next commission to review the IC.

The Murphy Commission

In 1972 Congress authorized the Commission on the Organization of the Government for the Conduct of Foreign Policy, chaired by Amb. Robert Murphy.[42] The study of the IC was part of a broader effort, and as such, the recommendations and findings are much less detailed than those of some other studies. One of the commission's insights highlighted the importance of organization vis-à-vis the effectiveness of government, finding that "organization affects more than the efficiency of government; it can affect the outcome of decisions. Organizational patterns determine the probabilities that a decision will be taken at one level rather than another, or in one agency instead of another."[43]

On issues of intelligence organization, the Murphy Commission set two standards of performance by the IC: (1) analytic responsiveness to decision makers with accompanying competence and integrity of the intelligence product, and (2) economy in the planning, programming, and budgeting of intelligence systems.[44] The findings identified gaps in analysis, poor

collection focus, and poor cost management in the development of systems. According to the commission, the sources of the problems included the numerous agencies and lines of command involved in the intelligence process, the relative strength of the DOD with respect to budget and manpower resources, and a tendency to chase technology without first examining whether new capabilities were truly necessary.[45] The commission further noted that the DCI lacked line authority over organizations within the IC other than the CIA; however, it did not recommend granting such authority to the DCI.[46]

The Murphy Commission recommended moving the DCI physically closer to the White House to provide more direct access to the president and counterbalance the lack of line authority over other organizations within the IC. Like previous studies, the report argued for increased centralization and stressed the need for the DCI to emphasize management of community affairs over management of the CIA.[47] The commission also recommended a strengthening both of the PFIAB to provide a source of independent advice to the president and of the NSC Intelligence Council to improve guidance to the IC on the intelligence requirements of policy makers.[48] In addition, the commission recommended that all departments maintain and strengthen their internal analysis efforts—an approach more supportive of decentralized intelligence analysis than that of similar studies.[49] To improve the national estimative process, the commission's recommendations focused on more clearly reflecting analytic differences across agencies in intelligence products and dedicating staff to the formulation of estimates rather than forming ad hoc groups to develop the products.[50] Finally, presaging findings in the 9/11 Report, the commission warned that human intelligence was being marginalized at the expense of more costly technical solutions. It therefore recommended that the IC place renewed emphasis and investment on using human sources of intelligence.[51]

The Church Committee

Until 1975 the executive branch oversaw nearly all significant changes to the intelligence structure. This changed in early 1975, when both the Senate and House began to inves-

tigate alleged illegal domestic intelligence activities as well as specific improprieties of certain CIA operations.[52] The Senate formed the Select Committee to Study Governmental Operations with Respect to Intelligence Activities under the direction of Senator Frank Church (D-ID). The committee had two tasks: investigate charges of abuse and propose legislative remedies to correct any abuses or deficiencies.[53] Over a period of 15 months, the Church Committee held a series of hearings, interviewed hundreds of witnesses, and ultimately released 183 recommendations encapsulated in six final reports roughly reflecting the various areas of investigation.[54] The committee called for a comprehensive legislative charter for the IC to include organic acts to recognize the different intelligence agencies that had been established since 1947, sort out roles and missions for the various agencies, and establish legislative restrictions on the types of activities in which intelligence agencies could engage.[55]

Although the committee focused on allegations of abuse, it made recommendations regarding the management of the IC at large. For example, it found that the DCI had insufficient authority, failed to prevent unnecessary waste and duplication, and did not adequately steer the IC toward meeting the needs of policy makers.[56] Other significant findings dealt with the need to properly balance national and tactical requirements and the DCI's difficulties in removing department and agency bias in the formulation of intelligence estimates, particularly when the White House or the DOD applied the pressure.[57] The committee commented on the dual roles of the DCI, finding that the two roles created both a conflict of interest in managing the community and a span of control too large for the DCI to execute both functions adequately.[58]

The Church Committee also found that analysis was subordinated to other activities. Analysts had insufficient and sometimes negative incentive structures, were often overwhelmed with information, and were disconnected from the policy makers who used their product.[59] Recommendations included changing incentive structures to allow analysts to remain in analysis positions longer, injecting analyst personnel from outside the traditional confines of the IC, and assigning ana-

lysts to perform exchange tours with other agencies and academic institutions.

The Pike Committee

The House also formed an investigative committee under the chairmanship of Rep. Otis Pike (D-NY) to conduct its own investigations of the IC. The Pike Committee had a far more adversarial relationship with the executive branch than the Church Committee. It "failed to conduct well-documented, complete, and effective hearings" and produced a report that the House ultimately voted not to publish.[60] However, the House published the committee's recommendations in 1976.[61] The recommendations included that the DCI be given central power over the IC, that the position of DCI be separated from that of head of CIA "with a view to eliminating duplication in collection and promoting competition in analysis," that budget totals of each agency be disclosed, and that the Defense Intelligence Agency (DIA) be abolished because of perceived duplication with the CIA.[62] However, the controversy over both the conduct of the investigation and the publication of the final report diminished the overall legacy of the committee.

The Rockefeller Commission

The executive branch performed its own investigation via a commission chaired by Vice Pres. Nelson A. Rockefeller.[63] Like the congressional investigations, the Commission on CIA Activities within the United States (Rockefeller Commission) focused almost exclusively on the conduct of one agency, namely the CIA. However, some of its recommendations reappeared in later reform efforts. They included the development of a Joint Committee on Intelligence in Congress, with the Joint Committee on Atomic Energy cited as one example of successful joint oversight. The commission also recommended the public release of CIA budget figures, presaging later calls for budgetary transparency within the IC. Echoing the Murphy Commission, Rockefeller Commission recommended strengthening the PFIAB to provide additional oversight, including "assessing the quality of foreign intelligence estimates."[64]

Although proposed for different reasons, several of the recommendations affecting the FBI and CIA remain relevant today. The first focused on improving the analytic capabilities of the FBI to "evaluate, analyze and coordinate intelligence and counterintelligence collected by the FBI concerning espionage, terrorism, and other related matters of internal security."[65] A second recommendation was that the CIA and FBI prepare an agreement to describe each agency's jurisdiction and to provide "for effective liaison on matters of mutual concern."[66]

Results

In response to these investigations, Congress attempted to pass legislation that would enact many of the recommendations, principally those made by the Church Committee. The most comprehensive of these efforts was a bill called the "National Intelligence Reorganization and Reform Act of 1978," which included a proposal to create a DNI who would retain control over the CIA.[67] According to one analysis of the effort, Congress debated separating the two roles of the DCI but rejected changes because the loss of the CIA would "deprive the Director of a strong institutional base and would subject him to more pressure from policymakers."[68] None of the measures passed.

However, both the legislative and executive branches took some action during the Carter administration. In 1978 Congress passed the Foreign Intelligence Surveillance Act (FISA). Also, as suggested by the Church Committee final report, Congress passed the Intelligence Oversight Act of 1980, establishing new requirements on the IC to report significant activities to the congressional intelligence committees.[69] Perhaps the greatest legacy of the investigations was the establishment of permanent select committees on intelligence in both houses to enhance congressional oversight of intelligence activities. These committees stand in stark contrast to the oversight provided prior to 1975 via the Armed Services committees of the House and Senate, where few meetings were held, no notes were taken, and relationships with the intelligence agencies were considered more collegial than confrontational.[70] However, the formation of the Senate Select Committee on Intelli-

gence (SSCI) in the Senate was not without controversy, and the Senate Armed Services Committee (SASC) asserted its prerogative to retain oversight of tactical intelligence programs—a structure that continues today.[71] Congress also established the precedent in 1977 of enacting intelligence authorization bills similar to those for other executive department activities.

In the executive branch, perhaps to preempt greater legislative activism, Pres. Gerald Ford issued EO 11905 to further clarify the responsibilities of IC member organizations, to include the reporting and identification of unlawful activity.[72] The executive order also created the Intelligence Oversight Board to examine intelligence activities of the IC, review internal practices of intelligence organizations, and report findings to the attorney general and the president.[73] The SSCI also worked directly with the Carter administration to formulate EO 12036, which further prescribed the duties of intelligence organizations, placed restrictions on intelligence activities, and defined oversight provisions.[74] These executive orders ultimately implemented several aspects of the Church Committee's recommendations and thus can be reasonably construed as products of successful legislative oversight.

The 1980s

Following the Iran-Contra scandal, Congress again became more active, proposing the separation of the DCI's role as head of the IC from his role as head of the CIA. During the Reagan administration, Senator Arlen Specter (R-PA) put forth legislative recommendations in both the 100th and 101st Congresses to split these duties through the creation of a DNI who would be charged with coordinating the overall efforts of the IC.[75]

A CRS study attributed the increased congressional activity to a number of factors including (1) the increasing expansion of the IC, (2) the dependence of effective community coordination upon the degree of attention devoted to this role by the incumbent DCI, (3) perceived intelligence failures, and (4) allegations of illegality.[76] With the exception of the fourth attribute, the same conditions were apparent 15 years later as

intelligence reform efforts once again received substantial legislative attention.

The 1990s

Reform efforts internal to the IC paralleled those of high-level commissions and boards. For example, in 1991 DCI Robert Gates established multiple task forces to examine both internal CIA and community-wide processes. The findings led to the establishment of offices to better utilize open-source information and the strengthening of the DCI staff to aid in community management efforts.[77] Concurrent with the DCI's effort, the chairmen of the congressional intelligence committees, Senator David Boren (R-OK) and Cong. Dave McCurdy (D-PA), introduced legislation seeking "sweeping changes in the intelligence apparatus of government" necessitated by the end of the cold war.[78]

The legislative effort, which was never enacted, would have established a DNI and released the top-line budget amount. The legislation echoed the Schlesinger Report with respect to the DNI's relation with the CIA. It recommended that the DNI gain control over the analytic resources of the CIA, thereby effectively providing the DNI with a centralized intelligence function while ceding daily control of the remainder of CIA functions to a separate director.[79] The proposed legislation would have significantly increased the authority of the head of the IC (in this case a DNI), granting the authority to transfer personnel for up to 180 days and transfer funds without the consent of department heads.[80] Finally, the legislation also proposed the creation of a National Imagery Agency.[81]

Senator Boren's recommendations included providing a DNI with a greater role in the hiring of intelligence agency heads.[82] The restructuring envisioned was significant, effectively producing four major organizations: three of them devoted to the intelligence collection disciplines of signals, imagery, and human intelligence, respectively, and a fourth devoted to intelligence analysis.[83] The goal of such a restructuring, like those of most drives towards centralization, was to increase efficiency and accountability. Other recommendations included

improving the collection of human intelligence and increasing the use of open-source information. Senator Boren also commented on problems with intelligence estimates, suggesting they were "overly cautious, caveated and consensus driven," and recommended augmenting the cadre of IC analysts with outsiders from the private sector and academe.[84]

The Aspin-Brown Commission

In October 1994 Congress continued its examination of the IC in light of several developments that included the end of the cold war, a perceived lack of executive branch will to make changes, concern over the amount of resources committed to intelligence, and general charges of mismanagement within the component organizations.[85] The Commission on the Roles and Capabilities of the United States Intelligence Community, also known as the Aspin-Brown Commission, was given a mandate to assess the roles of the various agencies and perform a comprehensive analysis of the IC, touching on both community-wide issues and issues specific to individual organizations. The committee's report included recommendations to improve overall guidance to the IC through a permanent NSC organization; to develop closer ties between the IC and the policy community; to improve central control of the IC; to improve sharing of information between law enforcement and intelligence agencies; and to improve planning, programming, and budgeting processes to reduce waste and redundancy.[86]

The commission found that the DCI's authority had strengthened over time with regard to establishing requirements and budget consolidation; however, the report also noted the lack of line authority that undermined this power.[87] In the course of studying the DCI's roles, the commission examined some approaches to decentralize intelligence and others to further increase centralization. The decentralized approach involved providing budgetary authority to the individual agencies and departments and making the DCI responsible only for CIA programs.[88] The commission rejected this approach because of the potential for greater waste and duplication as well as the possibility that non-DOD activities would gradually lose the attention of decision makers.[89]

Another approach looked at increasing centralization by giving the DCI line authority over several major DOD intelligence agencies. This approach was rejected because the commission considered these organizations critical in providing support to military operations and believed that removing them from the DOD would jeopardize this support. Equally important was that military personnel staffed many of these organizations. A shift in line authority would likely have resulted in the DOD's retention of these personnel, with a concomitant requirement to replace them with non-DOD civilians at substantial costs.[90] A different option for centralization was to create a DNI who would oversee the entire community, but the commission also rejected this because it believed that the loss of leadership over the CIA would reduce the DCI's overall authority.[91]

The commission eventually chose a relatively middle course that would not have significantly altered the centralization/decentralization balance within the IC. It involved strengthening the DCI's authority by requiring the DCI's concurrence on the appointment of heads of the national intelligence agencies within the DOD, dual-hatting these officials under the CIA, and specifying by statute two deputies for the DCI—one to manage the CIA and the other to manage the IC.[92] However, the commission did not believe other legal changes were required to provide the DCI with the increased authority.[93]

The commission made numerous recommendations in other areas as well. To improve budgetary management, the commission focused on organizing the budget around intelligence disciplines, such as signals and imagery, with the goal of reducing duplication and waste.[94] Recommendations for improving intelligence analysis suggested improving the relationships between intelligence producers and consumers (policy makers). While acknowledging the potential for politicization, the committee saw a greater danger in too much distance between the IC and the policy maker, which would result in intelligence analysis becoming "irrelevant to the process of government."[95] Like previous commissions, Aspin-Brown made suggestions to improve the quality of analysts, to increase the use of open-source information, and to develop stronger ties with experts outside the IC. In contrast to both prior and future reform ef-

forts, cost-saving efforts focused on cuts in personnel rather than in intelligence systems.[96] The commission also recommended that the IC attempt to consolidate its personnel functions to allow better rotation of staff between various agencies. Finally, echoing the 1992 legislative proposals, the commission recommended disclosure of top-line budget amounts.

IC21: The Intelligence Community in the 21st Century

The House Permanent Select Committee on Intelligence (HPSCI) undertook a second investigation of the IC in an attempt to reap cost savings following the end of the cold war. Notably, the resulting report, *IC21: The Intelligence Community in the 21st Century* (hereafter *IC21*), was written within a context that maintained the key issue was "opportunity, not reform" and stated the "US national security interests are less threatened than at any time since 1940."[97] *IC21* examined the role of the DCI along the lines of greater or lesser centralization and strongly supported increasing the DCI's authority, citing a "glaring gap between his responsibilities and his authorities."[98] The report recommended increasing DCI control over budgets, which was considered to be the "essential bureaucratic lever"; creating a stronger community management staff; providing the DCI authority to detail intelligence personnel between agencies; and giving the DCI greater say in the appointment of agency heads.[99] It cited testimony by former DCIs who expressed the importance of retaining an agency reporting directly to the director to provide another source of power. Therefore, unlike other studies, the report did not envision creating a separate DNI. Instead, the HPSCI chose to strengthen the roles of deputy DCIs to provide more oversight over both the CIA and the larger community.

IC21 did not recommend consolidation of analytic resources within a single organization. It found that organic analytic efforts provided important and tailored support to their parent departments and also aided in the competitive analysis process. The report reiterated previous calls to allow greater personnel exchange, create commonality in personnel systems at the senior executive level, and—echoing Goldwater-Nichols—

require rotational assignments within the community as a prerequisite for promotion.[100] Improving analysis was seen as a function of establishing greater linkages with policy makers and collectors to understand better what information policy makers desired. Like the Aspin-Brown Commission, *IC21* recommended reestablishing the Committee on Foreign Intelligence (CFI) to provide more direct feedback and interaction between policy makers and the IC and thus improve policy coordination.

The report also studied the existing analytic centers, which at the time numbered seven.[101] It found that such centers were valuable when they addressed "enduring intelligence issues"; however, the centers were not true interagency constructs and were unevenly staffed by the various agencies. Moreover, IC personnel did not consider participation in centers career enhancing. To address these shortcomings, the report recommended changes similar to the joint personnel practices of Goldwater-Nichols, including increased incentives, improved promotion opportunity, and increased participation from IC component organizations other than the CIA. *IC21* specifically stated, "the IC personnel evaluation and promotion systems must accurately reflect and reward the performance of employees detailed to centers."[102] On the subject of information sharing, specifically with law enforcement agencies, the report found that existing statutes were sufficient to allow the necessary practices, but that specific information management and policies should be improved to allow for sufficient information sharing.

The Aspin-Brown report and the *IC21* report were released in March and April 1996 respectively. The initial response from Congress appears to have been relatively substantial in comparison to its response to other reform efforts. In the Intelligence Authorization Act for Fiscal Year 1997, Congress established the Committee on Foreign Intelligence and the Committee on Transnational Threats within the NSC, enhanced the authority of the DCI over budgets and personnel, and created two deputy director positions under the DCI and three assistant DCIs (ADCI) to aid in community management activities.[103] The CFI was tasked, among other functions, to establish

"priorities (including funding priorities) among the programs, projects, and activities that address" national security needs. Thus, in effect, the legislation moved a key element of community management up one level in the executive branch hierarchy. The additional authorities granted to the DCI were largely cosmetic, charging the DCI to "facilitate the development of the annual budget" and to concur in the appointment of selected intelligence officials within the DOD.[104]

The additional managerial layers within the DCI community staff might have helped the DCI to deal with span-of-control issues; however, the executive branch resisted this measure. President Clinton was particularly concerned with Congress's forced establishment of two committees on the NSC staff as an unnecessary invasion into executive branch jurisdiction, and he supported the DCI's resistance to the new ADCIs established for community management. In fact, only two individuals were ever nominated to fill ADCI positions, and after they left office in 2003 their positions were not filled.[105] Further attesting to the relatively limited effect of reform, one staff member of the Aspin-Brown commission stated, "The IC was, in sum, largely unaffected by the Aspin-Brown inquiry—or for that matter, the similar reform proposal of IC21."[106]

The 9/11 Inquiries

After the events of 9/11, the intelligence committees of Congress performed a joint inquiry of the IC to conduct "a factual review of what the intelligence community knew or should have known prior to September 11, 2001" and to identify "systemic problems that may have impeded the intelligence community."[107] In addition, Congress created the National Commission on Terrorist Attacks upon the United States, commonly referred to as the 9/11 Commission.[108] In addition to examining in detail the events and intelligence prior to the attacks, both investigations led to recommendations on restructuring the IC that were partially enacted in subsequent legislation.

In many instances the joint inquiry findings were remarkably similar to those later published in the 9/11 Report. These

findings included inadequate community structures, poor technological interfaces, and failures of information sharing.[109] Recommendations from the congressional inquiry included separating the DCI's two roles by creating a cabinet-level DNI who possessed the "full range of management, budgetary, and personnel responsibilities needed."[110] Judging from the amplifying text, the inquiry appears to have recommended giving the DCI nearly complete control over budgetary, personnel, and collection resources. The inquiry also used the Goldwater-Nichols metaphor in recommending the application of joint personnel practices to the IC, including joint assignments of personnel to other agencies and improved incentives for those personnel who take such assignments.[111]

Analyzing Past Reform Efforts

Even a cursory overview of the evolution of the IC and of the various examinations of its organization and function leads to several conclusions. First, governmental action has resulted in a gradual shift toward greater centralization of intelligence activities. Initially, the focus was on placing greater emphasis on the community management role of the DCI at the expense of direct management of the CIA. Recommendations and follow-on executive branch action have resulted in the creation of deputies and staff structures to better enable the DCI to coordinate the activities of the IC.

Second, as the emphasis towards greater centralization progressed, recognition of the inadequacy of the DCI's authority over the IC became more prevalent. Recommendations for increasing that authority ranged from enhancing the prestige of the DCI vis-à-vis the other organizations (informal authority) to providing greater budgetary or line authority over various IC organizations (formal authority). Only a few of the studies recommended elevating the DCI to cabinet-level status. Many of the studies suggested increases in DCI budgetary authority. EOs accomplished this to a degree while also clarifying DCI responsibilities. Providing the DCI more line authority over various agencies was decidedly more complicated and was never implemented.

Third, beginning in 1960, more studies advocated a complete separation of the DCI's two roles, but disagreed as to the resources and authorities the DCI should have.[112] The quantity and type of manpower assigned to a separate DNI were one area of debate. Too few personnel assigned would create the impression of a czar, whereas too many could overburden the DNI with excessive managerial responsibilities, reintroducing one of the primary reasons for advocating separation of roles.

Fourth, the IC has been far from static. While the amount of comprehensive legislation mandating organizational change is relatively slight, it has not been completely absent. Laws affecting the operations and oversight of agencies were supplemented by laws enacted to establish charters and recognize various agencies and more recently to create additional assistant directors who would aid in community management. However, the executive branch made the more significant changes, forming major new intelligence organizations including all of the combat support agencies: the NSA in 1952, DIA in 1961, and more recently the NGA. Additional EOs clarified and amplified the responsibilities and tasks of the intelligence agencies.

Fifth, both the legislative and executive branches have important roles in adjusting and maintaining the US intelligence apparatus. Executive branch action offers both speed and nuance. If a directive has significant or unintended side effects, executive orders have the added advantage that they can be issued and altered far more easily and quickly than corresponding legislative actions. Moreover, managerial proximity to the affected organizations in certain situations may give the executive branch better understanding of both the problems and potential consequences of proposed remedies.

Aside from oversight, Congress has multiple roles. First, by threatening legislative action Congress can compel the executive branch to act. For example, President Carter's executive orders were meant, at least in part, to preclude further congressional action. Second, Congress can play an advisory role, as it did in consulting with the Carter administration on the content of various executive orders. Third, the executive branch is prohibited from taking certain actions, such as creat-

ing a DNI. Fourth, legislation provides a degree of permanence not found in executive orders. As the National Security Act of 1947 illustrates, the effect of legislation is often long lasting. Thus, prudence is warranted, as what is set in motion often continues without legislative intervention for prolonged periods. In addition, as the final check on executive power, Congress can pass legislation to implement its intent more fully when it believes the executive branch lacks the will to make the perceived necessary changes.

Finally, the problems that faced decision makers in the late 1940s remain relevant today. Calls for improved information sharing, greater reliance on open-source information, and better coordination of activities have persisted since the IC was founded. As early as 1975, the Murphy Commission discussed the marginalization of human sources of intelligence.[113] Various other studies highlighted the importance of coordinated intelligence activities with the FBI. Numerous studies and commissions have expressed dissatisfaction with the quality of analytic products and methodologies. Calls for increased competitive analysis, stronger career incentives for analysts, and augmentation of the analysis staff with experts from outside the IC were common, as was emphasis on the need to maintain a close relationship with consumers of intelligence (policy makers) while avoiding excessive politicization.[114] However there was less agreement as to whether intelligence analysis should become more centralized or remain decentralized with the departments maintaining or even strengthening their analytic arms.

The persistence of these problems may represent less an indictment of the government's failure to correct known deficiencies than an indication that the problems defy simple solutions. The complexity of the underlying issues suggests the existence of competing interests that further complicate reform efforts. How to balance these interests while having the intended effect is the subject of chapter 5. However, before turning to the discussion of balances, chapter 4 examines the 9/11 Commission Report, arguably one of the most significant commission reports in the last 50 years.

Notes

1. Lt Gen Michael Hayden, interviewed by the author, 18 February 2005. More specifically, General Hayden described the IC as an organization "governed by a principle of consensus over the last fifty years."

2. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6). See also Alfred B. Prados, *Intelligence Community Leadership: Development and Debate Since 1947*, CRS-89-414 F (Washington, D.C.: CRS, 27 June 1989). Best examines both legislative and executive initiatives to reorganize the IC, citing over 20 examples of various initiatives. A core focus of the Prados paper was on the origins and rationale of the DCI's dual roles as well as proposals to alter those roles. David E. Kaplan, Kevin Whitelaw, and Monica M. Ekman, "Mission Impossible," *U.S. News & World Report* 137, no. 3 (2 August 2004), http://www.usnews.com/usnews/news/articles/040802/2intell.htm.

3. The list of reform efforts is not exhaustive and purposely excludes studies that had as their chief focus the activities of specific agencies. If a study had relevant commentary on the management of the larger IC, it was included.

4. *National Security Act of 1947*, Public Law 253, 80th Cong., 1st sess. (26 July 1947), sec. 102 (a).

5. Ibid., sec. 102 (d)(1)-(3). The intelligence departments in question were the intelligence arms of the Departments of the Army, Navy, and newly established Air Force, as well as the intelligence arm of the Department of State.

6. Ibid., sec. 102 (d)(3) and sec. 102 (e).

7. Allen W. Dulles, William H. Jackson, and Matthias Correa, "The Central Intelligence Agency and the National Organization for Intelligence," Report to the National Security Council, 1 January 1949, iv. The NSC tasked the group, composed of Allen Dulles (future DCI), William Jackson (future deputy DCI) and Matthias Correa, to perform "a thorough and comprehensive evaluation of the structure, administration, activities, and inter-agency relationships of the Central Intelligence Agency." See also Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 6; and Commission on the Roles and Capabilities of the United States Intelligence Community, "Preparing for the 21st Century: An Appraisal of US Intelligence,"1 March 1996, http://www.access.gpo.gov/int/report.html, A-10, hereafter cited as Aspin-Brown.

8. Aspin-Brown, A-10. Thus, almost from the beginning, there were problems with the community management role. See also Dulles, Jackson, and Correa, "Central Intelligence Agency," 11. The criticism of the CIA was strongly worded, "The principal defect of the Central Intelligence Agency is that its direction, administration, organization and performance do not show sufficient appreciation of the Agency's assigned functions, particularly in the fields of intelligence coordination and the production of intelligence estimates."

9. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 6.

10. Dulles, Jackson, and Correa, "Central Intelligence Agency," 3–6. The Intelligence Advisory Committee included the DCI as chairman and the heads of the intelligence staffs of the Departments of State, Army, Navy, and Air Force, the Atomic Energy Commission, and the Joint Intelligence Group of the Joint Staff.

11. Ibid., 3.

12. Ibid., 5.

13. Ibid., 55. The report recognized that the CIA may, in certain instances, have insufficient authority. However, it suggested that the CIA should use the NSC as an arbiter to resolve disputes and should make recommendations to the NSC to resolve disputes. Specifically, the report stated, the "lack of authority in a specific situation should not deter the Central Intelligence Agency from exercising its responsibility to submit recommendations [to the NSC] so that proper coordination will result."

14. Committee on National Security Organization, "Task Force Report on National Security Organization (Appendix G)," January 1949.

15. Ibid., 76. The report found that "relationships . . . notably to G-2 of the Army, the FBI, the Atomic Energy Commission and the State Department have been and still are unsatisfactory."

16. Ibid., 76.

17. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 8.

18. Commission on Organization of the Executive Branch of the Government, "Intelligence Activities," May 1955, 13 (hereafter the Second Hoover Commission). This appears to be the first government document to explicitly use the term *IC* to refer to the confederation of agencies with intelligence responsibilities. The IC consisted at that time of the CIA, NSC, NSA, FBI, intelligence sections of the Department of State, Navy, Army, and Air Force, and the Atomic Energy Commission.

19. Ibid., 17.

20. Ibid., 67.

21. Ibid, 69–70. The remainder of the Second Hoover Commission findings dealt with issues such as the establishment of an oversight body to periodically review intelligence organization and operations, the need for periodic reinvestigations of intelligence personnel, and the need to exploit open-source information more effectively.

22. Prados, *Intelligence Community Leadership*, 42.

23. See Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Supplementary Detailed Staff Reports on Foreign and Military Intelligence,* 94th Cong. 2d sess., Report 94-755, Book IV, 23 April 1976, 45. There are multiple explanations for why Dulles emphasized his role as director of the CIA at the expense of the DCI, including his relationship with President Eisenhower and his supposed dislike for confrontation.

24. Prados, *Intelligence Community Leadership*, 42.

25. James R. Killian, Jr., board chairman, PBCFIA, to the president, letter, 20 December 1956, released 17 July 1977, quoted in Prados, *Intelligence Community Leadership*, 42.

26. Prados, *Intelligence Community Leadership*, 44.

27. Pres. John F. Kennedy, "Memorandum for: Director of Central Intelligence," 16 January 1962, quoted in Prados, *Intelligence Community Leadership*, 45. The extent to which later presidents demanded similar precedence to the role of community management is often less clear and explicit. For example, in recent testimony from DCI Stansfield Turner, President Carter held a similar view to President Kennedy's as to the priority to place on the competing roles. As Admiral Turner stated, "At my very first meeting with the president, before he had actually designated me as his nominee for director of central intelligence, he gave me oral instruction that if I took this job I was to concentrate on being the director of central intelligence, not on being the head of the CIA." Testimony before the Hearing of the Senate Committee on Governmental Affairs, "Reorganizing America's Intelligence Community: A View from the Inside," 16 August 2004.

28. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 16.

29. Office of Management and Budget, "A Review of the Intelligence Community," 10 March 1971, 1–2 (hereafter cited as Schlesinger Report).

30. Schlesinger Report, 8–10, 15.

31. Ibid., 13.

32. Ibid., 21–23. On the specific issue of oversight, the report looked more to the PFIAB, OMB, and other organizations to provide this oversight, not Congress.

33. Ibid., 25.

34. Ibid., 27–28.

35. Ibid., 30.

36. Ibid., 31.

37. Ibid., 45–46.

38. "Reorganization of the IC," *Weekly Compilation of Presidential Documents*, 4 November 1971, 1482.

39. This agency was eventually combined with other organizations to form the present-day National Geospatial-Intelligence Agency.

40. Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Supplementary Detailed Staff Reports*, book 4, 84; hereafter cited as Church Committee Report.

41. Prados, *Intelligence Community Leadership*, 46.

42. Commission on the Organization of the Government for the Conduct of Foreign Policy, "Report," June 1975, hereafter cited as Murphy Commission. The authorizing legislation for the commission was *Foreign Relations Authorization Act,* Public Law 352, 92d Cong., 2d sess., 13 July 1972.

43. Murphy Commission, 21.

44. Ibid., 91.

45. Ibid., 97.

46. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 18. The commission states, "It is neither possible nor desirable to give the DCI line authority over that very large fraction of the IC which lies outside the CIA. If he is to effectively supervise the whole community, however, there is only one substitute for such authority, and that is a close relationship with the one official who does ultimately command each of the separate strands of the community: the President," Murphy Commission, 98.

47. Murphy Commission, 98.

48. Ibid., 99.

49. Ibid., 103.

50. Ibid.

51. Ibid., 105. See also 9/11 Report, 104 (see chap. 1, n. 1).

52. Prados, *Intelligence Community Leadership*, 6.

53. Frank J. Smist, Jr., *Congress Oversees the United States Intelligence Community*, 2d ed. (Knoxville: University of Tennessee Press, 1994), 25. The committee was officially formed on 27 January 1975.

54. Ibid., 77.

55. Ibid., 125.

56. Church Committee, book 1, 432.

57. Ibid., 432–33.

58. Ibid., 434.

59. Ibid., 444.

60. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 24, speaks of the adversarial nature of the committee. See also Smist, *Congress Oversees*, 195.

61. Best, *Proposals for Intelligence Reorganization*, 24.

62. House, Select Committee on Intelligence, *Recommendations of the Final Report of the House Select Committee on Intelligence*, 94th Cong., 2d sess., 11 February 1976, H. Rpt. 94-833, 3–4. For budget recommendations, see 5.

63. Commission on CIA Activities within the United States, *Report to the President* (Washington, D.C.: GPO, 6 June 1975), http://historymatters.com/archive/church/rockcomm/html/Rockefeller_0001a.htm (accessed 25 July 2005) (hereafter cited as Rockefeller Commission).

64. Ibid., 15.

65. Ibid., 23.

66. Ibid., 30. The nature and extent of these agreements between the FBI and CIA are unclear. What is clearer is that these same factors were present 25 years later. For example, the 9/11 Report detailed how effective liaison, jurisdictional problems, and lack of information sharing were contributory factors in the 9/11 attacks.

67. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 26.

68. Aspin-Brown, A-19. In addition, although not directly related to IC reform, Congress passed the Foreign Intelligence Surveillance Act of 1978 to establish procedures for authorization of electronic surveillance.

69. *Intelligence Authorization Act for Fiscal Year 1981*, Public Law 450, 96th Cong., 2d sess. (14 October 1980). See also *Intelligence Oversight Act of*

1980, 96th Cong., 2d sess., Senate Report 96-730, 15 May 1980. One of the provisions created an "affirmative duty to keep the two intelligence committees fully informed of significant activities" (i.e. those with policy implications), 7. The primary intent of the various provisions appears to have been to establish more formal reporting congressional requirements for a discrete set of IC activities.

70. Smist, *Congress Oversees*, 7, 9.

71. Ibid., 83.

72. Executive Order 11905, sec. 4 a(3)–(5), United States Foreign Intelligence Activities, 18 February 1976.

73. Ibid., sec. 6 (a)(3).

74. Smist, *Congress Oversees*, 103; and Executive Order 12036, United States Intelligence Activities, 24 January 1978, http://www.fas.org/irp/offdocs/eo (accessed 22 November 2004). EO 12333, United States Intelligence Activities, 4 December 1981, eventually superseded EO 12036 in 1983.

75. Prados, *Intelligence Community Leadership.* Neither proposal passed.

76. Ibid., 7. Besides the Bay of Pigs scandal, no specific instances of failures were cited in the study, rather the report alludes to instances where intelligence failed to provide strategic warning. Allegations of illegality stemmed from reports of US intelligence agency involvement in domestic activities.

77. Commission on the Roles and Capabilities of the United States IC, "Preparing for the 21st Century: An Appraisal of US Intelligence," A-23. Hereafter cited as Aspin-Brown.

78. David L. Boren, "The IC: How Crucial?" *Foreign Affairs* 71, no. 3 (Summer 1992): 52–53.

79. Aspin-Brown, A-24. See also *The Intelligence Reorganization Act of 1992,* SR 2198, 102d Cong., 2d sess., *Congressional Record* 138 (5 February 1992): S1066, which would have created an analysis arm under the DNI. "There is established under the Deputy Director of National Intelligence for Estimates and Analysis an Office of Intelligence Analysis that shall be headed by a director appointed by, and serving at the pleasure of, the Director of National Intelligence. The Office shall be composed of analysts assigned to agencies within the IC and shall be responsible for preparing all current intelligence and other analysis that is intended to be disseminated within the Government as a whole." Whether this organization would have replaced the analytic arm of the CIA remained unclear.

80. *Intelligence Reorganization Act of 1992*, S. 2198, sec. 202.

81. Ibid., sec. 321.

82. Boren, "The IC: How Crucial?" 59.

83. For a similar proposal see William E. Odom, *Fixing Intelligence* (New Haven, Conn.: Yale University Press, 2003).

84. Boren, "The IC: How Crucial?" 56.

85. Aspin-Brown, 1–2. The authorizing legislation can be found in *Intelligence Authorization Act for Fiscal Year 1995*, Public Law 359, 103d Cong., 2d sess. (14 October 1994). The duties of the commission were spelled out

in sec. 903, which were "to review the efficacy and appropriateness of the activities of the United States IC in the post-cold war global environment."

86. Ibid., 33. The NSC organization envisioned was a return to President Ford's CFI, chaired by the national security advisor with the deputies of state and defense. The tasks of the CFI were to establish high-level requirements and priorities. Below the CFI would be a consumer's committee to ensure the IC met the needs of policy makers. However, neither committee had any oversight functions, leaving in question how effective the committees would be in steering intelligence requirements and priorities.

87. Ibid., xix. Information sharing was focused on global threats to include terrorism, proliferation of weapons of mass destruction, and narcotics trafficking. Budgeting recommendations included restructuring the budget along functional lines such as signals intelligence (SIGINT), imagery intelligence (IMINT), and human intelligence (HUMINT) to reduce "unnecessary duplication, interoperability problems, and other inefficiencies," 75.

88. Ibid., 51.

89. Ibid., 52.

90. Ibid., 53.

91. Ibid., 54.

92. Ibid., 57–58. The commission recommended that the DCI concur in the appointment of the directors of NSA, NIMA, and NRO. The dual-hatting involved the NSA and the National Imagery and Mapping Agency (now NGA), creating assistant directors of central intelligence for signals intelligence and imagery, respectively, and giving these directors program and budget responsibility for their respective disciplines.

93. Aspin-Brown, 59.

94. Ibid., xxi.

95. Ibid., 86.

96. Ibid., xxii.

97. House, Permanent Select Committee on Intelligence, *IC21: The Intelligence Community in the 21st Century* (Washington, D.C.: GPO, 1996), 1.

98. Ibid., 10.

99. Ibid., 11. Envisioned budgetary authority included increased programmatic control over the National Foreign Intelligence Program (NFIP), including the ability to transfer limited funds within the NFIP. The report recommended that the SecDef appoint agency heads with the advice and consent of the DCI. The ability to detail personnel was limited to 180 days without the consent of the agency head.

100. *IC21*, 78–79.

101. Ibid., 256. The centers at the time of the report focused on the topics of arms control, nonproliferation, terrorism, counterintelligence, counternarcotics, organized crime, and overseas security. Furthermore, the centers were housed in the CIA, and, according to the report had "a distinct 'CIA' identity" that precluded their acceptance as community activities.

102. Ibid., 45. Such a recommendation is similar to the joint personnel practices established by Goldwater-Nichols that required the individual services to reward joint duty.

103. *Intelligence Authorization Act for Fiscal Year 1997,* Public Law 293, 104th Cong., 2d sess. (11 October 1996), sections 801–17. The CFI was composed of the DCI, SecDef, and secretary of state, and chaired by the assistant to the president on national security affairs. The Committee on Transnational Threats had the same membership with the addition of the attorney general. The act created ADCIs for collection, administration, and analysis and production.

104. Ibid., sec. 815. The SecDef could still forward nominations despite the DCI's nonconcurrence as long as he/she included a statement of the DCI's nonconcurrence in the recommendation.

105. Best, *Proposals for Intelligence Reorganization* (see chap. 1, n. 6), 37. The *Intelligence Reform Act of 2004* eliminated the ADCI positions.

106. Loch K. Johnson, "The Aspin-Brown Intelligence Inquiry: Behind the Closed Doors of a Blue Ribbon Commission," *Studies in Intelligence* 48, no. 3 (2004), http://www.cia.gov/csi/studies/vol48no3/index.html (accessed 19 January 2005). Specifically, "The IC's budget remained intact; . . . the weaknesses in accountability went largely unaddressed; and the DCI's powers remained stunted."

107. House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, *Joint Inquiry into IC Activities before and after the Terrorist Attacks of September 11, 2001*, 107th Cong., 2d sess., December 2002, Senate Report 107-351, House Report 107-792, 1.

108. Richard A. Falkenrath, "The 9/11 Commission Report: A Review Essay," *International Security* 29, no. 3 (Winter 2004/05): 170–90. Falkenrath asserts that the joint inquiry was essentially a failure, and this led Congress to establish the 9/11 Commission in 2002, 172. Congress established the 9/11 Commission by *Intelligence Authorization Act for Fiscal Year 2003,* Public Law 306, 107th Cong., 2d sess., 27 November 2002.

109. House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, *Joint Inquiry*, xv–xviii. For inadequacy of the intelligence organization, see finding 1; for technical issues, see finding 4; and for information sharing problems, see finding 10.

110. Ibid., errata print, 2.

111. Ibid., errata print, 10–11.

112. Prados, *Intelligence Community Leadership*, 43. The PBCFIA made the initial recommendation in 1960; it was reiterated by the PFIAB in 1961.

113. Murphy Commission, 105.

114. For a sample of analytic recommendations, see Schlesinger Report 45–46.

Chapter 4

The 9/11 Report and Intelligence Reform Legislation

In a world of perfect information, there would be no uncertainties about the present and future intentions, capabilities, and activities of foreign powers. Information, however, is bound to be imperfect for the most part. Consequently, the intelligence community can at best reduce the uncertainties and construct plausible hypotheses about these factors on the basis of what continues to be partial and often conflicting evidence.

—Schlesinger Report

Intelligence remains a critical component of our national security process. While a world of perfect intelligence that provides ample warning of future threats and complete foreknowledge of enemy actions and capabilities is desirable, such a condition is not attainable. Instead, reforming intelligence requires changes that provide incremental yet substantive improvements in both threat warning and intelligence assessments of enemy capabilities and likely actions. A central element of reform efforts thus becomes determining the type of adjustments, the most appropriate targets for change, and the potential implications of such changes. Like the reform efforts and studies that preceded it, the 9/11 Commission had the task of reforming one of the most complex areas of the US government. The 9/11 Commission and the resulting intelligence reform legislation faced a daunting task—substantively improving a process that by its nature is inherently uncertain and imperfect without negatively affecting other intelligence activities that, by and large, operated effectively.

This chapter first examines the findings and recommendations of the 9/11 Report. Some of the findings were unique to the IC, but others shared common features with previous reform efforts such as Goldwater-Nichols, particularly in areas related to joint action, to imbalances in authority and responsibility, and to inadequate organizational structures. Further-

more, the commission recommended Goldwater-Nichols–like solutions when, for example, it called for improved joint action through the creation of a "civilian-led unified joint command for counterterrorism"—the NCTC.[1]

Second, this chapter describes the executive branch's response to the report's recommendations. In acting on the 9/11 Report, President Bush signed three EOs that increased the authority of the DCI over the intelligence budgeting process, established the NCTC, and implemented many of the information sharing recommendations of the 9/11 Report. Third, this chapter reviews the congressional response that created new organizational structures such as national intelligence centers and the NCTC, drawing clear analogies to DOD structures enabled by Goldwater-Nichols. Furthermore, Congress established the position of DNI and sought to further clarify the new DNI's budgetary and personnel authority. Fourth, this chapter compares how the two reform efforts attempted to improve joint action, alter the power relations among primary parties, and improve personnel practices in both of the affected institutions. This comparison is important because the Goldwater-Nichols Act served as a model for key aspects of the intelligence reform legislation.

The 9/11 Commission Report and Its Recommendations

The 9/11 Commission report, released on 22 July 2004, differs in several ways from previous examinations of the IC. First, the commission was formed not to examine the IC or even the broader national security system, but instead to examine the facts and causes related to the 9/11 attacks and to report its "findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism."[2] Second, the report reads more like a narrative history than a traditional government commission report. The first 11 chapters provide an extensive description of events that is most notable for the absence of subjective judgments and for the focus on reporting the factual evidence. Only in the final two chapters are the more traditional findings and recommendations to be

found. Even here there are differences: most reports have taken an approach of explicitly listing findings, followed immediately by recommendations. The 9/11 report does not explicitly highlight findings and instead focuses on 47 recommendations that affect multiple aspects of government.

The 9/11 Report's recommendations were controversial and led to some charges that the recommendations lacked congruence with the factual reporting contained in the rest of the report, were overly prescriptive, and failed to account for changes within the IC since the 9/11 attacks.[3] In criticizing the report's structural recommendations, one commentator found that faulting systemic intelligence failures misses the larger point that "it is almost impossible to take effective action to prevent something that hasn't occurred previously."[4] Others critiqued the report's failure to adequately identify the problems in need of solutions.[5] In other words, the report did not adequately explain the cause and effect of intelligence failures. Despite these and other criticisms, both Congress and the president acted upon significant portions of the report's recommendations.

A review of these findings suggests one reason why the commission chose the Goldwater-Nichols metaphor: many of its findings resemble the criticisms of the DOD prior to the passage of Goldwater-Nichols. The report contained five sets of recommendations, of which the first three have elements of commonality with DOD reform efforts and are most relevant to the present study. They address improving interagency joint action, improving the IC's structure, and, somewhat less directly, improving information sharing.

Improving Joint Action

Both the pre–Goldwater-Nichols DOD and the IC prior to 9/11 suffered failures of joint action, albeit with different organizational structures contributing to these failures. The IC's failures involved lack of coordinated effort among multiple agencies across multiple cabinet-level departments versus the DOD's failures to coordinate action among separate military services within a single department. The 9/11 Report cited the IC's inability to pull together all sources of information, "as-

sign responsibilities across the agencies," and track and resolve problems.[6] Thus, there were two aspects of effective joint action—intelligence and planning. On the intelligence front, the report noted the need to pool information and centralize analytic resources to create a more accurate analytic picture. The 9/11 Report identified the need for more effective joint operational planning as a second aspect of the issue and found current interagency efforts within various departments/agencies and on the NSC staff lacking.[7]

The proposed solution to this problem was the development of a new type of organizational construct: "a civilian-led unified joint command for counterterrorism," nominally titled the NCTC, which would oversee both joint intelligence and joint planning.[8] The joint intelligence aspect of such a center would coordinate and conduct long-term analysis, net assessments, and warning on the terrorist threat. The joint planning aspect was less clear, particularly as regards the relationship between planning and execution, although the report did specify that the NCTC would not direct the execution of efforts, instead leaving that aspect to the tasked agencies.[9]

Altering Power Relations

The 9/11 Report noted that there was no "quarterback" within the IC who "called the plays," which created conditions where "responsibility and accountability were diffuse."[10] Such an imbalance can imperil joint action, as chapter 2 described. To address this situation, the report recommended the NCTC be given hiring authority for individuals in specific counterterrorism organizations in the FBI, CIA, and DOD.[11]

The 9/11 Report also considered the relative power of the leader of the IC and listed six problems: (1) structural barriers to performing joint intelligence work, (2) lack of common standards across the foreign-domestic divide, (3) divided management of national intelligence capabilities, (4) weak capacity (of the DCI) to set priorities and move resources, (5) too many jobs (for the DCI), and (6) an organization that was too complex and secret.[12] The first problem was related to the inability to "connect the dots" and failure to perform "integrated, all-source analysis." The 9/11 Commission recommended the creation of

analytic centers to tackle enduring problems such as counterterrorism and counterproliferation. The report attributed the final five problems to the DCI's lack of authority, which undermined the DCI's ability to oversee the IC, establish and enforce common rules and policies, reduce duplication, and make necessary resource decisions. It identified the three fundamental authorities that a true head of the IC would require: control of the budget, hire-and-fire authority over senior managers of the IC, and the ability to set common standards and policy.[13]

Unlike Goldwater-Nichols in which the service chiefs remained dual-hatted as both the chiefs of their respective service and members of the JCS, the 9/11 Commission recommended separating the DCI's roles and creating a national intelligence director (NID) rather than creating other bureaucratic incentives to balance the competing interests of leaders serving in two roles. Under the recommendations, the NID would oversee multiple intelligence centers created in the vein of the NCTC; would be the president's principal intelligence advisor; would plan, program, and budget resources for national intelligence; and would establish policies and standards for the IC.

Improving Information Sharing

The third set of recommendations concerned removing the barriers to information sharing. While DOD reform in this area primarily focused on improving interoperability among systems, the 9/11 Report identified both "human and systemic resistance to sharing information."[14] Here the commission noted that cultural challenges strongly favored protecting information (including sources and methods) over sharing information. The commission found current practices "nurture overclassification and excessive compartmentation," with incentive structures strongly favoring protecting information at the expense of sharing.[15]

The recommendations included increased incentives to promote the need to share over the need to know and to implement better information technology strategies to better facilitate information sharing.[16] The report left unsaid how

incentives would be structured and implemented to encourage a cultural shift favoring information sharing. It also did not discuss whether technical constraints might exist that would inhibit rapid implementation.

Other Issues

The final two major sets of recommendations related to improving congressional oversight of intelligence and improving domestic defense efforts. The report recommended that Congress consolidate its oversight committees and structures for both intelligence and homeland security, citing multiple jurisdictional issues that inhibited proper "oversight, support and leadership."[17]

A final set of recommendations focused on the FBI, the homeland defense missions of US Northern Command (USNORTHCOM), and the DHS. The report did not recommend creating a domestic intelligence agency or passing legislation to improve FBI counterterrorism intelligence efforts; instead, it recommended that the FBI continue the internal reform efforts begun after the attacks.[18] The report was silent on why one of the organizations with a major role in the events preceding the attacks should rely on internal reform efforts whereas the majority of the other intelligence organizations required external, congressional action to ensure long-term reform.

Executive Branch Response to the 9/11 Report

Unlike most previous reform efforts and investigations, the 9/11 Report and its recommendations galvanized both Congress and the president to respond quickly and substantively. The executive branch released three EOs on 27 August 2004 that implemented key aspects of the 9/11 Report's first three sets of recommendations.[19]

Improving Joint Action

Addressing the failure of joint action, EO 13354, National Counterterrorism Center, 27 August 2004, established the

NCTC. In doing so the president, using language remarkably similar to that in the 9/11 Report, granted the center the authority to "conduct strategic operational planning for counterterrorism" and to serve as the primary organization for the analysis and integration of terrorism information.[20] The EO echoed the 9/11 Report's recommendation and prohibited the NCTC from directing actual operations.

Because of statutory limitations, the president could not create a DNI. The EO instead placed the NCTC under the control of the DCI. To preclude information sharing difficulties, the EO required agency heads to provide the NCTC access to all terrorist data and to provide personnel, funding, and other resources "after consultation with the head of the agency and with the approval of the director of the Office of Management and Budget."[21]

Altering Power Relations

The next EO, 13355, Strengthened Management of the Intelligence Community, 27 August 2004, amended EO 12333, United States Intelligence Activities, 4 December 1981, and addressed the report's findings on the DCI's relative lack of power by strengthening the DCI's budgetary authority. In language similar to that of Goldwater-Nichols, the order made the DCI the "principal advisor to the president for intelligence matters" rather than the "primary advisor."[22] The order added new provisions requiring the DCI to emphasize information sharing practices and to develop new standards to create interoperability among agency information systems, and specified that countering terrorism was "a matter of the highest national security priority."[23] The order addressed the foreign-domestic intelligence divide that the 9/11 Commission had indicated impeded information sharing by tasking the DCI to manage collection activities "whether information is to be collected inside or outside the United States."[24]

On the budgetary front, the executive order became aligned with existing law and tasked the DCI to participate in the development of the annual budgets for DOD's military intelligence programs—the joint military intelligence program (JMIP) and the tactical intelligence and related activities (TIARA) pro-

gram. More significantly, the order gave the DCI the authority to transfer funds within the NFIP with the approval of the director of the OMB and with no mention of a requirement for concurrence from either an agency or department head.[25] The ability to transfer NFIP funds without departmental concurrence represented a significant increase in the DCI's authority that would later be reduced by legislation. The DCI's authority was further strengthened by requiring DCI concurrence in the appointment of the heads of any intelligence organization within the IC.[26] Finally, hearkening back to Goldwater-Nichols joint personnel practices, the EO required the DCI to establish "an integrated professional development and education system" to encourage service in multiple IC organizations and "make such rotated service a factor to be considered for promotion to senior positions" within the IC.[27]

Improving Information Sharing

The third EO, 13356, specified new policies and responsibilities to improve information sharing. The order required agencies to design information systems to allow the interchange of information among agencies and state and local governments.[28] It also required the DCI to set standards for sharing terrorism-related information and suggested that the standards include many of the methods included in the 9/11 Report, such as (1) creating unclassified versions of products whenever possible by removing information on sources and methods, (2) creating products at multiple classification levels, (3) removing originator controls from products, (4) minimizing the use of compartmentalization, and (5) increasing personnel incentives for sharing information.[29] The order also created an information systems council, with representatives from all the departments with counterterrorism missions, to oversee the establishment of an "information sharing environment" with the apparent intent of improving the interoperability of automated systems.

These three EOs went quite far toward implementing many of the 9/11 Report's recommendations. In a different political environment such changes might have been sufficient; however, for a variety of reasons Congress also felt compelled to act.

Legislative Branch Response to the 9/11 Report

The legislative branch also reacted quickly. On 30 July 2004, only eight days after the report's release, Congress held its first of approximately 30 hearings on the 9/11 Commission's findings.[30] Multiple committees, including both chambers' intelligence, judiciary, and armed services committees and the Senate Governmental Affairs Committee, impaneled expert witnesses to cover multiple aspects of the report and its recommendations.

On 23 September the Senate Governmental Affairs Committee introduced intelligence reform legislation, which the Senate passed on 6 October.[31] The House responded with its own bill on 9 September and a revised bill on 24 September that passed on 8 October.[32] The two chambers then attempted to reconcile their versions of the bill prior to the November elections but did not succeed in doing so despite heavy pressure from former 9/11 Commission members and victims' family advocacy groups. After the election, President Bush signaled that passing intelligence reform legislation remained a priority. Finally, after a series of compromises, Congress passed the reform legislation, and President Bush signed the Intelligence Reform and Terrorism Prevention Act of 2004 into law on 17 December 2004.[33]

Some Possible Reasons for Success

Why this reform effort succeeded where so many prior ones had failed is open to debate. Multiple reasons probably contributed to the passage of the intelligence reform bill, including the impact the attacks had on the nation's consciousness, the continued relevance of the threat, lobbying by relatives of the 9/11 victims and commission members, the support of the president, and proximity to the presidential election.

Often, as in the case of the Church and Pike investigations and Rockefeller Commission, studies are conducted in response to a discrete set of events. By the time the investigations conclude, often years after the initial impetus, the same events may no longer be as salient, may have been overtaken by more press-

ing matters, or may have been addressed through a combination of internal reforms and executive branch activity that obviated the need for more concrete legislative action. Another, decidedly more cynical, view would suggest that some commissions are formed to give the appearance of action where none is intended. Other reform efforts, such as Boren-McCurdy, *IC21*, and Aspin-Brown, produced valid findings and recommendations, but in the absence of agreed-upon and compelling reasons for change. Senator Jay Rockefeller, in discussing why previous recommendations had not been enacted, stated, "There was no sort of galvanizing event or series of events and the will, therefore, in the Congress, joining with the administration, never came to be."[34] In other words, with no major interest group advocating reform and no notable recent failures, the will to effect change was significantly undermined.

By contrast, although the 9/11 Report was released nearly three years after the attacks, the reasons for reform remained compelling after the commission had completed its work.[35] Less clear is why the executive branch response did not short-circuit legislative action, as happened in previous cases.[36] One possible explanation is that the executive branch was far more supportive of legislative action. Furthermore, in contrast to many intelligence issues, a strong victims' advocacy group lobbied members of Congress and worked through the media, further ensuring that the issue stayed in the public's consciousness.

Legislative Foundations and Focus

The nature of the legislative changes represents an amalgamation of earlier intelligence reform recommendations combined with aspects of the 9/11 Commission's recommendations. Senator Lieberman, in remarks on the Senate floor, confirmed that the legislation was influenced by multiple sources, including the 9/11 Report, the joint investigation by the House and Senate intelligence committees, and prior studies dating back 50 years.[37] The legislation added Goldwater-Nichols–like initiatives with an eye toward improving the IC. Employing Goldwater-Nichols–like reforms and language was decidedly intentional. The 9/11 Report, 9/11 commissioners

in prepared testimony, the Senate report accompanying the legislation, and congressional statements all attested to the relevance of implementing similar reforms for the IC.[38] Thus the foundations of the legislation were a mixture of recommendations from earlier reform studies, new executive orders, relevant reform measures from Goldwater-Nichols, and the recommendations of the 9/11 Commission.

Although much of the press and reporting on the legislation focused on the reform of the IC, only about one-fourth of the legislation (58 pages out of the total 235) is devoted to intelligence, with the remainder addressing such topics as FBI organization, transportation security, border protection and immigration, and terrorism prevention. Topics related to the IC included many of the core recommendations of the 9/11 Commission as well as legislation to improve the quality of analysis, improve IC personnel practices, and create a privacy and civil liberties oversight board. The most notable recommendations not addressed by Congress were those related to congressional oversight, thus ignoring, for the time being, the requests of commission members not to treat the recommendations as a "Chinese menu" and pick and choose which recommendations to implement.[39]

Improving Joint Action

The 9/11 Commission described two aspects of "joint action": intelligence and planning. The legislation codified these aspects through two related organizational constructs: national intelligence centers and national centers as embodied by the NCTC and the National Counterproliferation Center (NCPC).[40] This distinction is not readily apparent without a close reading of the legislation and a review of the colloquy between Senators Joseph Lieberman (D-CT) and Susan Collins (R-ME) found in the *Congressional Record*.[41] Senator Lieberman clearly defined the intent for national intelligence centers as addressing only the intelligence aspect of joint action; in other words, they have no planning function. The responsibilities of these centers, analogous to those of DOD unified commands, are to "provide all-source analysis of intelligence, identify and propose to the DNI intelligence collection and analysis requirements," and to provide net assessments and warnings.[42] Thus, in theory, cen-

tralizing, analyzing, and acting upon information from across agencies in a coordinated fashion as well as establishing center-related tasking (collection) requirements improves joint action. In this respect, the national intelligence centers appear to offer a rational construct for such centralization. As a central repository of information for analysis and reporting, the center construct is assuming, partially, one of the original functions of the CIA—to centralize intelligence analysis and production using intelligence provided by the separate organizations of the IC. Congress is clearly hoping to avoid some of the initial growing pains experienced by the nascent CIA by increasing the authority of the DNI.

The NCTC and the NCPC embody a second, slightly different organizational construct. These organizations, by virtue of their strategic operational planning mission, have both intelligence and planning functions, making them roughly equivalent to expanded national intelligence centers.[43] The legislation defined this planning as including "the mission, objectives to be achieved, tasks to be performed, interagency coordination of operational activities, and the assignment of roles and responsibilities."[44] Senator Lieberman likened the planning directorates of these new organizations to the J3 on the joint staff and described how such a planning process would work by comparing it to lanes in a highway.[45] In essence, the NCTC would choose "the lane of the highway"; that is, it would designate the executing agency and the type of activity (e.g., diplomatic, military, law enforcement, etc.). At the same time, the designated agency would determine how to accomplish the assigned task (i.e., how to drive in the lane). The joint planning aspect of these expanded centers thus augments or potentially even replaces the current interagency process.[46]

Altering Power Relations

Congress was far more detailed and specific in addressing the 9/11 Report's second set of recommendations concerning the establishment of a DNI with greater authority. The legislation effectively eliminated debate concerning the dual roles of the DCI by creating the position of DNI and attempted to clarify

and expand the new DNI's authority over budget, personnel, and tasking relative to the former DCI's.

The budgetary authorities involve three different parts of the budgeting process: determining and developing the annual budget, executing the budget, and transferring/reprogramming funds. First, the act grants the DNI the ability to "develop and determine" the national intelligence program (NIP) budget versus the previous terminology in the National Security Act of "develop and present."[47] According to Senator Collins, a cosponsor of the final bill, the word *determine* is essential, as it implies that "the DNI is the decision maker regarding the budget and does not share this authority with any department head."[48] Even within Congress there remains some disagreement as to whether this actually represents substantial new authority.[49] The DNI's role in the DOD's development of JMIP and TIARA budgets remains the same—participatory not directive.

Second, the act appears to provide greater budget execution authority by requiring the OMB to apportion funds at the DNI's "exclusive direction."[50] The DNI may also conduct audits and evaluation of elements of the IC to monitor compliance. The legislation clearly expands the DNI's execution authorities beyond the DCI's previous authorities; however, less clear is the real impact of these authorities, as Congress plays the key role in appropriating funds.

In the third area of budgetary authority, the legislation increases the DNI's transfer and reprogramming authority over the NIP; however, somewhat ironically, the limitations imposed on this authority actually represent a decrease in authority from that provided by EO 13355, which gave the DCI unlimited authority to transfer and reprogram national intelligence funds between departments and agencies.[51] The new legislation imposes limitations on such transfers to $150 million or 5 percent of a department's overall NIP funds.[52]

The act provides slightly greater authorities with respect to personnel transfers by allowing the transfers for up to two years, up from the previous one-year limit, and no longer requires the department head's concurrence; however, the transfers will be limited by future procedures agreed to by the DNI and the heads of departments.[53] The legislation requires

the DNI to concur in the appointment of the heads of various organizations within the IC and prohibits a department head from filling the position or recommending to the president an individual who does not have the DNI's concurrence.[54] The legislation also authorizes the transfer of up to 100 IC personnel to national intelligence centers as they are established. The tasking authorities of the DNI remain largely the same as the DCI's with greater amplification of the DNI's authority to "manage and direct the tasking of, collection, analysis, production and dissemination of national intelligence by elements of the IC."[55] The legislation eliminates the NSC's role in arbitrating the DNI's access to intelligence and grants the president sole authority to make access decisions.[56]

Quality of Joint Personnel

The legislation changes personnel practices within the IC—a topic the 9/11 Commission only partially addressed.[57] In this case, Goldwater-Nichols served as a direct model, as the intelligence legislation requires the DNI to create mechanisms that "seek to duplicate for civilian personnel within the IC the joint officer management policies" established by the Goldwater-Nichols Act.[58]

Just as Goldwater-Nichols recognized the need to strengthen the quality of personnel serving in joint duty assignments, the intelligence legislation requires the DNI to make similar adjustments to improve the quality of personnel serving in key positions in the IC. The act requires the DNI to develop improved incentives (left unspecified) for personnel serving on the DNI staff, the national intelligence centers, or in other IC management positions.[59] Much as joint service is a prerequisite for promotion to the general officer ranks, the act requires service in more than one IC organization as a prerequisite for promotion to certain positions within the IC. The legislation does not specify either the specific positions or the number of positions that should carry this joint requirement. The act also requires the DNI to "set standards for education, training, and career development of personnel of the IC."[60]

Information Sharing

The act addresses information sharing by directing the DNI to establish uniform security standards and procedures, improve information technology interoperability among IC organizations, and develop policies "to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods."[61] In addition, the act requires the DNI to provide an annual report of any "statute, regulation, policy, or practices that the Director believes impedes the ability of the Director" to implement the information sharing requirements spelled out in the act.[62]

Section 1016 of the act further addresses 9/11 Commission recommendations related to information sharing by directing the establishment of an information sharing environment (ISE) "for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector" through a mixture of procedural guidelines and technologies.[63] The act directs the president to establish guidelines for sharing information in "its most shareable form, such as the use of tearlines to separate out data from the sources and methods by which the data are obtained."[64] To ensure that progress is made towards implementing the ISE, the act directs the president to provide a report to Congress specifying, among other items, the details of the ISE, cost estimates to fully implement the ISE, metrics and enforcement mechanisms, and training requirements.[65] The act also establishes a program manager for the ISE and an information sharing council to oversee implementation of the ISE and recommend necessary technical or procedural changes. Finally, the act directs the president to submit annual reports on the state of the ISE and information sharing activities across the government.[66] This annual report appears designed to provide executive accountability in the creation and maintenance of the ISE, as well as descriptions of the extent of information sharing not only across the federal government but with state, local, and tribal officials as well.

Preliminary Legislative Analysis

Congress unquestionably intended to incorporate Goldwater-Nichols–like reforms and language in the intelligence reform legislation. One approach to estimating the potential effectiveness of the intelligence reform legislation is to compare the applicable measures in the legislation to those in the Goldwater-Nichols Act. Such an examination may provide a better appreciation of how the two pieces of legislation approached somewhat similar issues.

The use of multiple Goldwater-Nichols analogies by the 9/11 Commission and the ensuing legislation highlights the relevance of such a comparison. Important aspects include how each reform effort attempted to improve joint action, alter the power relations among the primary parties, and improve personnel practices. Another area—improved information sharing—is less applicable to Goldwater-Nichols; therefore, the following section examines potential difficulties with implementing the various information sharing objectives without reference to DOD reform.

Improving Joint Action

In some respects comparison between the DOD and the IC may not be appropriate, as the concept of *joint action* has different meanings in the different contexts. Within the DOD, joint action is associated with the planning and execution of military operations by two or more military services. In the context of the 9/11 Report and the ensuing legislation, joint action involved drawing relevant intelligence from across the government, requiring greater cooperation among intelligence agencies, and creating a single "quarterback" to assign roles and responsibilities.[67]

Goldwater-Nichols attributed much of the failure of military joint action to the relatively weak authority of the combatant commanders. As described in chapter 2, the act addressed this deficiency by vesting greater authority in the combatant commanders, while maintaining the train, organize, and equip functions within the services and giving the combatant com-

manders relatively little authority over the military services' planning, programming, and budgeting activities.

Congress created two new organizational constructs to address two different aspects of joint action: intelligence and planning. It drew an analogy between the intelligence constructs (national intelligence centers) and DOD unified commands and the planning ones (e.g., the planning directorate of the NCTC) and the J3 on the joint staff. While Congress's intent was clear, there are important differences between these new organization constructs and the DOD organizational constructs they seek to partially replicate.

Likening national intelligence centers to unified commands is reasonable if the analogy is meant to describe an organizational construct that seeks to bring together multiple semi-independent organizations under a single leader. The underlying assumption is that this single leader would more effectively coordinate and conduct joint activities. The advantage of such a construct is that it focuses responsibility and accountability on a single individual. For national intelligence centers, more effective joint action implies greater information sharing, enhanced threat warning, and more accurate and complete analysis. Under these assumptions the center construct appears to offer a reasonable alternative to improve the quality of intelligence in specifically designated areas. However, the center directors face at least two potential difficulties.

First, a center director's control over assigned personnel is less clear than that of a unified commander. Goldwater-Nichols granted combatant commanders greater control over subordinate personnel, including full hire-and-fire authority, disciplinary authority, and the ability to assess individual performance (a key component of future promotions). Applying the lessons of DOD reform suggests the positive benefit of permanently assigning personnel to national intelligence centers versus relying on loans or details of personnel for temporary periods. Permanent assignments promote stability and institutional learning, reduce training and orientation costs, and grant the center supervisors the ability to assess performance and thereby potentially influence future promotions.[68] To be sure, many workers within the centers would

likely fully support center efforts; however, knowing that the owning center would be writing performance appraisals would add incentives to accord greater allegiance and effort to the working center.

Second, the centers will likely be more heterogeneous than similar military organizations. Within the military, each of the services maintains a unique culture; however, at a more macro level, military members across the services share a more generic culture associated with the military profession of arms. The IC has multiple cultural dividing points—military versus civilian, analytic versus collection mind-sets, and departmental mission-related cultures (e.g., DOD versus Department of State, FBI versus CIA). Creating a shared culture, while beyond the scope of the legislation, is nonetheless often considered an essential ingredient in promoting joint action and may become one of the biggest challenges to successful implementation.[69] In sum, it appears that centers will have less authority over personnel assigned, and face potentially greater cultural challenges than the DOD faced after Goldwater-Nichols.

The second aspect of joint action, that is, planning, represents a more difficult comparison with existing DOD structures. The analogy of the NCTC's planning directorate to the joint staff J3 is problematic because the J3's role within the DOD decidedly differs from what intelligence reformers envisioned for the NCTC. In the DOD model, the vast majority of planning is conducted by a combatant commander's or a designated JFC's staff and executed through the combatant arms also assigned to or controlled by the same commander.[70] The role of the joint staff (and the services and some DOD agencies) is to review the plans.[71] In contrast, based upon congressional testimony, it appears Congress expects the NCTC to play a more hands-on role in planning than simply reviewing plans developed by other agencies or departments.

The task of joint planning represents a considerable departure from the DOD model that the recommendation purports to emulate. It appears that the NCTC will initially have less authority over personnel assigned, have significantly less control over the conduct of operations, and will face greater cultural challenges than the DOD faced after Goldwater-Nichols. Joint

action in the DOD was improved because the joint organizations both planned and executed operations, with forces directly assigned to a single organization. After Goldwater-Nichols, there were often disagreements in the conduct of operations and the proper use of service forces among joint force commanders and their component commanders; however, invariably, the services were forced to accede to the joint commander's desires.[72]

Because the NCTC conducts planning of operations and not their execution, there is a looser coupling between planning and execution than currently exists within the DOD. This could produce increased frictional delays in both the planning and execution of proposed operations.[73] Also, the legislation does not address the nature and specificity of the plans or a department's or agency's responsibilities in implementing the plans if they disagree with portions of the plans or roles assigned. Because the center director has no control over operational elements, the overall power of the director to enforce the execution of plans is less clear. For example, if USNORTHCOM received concurrent tasking requiring the use of similar resources from the NCTC and DOD, who would resolve the conflict—the NSC, the president, or some type of existing or new interagency process? While not necessarily insurmountable, these issues would likely seriously complicate implementation.

In all likelihood, successful planning will require cooperation among departments and agencies for successful execution. It might also require yet another interagency construct—a scenario that runs counter to the 9/11 Report, which suggests officials should not have to overcome structural or bureaucratic obstacles in the performance of missions.[74]

Recognizing the potential for disagreement, Congress established an appeals process whereby the DNI would resolve disputes between the NCTC and department heads, leaving the department or agency head the opportunity to appeal the decision to the president. The process for resolution and appeals of conflicts with the individual departments relies on the DNI's power vis-à-vis the department heads. If the DNI maintains a strong personal relationship with the president, there is a reasonable chance the appeals process could work; if not, the

NCTC's ability to plan operations could be significantly undermined.[75] Moreover, this process places the president, who has decidedly limited time, in a managerial position of having to resolve disputes on resource and planning issues.

In some ways the planning function more closely resembles the DOD prior to Goldwater-Nichols, with the combatant commander in that era relying on the cooperation of the service elements to carry out operations and having reduced authority to control the conduct of those operations.[76] This suggests that the NCTC may not be the best construct to combine elements of planning and operations. Instead, an interagency construct created in the vein of Goldwater-Nichols would provide the leader of such an organization greater control over the forces and personnel charged with executing the developed plans.[77] In addition a more flexible construct may be more appropriate than permanent planning organizations like the NCTC. Under this more flexible construct, notionally termed a joint interagency task force (JITF), the department or organization with the greatest resources supporting the operation would lead the JITF, with other organizations providing necessary support as required. To follow the DOD analogy, an initial interagency process would establish a JITF and assign a commander based upon the nature of the intended operations. Thus if the operation is envisioned to be primarily a law-enforcement operation, the JITF commander would come from DOJ, a predominately military operation would have a DOD commander, and so forth. The interagency process would then give the JITF commander operational control of personnel necessary to accomplish the mission. Thus departments and government organizations would find themselves in various supporting and supported relationships, depending upon the overall nature of the task.[78] Furthermore, the JITF approach could be applied across multiple mission areas—not just counterterrorism. Under such a construct the national intelligence centers would be roughly analogous to the joint intelligence centers within the unified commands by providing intelligence support to JITFs but not planning or overseeing the execution of operations.[79]

Altering Power Relations

When different parties represent competing tensions, one way to recalibrate the underlying balance is to alter the power relationship of the parties.[80] The 9/11 report specified three formal authorities essential for the head of any agency: budgetary authority, hire/fire authority, and the ability to set standards.[81] Altering the distribution of these authorities represents one way to adjust a power relationship more formally.[82] Thus, by more clearly specifying the authorities of principal office holders, Congress, through legislation, or the president, through EO, can increase the legitimate authority of an agency head. Another option is to use more informal means, such as altering the relative status of the parties. In this way, the actual or perceived relationship with the president can increase the status or prestige of the DCI vis-à-vis the competing parties.[83]

In the Goldwater-Nichols example, Congress adjusted the balance of power between the JCS chairman and the service chiefs. The legislation increased the chairman's informal power by making the CJCS the primary advisor to the president, thereby in effect increasing the chairman's status vis-à-vis the service chiefs. In addition, the joint staff was assigned to work for the chairman, thus removing much of the services' control over the staff. Notably, the chairman gained little formal authority in terms of increased power over service budgets or personnel. This suggests that increases in formal authority are not always necessary to alter power relationships.

The crafters of intelligence reform recognized a need to increase the power of the DNI relative to two key sets of actors: the various component organizations of the IC and the departments housing intelligence organizations. To that end, the legislation focused on increasing both the formal and informal aspects of the DNI's authority.

The formal aspects of the DNI's authority—budgetary, personnel, and tasking—should enable the director to exercise more complete and effective control over the IC. The DNI has many cabinet-level responsibilities, such as planning, programming, and budgeting for major systems; establishment of uniform policies across the enterprise; and providing broad planning guidance.[84] However, with the exception of the CIA,

the NCTC, and community management staff, no intelligence organizations report directly to the DNI. Thus, unlike a department head, the DNI is tasked to lead and coordinate organizations that are dispersed throughout the executive branch, most of which report to other cabinet-level officials, further complicating the DNI's ability to manage.[85] The DNI maintains hiring authority in conjunction with department heads and has some limited abilities to shift personnel within the community; however, they are considerably reduced when compared to those of a department head.

While the DNI's formal powers are essential, a less formal aspect of the position's power, namely the relationship the DNI maintains with the president, may be just as important. Certainly in the case of DOD reform the increased prestige of the CJCS was a critical aspect of the chairman's power base.[86] The same may be the case for the DNI, as the position's formal authority is no guarantee against disputes with the department heads on a variety of issues ranging from programmatic decisions to resource allocation to intelligence support for departmental requirements. This is because the IC exists to support a variety of governmental customers. It is an interagency organization for a reason: multiple government organizations with diverse missions need intelligence support to better accomplish their assigned tasks. Therefore, department heads retain the ability to appeal DNI decisions to the president. In these instances, formal authority is less relevant and the status of the DNI relative to the department head (i.e., who has the stronger relationship with the president) may become the deciding factor. This does not imply that the formal authorities of the DNI are insignificant, but it suggests that the DNI's power base has multiple components, some of which are relatively immune from legislative action.

Quality of Joint Personnel

In many respects the intelligence reform legislation most closely mirrors Goldwater-Nichols reform in the area of joint personnel practices. Goldwater-Nichols addressed the poor quality of joint personnel by mandating that personnel serving in joint positions be promoted at rates at least equivalent to

service promotion rates, requiring completion of joint duty prior to promotion to the general officer corps, increasing the number of joint authorizations, and lengthening the minimum duration of joint assignments. The act also levied congressional reporting requirements on the DOD to detail how successful the department was in meeting the requirements laid out by the act.

Instead of providing similarly detailed requirements, the intelligence reform legislation directs the DNI to establish mechanisms comparable to those of the Goldwater-Nichols Act. The legislation directs equivalent promotion rates for intelligence personnel serving in select positions and the use of incentives to encourage joint duty.[87] It requires the DNI to establish mechanisms to rotate select IC personnel throughout the community to encourage breadth and allows the DNI to determine positions where the completion of a joint duty assignment is required prior to promotion; however, the number and grade level are left unspecified. Finally, the act does not specify the minimum duration of joint assignments.

The success of replicating the DOD's joint duty practices rests almost entirely with the DNI and his or her staff. Tracking the promotion rates of personnel filling joint positions is relatively easy; it is the other portions of the DOD's joint duty practices that should not be ignored. If Goldwater-Nichols is to serve as an example, then the keys to success include designation of a large number of senior positions requiring joint duty experience and specificity in policy describing joint personnel practices. To ensure a broader infusion of a joint culture, prudence would suggest that more senior positions within the IC require joint experience for promotion rather than fewer. The requirement that every general officer within the military have joint experience has undoubtedly contributed to a greater appreciation of the other services' capabilities and engendered a more joint perspective. Another potentially important element of success is prescribing minimum assignment length for joint credit to prevent creating a revolving door with various joint duty assignments where individuals fill positions for short periods of time to receive joint credit. Finally, the DOD created joint educational opportunities to

further standardize the training of military personnel in joint matters. Currently, within the IC there is no similar type of standardized training on how to be a professional intelligence officer.[88]

Finally, the number of departments involved complicates establishing common policies and procedures. Congress recognized this difficulty in certain instances. For example, the intelligence reform act requires the establishment of uniform policies related to personnel security and requires the president to select a single agency to perform required security investigations.[89] The act also requires more standardization in analytic tradecraft and quality across the IC.[90] However, if standardization across the community is the objective, significant additional areas remain in need of policy congruence, such as training, education, and personnel practices to include hiring, firing, and promotion. The mixture of military and civilian personnel who comprise the IC further complicates the task, making standardization in areas such as promotion, career incentives, and even training and education more difficult than it would be within a single department or organization. A further limiting factor is the power of the DNI to enforce additional standardization not mandated by law. In such instances, the DNI may have to rely on the cooperation of the department heads to achieve the sought-after policy congruence.

Improved Information Sharing

Nothing in the Goldwater-Nichols Act directly parallels the mandate to improve information sharing in the IC. The closest resemblance is in the act's focus on interoperability of systems among the services. The scope of intelligence reform spanned human as well as technical systems and therefore involved a wider-ranging series of mandates.

Taken in total, the information sharing section of the act imposes some of the most detailed requirements on the executive branch and potentially may be the most difficult to implement considering the diversity of information infrastructures the ISE is attempting to consolidate. Compounding the difficulty will be differing security clearance levels that ISE participants

will likely have, particularly when the sharing environment is extended to the state and local levels.

Another obstacle that may arise is assessing the type of information to be shared. Although the act defines *terrorism information*, determining whether individual pieces of information are terrorism related may not always be easy. Data that at first appear irrelevant may in a larger context have important terrorism-related implications. In the absence of sharing all information among all agencies (an even greater logistical hurdle), this may further complicate implementation.

The required annual report may, over time, become a significant tool to allow the DNI to highlight either bureaucratic intransigence or statutory limitations. In the event of an intelligence failure in the future, the report may also limit the ability of the DNI or a center director to claim lack of intelligence from one or more organizations in the IC as a factor in the failure. Thus, the annual report could offer a powerful incentive for greater information sharing in the future.

Other difficulties could potentially include dealing with problems of information overload, training analysts to recognize and use different sources and types of information, and training all staff to use new IT systems and programs.[91] Such issues could significantly complicate implementation. There are also technical and procedural challenges. Although the DOD has made significant progress, C3 infrastructures among the military services are still not completely interoperable.[92] If the DOD has not yet fully succeeded, the likelihood of creating a standardized data-sharing and communications architecture among the intelligence agencies is remote in the near term and would likely face significant monetary, technical, and bureaucratic impediments.

Summary

It is far too early to determine whether the recently passed intelligence reform will have a similar impact on the IC as Goldwater-Nichols had on the DOD. Establishment of the NCTC and the corresponding centralization of personnel and resources may improve elements of joint action, particularly

those elements related to terrorism. Additional information sharing measures incorporated in the legislation should also assist in this effort. The effectiveness of future operational planning is uncertain, given the relative lack of authority of both the NCTC director and the DNI over the departments and agencies they are trying to direct.

With the exception of the NCTC, the legislation did not fundamentally alter the structure of the IC. Instead, it split the two roles of the former DCI—head of the IC and director of the CIA—and reassigned the personnel supporting each of the positions, as required. There was some increase in personnel to support community management efforts, but the general effect was to move the DNI up one level in the IC hierarchy and remove the CIA from its position of preeminence within the IC and place it on a more equal footing with the rest of the intelligence agencies. While Congress increased the DNI's budgetary authority, the DNI still possesses less authority than the average department head and will likely have to continue to rely as much on interpersonal relationships and cooperation with department and agency heads as on budgetary authorities.[93] Finally, the priority the DNI places on improving both the quality and number of joint personnel with broad IC experience will determine the effectiveness of these efforts, since Congress left the bulk of the implementation details in the DNI's hands.

Although the reform legislation resembles Goldwater-Nichols, it does not replicate it, and its effects may be less profound. Aside from the obvious fact that the IC is fundamentally different from the DOD in terms of organization, personnel, resources, missions, and culture, the underlying tensions at play inhibited previous intelligence reform efforts, limited the current reform effort, and are likely to have continuing effects on the IC. The next chapter examines some of these tensions.

Notes

1. 9/11 Report, 403 (see chap. 1, n. 3).

2. *Intelligence Authorization Act for Fiscal Year 2003*, sec. 602 (see chap. 3, n. 108).

3. Richard A. Falkenrath, "The 9/11 Commission Report, a Review Essay," *International Security* 29, no. 3 (Winter 2004/05): 181–82, 188. Falkenrath states, "In short, while reorganizing the intelligence community

may ultimately prove to do more good than harm, the history of 9/11 as told by the commission does not make the case that such a reform is necessary or even necessarily beneficial." See also, Richard A. Posner, "The 9/11 Report: A Dissent," *New York Times*, 29 August 2004, sec. 7, 1.

4. Posner, "The 9/11 Report: A Dissent," 2.

5. James Locher, interviewed by the author, 2 February 2005. According to Locher, a prime architect of the Goldwater-Nichols reform, determining the problems and their underlying causes is the critical task of any reform effort, an area where he did not see sufficient emphasis in the 9/11 Report. He stated that the Senate Armed Services Committee staff spent nearly 18 months working this aspect of the DOD reform effort. See also Center for Strategic and International Studies, "Guiding Principles for Intelligence Reform," 21 September 2004, http://www.csis.org/0409_intelreformprinciples.pdf (accessed 31 March 2005).

6. 9/11 Report, 400 (see chap. 1, n. 3).

7. Ibid., 402.

8. Ibid., 403. Both the center construct and analogy to a unified command have been suggested prior to the 9/11 Report. See Larry C. Kindsvater, "The Need to Reorganize the Intelligence Community," *Studies in Intelligence* 47, no. 1, 2003, http://www.cia.gov/csi/studies/vol47no1/index.html (accessed 15 January 2005).

9. 9/11 Report, 404 (see chap. 1, n. 3).

10. Ibid., 400.

11. Ibid., 405. The report states, "the head of the NCTC must have the right to concur in the choices of personnel to lead the operating entities of departments and agencies focused on counterterrorism." At a minimum the report would provide this authority in the selection of the head of the CIA's Counterterrorist Center, the head of the FBI's Counterterrorism Division, and the commanders of US Special Operations Command (USSOCOM) and USNORTHCOM. It makes no mention of firing authority.

12. Ibid., 408–10.

13. Ibid., 410.

14. Ibid., 416.

15. Ibid., 417.

16. Ibid., 417–18.

17. Ibid., 419.

18. Ibid., 425. See also Maj Gen Glen Shaffer, retired, interviewed by author, 3 December 2004. General Shaffer, as well as other commentators, stressed that one of the most important steps within intelligence reform is fixing the seam between domestic and foreign intelligence organizations. This view is supported by the WMD Commission (Robb-Silberman), which found that "the FBI has not constructed its intelligence program in a way that will promote integrated intelligence efforts, and its ambitions have led it into unnecessary new turf battles with the CIA." The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, "Report to the President of the United States," 31 March 2005, 451.

19. All three executive orders are available from http://www.whitehouse.gov/news/orders/ (accessed 21 December 2004).

20. Executive Order 13354, National Counterterrorism Center, 27 August 2004, sec. 3 (a)-(b).

21. Ibid., sec. 6(A)-(C)(b).

22. Executive Order 13355, Strengthened Managment of the Intelligence Community, 27 August 2004, sec. 2. The intent of this change of wording is unclear. Prior to Goldwater-Nichols, all of the members of the JCS were "principal military advisors." Goldwater-Nichols changed this by making the JCS chairman the "principal military advisor." The intent of legislation was clear—to allow the JCS chairman to provide advice independent from the service chiefs. In the case of intelligence, the DCI did not share a presidential advisory role with other members of the IC; therefore, this change may be more symbolic than substantive.

23. Ibid., sec. 2(c) (amending EO 12333, United States Intelligence Activities, 4 December 1981, 1.5[g]).

24. Ibid., sec. 2(d) (amending EO 12333 1.5[m]).

25. Ibid., sec. 3 (amending EO 12333 1.5[n]).

26. Ibid., sec. 4(a).

27. Ibid., sec. 5(a). Goldwater-Nichols requires that officers considered for promotion to general officer ranks have served a minimum of one joint duty assignment.

28. EO 13356, Strengthening the Sharing of Terrorism Information to Protect Americans, 27 August 2004, sec. 1.

29. Ibid., sec. 3. See 9/11 Report, 417–18 and specifically footnote 16 (see chap. 1, n. 3).

30. Because the report's recommendations spanned large sections of government, multiple committees held hearings. The list and video feeds from the hearings are available at http://www.cspan.org/terrorism/?Cat=Current_Event&Code=911_Cong&ShowVidNum=10&Rot_Cat_CD=911_Cong&Rot_HT=&Rot_WD=&ShowVidDays=365&ShowVidDesc=&ArchiveDays=100 (accessed 21 December 2004).

31. The original bill, *A Bill to Reform the Intelligence Community and the Intelligence and Intelligence-related Activities of the United States Government*, S. 2840, 108th Cong., 2d sess., 2004, was placed in the record on 23 September. The Governmental Affairs Committee unanimously approved S. 2845, 108th Cong., 2d sess., on 27 September 2004, and the Senate passed the bill by a vote of 96–2.

32. The first House bill introduced was *To Implement the Recommendations of the National Commission on Terrorist Attacks upon the United States*, H.R. 5040, 108th Cong., 2d sess., 2004. The second version that ultimately passed by a vote of 282–134 was *To Provide for Reform of the Intelligence Community, Terrorism Prevention and Prosecution, Border Security, and International Cooperation and Coordination*, 108th Cong., 2d sess., 2004, H.R. 10.

33. The House passed the measure on 7 December by a vote of 336–75. The Senate passed the measure on 8 December by a vote of 89–2. The law

was enrolled as the *Intelligence Reform and Terrorism Prevention Act of 2004*, P.L. 108-458, 17 December 2004.

34. Senator Jay Rockefeller, *Congressional Record*, 27 September 2004, S9707.

35. Dana Milbank, "Deeply Divided Country Is United in Anxiety," *Washington Post*, 4 November 2004, A28. For example, in events leading up to the 2004 election, fears of terrorism remained a significant issue for American voters. "Nearly everyone feared terrorism. Three-quarters of voters—supporters of President Bush and John F. Kerry alike—said they were worried there will be another major terrorist attack in the United States."

36. See, for example, the Ford and Carter executive orders created after the Church and Pike investigations. The executive branch could reasonably argue that action had been taken to address the problems and further congressional action was not required. Congress could, of course, have pressed its case; however, without executive branch support such efforts would likely have been further complicated.

37. Senator Joseph Lieberman,108th Cong., 2d sess., *Congressional Record*, 27 September 2004, S9704. Lieberman, in supporting the legislation, stated, "Our legislation is based not only on the comprehensive work of the 9/11 Commission I have described but on the earlier work of the joint House and Senate Intelligence Committees in their inquiry into matters of intelligence, on the expertise of scores of experts who have been thinking about this subject for decades, and on critical reports, as Senator Collins indicated, that date back not 10 or 20 years but 50 years, making similar recommendations to the ones we have made. It is a tragedy that it took 9/11 to shake us out of our bureaucratic lethargy to be on the edge of doing what should have been done 50 years ago."

38. Senate, *Report of the Committee on Governmental Affairs, United States Senate to Accompany S. 2840*, 108th Cong., 2d sess., 2004, S. Report 359, 5–8.

39. John Lehman, Testimony to the House Government Reform Committee, 3 August 2004. "Our recommendations are not a Chinese menu. They are a whole system. If all of the important elements are not adopted, it makes it very difficult for the others to succeed." This failure has not gone unnoticed in Congress with Representatives Shays and Maloney publicly calling for congressional reform. See Christopher Shays and Carolyn Maloney, "Congress, Reorganize Thyself," *Washington Post*, 22 December 2004, A27.

40. Unnamed congressional staffer interviewed by the author, 8 March 2004. It was only through this conversation that the distinction between a national intelligence center and the NCTC became apparent.

41. For the complete colloquy, see *Congressional Record*, 8 December 2004, S11964–S11975.

42. See also *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1023. The establishment of national intelligence centers is at the discretion of the DNI. Furthermore, the legislation makes no mention of the re-

lated net assessments or warning requirements for national intelligence centers as Senator Lieberman described in the colloquy (see *Congressional Record*, 8 December 2004, S11968). Such tasks appear logical for a national intelligence center; however, their absence in legislation potentially provides the DNI some discretion as to where these functions will be placed within the IC. The "center" construct is not a new idea. The *IC21* study identified seven intelligence centers in existence at the time of the report (1996), but found that the centers were not true community constructs due to poor representation from other organizations outside the CIA (*IC21*, 269). See also Kindsvater, who suggests using centers to manage the IC around mission/issue and again stresses the need for community-wide participation in the centers. In creating the national intelligence center construct, Congress appears to have adopted most aspects of Kindsvater's recommendations. However, the Kindsvater proposal diverges from the congressional approach when it comes to the placement of the national intelligence centers within the organizational hierarchy. See *Congressional Record*, 8 December 2004, S11968, for the analogy to DOD unified commands.

43. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1022. Whether the president will choose to establish an NCPC remained unclear as of 21 March 2005. The legislation orders the establishment of the NCPC within 18 months; however, it allows the president to waive the requirements of the section if he so desires. If the distinction between national intelligence centers and the NCTC/NCPC continues (i.e., the strategic planning function remains in the NCTC and NCPC), then a generic title for the latter set of organizations would be helpful. The terms *supercenters* or *megacenters* and other similar terms have obvious drawbacks as they call to mind unrelated commercial entities. The term *Joint Intelligence and Planning Center* (JIPC) seems to be both more descriptive and less open to potential ridicule.

44. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1021, adding sec. 119(j)(2) to *USC* 50, 402.

45. Senator Lieberman, *Congressional Record*, 108th Cong., 2d sess., 8 December 2004, S11972.

46. Ibid., S11972. This also appears to be an intrusion in executive branch activities as it dictates, to some extent, how the executive branch chooses to execute policy.

47. For comparison see *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending the *National Security Act*, sec. 102A(c)(B) versus previous *USC* 50, sec. 403-3(c)(1)(A).

48. Senator Collins, *Congressional Record*, 108th Cong., 2d sess., 8 December 2004, S11969.

49. Ibid., S11947. For example, Senator Specter stated during the final debate, "The DNI is left with the power to 'develop and determine' the national intelligence program budget, which is effectively the same authority that the current DCI is given over the National Foreign Intelligence Program budget by executive order."

50. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending the *National Security Act*, sec. 102A(c)(5)(B).

51. See EO 13355, sec. 3, which amends EO 12333 sec. 1.5(o)(1). The legislation removes the word *foreign* throughout the amended *National Security Act of 1947*. For example, the National Foreign Intelligence Program became the National Intelligence Program.

52. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending sec. 102A(d)(5)(A)(iv) of *USC* 50.

53. Ibid., sec. 1011, amending sec. 102A(e)(2)(A).

54. Ibid., sec. 1014.

55. Ibid., sec. 1011, amending sec. 102A(f)(1)(A)(ii).

56. *USC* 50, 403-4(a). The previous language stated, "To the extent recommended by the National Security Council and approved by the president, the Director of Central Intelligence shall have access." The only additional limitations are those provided by law. For the new language, see *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending sec. 102A(b).

57. 9/11 Report, 409 (see chap. 1, n. 3). The most specific reference to joint personnel practices states, "A common set of personnel standards for intelligence can create a group of professionals better able to operate in joint activities, transcending their own service-specific mind-sets." What is less clear is whether Goldwater-Nichols–like incentives for joint duty were envisioned, whether there were perceived consequences with joint duty, and whether the quality of joint personnel was deemed inadequate.

58. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending sec. 102A(l)(3)(C).

59. Ibid., sec. 1011, amending sec. 102A(l)(1)(A)(i)–(iii). The act specifies that the incentives could take the form of financial incentives, bonuses, or other awards, as the DNI deemed appropriate.

60. Ibid., sec. 1011, amending sec. 102A(f)(3)(A)(ii).

61. Ibid., sec. 1011, amending sec. 102A(g)(1)(A)–(F).

62. Ibid., sec. 1011, amending sec. 102A(g)(4).

63. Ibid., sec. 1016 (b)(2). *Terrorism information* is defined in the act as "all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to— (A) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism; (B) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations; (C) communications of or by such groups or individuals; or (D) groups or individuals reasonably believed to be assisting or associated with such groups or individuals." *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1016 (a)(4).

64. Ibid., sec. 1016 (d)(1).

65. Ibid., sec. 1016 (e)(1)–(11).

66. Ibid., sec. 1016 (h). The first report is due two years after the enactment of the act.

67. 9/11 Report, 400 (see chap. 1, n. 3).

68. Unfortunately, the center's ability to perform such assessments will likely be hampered by the multitude of different personnel appraisal systems used by the various agencies participating in the center. For example, within the military services it can be difficult for supervisors to use appraisal systems from other services and thus accurately assess a subordinate's performance. In addition, each of the services often uses signaling devices within performance appraisals to help promotion boards differentiate between star performers and average ones. Unfamiliarity with such terminology makes the job of supervisor rating a subordinate from another service that much more difficult. It is likely that similar difficulties will exist in joint intelligence organizations, as supervisors of subordinates from a different intelligence agency must learn the vagaries and unique characteristics of multiple personnel appraisal systems.

69. James Q. Wilson, "Thinking About Reorganization" in Roy Godson, Ernest R. May, and Gary Schmitt, *US Intelligence at the Crossroads: Agendas for Reform* (McLean, Va.: Brassey's, 1995), 30. Wilson takes the need to reform culture one step farther, stating, "The central task facing anyone proposing to reorganize a Type Two agency [to include intelligence organizations] is to think through exactly what operating culture we wish to produce among rank-and-file employees and then to design an organizational structure that will increase the chances of that culture being created and sustained." For an earlier example of implementing culture change within one part of the IC, see Douglas J. MacEachin, "The Tradecraft of Analysis" in Godson, *US Intelligence at the Crossroads*, 72–74.

70. A final set of participants—the SecDef and CJCS—can, and often do, have a great deal of influence on the final nature of the plan. See Cohen, *Supreme Command,* 239 (chap. 2, n. 63), in describing the planning for operations in Afghanistan. Cohen states, "The plan was, to be sure, General Franks' [the combatant commander] plan. But it was a plan hammered out in months of grilling by Rumsfeld and his immediate subordinates; it was a plan that was approved—grudgingly, in some cases—by the uniformed chiefs of the services, who had no responsibility for war planning, but who exercised an important influence on military opinion, and, potentially, on public opinion."

71. For a complete description of joint campaign planning, see figure 3-3 in Joint Publication 5-00.1, *Joint Doctrine for Campaign Planning*, 25 January 2002, 3–5. Chapter 3 of this document describes the planning process in depth. Furthermore, it is the J-7, not the J-3, that has this review task, "OPLANs submitted to the Chairman of the Joint Chiefs of Staff for review are referred to the J-7, which conducts and coordinates the final plan review" (3–17). See also Joint Publication 5-0, *Doctrine for Planning Joint Operations*, 13 April 1995, 1–6: "The combatant commanders are responsible for the development and production of joint operation plans." After the com-

batant commander drafts a plan, the plan passes through a review process. "Those joint operations tasked in the JSCP [Joint Strategic Capabilities Plan] for CJCS approval are reviewed by the Joint Staff, Services, and DOD agencies. All other plans are approved by the CINCs," 1–8.

72. In both Desert Storm and Allied Force the air component commanders had different views on the proper employment of airpower. In both instances there was some push towards a middle ground; however, in neither case was the component commander's initial desires fully implemented. See chap. 2.

73. 9/11 Report, 406 (see chap. 1, n. 3). To its credit the 9/11 Report recognized this potential stating, "The proposed NCTC would be given the authority of planning the activities of other agencies. Law or executive order must define the scope of such line authority."

74. Ibid., 399. "Some of the saddest aspects of the 9/11 story are the outstanding efforts of so many individual officials straining, often without success, against the boundaries of the possible. Good people can overcome bad structures. They should not have to."

75. In the present situation the president may largely determine the power of the DNI. If the president outwardly supports the DNI and routinely favors the DNI's positions over those of the department heads, then both the real and perceived power of the DNI will grow correspondingly; however, if the opposite occurs, a primary source of power for the DNI (the support of the president) will be significantly undermined. This suggests that at least some aspects of the DNI's power base will be variable as opposed to the relative stability of purely positional power and will be based upon each president's behavior and actions towards the DNI and department heads.

76. Prior to 1986, the lack of a true joint force commander with control over forces assigned and the resulting problems were evident in both the failed Desert One operation, with each of the service's wanting a prominent role, and the lack of a joint air campaign in Vietnam.

77. Shaffer interview. General Shaffer described the concept as a "Goldwater-Nichols at the interdepartmental level."

78. The advantages of such an approach include flexibility and synchronization. Flexibility is obtained by establishing JITFs in response to anticipated government action. This allows the government to tailor JITFs in terms of size, organizational composition, and relative permanence in response to specific mission requirements. Second, JITFs solve a fundamental problem of the NCTC construct—the lack of control over personnel tasked with accomplishing a mission. The JITF commander would have operational control over forces and thus could plan operations based upon the forces assigned and then oversee execution of the plan. In these ways the JITF construct would much more closely follow the DOD joint constructs than the NCTC. The primary disadvantage of the JITF approach is that the task forces are temporary in nature. Thus a degree of organizational learning must occur each time a JITF is established. The DOD partially mitigates this learning curve through the development of doctrine that specifies how

joint forces are organized and clearly establishes command relationships. Training and exercises provide an additional source of learning. A JITF construct would need to develop doctrine and training opportunities so that the multiple government departments and organizations could establish an agreed upon framework for the establishment and operation of JITFs.

79. Shaffer, interview.

80. Michael V. Hayden, interviewed by the author, 18 February 2005. In short, the codification of authorities remains a central issue if the IC is to become less personality dependent and consensus driven. See also Richard M. Emerson, "Power-Dependence Relations," *American Sociological Review* 27 (1962): 31–41. Emerson's paper describes four balancing operations to alter power-dependence relations: withdrawal, extension of power network, coalition formation, and emergence of status. While Emerson was focused on social power, aspects of the balancing operations are applicable to bureaucratic power adjustments, particularly coalition formation.

81. 9/11 Report, 410 (see chap. 1, n. 3). See also Kindsvater, who describes the need for hire/fire authority, personnel transfer authority, and budgetary authority as essential elements to successful management of the IC and the intelligence centers.

82. John R. P. French and Bertram Raven, "The Basis of Social Power," in *Group Dynamics*, D. Cartwright and A. F. Zander, eds. (Evanston, Ill.: Row, Peterson Publishers, 1960), 259–69. The authors set forth five bases of social power: reward, coercive, legitimate, referent, and expert. Of the power bases, legitimate power most clearly equates with power formally vested in an office by statute, executive order, or policy. However, individuals holding an office also have a degree of reward and coercive power based upon the authorities granted by Congress or the president.

83. Hearing of the Senate Governmental Affairs Committee, "Reorganizing America's Intelligence Community: A View from the Inside," 16 August 2004. The variance in how presidents interact with the DCI was remarkably evident during an exchange with Senator Lieberman and three former DCIs. Senator Lieberman asked each whether they personally briefed the president, and how often they spoke to him. In response, former DCI William Webster stated he briefed President Bush on most days but that President Reagan had taken the brief from the national security advisor. Former DCI James Woolsey stated that President Clinton normally read the brief and that he had two "substantive meetings" with the president in two years. Finally, Adm Stansfield Turner stated that President Carter preferred to read the President's Daily Brief but that he had a half-hour session with him three times a week.

84. The DNI is tasked with managing and directing the "tasking, collection, analysis, production and dissemination of national intelligence." See *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending NSA, sec. 102A(f)(1)(A)(i)–(ii) for a more complete description of the DNI's tasking and other authorities.

85. Joan Dempsey, interviewed by the author, 30 November 2004. Dempsey stressed that budgetary authority is essential; however, the ability to move personnel throughout the enterprise and have organizations directly report to the DNI remain important elements to the DNI's authority.

86. For example see Cohen, *Supreme Command*, 191 (see chap. 2, n. 63). "The Goldwater-Nichols legislation had made the chairman of the Joint Chiefs of Staff the primary military adviser to the president, and in Powell's hands the chairmanship became an exceptionally powerfully position and one which shut off many other sources of military advice to civilian authority."

87. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1011, amending the *National Security Act*, sec. 102(A)(l)(1)(A). Joint positions specified include the staff of the DNI, the staff of the national intelligence centers, the staff of the NCTC, and "other positions in support of the IC management functions of the Director."

88. Joan Dempsey, interviewed by the author, 30 November 2004.

89. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 3001(c)(1).

90. Ibid., sec. 1019(a), which requires the assignment of an individual or entity to "be responsible for ensuring that finished intelligence products produced by any element or elements of the IC are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft."

91. Aris A. Pappas and James M. Simon, Jr., "The Intelligence Community: 2001–2015," *Studies in Intelligence* 46, 1 (2002), http://www.odci.gov/csi/studies/vol46no1/index.html (accessed 10 April 2005). Information overload problems include not only processing demands for the data, but the larger human limitations to "usefully synthesize, analyze, and simply understand what we have."

92. Although interoperability has shown steady progress there are many examples where work remains. For example, there is no common e-mail directory service for all DOD personnel. Likewise, the services use different network security architectures, employing different firewalls, intrusion detection systems, and other security solutions. There are also procedural hurdles. The creation of interoperable communication systems does not guarantee that the users of the system will share common communication protocols. In other words, the users can talk to each other but they are using different terminology that can create confusion.

93. See, for example, Stephen Daggett, *The US Intelligence Budget: A Basic Overview* (Washington, D.C.: CRS, 24 September 2004), 4. "On its face, this [legislative changes to DCI budgetary authority] gives the DCI considerable authority over NFIP budgets. The statutory language, however, gives the secretary of defense operational control over the major defense intelligence agencies, even though tasking of the agencies may be issued by the DCI. So, as a practical matter, it is the secretary of defense who has the main authority to establish priorities."

Chapter 5

The Push and Pull of Intelligence Reform

> *At our first public hearing on March 31, 2003, we noted the need for balance as our government responds to the real and ongoing threat of terrorist attacks. . . . This balancing is no easy task, but we must constantly strive to keep it right.*
>
> —9/11 Report

As the epigraph above shows, the 9/11 Commission recognized the need to grant the government more power in periods of heightened threats while continuing to protect civil liberties. This is one of the many balances that the US government must consider as it evolves to address a wide variety of threats in the international security environment. Just as there is a need to maintain government-wide balances, the individual departments and agencies must operate in the face of often opposed requirements.

The consideration and interplay of competing interests within the government is not a new phenomenon. As described in chapter 2 and by other commentators on the Goldwater-Nichols Act, reform of the DOD involved recalibrating the balances within the system. In a similar vein, reforming the IC may be thought of as a recalibration of fundamental balances that represents inherent and competing interests within the IC rather than as a restructuring exercise. Understood this way, reform requires the action of governmental actors, who adjust these balances using a variety of more or less permanent and dynamic recalibration mechanisms.

One balance, the degree of centralization versus decentralization, is common to both defense and intelligence reform efforts. Associated balances unique to intelligence reform include (1) balancing the need to share information with the need to protect information; (2) organizational adjustments that support "connecting the dots" while maintaining diversity of analytic opinion; and (3) determining the proper allocation of finite intelligence resources to meet the needs of both na-

tional policy makers and the departments, particularly support to military operations. Still other balances, while not examined in detail in this study, are likely to affect recalibration efforts; for example, determining the proper amount of power to vest in the government while protecting the civil rights of citizens, as noted above. Similarly, reformers will have to consider the personnel requirements of the IC's component departments as well as the staff needed to support analytic centers and other centralizing organizations. Each of these and many other fundamental tensions are important in their own right, because changes within the IC, structural or otherwise, could have unintended consequences on the operation of other aspects of the IC.

The centralization/decentralization balance will be a primary focus of the present study because it interacts with and thus affects many of the other balances. This chapter examines possible reasons why the trend towards greater centralization may now be approaching some real barriers, inhibiting further centralization. Next, it reviews some of the associate balances to provide further insight into the types of issues confronting leaders within the IC as they attempt to implement reforms. The chapter closes with a discussion of some of the unique challenges that face reformers because of the interagency nature of the IC and how the Goldwater-Nichols Act addressed somewhat analogous challenges.

Aspects of Recalibration

Recalibration attempts share several important features. First, the interrelationships among many of the balances mean that adjusting one may cause changes in another, complicating any recalibration and causing intended or unintended ripple effects as changes are made. For example, as organizations become more centralized there is often a corresponding trend towards more generic skill sets within the workforce. By contrast, decentralization most often encourages greater specialization as dispersed elements focus more exclusively on their unique tasks. In the specific example of intelligence, greater centralization resulting from consolidation of analytic resources around

enduring problems should, in theory, support greater information sharing, but this could occur at the expense of more narrowly focused analytic capabilities, trained to support specific departmental requirements.

Second, the potential consequences of adjustments are not inevitable. While some forces encourage movement along a continuum, measures can be taken to limit or even reverse the movement. For example, more centralization does not make greater generalization unavoidable although that may be the natural course. Instead, measures such as retaining strong independent analytic shops within the constituent IC organizations may allow departmental specialization to continue. Similarly, intelligence centers of the type envisioned by the 9/11 Commission would centralize analytic capabilities but might also encourage a different type of specialization—one that is threat-based rather than department-based.

Third, recalibrations can be accomplished by a variety of mechanisms ranging from legislation to executive orders to changes in internal processes and procedures. As noted previously, legislation offers a degree of permanence but lacks the precision and responsiveness of internal mechanisms that provide more dynamic adjustments. Thus, a trade-off exists among the types of mechanisms chosen to recalibrate a balance.

Centralization versus Decentralization

At a fundamental level, determining the amount of centralization within an organization means deciding how much relative autonomy to grant to subunits within the structure. The IC exhibits a fundamental tension between a desire to maintain control over a vast enterprise to reduce duplication and improve coordination and a desire to allow the various departments to maintain relatively autonomous organizations to obtain the tailored intelligence support they require. Thus, the centralization/decentralization debate can be recast in terms of cohesion and autonomy.[1]

Moreover, this balance has a significant effect on many of the other balances. For example, the degree of centralization can affect the development and implementation of organiza-

tional standards, which may, in turn, affect the valence of such other balances as the degree of specialization/generalization or information sharing/protection. Because this balance plays a primary role, it is important to understand how the IC has evolved with respect to this balance and outline the relative advantages of both centralization and decentralization before examining why the trend towards centralization may be nearing some concrete barriers that make further centralization increasingly difficult.

The National Security Act of 1947 was born from a system in which national intelligence was largely decentralized, with the most significant efforts occurring independently within the Departments of State, War, and Navy.[2] The passage of the act began the first of many steps towards increasing centralization within the IC. Initially, the DCIs, particularly Allen Dulles, focused almost exclusively on their role as director of the CIA. However, as early as 1956, advisory bodies within the executive branch began issuing recommendations for the DCI to increase managerial emphasis on IC affairs. In early 1962 President Kennedy directed the DCI to place greater weight on community management over leadership of the CIA. The 1971 Schlesinger Report, the 1972 Murphy Report, the 1976 Church Committee Report, the 1994 Aspin-Brown Commission, and the 1996 *IC21* report all supported increased centralization and recommended enhancing the DCI's power over the IC to improve IC management.

The movement towards greater centralization within the IC is not unusual and follows similar trends in other areas of the government. Since World War II, the armed forces have become more centralized, first with the creation of the Department of Defense and then via the Goldwater-Nichols Act. In a similar vein, the consolidation of such previously independent agencies as the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, and US Coast Guard resulted in the formation of the Department of Transportation.[3] More recently, the DHS was formed to create "a single, unified homeland security structure" to centralize the heretofore dispersed elements of government involved in such

functions as border and transportation security and emergency preparedness and response.[4]

Various benefits associated with centralization have encouraged this trend. The fundamental functions of training and equipping can often benefit from greater centralization. Centralization can provide greater coherence through increased standardization across education and training programs—a useful element to increase the overall quality of the analytic force or other relevant intelligence functions. Increased centralization in the planning, programming, and budgeting process also offers the chance to reduce costs and duplication by giving the decision maker an enterprise-wide view of the types, capabilities, and costs of systems.[5] Such a comprehensive perspective increases the likelihood that duplicative systems can be identified prior to full funding and that funded systems will support the broadest possible customer set.

On the analytic front, centralization, if supported by strong information sharing, can help create a more accurate and complete picture of large, complex issues and threats that span more than one agency or department. Establishing more uniform personnel systems may assist in the movement of personnel among organizations in the community and ensure that compensation and other incentives are distributed fairly across the enterprise. Furthermore, consolidating authority within a single position or organization can increase legitimate sources of power.[6] For example, greater statutory or formal authority to enforce new standards and practices may do more to attain objectives such as increased information sharing than relying too much on informal mechanisms such as cooperation and consensus, as was done previously. Finally, centralization focuses responsibility, authority, and accountability often to a single person for the conduct of organizational activities.[7]

Yet strong incentives for decentralization also remain. Good intelligence depends on the productive blend of multiple, highly specialized skills, and it is the IC's component departments that select and train the practitioners of those skills. Thus, while analysts may benefit from some standardized and centralized training, they also likely require more tailored training specific to their departmental analysis responsibilities. While

centralization can reduce duplication in the acquisition process, the individual organizations may have less of a voice in advocating their specific requirements. Thus, given limited resources, systems tailored to the unique requirements of individual organizations might lack community-wide funding support. Furthermore, duplication is not entirely bad, and attempting to eliminate duplication completely has definite drawbacks. Redundant capabilities enable the larger intelligence system to respond more ably in times of crisis through greater capacity.[8] Decentralization can serve the analytic function by increasing the likelihood that indigenous analytic resources will focus on the unique problems and challenges facing a specific department or agency. In this way DOD intelligence analysts can support the operational requirements of the military, while other departmental and agency analysts can do the same for their respective organizations. Furthermore, redundant departmental analysis shops should promote a diversity of analytic opinion on broad topics while reducing the likelihood that "groupthink" pathologies may form. Thus the quest for greater autonomy has a rational basis and may be less opportunistic than some IC critics assume.

Although the recent legislation continues the trend toward centralization, this trend may soon reach a point where the marginal gains achieved from additional centralization are outweighed by the associated costs. For example, a further step in the progression towards greater centralization of the IC would be to create a cabinet-level department encompassing the major intelligence organizations (i.e., the CIA, NSA, NGA, and National Reconnaissance Office [NRO]), while allowing the remaining departments to maintain separate analysis organizations focused on their specific requirements.[9] While possible, such a solution would have to overcome many obstacles.

First are the costs associated with personnel. Currently military personnel represent a significant cross section of the IC. It is unlikely that the DOD would be willing to lose a large number of its intelligence resources to a centralized intelligence structure without some form of dispensation or ability to control the personnel in support of unique DOD requirements.[10] Alternatives include detailing military personnel for

extended periods or authorizing the IC to hire new personnel, but both of these options create significant costs for either the DOD or the government at large. There are also difficulties in supporting the personnel requirements of intelligence centers. Even without a complete transfer of personnel, the requirements to support such analytic centers as the NCTC could become burdensome for those departments—for example, State—that maintain relatively small intelligence organizations. Whether the government has adequate resources to continue to support both departmental analytic organizations and centers depends to some degree on the personnel requirements levied by the DNI to support the NCTC or other centers.

A second difficulty is the requirement of the various departments for indigenous analytic elements to support their respective operational missions. Even the most dedicated reformers have not suggested eliminating the component departments and agencies, which will continue to demand specialized support. The difficulties surrounding further centralization of intelligence analysis reflect the balance between generalists and specialists. The CIA was formed in part to centralize the analysis of intelligence from across the IC and thus began a small shift towards the generalist pole. The NCTC continues the trend towards centralization but focuses the centralization on a somewhat narrower area; therefore, its overall effect on the specialist/generalist balance remains unclear. Instead of shifting the specialist/generalist balance, centers may instead change the type of specialization from a departmentally oriented one to a threat-based one. A decrease in congressional funding or an increase in the number of analysts required to support the centers might prompt a greater shift towards the generalist perspective or a change in the nature of specialization. In either case, specialist support to the departments would likely bear the brunt of the impact.

Another obstacle is associated with the placement of the combat support agencies (CSA) currently housed within the DOD. The prospect of moving the CSAs under a DNI and out from under the DOD was discussed during a House Armed Services Committee hearing on the 9/11 Report. One witness, Dr. John Hamre, a former deputy secretary of defense, consid-

ered such an option feasible, if not desirable; while another witness, Gen William Odom, a former NSA director, thought otherwise.[11] Odom believed that the DOD would replicate the units and associated intelligence capabilities lost to a DNI to maintain the support the military services deemed necessary. Others argue that such replication is too expensive, and thus the DOD and the DNI would have to cooperate. The answer probably lies somewhere in the middle.

The DOD experience with close air support (CAS) provides insight into how events might transpire. The DOD could have chosen to consolidate all air assets into a single service: the US Air Force. Instead, the services continue to maintain air capabilities to better support their specific requirements; for example, the Army and Marines maintain indigenous air elements to provide tailored air support to their associated ground forces. Ground forces prefer the current system for several reasons. On the practical side, dedicated air support assets can routinely train and exercise with the ground forces they are tasked to support, providing valuable experience and expertise for actual combat. In addition, both the Army and Marines strongly believe that owning indigenous assets is the only way to ensure that necessary support will be available when required.[12] This second reason illustrates a fundamental tenet in most organizations: direct control over supporting assets is nearly always preferable to reliance on cooperative efforts from an outside entity.

Thus, there is some reason to believe that should the DOD lose more control over the CSAs, such as NSA and NGA, the department would attempt to replicate the inherent capabilities of these organizations in some fashion.[13] The 1971 Schlesinger Report discussed this possibility in examining the potential ramifications of transferring control of intelligence assets to a DNI, stating, "there would remain the serious and continuing problem of finding ways to meet the intelligence needs of Defense [the DOD] without, at the same time, causing the Services to reconstitute their own intelligence activities, even at the expense of other programs."[14] Even the cost issues raised by Dr. Hamre may not fully deter such efforts. In fact, Congress might be a willing participant in allowing the duplication to proceed. Be-

cause Congress maintains separate oversight committees for intelligence and the armed services, the DOD would likely have strong support from its oversight committee to fund service-only intelligence systems if the department could reasonably show that intelligence support to military operations had suffered as a result of organizational restructuring or reduced priority for departmental requirements.

Second, the CAS example illustrates that Congress, perhaps recognizing the advantages of indigenous support assets, is not averse to funding multiple and sometimes redundant systems to support the requirements expressed by the military services. Thus, while the new systems funded may not be as capable as the original systems, some funding of new systems would probably be authorized, creating additional redundancy. Finally, as the recent debate over intelligence reform legislation illustrated, the armed services committees are, and likely will remain, staunch supporters of the military services, which increases their likelihood of acting any time intelligence support to the military is threatened.

Associated Balances

As the fulcrum is shifted on the centralization/decentralization axis, it often affects other balances. The first is related to creating conditions that allow the successful assimilation of discrete data into a coherent and accurate analytic picture without creating conditions that impede the diversity of opinion.

Balancing the need to share with the need to protect is a second tension that involves facilitating greater access to information while still protecting critical elements of information that could hinder future intelligence efforts. A third, and by no means final, trade-off is associated with balancing the intelligence needs of the national policy maker with the needs of the individual departments.

"Connecting the Dots" versus "Groupthink"

During the debate surrounding the 2004 intelligence reform efforts, Dr. John Hamre of the Center of Strategic and International Studies expressed concern over what he called the "con-

nect the dots" versus "groupthink" problem. In essence, the problem revolves around how to centralize intelligence so that the IC can develop a more accurate and complete threat picture without creating conditions where analysts fail to fully consider alternative analyses of the available information. In theory, as centralization increases, the diversity of analytic opinion can be short-circuited or impeded. Centralization, as a general rule, helps solve the connect the dots problem by consolidating both data and the analysis. On the other hand, decentralized analytic organizations create a natural mechanism to achieve diversity of opinion but make it more difficult to consolidate information and thus connect the dots.[15]

However, other ways to address this balance do not require wholesale structural changes to analytic organizations. For example, additional incentives to encourage greater information sharing or changes to current policies that encourage information protection are two of the mechanisms available. Other previously suggested approaches include improved dialogue with consumers of information, periodic external reviews of intelligence products and analytic methodologies, and the creation of net assessment groups to challenge assumptions.[16] However, encouraging a diversity of opinion does not have to rely exclusively on independent analytic groups, and in any event, such groups cannot fully substitute for internal changes to analytic organizations. Instead, a renewed focus on analytic tradecraft and standardized analyst training may offer plausible alternatives to the maintenance of multiple analytic organizations. At the same time, separate analytic organizations serve a valuable purpose by providing tailored support to the owning department or agency—a more compelling reason for their continuation than simply avoiding groupthink.

The intelligence reform legislation appears to incorporate a mixture of both approaches discussed above—increased centralization via structural changes and new initiatives to improve the quality of analysis. By retaining departmental analytic bodies, Congress avoided shifting the centralization/decentralization balance too far towards either pole. As a new organizational construct, the NCTC holds promise of improving the consolidation of terrorism-related data and thus aiding in more holistic

assessments of those data. Additionally, information sharing should be simplified, because all organizations can now report terrorism-related information to a single organization representing the entire IC. This contrasts with the situation described in the 9/11 Report, where the sheer number of disparate organizations involved in both collection and analysis impeded information sharing. In some ways simply knowing with whom to share the information may be a key aspect of the problem and one that the NCTC should help address.

However, there are potential dangers to this consolidation. First, unless safeguards are put in place, alternative viewpoints could either be suppressed or in the worst case not even generated (i.e., the groupthink problem).[17] Thus an important aspect of center implementation may be the relationships the centers continue to maintain with the analytic organizations of the department. A second danger of continued consolidation is that formation of the NCTC and any other future centers may drain the analytic resources of the departments and agencies within the IC. This resembles the issue that the military services raised in response to joint duty requirements for service personnel. As long as the requirements are not too onerous, they should not create a significant problem. However, some departmental intelligence organizations are relatively small, and their ability to support both multiple centers and departmental analytic requirements could be reduced if the demand for analysts grows significantly.

Another approach Congress used to achieve balance was embedded in two sections of the act. In the first section, Congress required the DNI to appoint an individual or entity that would be responsible for ensuring that "elements of the IC conduct alternative analysis (commonly referred to as 'red-team analysis') of the information and conclusions in intelligence products."[18] Left unsaid is how such analysis would be incorporated into products or presented to decision makers. In a second section, Congress required the DNI to appoint another individual or entity to address issues of analytic integrity.[19] Both portions of the law appear to have been designed to guard against some of the negative effects of greater centralization while maintaining a diversity of analytic opinion.

The congressional solutions centered on creating new structures to centralize intelligence analysis around enduring threats and providing new independent review mechanisms. While these changes may be effective, internal mechanisms to improve analytic tradecraft and training of analysts may be equally essential.[20] Thus, creating environments where analysts are encouraged to challenge assumptions, to avoid mirror-imaging and other deleterious activities, and to integrate outside sources of expertise may reduce the likelihood that destructive group processes would form.

Information Sharing versus Information Protection

The preceding discussion shows that the connect-the-dots problem is related to how the information sharing/information protection balance is calibrated. If the balance is shifted to encourage greater information sharing among agencies, it becomes more likely that the necessary information to build an accurate analytic picture will be available. Unfortunately, at the same time protecting information, particularly sources and methods, becomes more difficult. As with other balances, there are legitimate interests on both sides. Greater information sharing can not only help establish more accurate analytic pictures, but also assist in direct support of operations (e.g., military, counterintelligence, homeland security). Within the military, war fighters have almost constantly called for more detailed, accurate, and timely information. This has required changes in intelligence processes to protect sources and methods while providing greater access to information for operators.

Although access to such information can fundamentally improve the quality of analysis and the effectiveness of operations, there are also dangers. The security infrastructure established to protect information has evolved in response to what was initially a serious counterintelligence threat from the Soviet Union. A series of spy cases from John Walker to Aldrich Ames to Robert Hanssen clearly illustrates the dangers of failing to protect information, with damage ranging from loss of counterintelligence investigative techniques to loss of valuable sources and methods and, in the worst cases, to the loss of human life.[21] There is also the need to protect intelli-

gence processes from disclosure, as such disclosures could enable an adversary to influence these processes.[22] Therefore, even though the environment has changed, there remain compelling reasons to protect information.

Increasing the number of individuals who have access to information also increases the likelihood of compromise, either intentional or unintentional (through poor security practices). On the other hand, increased sharing may not only make analysis more effective, but may also save lives through better warning of impending threats. According to this line of reasoning, it does no good to protect information if overly restrictive protective measures prevent timely warning of imminent threats or if those tasked to counter a threat fail because of inadequate or incomplete intelligence.

As with any balance, a guiding objective here is to increase the benefits of recalibration. In this instance, the shift towards greater information sharing would continue until the costs associated with the compromise of information became too great. The risk of compromise remains a primary reason why complete information sharing is unlikely. As compromises increase, the quality and quantity of information collected would begin to degrade sharply, effectively negating any benefits gained from increased information sharing through the loss of reliable and necessary information. Because that risk is real, a key aspect of any successful recalibration will be the design of security procedures that continue to protect essential elements of information while allowing for greater dissemination among analysts and operators. This is exactly the approach the legislation has taken in recommending the use of tearlines and other procedures to assist in the information sharing process.[23]

Another focus area for recalibration centers on providing greater incentives to share information while reducing real and sometimes culturally imposed disincentives.[24] Disincentives such as statutory and personnel penalties for violating security requirements are relatively straightforward to set and enforce. However, like most disincentives, punishments often result in a focus on self-protection, which in turn may result in manifestations of unintended behavior.[25] In this case, the disincentives imposed discourage disclosures of information

not only to unauthorized individuals (intended behavior) but also to individuals who may have legitimate needs (unintended behavior). Currently there are very few incentives to share information and creating such incentives requires an entirely different approach.[26] In addition to the challenge of determining the nature of the reward (time off, monetary or institutional awards, etc.) is the real problem of measuring how data is being shared, who is withholding information, and who is sharing information. Thus, the development of metrics to assess progress towards information sharing may become an important implementation issue. An agency's responsiveness to a request for information, the amount of data provided, and audits by community managers to determine the amount of information withheld represent partial but incomplete solutions to the problem of measurement.

The combination of procedural and incentive changes should assist adjustments along the information sharing continuum. Moreover, both mechanisms provide relatively greater opportunities for precise and dynamic adjustments than purely legislative changes can accomplish. For example, if information sharing policies result in unacceptable disclosures of information, such policies can be more rapidly adjusted to better protect information. Finally, cultural changes within the IC will probably be needed to move from a need-to-know to a need-to-share mind-set.[27] Explicit means such as procedural and incentive adjustments should have some effect on behavior; however, long-lasting changes will likely require more profound changes to the underlying cultural makeup. In the present case, multiple influences shape organizational culture to include the normative behavior of peers with regard to information sharing, actions taken by managers to encourage or discourage behavior, and the perceived reciprocity of information sharing among participating organizations. The IC may be well served by examining the pros and cons of the DHS approach to information sharing, which continues to seek ways to develop procedures and incentive structures to encourage the sharing of information not only across the federal government but also with state and local governments.[28]

In short, as with nearly every balance, there is no single solution. Instead, greater information sharing will likely require technical changes to communication architectures, revised policies and processes, adjustments to incentive structures, and changes in organizational culture.

Intelligence Needs of the National Policy Maker versus the Departments

A third balance is associated with the sometimes competing and sometimes shared intelligence needs of the national policy maker and the departments, particularly the DOD.[29] Because intelligence resources for both collection and analysis are finite, there are limits on the amount of intelligence that can be collected, processed, and analyzed, which necessitates a balance in resource allocation. Further complicating this problem, national security and regional military priorities are now less synchronized because of the absence of a unifying threat such as existed prior to the end of the cold war.[30] This loss of synchronization implies that the demands of policy makers and the departments are more likely to conflict than previously.

The national versus tactical balance represents a distinction perpetuated, in part, by the division of the intelligence budget into separate national and departmental components.[31] Although some intelligence can be characterized as either national or departmental/tactical, considerable overlap and ambiguity remain. This ambiguity further complicates the balancing of competing demands for these resources. A more accurate distinction in today's strategic context may be between long-term, enduring requirements and near-term, granular ones.[32] An assessment of the possible future actions of a nation-state, its military capabilities, and its industrial capacity would fall into the long-term category, while determination of the position and disposition of enemy forces in support of current military operations would be characterized as near term. Such a distinction may more accurately convey the differing types of intelligence and the valid requirements of both poles of this balance. However, even this distinction does not resolve along neat organizational lines, with the DNI responsible for meeting enduring intelligence needs and the depart-

ments responsible for near-term intelligence. For example, the DOD has both long-term and near-term intelligence requirements in much the same way as it has both national and tactical/departmental ones. Long-term enduring intelligence is needed to support senior defense policy makers and to assist the services' force modernization and planning functions, while near-term granular intelligence is needed to support ongoing military operations.[33]

One argument for placing greater weight on national intelligence requirements is that the resulting intelligence forms the basis for national security policy making.[34] According to this argument, national intelligence requirements should trump others because the actions of the departments are predicated on the decisions of national policy makers. Without solid intelligence, national policy makers may commit or fail to commit government resources as necessary. For example, accurate intelligence assessments of an adversary country's intentions and capabilities become a critical factor in determining the government's response and the associated instruments of power to employ. Thus, strong national intelligence may actually preclude the use of military force if the threat is deemed to be less urgent than originally assumed.[35]

A counterargument is that the activities of the departments have national security implications that in turn affect the national decision-making context. Incomplete or inaccurate intelligence can result in increased casualties, unintended collateral damage, or less effective military operations, all of which can have significant implications for the further execution of national policy. This argument states that adequate support to military operations or other department-specific operations is essential to avoid reducing the options of the national decision maker.[36] For example, as military casualties increase, the American public may reassess the costs of US involvement against the interests served. As these costs begin to be perceived as outweighing the benefits, public opinion may shift toward disengagement, making continued involvement politically harder to justify. The bombing of the Chinese embassy during Operation Allied Force in 1999, for instance, complicated further military operations and required more

sustained effort by national leaders to maintain NATO commitment to the operation.

By some accounts this balance has shifted from the situation prior to the 1991 Gulf War, where too much emphasis was placed on national requirements, to excessive emphasis on support to military operations, to a relatively balanced situation in 2004.[37] After the Gulf War new structures such as joint intelligence centers, deployed and integrated organic intelligence assets such as unmanned aerial vehicles, and upgraded communications architectures all helped ensure greater support to military operations.[38] However, there were concerns that support might be shifting too much in favor of departmental interests. The *IC21* HPSCI staff study of 1996 cautioned, "Thus, a balance needs to be struck. Urging an increased emphasis on SMO [support to military operations] without looking across the board at all IC requirements runs the risk of leaving many other ongoing policy needs partially or completely unfulfilled."[39]

Actions to adjust this balance have largely fallen to internal IC organizations, such as those supporting the assistant director of central intelligence for collection (ADCI/C). Furthermore, the recalibrations that have occurred over the last 15 years suggest that both sides have strong advocates within the IC and that each has been at least partially effective in adjusting the underlying balance to address competing intelligence needs.

In the end, legislative measures may not be the best way to effect changes in this particular balance because they suffer from both their relative lack of precision and their inability to make dynamic adjustments.[40] Legislation might change organizational structures and authorities in an attempt to shift the balance in favor of national requirements over tactical or departmental ones. This would give greater control over intelligence resources to a DNI, and a dramatic recalibration might be possible. However, as discussed earlier, such a recalibration could impel the departments to develop organic intelligence capabilities if they perceive intelligence support from the broader IC as inadequate.[41]

The relative imprecision of congressional action may mean that the best mechanisms for adjusting this balance reside within the IC, such as coordinating bodies like the National In-

telligence Collection Board (NICB).[42] An internally oriented approach has several advantages. First, the bulk of the 9/11 Report's findings, as well as studies on prewar intelligence about Iraq, found far less fault with how the IC has balanced the competing interests of the national decision makers and the departments than with other aspects of the IC's operations. This suggests that significant recalibration may not be required at this time. Second, internal processes offer far greater precision and responsiveness. Interagency approaches can shift priorities by weighing the competing interests of national decision makers and the departments against current realities.[43] Thus the balances can be adjusted in near real time in response to world events, creating a far more responsive and dynamic process.[44]

Other Balances

Other significant balances not examined in this study are nonetheless important as reform efforts progress. First, both Congress and the 9/11 Commission recognized the sensitive balance between granting the government additional powers so that it could better protect its citizens and infringing upon the privacy and civil liberties of those same citizens and of "US persons."[45] The distribution of resources within the community involves another balance. Here the DNI, the department heads, the president, and Congress will have to balance the need for a strong analysis community with the need to acquire and maintain intelligence collection capabilities. Given the IC's finite resources, it is unlikely that the full range of either analytic or collection requirements can ever be filled. Determining the best allocation of resources thus becomes yet another balancing act.

An earlier section outlined the competing demands associated with staffing both interagency centers such as the NCTC and the IC's constituent organizations. Determining the proper relationship between the intelligence analyst and the policy maker represents yet another balance. Close proximity to the policy maker provides the analyst with better insight into the policy maker's intelligence needs and requirements, but carries the danger that

intelligence analysis can be politicized and altered to conform to the policy makers' preferences.[46]

Balancing in an Interagency Context

In addressing the balances, Congress and the 9/11 Commission chose in large part to apply matrix-like organizational constructs.[47] This is not surprising, given the interagency nature of the IC, with its dual-hatting of key officials and dual responsibilities of several senior managers. Thus the heads of CSAs such as NSA and NGA had and continue to have the dual responsibilities of providing sufficient support to military operations while meeting the intelligence requirements of national policy makers. Creation of the NCTC further strengthens the trend toward matrix-like organizations by drafting personnel from across the IC. Applying a business analogy to the NCTC, counterterrorism intelligence is the product line that relies on the resources of the various functional organizations of the IC (FBI, CIA, DIA, etc.) to succeed. Given the distribution of intelligence resources within the US government, creating a new centralized structure would require either considerable expansion of the IC in terms of manpower and resources or the transfer of organic intelligence resources from the departments to the centralized structure. Neither option is particularly appealing.

However, matrix organizations have their own drawbacks, several of which are relevant to the newly reorganized IC.[48] Some matrix organizations tend to drift toward disorder, "where people do not recognize a 'boss' to whom they feel responsible."[49] For example, personnel assigned to the NCTC may feel a dual allegiance: to the NCTC and to their home organization.[50] Without explicit agreements between the agencies that provide the manpower and the NCTC, the problems of dual allegiance could impact overall effectiveness. The DOD addresses this problem via specific command relationships that grant operational control over forces to JFCs and grant administrative control to the services.[51] In essence, service personnel normally know which boss provides their daily tasking and which one provides their administrative support. The DOD has expended considerable effort on defining command relationships, devoting

much of its 118-page capstone document, *Unified Action Armed Forces*, to an explanation of command relations and the various types of control of military forces.[52] Similarly explicit procedures and terminology to describe the relationships between the various component entities could yield great benefit to the IC, in that both leaders and staff operating in joint capacities—whether in the NCTC or on the DNI's staff—would better understand their relationships with their owning organization and their assigned organization.[53]

Power struggles resulting from the competing interests of the constituent organizations within the IC represent a second potential pitfall.[54] Departmental or agency interests may not coincide with those of the DNI or the NCTC. The Goldwater-Nichols Act addressed the potential of power struggles by adjusting the power relationships between the combatant commanders and the services. By providing greater authority to the combatant commanders, the act short-circuited a repeat of the struggles the combatant commanders had previously had with the services. Such power struggles are inevitable; therefore, it will be important to define the power relationships of the various leaders within the IC. The increased budgetary authority of the DNI or the still unclear authorities of the NCTC director may not suffice to balance the power relationships with the constituent intelligence organizations; this is one area that may require continued recalibration by Congress or the president.

Finally, organizational agility will suffer if consensus among all participating organizations is required to reach decisions: either the decision-making process will be unduly cumbersome or the implementation of the resulting decisions will be excessively delayed.[55] This was a criticism of the conduct of the pre-1986 JCS, where a consensus approach both slowed the staffing process and resulted in the lowest-common–denominator approach to policy recommendations. To address this, the Goldwater-Nichols Act placed greater power in the joint staff, thereby removing the services from joint staff actions, and made the CJCS the principal advisor to the president on military matters, effectively reducing the incentive to reach consensus.[56]

The degree of coordination and consultation expected and required from the individual intelligence agencies with regard to the NCTC or the DNI's execution of community management activities poses a danger to the IC. Greater operational friction could result if individuals temporarily assigned to the NCTC feel obligated to seek permission from their owning organization before taking an action. Likewise, pressure to reach consensus could slow the decision-making process and dilute the quality of overall decisions. Again, the IC could mitigate such situations by clearly and explicitly articulating command relationships, to include the respective responsibilities and authorities of participating organizations for both operational and administrative matters.

Summary

Reforming an organization as large and diverse as the IC defies easy solutions. If anything, solutions that address only one aspect of the underlying issues may actually hinder reform because such solutions fail to account for the competing balances involved within the larger system. Greater centralization may be a good solution until it starts to degrade the ability of the various departments to obtain the type of tailored intelligence required to support their unique missions. Centralizing control over intelligence resources and assets provides an excellent way to reduce duplication and control costs. However, if organizations that depend on intelligence for operational success are dissatisfied with the amount of support they receive, they will be more likely to build indigenous capabilities to better control access to intelligence and to tailor that intelligence to their unique operational needs. Centralizing intelligence analysis via entities like the NCTC should help improve information sharing and address the connect–the–dots problem; however, without proper safeguards a diversity of analytic opinion could be hindered or suppressed. Similarly, greater information sharing is a worthy objective until valuable intelligence sources and methods are compromised, which would result in less accurate and reliable information to analyze and report. Finally, balancing the intelligence needs of the departments with those of national decision

makers remains an enduring issue and one that may require continued and dynamic recalibration, because it requires both long-term and short-term responses. Long-term activities include determining the appropriate structure and resource requirements to satisfy both competing needs. In the shorter term, the balance must be struck within the geostrategic context prevailing at the time.

Both the legislative and executive branches have taken measures to adjust the balances described in this chapter. Their actions focused primarily on one part of the organizational context: the structure. While critically important, structure is normally only one contributor to a successfully functioning organization. The success of intelligence reform will probably depend on other factors, such as the design of new internal organizational structures and modification of existing ones, the underlying support infrastructure, and the quality of IC's personnel and leaders.[57] Put another way, legislative measures and executive orders have established the framework within which the IC must work to effect the desired reform. With the structural framework established, how the IC structures itself internally, the changes it makes to existing policies and procedures, incentive systems, and the underlying infrastructure, and the effectiveness of its leaders and quality of its workforce will become key determinants to success.[58]

Again, there are analogies with DOD reform. Goldwater-Nichols established an initial framework that formed the basis of continued reform efforts within the DOD. From this new baseline, the DOD conceived new joint organizational constructs and coupled these organizations with doctrine and policy that explicitly articulated responsibilities, functions, and command relationships. The act altered the structure of the DOD principally by changing the authority relationships of key actors—increasing the authority of the combatant commands and changing the services' role with regard to the JCS. Contextual changes also occurred. New policy was developed in the form of joint doctrine, directives, and instructions addressing a broad range of topics from personnel to operations to planning.[59] Incentives, particularly those related to joint duty, were modified first by the actual legislation and then by

the personnel systems of the individual services until much of the stigma associated with joint duty was removed. Renewed emphasis was given to system interoperability and greater standardization of C^3 systems.

Additionally, leadership and the quality of personnel played a role. The leaders, particularly service leaders, had discretion as to how wholeheartedly they supported the legislation.[60] While there were undoubtedly skeptics, it appears that a large majority of senior leaders made good–faith efforts to implement reform and that their efforts were largely successful. All of their efforts could have been for naught without a strong team to implement the reforms. Thus, at least some of the credit for the military's success in military operations since 1986 should be attributed to the quality and training of personnel involved.

The preceding discussion is not meant to marginalize the significance of the Goldwater-Nichols legislation. Instead, it suggests that legislative efforts do not guarantee complete success. Therefore, the success of the latest round of intelligence reform may depend much more on the early steps that occur within the IC. Key determinants will be the internal organization of the NCTC and any other centers and their relationships with the contributing organizations within the IC. The length of assignment, the quality of personnel assigned, and the authority of a center's director over individuals assigned from outside agencies are just a few of the elements that will likely play a role in the effectiveness of any center's operations.

A related issue concerns the changes made to the underlying support structures. The Goldwater-Nichols experience suggests the importance of explicit governing policies, particularly policy related to establishing responsibilities, functions, and command relationships. This is perhaps even more crucial for the IC than for the DOD, given the interagency nature of the IC at large and of the NCTC specifically. In other policy areas, security regulations may need to be modified to facilitate greater information sharing. Changes in personnel incentive systems are almost certainly essential. Goldwater-Nichols offers examples for encouraging and promoting joint/interagency duty; other incentive systems related to information sharing and improved analytic tradecraft may need to be ad-

justed as well.[61] For example, the IC may need to adjust and standardize personnel systems to better measure performance across the enterprise and reward desired behavior consistently. Similarly, the supporting infrastructure, particularly the communications infrastructure, will likely require alteration to support greater information sharing. While simple in theory, execution could be decidedly more difficult given the number of departments and agencies involved.

Finally, leadership will play a decisive role. The leaders of the top-level organizations, such as the DNI and the head of the NCTC, will be faced with implementing a multifaceted approach to enable success. Designing sound internal structures, creating a strong mission focus and vision, developing and adjusting policies and procedures, modifying support infrastructures, and—perhaps most difficult of all—achieving the necessary cooperation from multiple department heads, with only limited authority, are just some of the tasks awaiting these new leaders. The intelligence reform legislation represents another step in the evolution of the IC. Ultimately, whether the legislation achieves its intended effect rests, in large part, on implementation by the larger IC.

Notes

1. Michael V. Hayden, interviewed by the author, 18 February 2005. This debate can thus be thought of either in terms of the structural considerations (more or less centralization/decentralization) or in terms of likely result (more or less cohesion/autonomy).

2. The Central Intelligence Group (CIG) was officially formed by President Truman in 1946 and had started the movement towards centralization; however, the bulk of the resources and efforts were present in longer-standing organizations. The CIG was replaced by the CIA with the passage of the *National Security Act of 1947*. See Prados, *Intelligence Community Leadership*, 3 (see chap. 3, n. 2).

3. George Nesterczuk, "Successful Start for the Department of Homeland Security Requires Management Flexibility," Heritage Foundation Backgrounder no. 1572, 19 July 2002, 2, http://www.heritage.org/Research/HomelandDefense/BG1572.cfm (accessed 5 January 2005).

4. Department of Homeland Security, "The Department of Homeland Security," June 2002, 2; and "History: Who Became Part of the Department," http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0133.xml (accessed 10 April 2005).

5. Schlesinger Report, 9 (see chap. 3, n. 29).

6. This reference is to power associated with position or associated governing rules, policy, or law.

7. *Congressional Record*, Senate, 108th Cong., 2d sess., 8 December 2004, S11970. Increasing accountability for the IC appears to have been a central concern of Congress. For example, Senator Collins states, "This provision [increased tasking authority] is another example of Congress's intent to create a strong DNI with sufficient authority to manage and be accountable for the Intelligence Community, including those elements within the Department of Defense."

8. Harvey M. Sapolsky, "Equipping the Armed Forces," in G. Edwards and E. Walker, eds., *National Security and the U.S. Constitution* (Baltimore, Md.: Johns Hopkins University Press, 1987), 129. Sapolsky suggests that continued centralization within the DOD is not without drawbacks. Decentralization may encourage duplication, but this same duplication complicates the task of the adversary who must be able to counter a wider variety of systems and forces.

9. John Hamre, "Testimony to House Armed Services Committee," 108th Cong., 2d sess., 11 August 2004, FDCH e-Media Transcripts, http://www.apdigitalnews.com/partnerships.html. Dr. Hamre suggests the option, which he did not favor, of moving the NSA, NRO, and NGA under the DNI to give the DNI institutional strength. See also William Odom, *Fixing Intelligence*, 25 (see chap. 3, n. 83). General Odom suggests a slightly modified version, with the IC reorganized by function under a DCI (SIGINT, IMINT, HUMINT, and counterintelligence). The effect would be roughly the same as if the large CSAs (NSA, NRO, NGA) were removed from under the DOD.

10. See, for example, William Odom, "Testimony to the House Armed Services Committee," 108th Cong., 2d sess., 11 August 2004. General Odom, a former director of the NSA, stated in his testimony, "If you pull those agencies out of the Defense Department, I can tell you the Defense Department will abandon them because two-thirds of the personnel in NSA belong to the military. And they will take them and recreate their own units."

11. House Armed Services Committee, "The Implications of the 9/11 Commission's Recommendations for the Department of Defense," 108th Cong., 2d sess., 11 August 2004.

12. This mind-set is still present long after Goldwater-Nichols. The Marines routinely successfully withhold a large subset of their assets from direct tasking by the JFACC instead keeping those assets to support Marine ground operations. For example, in the Gulf War, the Marines withheld 50 percent of their FA-18s and all of the AV-8B Harriers. See Gordon, *The Generals' War*, 311 (see chap. 2, n. 65). As a general rule, the use of Army air assets is controlled entirely by the joint force land component commander (JFLCC) to ensure necessary support to ground operations.

13. William Odom, "Testimony to the House Permanent Select Committee on Intelligence," 108th Cong., 2d sess., 4 August 2004. "I think you'll see the services creating their own new NSA, their own new imagery agency. You're going to just end up with a big mess." See also Charles E. Allen, "Tes-

timony to the House Permanent Select Committee on Intelligence," 108th Cong., 2d sess., 4 August 2004. Allen spoke about the need for both national intelligence support and for indigenous support from the military services, stating, "At the same time we expect the Department of Defense and the military services to also continue to build their own organic support."

14. Schlesinger Report, 28 (see chap. 3, n. 29).

15. Harold Ford, "The Primary Purpose of National Estimating," *Studies in Intelligence*, 1991, 72, http://www.cia.gov/nic/PDF_GIF_anal_meth/tradecraft/purpose_of_estimating.pdf (accessed 23 March 2005). In describing conditions prior to the Pearl Harbor intelligence failure, Ford states, "The many significant off-chance bits of the puzzle . . . were scattered around and among these many entities and were never shared, brought together, and assessed. Tragedy ensued because there was no mechanism to collect and cooperatively examine every scrap of pertinent all-source intelligence."

16. Schlesinger Report, 45–46 (see chap. 3, n. 29). See also Church Committee, book 1, 443–44 (see chap. 3, n. 40). The report discusses such options as expanding the time analysts can remain in analysis vice management positions and injecting personnel into the analyst community from outside the traditional confines of the IC. Recommendation 34 describes expanding analysts' tours of duty in other organizations and academic institutions to "broaden both their analytic outlook and their appreciation for the relevance of their analysis to policymakers." Also John Gannon, interviewed by the author, 30 November 2004. In describing steps to improve intelligence estimates and analytic products, Gannon stressed the importance of integrating outside sources of expertise and stated that a key difficulty will likely be determining who can best answer the analytic question at hand. The Aspin-Brown, 86 (see chap. 3, n. 7), also suggested increasing ties with experts outside the IC.

17. Balancing the need to accurately convey dissenting viewpoints in analytic products while providing a decision maker with actionable information is yet another tension affecting the operations of the IC and one that this report will not cover in great detail. The groupthink problem is to a great deal dependent upon how conflicting analytic opinions are incorporated into final products; therefore, the answer may not just be decentralized analytic groups. At one extreme all dissenting opinions could be listed within a product or report providing a decision maker with little actionable information with which to base a decision. On the other hand, the consolidating body could marginalize dissenting views to such an extent that such views are either not explicitly expressed or excessively discounted to the decision maker so that the overall effect is the appearance of unified analytic opinion. Ford may have stated it best, "It is incumbent on an Estimate's producers . . . to ensure that dissenting or differing judgments are presented sharply and unambiguously. Split decisions, clearly stated, are worth far more to policy making consumers than is coordinated mush." Ford, "The Primary Purpose of National Estimating," 77.

18. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1017 (see chap. 4, n. 33). For a more negative view of red teams, see Sherman Kent, "A Crucial Estimate Relived," *Studies in Intelligence* 36, no. 2 (1992): 111–19. Kent, who served as chairman of the Board of National Estimates from 1952 to 1967, stated, "Since at least World War I, intelligence services from time to time set a group of individuals apart and instruct them to think of themselves as the enemy's general staff. Their task as a red team is to ponder and act out the way the enemy will respond to situations as they develop. The idea seems to be that by the creation of an artificial frame . . . you will get a more realistic appreciation of the enemy's probable behavior. . . . It does not necessarily follow."

19. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1019 (see chap. 4, n. 33).

20. Gannon interview. Separate organizations or oversight entities may not be the entire answer. In describing important elements to competitive analysis, Gannon stressed the importance of internal processes, such as getting analysts to question their assumptions that were at least equally important to improving analytic rigor. In other words, competitive analysis may not need to rely on separate analytic teams, rather internal measures, if employed correctly, may be equally effective. See also Ford, "The Primary Purpose of National Estimating," 76: "the business of analysis is more art than a science and the skills required of the estimators are in large part a matter of experience and 'feel.'"

21. Federal Bureau of Investigation, "Affidavit in Support of Criminal Complaint, Arrest Warrant and Search Warrants," press release, 20 February 2001, 3–4, http://www.fbi.gov/libref/historic/famcases/hanssen/hanssen.htm (accessed 7 January 2005). According to the affidavit, Hanssen was alleged to have "compromised numerous human sources. . . . Three of these sources were compromised by both Hanssen and former CIA officer Aldrich Ames, resulting in their arrest, imprisonment, and, as to two individuals, execution." In addition Hanssen was alleged to have "compromised numerous FBI counterintelligence investigative techniques, sources, methods and operations."

22. Jennifer Sims, "What is Intelligence? Information for Decision Makers," in Roy Godson, Ernest R. May, and Gary Schmitt, *U.S. Intelligence at the Crossroads: Agendas for Reform* (Washington, D.C.: Brassey's, 1995), 8. A further need to protect information is that compromised information can provide adversaries with important insights into the policy maker, 12.

23. *Intelligence Reform and Terrorism Prevention Act of 2004*, sec. 1016(d)(1)(see chap. 4, n. 33).

24. See Kaplan, "Mission Impossible" (see chap. 3, n. 2). John Gannon, former chairman of the National Intelligence Council, is quoted as saying, "The reward systems are all based on protection. . . . You don't come into work saying how can I share better today."

25. J. Richard Hackman, *Leading Teams: Setting the Stage for Great Performances* (Boston: Harvard Business School Press, 2002), 135.

26. Lee Hamilton, "Testimony to the House Select Committee on Homeland Security," 108th Cong., 2d sess., 17 August 2004. Hamilton speaks to the lack of incentives stating, "As we say in our report, there is this very strong urge, which every one of you has encountered, to overclassify. Look, a document comes before a person who has the authority to classify or not classify. He or she looks at that document, there is no incentive for that person to make it public. The incentive is to classify it and protect himself from the possibility of the information getting out and causing a problem. So they stamp it, "secret," and we pile up enormous amounts of information, warehouses full of information that are secret because the incentives are all on the side of classification."

27. See "Testimony of William Crowell, Markle Foundation, before the House Government Reform Committee," 108th Cong., 2d sess., 24 August 2004, FDCH Transcripts. "Decisions about sharing intelligence in the government today are still made largely in the context of a system of classification that was developed during the Cold War. During the Cold War, the use of information was dominated by a culture of classification and tight limitations on access in which information was shared only on a need-to-know basis."

28. David Broder, "Shaping our Defense," *Washington Post*, 13 January 2005, A21, describes some information sharing practices at the DHS, including large signs in the DHS operations center that read, "Our Mission: To Share Information." While signs alone will not effect greater information sharing, such seemingly small steps may, over time, create underlying conditions that gradually result in the desired cultural shift.

29. Dulles, "The Central Intelligence Agency," 66 (see chap. 3, n. 7). In one of the earliest references to national intelligence, the Dulles-Jackson-Correa report refers to NSC Intelligence Directive No. 3, Annex 9, which defines *national intelligence* as "integrated departmental intelligence that covers the broad aspects of national policy and national security, is of concern to more than one Department or Agency, and transcends the exclusive competence of a single Department or Agency or the Military Establishment."

30. Pappas and Simon, "The Intelligence Community: 2001–2015," 4 (see chap. 4, n. 91).

31. At the top level the larger intelligence budget is comprised of the newly renamed National Intelligence Program (NIP), JMIP, and TIARA. For a more complete discussion on the intelligence budget, see Stephen Daggett, "The U.S. Intelligence Budget: A Basic Overview" (Washington, D.C.: CRS, 24 September 2004).

32. Maj Gen Paul J. Lebras, interviewed by the author, 3 December 2004. This delineation has the added advantage that it alters the distinction between national and DOD (support to military operations) requirements. Other departments and organizations, particularly the Department of Homeland Security and the newly formed NCTC, also have significant near-term, granular intelligence requirements.

33. *IC21*, 241 (see chap. 3, n. 97). This study describes support to military operations as involving three pillars: "support to the defense policy-

maker; support to force modernization and planning; and support to the warfighter."

34. Richard J. Best, *Intelligence Community Reorganization: Potential Effects on DOD Intelligence Agencies* (Washington, D.C.: CRS, 21 December 2004), 3. Best defines *national intelligence* as intelligence that is of concern to more than one department or agency and provides the basis for national security policy making.

35. *IC21*, 242 (see chap. 3, n. 97). In addressing the balance between national and support to military operations, the study's authors state, "Moreover, the term [*support to military operations*] suggests that the primary focus on intelligence should be on the actual need to use force (i.e., 'fight a war'), when we continue to believe the successful foreign and national security policy is designed to preclude such an event if at all possible."

36. Lebras, interview. Major General Lebras suggests that not losing forces in combat is a national priority and thus in many respects military intelligence requirements are an extension of national policy.

37. "Testimony of William Odom, former director of the National Security Agency, before the House Permanent Select Committee on Intelligence," 108th Cong., 2d sess., 11 August 2004, FDCH e-Media Political Transcripts. In speaking about conditions prior to 1990, General Odom stated, "One of my major problems was getting the civilian force inside NSA to agree to do these real-time tactical support missions. Move them outside of OSD and they will abandon them entirely. We'll go right back to the prioritization problem where if you wanted to shift civilian assets to deal with a crisis on Saturday, they say, 'Well, we can't do that until Monday morning, until the Intelligence Committee . . . meets and reestablishes the collection priority.' It took years to overcome that." See also "Testimony of Charles Allen, Assistant Director of Intelligence for Collection before the House Permanent Select Committee on Intelligence," 4 August 2004, FDCH e-Media Political Transcripts. In speaking about conditions in the 1990s up to 2004, Mr. Allen stated, "I think right now we have a good balance. I think in the 1990s there was a swing where we were thinking so much about military support sometimes we've lost some of our capabilities to collect information to analyze against these global threats, asymmetric means of attack and the kinds of global coverage that was missing [when the balance shifted to the DOD] that has to be done."

38. *IC21*, 250 (see chap. 3, n. 97).

39. Ibid., 246.

40. Stansfield Turner, testimony to the Senate Governmental Affairs Committee, *Reorganizing America's Intelligence Community: A View from the Inside*, 108th Cong., 2d sess., 16 August 2004. Former DCI Turner, in testimony, argued for a less formal process to recalibrate this balance stating, "But we do want to have a system that ensures that [a] military commander gets the best support we can possibly afford to give within the limits of also putting the number one priority on terrorism. And I don't know that you can write that into a law. I think that's got to be ironed out by presidents and

secretaries of Defense and national intelligence directors as to how they balance that out individually."

41. For a good discussion of the drawbacks of granting the DCI greater authority of these resources, see Aspin-Brown, 52–53 (see chap. 3, n. 7).

42. See the description of the ADCI/C on the CIA's public web site http://www.intelligence.gov/1-management.shtml (accessed 12 January 2005). The NICB is "the senior IC advisory board and forum for achieving consensus on national collection issues. It serves as the IC's overarching mechanism for developing and implementing cross-discipline, cross-agency coordination of intelligence collection. The Board provides the ADCI/C an integrated forum for collection decisions on current and standing requirements that are timely and meet the needs of the DCI."

43. See Allen, *Testimony to the House*, who describes the operations of the NICB, "Senior managers who sit on the Collection Board are empowered by their respective collection disciplines to speak with authority for agency heads and to initiate changes in their collection capability as directed by the board. These managers have developed into a cooperative team, taking on any intelligence problem and working closely together to address it. In short, we're problem-centric, collaborative and task-oriented. We address our critical intelligence issues across the spectrum, from crises to enduring hard targets."

44. Ibid. In testimony Mr. Allen stated, "I convened a Collection Board meeting every day to manage the collection surge during Operation Iraqi Freedom. We continue to meet twice a week on Iraq to ensure our collection capabilities are focused appropriately and the collectors are seamlessly integrated with each other and with field elements."

45. See, for example, House, Permanent Select Committee on Intelligence, *9/11 Commission Recommendations: Counterterrorism Analysis and Collection, Requirement for Imagination and Creativity*, 108th Cong., 2d sess., 4 August 2004. Rep. Porter Goss said, "Because this is really the critical debate before our country; it's the balance between civil liberties and the protection of American citizens. That is the debate, and that debate is going to go on for a long time. And my guess is society will evolve and we'll never get it exactly right; we'll always be off the mark a little bit one way or the other." The distinction between a US citizen and a US person is a subtle, yet important one. EO 12333 defines a *US person* as "a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments." In essence, the use of the term *US person* broadens the pool of individuals guaranteed protection.

46. Sims, "What is Intelligence?" 11. "Intelligence must live with an irony: the relevance and timeliness of intelligence are enhanced if intelligence analysts work side by side with those they serve, while such proximity may be the greatest single source of temptations to privatize and politi-

cize intelligence." For some counters to the arguments to the inverse relationship between objectivity and proximity to policy makers, see Abram Shulsky and Gary Schmitt, "Intelligence Reform: Beyond the Ames Case," in Godson, *U.S. Intelligence at the Crossroads*, 53: "The absence of a tie to departmental policymakers does not, and cannot, mean 'independence': intelligence always works for, and is subordinate to, some policymakers." "The question of objectivity and bias is much more complicated than it might appear at first glance. A truly open mind is difficult to retain under any circumstances, and mere bureaucratic arrangements cannot guarantee it." See also MacEachin, "The Tradecraft of Analysis" in Godson, *U.S. Intelligence at the Crossroads*, 74: "Fundamentally, the only guard against politicization lies in the integrity of the supervisors and analysts." See also Paul Wolfowitz's commentary, 79. "In my own experience, the most successful input of intelligence for policy has been when intelligence professionals have been close to the policy process."

47. Joan Dempsey, interviewed by the author, 30 November 2004. This is not the first time the IC has relied on matrix-like organizations as various intelligence centers. Arguably the precursors to the NCTC and associated national intelligence centers have been a part of the IC for nearly 20 years.

48. Stanley M. Davis and Paul R. Lawrence, "Problems of the Matrix Organization," *Harvard Business Review*, May–June 1978, 131–42. In this early examination of matrix systems, the authors describe several pathologies that are still relevant today.

49. Ibid., 132.

50. Dempsey, interview. Dempsey highlighted that personnel assigned to current intelligence centers often maintain loyalty to parent organizations, a problem exacerbated because the centers do not "own" the people assigned.

51. See Joint Publication 3-0, *Doctrine for Joint Operations*, 2-8, 2-10 (see chap. 2, n. 16). *Operational control* (OPCON) is "the authority to perform those functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission." *Administrative control* (ADCON) is "the direction or exercise of authority over subordinate or other organizations in respect to administration and support including organization of Service forces, control of resources and equipment, personnel management, unit logistics, individual and unit training, readiness, mobilization, demobilization, discipline, and other matters not included in the operational missions of the subordinate or other organizations."

52. See Joint Publication 0-2, *Unified Action Armed Forces* (see chap. 2, n. 28).

53. See also, Davis, "Problems of the Matrix Organization," 133. "A matrix does not leave such matters [relationships between functional and product managers] in an indefinite status; it is a definite structure and not a 'free form' organization."

54. Ibid., 134.

55. Ibid., 140. The authors use the term *decision strangulation* to describe conditions where efforts to achieve buy-in from across functional areas can inhibit the decision-making process.

56. The CJCS is required to provide dissenting service viewpoints to the president in a timely manner, so there remains some incentive to maintain a unified front. Because the service chiefs are no longer primary advisors to the president, their willingness to challenge the chairman's advice to the president on all but the most important issues appears to be rather low.

57. For example, see Hackman, *Leading Teams*, xi, who describes five enabling conditions that are necessary to create the conditions for organizational success: a real team, compelling direction, enabling structure, supportive context, and expert coaching.

58. Ibid., 134, describes three key elements (not exclusive) in establishing a supportive context: the reward system, the information system, and the educational system. I have added a fourth in recommending that the policies and procedures governing the activities of the IC in adjusting the balances is a particularly important element in the present case.

59. The sheer quantity of instructions, doctrine documents, and directives is impressive. To get some idea of the scope and number of different documents, see http://www.dtic.mil/doctrine/index.html (accessed 13 January 2005). For example, there are 65 documents and instructions related to the joint staff (see Joint Staff, Department of Defense, "Current List of Joint Staff Documents, Instructions, Manuals, Guides, and Notices," 14 November 2004, http://www.dtic.mil/cjcs_directives/support/js/jsirpt.pdf (accessed 13 January 2005). This is not to argue that the number of supporting documents is a key element of success; however, some form of explicit policy and procedural formulation provides a stronger contextual baseline for the constituent organizations.

60. Daniel Wirls, *Buildup: The Politics of Defense in the Reagan Era* (Ithaca, N.Y.: Cornell University Press, 1992), 173. DOD procurement reform occurred at the same time as the Goldwater-Nichols debate. In the case of procurement reform, Congress passed a law requiring the DOD to establish an Office of Operational Testing and Evaluation, the DOD failed to request funding for the office, and Secretary of Defense Weinberger failed to nominate a director as mandated by the law, delaying implementation by 18 months.

61. MacEachin, in Godson, *U.S. Intelligence at the Crossroads*, 65–69. The author describes how incentive structures within the analysis arm of the CIA created preferences towards specific types of analytic products that in many cases were not meeting customer requirements. However, because of the reward system, analysts continued to produce reports that provided the greatest opportunity for advancement at the expense of meeting the intelligence needs of the policy maker.

Chapter 6

The Question of Balance

But this view [that organizational structure doesn't matter] rests on a common error, the confusion of organization with organizational structure.

—James Q. Wilson, *Bureaucracy*

Reorganization will, at best, only create conditions in which wise and imaginative leadership can flourish.

—Schlesinger Report, 1971

We are at the beginning of intelligence reform, not the end. We are making our first tentative steps toward changing the way we do intelligence in this country, and we are decades away from completing it.

—Joan Dempsey
"Intelligence Reform—At Last"

The final report and recommendations of the 9/11 Commission set off a flurry of government activity that began with the issuance of new executive orders and culminated in the passage of intelligence reform legislation in December 2004. While this might appear to end the debate, it may in fact represent only the first of several steps towards intelligence reform. For example, by February 2005 lawmakers had already signaled that the new legislation might need to be tweaked and acknowledged that ambiguity remains.[1] In addition, the executive branch and the leadership of the IC must now determine the scope and nature of the internal measures needed to implement reform. Finally, as the last 50-plus years have shown, calls for further changes will undoubtedly be raised in the future, either in response to perceived failures or as a potential means to increase efficiency and reduce costs.

As the mandated restructuring proceeds and future adjustments are considered, these efforts may benefit from examination of three topics relevant, even central, to the subject of intelligence reform: (1) the 1986 Goldwater-Nichols reform of the

DOD and its applicability to the IC, (2) the findings and recommendations of past efforts to modify the IC, and (3) the competing interests inherent in the IC that have influenced the pace and character of change, along with the potential impact of recalibrating the underlying balances. Ultimately, these balances may be readjusted via legislative mechanisms that provide more enduring reform or via internal measures that allow dynamic adjustments in response to evolving conditions.

A Goldwater-Nichols Act for Intelligence?

Statements by members of Congress, various reports including the 9/11 Report, and the testimony of 9/11 Commissioners and others reveal that many stakeholders explicitly considered Goldwater-Nichols a compelling model for legislative reform of a large bureaucracy. A likely motivating factor for crafting a Goldwater-Nichols Act for intelligence is that some of the 9/11 Commission's findings echo criticisms that preceded the passage of Goldwater-Nichols. These included (1) failures of joint action and the related imbalance between responsibility and authority; (2) structural barriers, including the dual-hatting of key personnel; and (3) personnel policies that deterred high-quality people from pursuing joint duty. A further incentive was that in many respects the Goldwater-Nichols legislation had its intended effect—perhaps not as great as that desired by more ardent advocates of change, but certainly influencing the DOD in the intended direction. Joint action improved markedly in comparison to similar joint operations predating the act, the altered structure of the JCS improved the effectiveness of the joint staff and power of the CJCS, and the quality of joint personnel improved while negative perceptions associated with joint duty decreased.

It is important to note that Goldwater-Nichols reform focused only on certain aspects of the DOD organization: primarily the combatant commanders, the role and function of the JCS, and the supporting joint staff. Thus, the military intelligence organizations that make up such a large part of the

IC were neither a target of Goldwater-Nichols reform nor significantly affected by the resulting legislation. By contrast, the intelligence organizations within the DOD are a major component of any conceivable intelligence reform and are directly affected by any ensuing changes.

A series of operational failures and subpar performances, including the failed Iran hostage rescue in 1979, the confused lines of authority that allowed the Marine Corps barracks bombing in Beirut in 1983, and the invasion of Grenada in that same year, spurred the calls for DOD reform. Critics attributed many of the identified problems to inadequate authority and unclear command relationships that, if improved, could better compel and enforce joint cooperation and effort. To address this, Goldwater-Nichols vested greater authority in the combatant commanders, primarily by increasing the commanders' line authority over subordinate components and by developing more explicit command relationships between the services (which supply the forces) and the joint force commanders. Although the combatant commanders still had relatively little authority over service budget processes, their new authority allowed them and their subordinate commanders to create new C^2 structures that became core elements in the success of military operations after 1986. Importantly, the structure of these organizations has continued to evolve, as have the doctrine and training supporting the operation of these C^2 structures.

DOD reform advocates also identified structural issues, particularly as they related to the service chiefs and the joint staff. The ensuing debate centered on the dual-hatting of the service chiefs and the services' undue influence on the joint staff, which undermined the quality of military advice. To address these issues, Goldwater-Nichols changed the organization of the JCS, increased the power of the CJCS by making the CJCS the primary military advisor to the president, created the position of a vice chairman to assist the CJCS in the execution of his/her duties, and reduced the services' influence over joint staff action by placing the staff directly under the control of the chairman. Notably, the act did not change the dual-hatting of the service

chiefs; instead, it relied on the CJCS to provide independent advice in the absence of undue service influence.

The debates over DOD reform also addressed the poor quality of joint personnel. The Goldwater-Nichols Act mandated changes in the promotion practices of the services, made joint service a requirement for service in senior grades, and demanded fairly detailed reporting by the services to chart progress in meeting congressional requirements. In considering similar personnel changes within the IC or other government agencies, several aspects of the Goldwater-Nichols Act deserve highlighting. They include designating a large number of senior positions as requiring joint duty experience, tracking the promotion rates of individuals assigned to joint duty positions to ensure they continue to be promoted at equal or greater rates than their peers, and, to avoid a revolving door in joint assignments, prescribing the minimum tour lengths (usually over two years) needed to receive joint credit.

Similar, Not Identical

While the DOD and the IC had similar motivations for change, fundamental organizational differences remain that affect the options available to reformers. For example, instead of reforming a single department—albeit one with four separate services—reforming the IC requires altering a structure comprising 15 discrete organizations that fall under multiple executive departments and have a mixture of civilian and military personnel. The IC also faces unique challenges, such as the need to improve the quality of analysis and increase information sharing, which argues against a one-on-one correspondence and suggests the need for a more tailored approach. Furthermore, these challenges are often interrelated; hence, organizational changes designed to address one issue may have unintended effects on other aspects of the IC.

The differences between the IC and the DOD reform are perhaps best illustrated by the organizational realities that affect the options available to reformers as they address the common challenges. In the area of joint action, the DOD needed to coordinate the activities of the four services more effectively. However, a common organizational leader, the SecDef, allowed

the DOD to create unified commands that gave one individual—a unified commander—both the authority and the requisite control over forces to plan and execute operations in a more effective fashion.

The IC faces a more difficult problem: it is attempting to create the equivalent of a unified command in an interagency context. This places unique constraints on the leader of such an organization—in this case, the new DNI. First, the leader must mobilize the activities of personnel from across multiple federal departments and agencies, each with its own culture and operating principles—in many respects an even more difficult task than that faced by a combatant commander. Second, the interagency nature of such a structure implies that the DNI will have far less control over personnel than a combatant commander does. Goldwater-Nichols codified that a unified commander charged with planning and overseeing the execution of operations should have authority and control over forces permanently or temporarily assigned to that command. Both the fundamental characteristics and underlying constraints of interagency operations, however, suggest that new interagency constructs may be required over the long term if the IC is to replicate more closely the command relationships and authorities currently vested in a DOD combatant commander.

While reform advocates identified structural impediments in both the DOD and the IC, the nature of these impediments differs decidedly. Reformers of the DOD had to decide if dual-hatting the service chiefs unnecessarily compromised their ability to provide sound advice and determine how to increase the independence of the joint staff. Increasing the power and independence of the CJCS and placing the joint staff under CJCS control helped mitigate these concerns. In the IC context, concerns over the dual-hatting of the DCI revolved around span of control, perceptions of undue influence by the CIA, and the seemingly inadequate authority of the DCI to manage the IC. The DCI already had direct control over a community management staff; therefore, the DCI's insufficient authority to employ that staff effectively was more pertinent than the independence of the staff from outside influence. While separating

the roles of the DCI is relatively easy, increasing the authority of the leader of the IC (similar to that of a department head) is more problematic. The interagency structure of the IC also limits options for improving the overall effectiveness of the community staff.

Finally, the IC faces unique constraints that affect its ability to implement uniform personnel practices that encourage joint duty. Again, the IC's heterogeneous composition makes it impossible to replicate DOD joint personnel practices completely. At least initially the IC will likely have far fewer joint positions than senior executives within the IC. Defining both the number of joint positions and the departmental/agency senior positions requiring joint credit is only one among several requirements. Others include tracking promotion rates across 15 separate organizations, determining a fair allocation of joint positions within the IC, tracking and enforcing compliance with joint duty requirements, and adequately documenting performance in a somewhat uniform manner across multiple personnel systems.

The objective of a Goldwater-Nichols Act for intelligence—the successful reform of a large government bureaucracy—is certainly a worthy one. However, the interagency nature and constraints of the IC complicate any direct application of the Goldwater-Nichols legislative measures and ensuing organizational structures. An overview of previous intelligence reform efforts, their common recommendations, and associated findings can provide some insight into why this is so.

Intelligence Reform: The Last 50 Years

Since the passage of the National Security Act of 1947, multiple studies and commissions have examined various aspects and agencies of the IC. A review of the various proposals reveals several common themes, including the need to increase centralization and control of the IC, provide the DCI greater authority to govern the IC, improve the quality of analysis and estimates, and improve congressional oversight.

As early as 1949, reformers advocated better coordination among IC activities. The common rationales for such recom-

mendations were to avoid duplication and to centralize planning, programming, and budgetary processes. Centralized control over the IC would allow one person, the DCI, to adjudicate between competing programs and IC organizations and thereby create a more efficient and cost-effective organization. Further, centralization offered the opportunity to develop standardized personnel practices and policies and focus limited intelligence resources on high-priority issues.

It soon became apparent to reform advocates that the federated nature of the IC meant that the DCI had insufficient authority to compel the hard programmatic and budgetary tradeoffs necessary to improve efficiency. The first recommendations for increasing the DCI's authority led to creation of deputies to relieve the DCI from administrative duties within the CIA and later evolved into an outright call for a separation between the DCI's roles to, in the words of one study at the time, "pinpoint responsibility" for management of the IC on one individual. In addition, many studies recommended that the DCI be given increased budgetary and personnel authority. In theory, these additional powers would enable the DCI to compel cooperation within the IC.

A third theme revolved around calls for improved intelligence analysis and estimates. At first these calls resulted from a desire to avoid the conditions that preceded Pearl Harbor, where intelligence was poorly coordinated among competing intelligence organizations. Initially, dissatisfaction centered on the perceived unwillingness of departments to share intelligence with the CIA. Over the years other charges were levied including excessive politicization, a lack of focus on the consumer/policy maker's intelligence needs, and the failure to incorporate dissenting views into analytic products. Such recommendations had a simple rationale: the government wanted and needed the best possible intelligence analysis to aid policy makers. The solutions proffered have remained consistent over the last 50 years, including improved competitive analysis and the use of red teams, increased information sharing among agencies, and the incorporation of dissenting views into products.

A fourth theme that surfaced somewhat more sporadically was the call for greater congressional oversight. While such con-

cerns emerged as early as 1955, they were not taken seriously until the investigations into intelligence activities in the 1970s, when they resulted in the establishment of the HPSCI and the SSCI. However, the controversy did not end there. Various studies, including the 9/11 Report, have continued to highlight jurisdictional difficulties, particularly with the two Armed Services committees. The reasons for such recommendations included the need to increase executive branch accountability, improve congressional expertise in this relatively arcane area, and eliminate fragmented oversight within Congress.

Given this history, it is not surprising that the 9/11 Commission renewed these calls for reform. The more intriguing question is why such consistent and persistent calls for reform took over 50 years to implement. There are at least two partial explanations. First, much actually changed over the 50 years. The IC became more centralized, additional deputies assumed some of the DCI's administrative burdens, the DCI's authorities over budgets and personnel gradually increased (albeit marginally), and an IC staff developed to assist the DCI in coordinating IC activities. Congress established permanent intelligence oversight committees. However, the 9/11 Commission and resulting executive and legislative actions clearly indicate these measures were considered insufficient.

Ultimately, the reasons for the relative stasis in the structure of the IC may have less to do with bureaucratic intransigence than may at first appear. A more accurate explanation for the lack of change may rest in the underlying tensions inherent in the IC and its structure.

A Question of Balance

By the very nature and structure of the US government, conflicting interests will inevitably arise as the checks and balances inherent in the system come into play. These checks and balances promote tensions between opposing sides and, depending upon the relative power among the parties involved, ultimately encourage varying degrees of compromise. Thus, it is not surprising that tensions exist with regard to the role and structure of the IC, and that attempts to recalibrate various

balances often result in compromise that yields less significant change than originally advocated.

Perhaps less evident is that the cycles of conflict and compromise occur at multiple levels within the government bureaucracy. First, conflict sometimes arises among the branches of government. For example, over the years the legislative and executive branches have disagreed over such issues as the extent and authority of congressional oversight, the authorities of intelligence agencies to conduct intelligence activities, and the proper structure of the NSC staff to coordinate intelligence activities. Second, conflict is not limited to interbranch disputes. Within the executive branch, the various departments that support the IC have at various times argued with the DCI over the proper role and exercise of the DCI's power and authority. Issues that include the sharing of information between organizations, intelligence support to departmental operations, and the allocation of funding among intelligence organizations have all required, and continue to require, a degree of balancing among competing interests.

Finally, balancing takes place even within specific departments and agencies. The allocation of funds within each department/agency, managerial priorities, and the policies and procedures that promote desired behaviors are just some of the balancing acts addressed at the intradepartmental level and below. The sheer number of parties, competing interests or tensions, and organizational levels at which trade-offs occur suggests that simple solutions are unlikely.

This study has discussed four of these tensions: (1) centralization versus decentralization, (2) connecting the dots versus failing to consider alternative analysis, the so-called groupthink problem, (3) information sharing versus information protection, and (4) meeting the intelligence needs of the national policy maker versus those of a parent department or organization. If a fundamental tension exists, it may well be the first: that is, the tension between centralizing and decentralizing forces or, put another way, between cohesion and autonomy. Each of the other three includes aspects of centralizing/decentralizing forces. For example, information sharing implies greater cen-

tralization, while the desire for departmental autonomy in fulfilling intelligence needs implies greater decentralization.

Since its inception the IC has followed a gradual trend towards greater centralization, with the creation of a DNI in 2004 continuing the trend. Multiple reports and studies of the IC have expressed excellent reasons for greater centralization. For example, the fundamental functions of training, organizing, and equipping often benefit from greater centralization. Centralized control offers the opportunity to reduce redundancy in the acquisition of new systems, provide greater coherence in planning and budgeting, focus limited intelligence resources on high-priority issues, and set and enforce uniform policies and procedures. Establishing more uniform personnel systems may assist in the movement of personnel among agencies in the community, ensure that compensation and other incentives are fairly distributed across the enterprise, and help to create a more uniform organizational culture. Finally, centralization allows the government to assign responsibility for the conduct of organizational activities—to designate the "quarterback" who the 9/11 Report argued did not exist.

However, there are also compelling reasons for decentralization. Individual organizations often have unique training and equipping functions that centrally controlled processes cannot fully meet. Greater autonomy encourages specialization; thus, organizations can develop systems and personnel that meet unique departmental requirements for highly specialized skills, such as cryptography or imagery analysis. Decentralized analysis ensures that analysts tailor their products to the needs of the departments and can offer alternative viewpoints during the development of more comprehensive intelligence estimates. Decentralization allows greater integration with the consumers of intelligence, providing more tailored intelligence to assist the operations of the supported department, service, or agency. Even redundancy is not always the unqualified ill so often portrayed. In addition to meeting departmental interests, redundant systems offer a surge capacity (e.g., in time of war) and the ability to pool resources across organizations in the face of common threats.

A second tension involves the degree to which intelligence analysis should be centralized to promote connecting the dots while maintaining the diversity of analytic opinion that discourages groupthink. Centralizing intelligence assets around enduring problems and improving information sharing—as in the NCTC approach—should help to create conditions that foster the development of a more complete analytic picture. Advocates of centralization argue that such an approach ensures that the greatest amount of intelligence is gathered, shared, and analyzed, thereby enabling more holistic analysis. Advocates of decentralization point to recent IC failures, such as flawed intelligence on Iraqi WMD capabilities, as evidence of the need to maintain a diversity of opinion. Moreover, as centralization increases the manpower support requirements for multiagency centers could create a steadily increasing drain on the finite analytic resources of the individual departments. This would restrict not only the ability to maintain a diversity of analytic opinion but also the ability to make dedicated and specialized analysts available to meet specific departmental requirements.

In examining the third source of tension, the advantages of improved information sharing seem patently obvious until they are weighed against some of the potential consequences of increased openness. Information sharing yields enormous benefits, particularly as they relate to crafting more accurate and complete analytic pictures. Judging by the 9/11 Report, this balance needed to shift more towards the sharing side. Improved sharing offers the prospect of earlier warning against threats and the consequent saving of lives as well as more complete and accurate intelligence to help shape the decisions of national policy makers. However, such a shift is complicated by the greater probability of failures to protect information adequately. The risk of loss or compromise of information grows as information is shared with a wider community. Should such losses become too great, they could begin both to jeopardize the quality and quantity of information received and to imperil analysis efforts. Thus, recalibration requires a careful assessment of both the positive and negative implications of increased information sharing.

A fourth tension—one that threatened to jeopardize passage of the 2004 intelligence reform legislation—involves balancing the intelligence needs of the national policy makers against those of the departments, in most cases the DOD. This so-called national versus tactical debate is perpetuated by the ambiguity of the terms and the considerable grey area between purely national and departmental interests. At first glance, such a dispute may look like simple bureaucratic infighting; however, there are legitimate interests at stake, again complicated by finite intelligence resources. On the one hand, the intelligence needs of national policy makers should dominate, because the intelligence they receive shapes their policy choices and the eventual actions of the departments. Therefore, policy makers must exert control over community-wide resources. Conversely, the actions and activities of the departments often have national security implications, and these actions depend on intelligence that meets their more specialized requirements. Thus, a feedback loop exists between the decisions of policy makers and the actions of the departments, with the availability of intelligence affecting both. Further complicating the issue is that the departments can meet only some of their legitimate and specific intelligence needs with purely departmental intelligence resources; thus, some resources must be shared across the IC to reduce costs. Determining the proper allocation of shared resources to meet sometimes conflicting requirements is thus central to the debate.

What Can Be Done?

If the prescriptive measures of Goldwater-Nichols do not apply directly to the IC and if the system is inherently fraught with numerous competing interests, how can the IC be reformed and who should do it? Fortunately, multiple levels and different branches of government have a variety of recalibration mechanisms or tools they can apply to adjust various aspects of the underlying tensions. This combination of actors, tools, and targets of reform offers varying degrees of permanence, precision, and agility as briefly described in the following table.

Table 1. Elements in intelligence community reform

Actors	Mechanisms	Targets	Characteristics
Congress	• Legislation • Oversight • Appropriations	• Organizational structure • Top-level incentive systems • Relative authority of key players	• Enduring • Relatively imprecise • Institutional focus • Large-scale adjustments • Threat of congressional action encourages executive branch action
President	• Executive orders • Interagency processes • Hire/fire authority over IC leaders • Granting of status	• Organizational structure • Top-level incentive systems • Relative authority of key players	• Less enduring than legislation, more formal than internal efforts • More responsive than legislation, less than internal measures • Limited in some instances by statutory constraints
DNI, agency heads, and senior IC leaders	• Policy, rules, and regulations • Personnel practices (hire, fire, promote) • Funding • Establishment and enforcement of norms	• Internal organizational structure • Internal processes • Organizational culture • Incentive systems • Support infrastructure	• Dynamic, responsive • Precision, finely tuned adjustments • Intra- and inter-organizational focus • Difficult to implement large-scale change • Greater familiarity with internal processes and constraints • Ability to quickly assess impact of measures and adjust as required

In some cases, comprehensive structural or statutory changes may offer the best way to adjust balances. Here the legislative branch can play an important role, particularly when a shock to the system is desired. Thus, Congress used legislation such as the National Security Act or Goldwater-Nichols as a tool to create conditions that allowed for fundamental reform. The enduring quality of such legislative measures suggests that

such actions should be thoughtfully considered and debated to ensure understanding of the full implications of the reforms. However, legislative measures cannot adjust balances dynamically. Thus, applying the tool of congressional oversight may sometimes be more appropriate and can encourage the executive branch to utilize its own recalibration mechanisms.

In instances that call for less enduring and more dynamic adjustments, the executive branch has additional recalibration tools at its disposal. While executive orders are more easily rescinded than comparable laws, many have remained in force for decades, suggesting at least some degree of permanence for broad, less inhibiting orders. Moreover, executive orders can be issued quickly: in just over a month after the 9/11 Report appeared President Bush had issued three executive orders implementing significant aspects of the report.

Further down the executive branch hierarchy are interagency mechanisms to adjust balances in response to the current international environment and consumer requirements for intelligence. The IC uses an interagency construct to balance the competing intelligence needs of policy makers and the departments in response to the ongoing world events. Such a construct, while lacking some of the permanence of the mechanisms previously discussed, offers a degree of precision not afforded by either statutes or executive orders. Finally, intradepartmental and intra-agency measures are also available. For example, changes in departmental or agency policies and incentive structures can recalibrate the balances between, for example, information sharing and information protection. At this level, such measures allow sharply tailored solutions, as direct line managers are often best positioned to assess the impact of new policies and incentive structures.

The multiple tools available to recalibrate a balance can also be applied to various aspects of a balance, such as the power relationships among the competing parties, incentive structures and their effect on behavior, and underlying support infrastructures. First, the relative power of the competing advocates on each side of the balance can be adjusted. Thus, the Goldwater-Nichols Act gave the combatant commanders

greater authority over assigned forces, thereby reducing the role of the services in commanding and controlling joint operations. In a similar vein, increased budgetary, tasking, or personnel authority may assist the new DNI to assert management control over the IC vis-à-vis the departments. At the highest levels, of course, power relationships depend upon the relationship of key leaders with the president.

Second, well-crafted law, policy, directives, and regulations may also assist in recalibration efforts not by changing power relationships but by changing the underlying incentive structures, thereby encouraging or discouraging various behaviors. For example, Goldwater-Nichols changed the incentives for joint duty, thereby improving the quality of personnel in joint positions. Other, less tangible, recalibration mechanisms include the priority that leaders, managers, and even peers place on certain behaviors. For example, if each of these groups consistently stresses the importance of challenging analytic assumptions, a more competitive analytic environment may be more likely to flourish.

Finally, technical changes to the underlying support infrastructure can aid recalibration. Improvements in communication architectures can foster greater analytic collaboration and also enable greater information sharing. For example, improved interoperability, if implemented correctly, may also improve information sharing without a concomitant loss in the ability to protect information.

Summary

Reforming the IC, given the breadth of its operations and its multidepartment span, may actually prove to be one of the more difficult reform efforts ever tackled within the US government. Unlike the National Security Act of 1947, which unified separate cabinet-level departments under a single department, the Intelligence Reform Act of 2004 lets the IC retain its interagency nature. The Goldwater-Nichols Act worked to more strongly unify the efforts of four separate military services, but again these services functioned under the auspices of a single department. Still, both defense and intelligence reform had

common objectives: to improve joint action, establish clearer lines of authority, clarify management structures, and enhance the quality of joint personnel. However, the different contexts meant that intelligence reform advocates had different options available to them, making direct application of Goldwater-Nichols measures impractical in certain areas.

As an example of successful reform of a large government bureaucracy, Goldwater-Nichols remains a noteworthy model with important implications for the IC. The lessons of the Goldwater-Nichols Act—clear lines of authority, more explicit command relationships, and the importance of career incentives to promote desired behavior—can help any organization attempting to improve overall effectiveness.

The effect of Goldwater-Nichols teaches other lessons as well. First, legislation is often only a beginning. How the organization accepts and implements reforms may have an even larger impact on overall success. In the case of Goldwater-Nichols, the DOD generally accepted the reforms and internal efforts, particularly within the unified commands, and continued to solidify the measures. Similarly, how well the IC and the heads of its component departments cooperate and actively institutionalize reform may significantly affect the success of reform measures.

Second, determining causality—that is, the degree to which specific legislative measures had their intended effect—is difficult at best, as changes do not occur in a vacuum. Goldwater-Nichols undoubtedly assisted in transforming the DOD into a more effective joint organization; however, concurrent developments such as on-going technological advances (e.g., precision weaponry, stealth, and vastly improved surveillance and targeting systems), improved interoperability (particularly in C^3 architectures), and the intangibles of leadership and quality of personnel also contributed strongly to the DOD's improved performance. In fact, by 2004 the IC was not the same organization it had been on 11 September 2001. The organization had already reacted by making internal changes to address many aspects of the 9/11 Report. This does not minimize the importance of legislation in certain instances; however, prudence

suggests not giving too much or too little credit to legislative measures alone.

Third, the fundamental tension between centralization and decentralization has slowed the pace of intelligence reform. While reform advocates often pointed to the advantages of increased centralization, such as improved efficiency, less duplication, and greater standardization, advocates of decentralization could justifiably argue the need for tailored intelligence support in meeting departmental requirements. The executive branch departments, particularly the DOD, can never conduct operations without intelligence support and thus almost always prefer direct control over intelligence resources to being placed in the role of customer. Furthermore, the interagency nature of the IC means that only the president has authority over both the executive branch departments and the head of the IC. Thus, it is little wonder that intelligence reform has proven so difficult and ponderous.

Finally, reform must do more than change organizational structure. Goldwater-Nichols certainly modified the structure of the DOD; however, changes to incentive systems and new doctrine codifying command relationships and the structure of various joint organizations, coupled with technical changes to improve interoperability, were also important factors in success. Again, legislation represents only part of a successful reform effort. In this case, adjusting incentive structures to reward desired behaviors such as cross-agency duty, developing new doctrine and procedures to govern interagency structures and operations, and improving cross-agency communication infrastructures are just some of the steps likely to be required in furthering reform efforts.

In sum, the unique organizational context of the IC in itself suggests one reason why changes until 2004 were modest. This context is also interwoven with multiple competing tensions that further complicate reform. Governmental entities at various levels can adjust these tensions, using several different recalibration mechanisms that target numerous aspects of the organization. The recently passed intelligence reform legislation lays the groundwork for reform to begin in earnest; however, true reform may depend primarily upon the internal

efforts of the IC itself. These efforts have the advantage of greater precision and the ability to recalibrate tensions dynamically as required. The degree of cooperation between agencies and departments; changes in IC policies, practices, and culture; alterations in the underlying supporting infrastructure; and—perhaps most important—the effectiveness of the community's leaders and personnel in instituting reform also play key roles in the reform effort.

The sheer complexity of the IC and of the balances involved suggests that reform will not come easily and will not satisfy the staunchest advocates on either side of the competing balances. In the end, adjusting the fulcrum to achieve the desired balances may require more art than science; however, such an adjustment can be informed by a broader understanding of the competing tensions and the potential impact of recalibration—the ultimate objective of this research.

Notes

1. Walter Pincus, "National Intelligence Director Proves to Be Difficult Post to Fill: Uncertainties over Role, Authority Are Blamed for Delays," *Washington Post*, 31 January 2005, A04.

Appendix A

Interviews

Joan Dempsey, executive director, President's Foreign Intelligence Advisory Board

John M. Deutch, institute professor at the Massachusetts Institute of Technology and former director, Central Intelligence Agency

John Gannon, majority staff director, House Select Committee on Homeland Security and former chairman, National Intelligence Council

Lt Gen Michael V. Hayden, USAF, former director, National Security Agency

Maj Gen Paul J. Lebras, USAF, commander, Air Intelligence Agency

Maj Gen Glen Shafer, USAF, retired, former director of Intelligence, Joint Staff

R. James Woolsey, former director, Central Intelligence Agency

Multiple congressional staffers

Members of the 9/11 Commission staff

Appendix B

Chronology of Intelligence Reform Proposals Related to IC Reform

Reform Proposal	Dates	Recommendations Related to Community Management	Rationale	Resulting Actions
Dulles-Jackson-Correa Report	1949	– Improve national estimate process – Better coordinate activities of IC	– Other intelligence agencies not part of estimative process – Avoid lack of coordination considered significant cause of Pearl Harbor[1]	– In 1950, DCI Bedell Smith created a Board of National Estimates[2]
First Hoover Commission	1949	– CIA establishes better relations with other elements of IC – Improve centralization of intelligence analysis	– Improve intelligence estimates – Avoid duplication and reduce number of competing intelligence estimates	– In 1950, DCI Bedell Smith created a Board of National Estimates
Second Hoover Commission	1955	– Create Ex Dir of CIA – Establish commission of members of Congress and private citizens to oversee IC	– Free DCI to focus more on community affairs – Prevent abuses, establish reasonable checks & balances[3]	– Opposite occurred, DCI created deputy for Community Affairs – EO 10656 created of PBCFIA precursor to the PFIAB
PBCFIA, PFIAB	1960–1961	– Separate DCI from CIA	– Unclear	– None

Reform Proposal	Dates	Recommendations Related to Community Management	Rationale	Resulting Actions
Schlesinger Report	1971	– Create a director of National Intelligence or separate roles of DCI – Create White House-level coordinator of National Intelligence	– Pinpoint responsibility for management of IC, remove duplication, centralize management of budget and planning processes[4]	– Intelligence Resources Advisory Committee to advise DCI on preparation of consolidated budget[5] – IC Staff in 1972
Murphy Commission	1975	– DCI delegates management of CIA to deputy and devotes more time to community responsibilities – Move DCI office closer to president – Strengthen PFIAB – NSC-level organization establishes intelligence requirements and capabilities – Develop consolidated intelligence budget	– Strengthen community management – Increase prestige of DCI vis-à-vis other intelligence organization heads – Provide independent advice to the president – More closely tie consumer requirements with producers – Improve cost-effectiveness of intelligence	– President Ford orders implementation of 20 of 30 recommendations, primarily those dealing w/internal CIA practices, did not agree w/public disclosure of budget
Rockefeller Commission	1975	– Form joint oversight committee within Congress – Publicly release the CIA budget – Strengthen PFIAB	– Strengthen legislative oversight of the IC – Improve transparency of CIA – Provide better oversight and assess quality of intelligence estimates	– Separate intelligence oversight committees established (Senate 1976, House 1977) – Not implemented – Unclear

Reform Proposal	Dates	Recommendations Related to Community Management	Rationale	Resulting Actions
Church Committee	1975	– Draft omnibus legislation detailing charters of major organizations within the IC – Reaffirm the DCI's power to coordinate the activities of the IC by statute[6] – Grant statutory authority to establish national intelligence requirements and formulate budget to include reprogramming funds and provide DCI with an IC staff – Consider separation of DCI and director CIA roles	– Adequately define roles and responsibilities of individual agencies – Improve coordination and management effectiveness of the IC – Improve management efficiency and coordinate IC activities more effectively – Too large a span of control	– Legislation proposed to create a director of National Intelligence who retained control of the CIA; however, legislation failed to be passed – Formulation of national intelligence budget and creation of IC staff done through executive branch actions—reprogramming authorities provided in 2004 – Passed in 2004
Congress (100–101st)	1987–1989	– Establish a separate DNI	– Better coordinate overall efforts of IC[7] – Increasing expansion of IC – Perceived intelligence failures – Allegations of illegality	– Not passed
Congress (Boren-McCurdy)	1991–1992	– Establish separate DNI and significantly increase authority – Release top-line budget amount – Augment analysts with outsiders from academe and private sector	– Reap benefits of end of Cold War – Enhance community management and increase efficiency and accountability – Improve quality of analysis that is "overly cautious, caveated, and consensus driven"[8]	– Some provisions (charters for intelligence agencies and greater articulation of DCI's coordinating responsibilities) added to FY 1994 Intelligence Authorization Act[9]

Reform Proposal	Dates	Recommendations Related to Community Management	Rationale	Resulting Actions
Aspin-Brown	Sep 1994–Mar 1996	– Strengthen authority of DCI via non-statutory means to include greater say in appointment of agency heads, dual-hatting some agency heads under DCI, establishing two deputy DCIs – Improve relationships between analysts and policy makers, increase use of open source information, develop stronger ties with experts outside IC – Release top-line budget figures	– Enhance community management – Improve quality of analysis – Provide greater transparency of intelligence activities	– Budget figures released for fiscal years 1997 and 1998 but not thereafter[10]
IC21	1995–1996	– Increase authority of DCI via increased control over budget, stronger community management staff, greater say in appointment of agency heads – Establish Committee on Foreign Intelligence within the NSC – Establish two deputy DCIs – Establish joint intelligence oversight committee in Congress	– Address gap between DCI's responsibilities and authorities – Improve NSC supervision of IC – Aid DCI in management of community affairs – Increase and improve congressional oversight	– Congress passed P.L. 104-293[11] – Established Committee on Foreign Intelligence on NSC – Established deputy DCI and deputy DCI for Community Management – Provided three assistant DCIs to aid in community management: Collection, Analysis & Production, Administration[12] – Appointment of directors of NSA, NRO, NGA required DCI concurrence – Strengthened DCI authority over the budget

[1]William M. Leary, ed., *The Central Intelligence Agency: History and Documents* (Tuscaloosa, Ala.: University of Alabama Press, 1984), 137.

[2]Richard A. Best, *Proposals for Intelligence Reorganization, 1949–2004* (Washington, D.C.: CRS, 29 July 2004), 8.

[3]Commission on Organization of the Executive Branch of the Government (also known as the Second Hoover Commission), "Intelligence Activities," May 1955, 59. "The CIA has been freed by the Congress from outside surveillance of its operations and its fiscal accounts. There is always a danger that such freedom from restraints should inspire laxity and abuses which might prove costly to the American people. . . . Some reliable, systematic review of all the agencies and their operations should be provided by congressional action as checkrein to assure both the Congress and the people that this hub of the Intelligence effort is functioning in an efficient, effective, and reasonably economical manner."

[4]Schlesinger Report, 26 (see chap. 3, n. 29).

[5]Best, *Proposals for Intelligence Reorganization*, 17.

[6]Church Committee report, book 1, 429 (see chap. 3, n. 40).

[7]Alfred B. Prados, *IC Leadership: Development and Debate Since 1947* (Washington, D.C.: CRS, 27 June 1989), 7.

[8]Boren, "The IC: How Crucial?" 56 (see chap. 3, n. 78).

[9]Best, *Proposals for Intelligence Reorganization*, 31.

[10]Ibid., 32.

[11]Ibid., 34–35.

[12]Ibid., 35–37. The subject of ADCIs was contentious at best, with the executive branch reluctant to accept them. In fact, after the initial incumbents in both the DDCI for Community Management and ADCI for Administration left their positions, the executive branch did not move to fill the offices.

Appendix C

Milestones in the Intelligence Community

Year	Administration	Studies/Commissions/ Proposals	Actions
1946	Truman		- Central Intelligence Group formed by presidential directive[1]
1947			- National Security Act (P.L. 80-253) establishes CIA and DOD - Intelligence Advisory Committee established by NSCID 1, 12 December[2]
1949		Jackson-Dulles-Correa Report - Improve national estimate process - Improve coordination of IC First Hoover Commission - Improve national estimates	- CIA Act (P.L. 81-110)[3]
1950			DCI Bedell Smith: - Establishes Board of National Estimates[4] - Appoints deputy director of CIA
1952			National Security Agency established by presidential memo[5]
1953	Eisenhower		Deputy director of CIA authorized by P.L. 83-15
1955		Second Hoover Commission - DCI focuses more on community affairs Senator Mansfield submits proposal for joint intelligence oversight committee[6]	
1956			President's Board of Consultants on Foreign Intelligence Activities (PBCFIA), precursor to the President's Foreign Intelligence Advisory Board (PFIAB), established by EO 10656, 6 February[7]
1958			U.S. Intelligence Board formed by NSCID 1, 15 September merging the Intelligence Advisory Committee and the United States Communications Intelligence Board[8]

Year	Administration	Studies/Commissions/ Proposals	Actions
1960			PBCFIA suggests the possibility of separating the DCI from the CIA[9]
1961			National Photographic Intelligence Center established by NSCID 8, 18 January[10]
1961	Kennedy	PFIAB recommends separation of two roles of DCI	- PFIAB replaces PBCFIA by EO 10938[11] - Defense Intelligence Agency established on 1 August by DOD Directive 5105.2[12]
1968	Nixon		- DCI Helms establishes National Intelligence Resources Board to review all IC programs and budgets[13]
1971		Schlesinger Report - Creates a director of national intelligence or strengthen DCI to remove duplication and centralize planning and budgeting - Creates White House-level coordinator of national intelligence	Presidential memo issued, directing: - Enhanced leadership role in managing IC - Establishment of National Security Council Intelligence Committee[14] - Establishment of Intelligence Resources Advisory Committee to advise DCI on preparation of consolidated budget - Creation of Defense Mapping Agency - Establishment of IC Staff
1972			- Defense Mapping Agency, later consolidated under NGA[15] - IC Staff established, precursor to Community Management Staff[16]
1973			DCI Schlesinger broadens composition of IC staff to make it more representative of the IC[17]
1975	Ford	Murphy Commission - DCI delegates management of CIA to deputy/devotes more time to community responsibilities - Moves DCI office closer to president - Strengthens PFIAB - NSC-level organization establishes intelligence requirements and capabilities - Develops consolidated intelligence budget	

Year	Administration	Studies/Commissions/ Proposals	Actions
1975	Ford	Rockefeller Commission - Forms joint oversight committee within Congress - Publicly releases the CIA budget - Strengthens PFIAB	
1976		Church Committee - Drafts omnibus legislation detailing charters of major organizations within the IC - Reaffirms the DCI's power to coordinate the activities of the IC by statute - Grants DCI statutory authority to establish national intelligence requirements and formulate budget to include reprogramming funds and provide DCI with an IC staff - Considers separation of DCI and Director CIA roles Pike Committee - Separates DCI roles	EO 11905 issued[18] - Supersedes Nixon's 1971 memo - Creates Committee on Foreign Intelligence (CFI) and Operations Advisory Group Establishes Intelligence Oversight Board Creates Deputy DCI for the IC Senate establishes Select Committee on Intelligence
1977	Carter		House establishes Permanent Select Committee on Intelligence
1978		Legislation (S. 2525) proposed to: - Create charters governing intelligence agencies - Create DNI to head IC	EO 12036[19] - Abolishes Ford's CFI - Establishes Policy Review Committee and a Special Coordinating Committee on NSC
1981	Reagan		- Grants DCI cabinet rank[20] - Issues EO 12333 which -- Abolishes Carter's NSC structures -- Clarifies roles and responsibilities of organizations in IC[21]

Year	Administration	Studies/Commissions/ Proposals	Actions
1987		National Intelligence Reorganization Act (S. 1820) introduced to - Establish separate DNI	
1989	Bush	National Intelligence Reorganization Act (S. 175) introduced to - Establish separate DNI	Abolishes Reagan's NSC structures[22]
1992		Intelligence Reorganization Act of 1992 (S. 2198) introduced to - Establish separate DNI and significantly increase authority - Release top-line budget amount - Consolidate analytic elements of IC into single organization - Augment analysts with outsiders from academe and private sector	Congress passes Intelligence Authorization Act of FY 1993 (P.L. 102-496) which includes the Intelligence Reorganization Act of 1992: - Establishes National Intelligence Council to produce national estimates - Specifies duties of the DCI as head of the IC to include developing and approving an annual national intelligence budget and eliminating waste and duplication - IC Staff renamed Community Management Staff
1993	Clinton		EO 12863 - Makes Intelligence Oversight Board a standing committee of PFIAB
1996		Aspin-Brown - Strengthens authority of DCI via non-statutory means to include greater say in appointment of agency heads, dual-hatting some agency heads under DCI, establish two deputy DCIs - Improves relationships between analysts and policy makers, increases use of open source information, develops stronger ties with experts outside IC - Releases top-line budget figures	Congress passes PL 104-296 - Establishes Committee on Foreign Intelligence on NSC - Establishes Deputy DCI and Deputy DCI for Community Management - Establishes three Assistant DCIs - Requires DCI concurrence in appointment of directors of NSA, NRO, NGA - Strengthens DCI authority over the budget - Congress passes PL 104-201 - Establishes the National Imagery and Mapping Agency

Year	Administration	Studies/Commissions/ Proposals	Actions
1996	Clinton	IC 21 Study - Increases authority of DCI via increased control over budget, stronger community management staff, greater say in appointment of agency heads - Establishes Committee on Foreign Intelligence within the NSC - Establishes two Deputy DCIs - Establishes joint intelligence oversight committee in Congress	

Note: In addition to detailing information found in commission reports, studies, executive orders, and public law, this appendix consolidates information from Best's review of the IC (see Richard A. Best, *Proposals for Intelligence Reorganization, 1949–2004* (Washington, D.C.: CRS, 29 July 2004) and tables found in Alfred B. Prados, *Intelligence Community Leadership: Development and Debate Since 1947* (Washington, D.C.: CRS, 27 June 1989), Appendix B-2 and Appendix C, 75–79.

[1]Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Book IV: Supplementary Detailed Staff Reports on Foreign and Military Intelligence*, 94th Cong., 2d sess., 23 April 1976, report 94-755, 8–9 (hereafter cited as Karalekas). The first 107 pages of this report were prepared by a staff member, Anne Karalekas. The CIG was responsible for coordination, planning, evaluation, and dissemination of intelligence. It also was granted overt collection responsibility. The National Intelligence Authority (NIA), a group comprised of the Secretary of State, the Secretary of War, the Secretary of the Navy, and the personal representative of the President, served as the Director's supervisory body. The Intelligence Advisory Board (IAB), which included the heads of the military and civilian intelligence agencies, was an advisory group for the Director. Through budget, personnel, and oversight, the departments had assured themselves control over the Central Intelligence Group.

[2]National Security Council Intelligence Directive No. 1, *Duties and Responsibilities*, 12 December 1947. See also, Karalekas, 25. The Intelligence Advisory Committee (IAC) was created to serve as a coordinating body in establishing intelligence requirements. The IAC was chaired by the DCI and included representatives from the Department of State, Army, Air Force, the Joint Chiefs of Staff, and the Atomic Energy Commission.

[3]Prados, *Intelligence Community Leadership*, 17 (see chap. 3, n. 2). The CIA Act primarily dealt with administrative issues associated with the CIA but not the overall structure of the IC.

[4]Joseph S. Nye, "Estimating the Future," in Godson, *U.S. Intelligence at the Crossroads*, 87 (see chap. 5, n. 22).

[5]Prados, *Intelligence Community Leadership*, 76 (see chap. 3, n. 2).

[6]Karalekas, 52.

[7]Ibid., 62. The PBCFIA was designed to provide advice to the president on intelligence activities. The board had no authority over any element in the IC.

[8]National Security Council Intelligence Directive No. 1, *Basic Duties and Responsibilities*, 15 September 1958. See also Karakelas, 62–63. The establishment of the USIB was a recommendation of the PBCFIA to merge the IAC and the USCIB and was designed to allow the DCI to better coordinate community activities. With no significant bureaucratic levers, the board had limited authority. See also, Aspin-Brown, A-14 (see chap. 3, n. 7). According to this history, the USIB was used unevenly by the DCIs, with the personal preferences of the DCI playing a large role in its overall utilization.

[9]Prados, *Intelligence Community Leadership*, 43 (see chap. 3, n. 2).

[10]National Geospatial-Intelligence Agency, "NGA History," 1, http://www.nga.mil/StaticFiles/OCR/nga_history.pdf (accessed 15 December 2004).

[11]Aspin-Brown, 34 (see chap. 3, n. 7). Major functions of the PFIAB included advising the president on the overall quality and adequacy of intelligence as well as the management, personnel, and organizational arrangements.

[12]Prados, *Intelligence Community Leadership*, 76 (see chap. 3, n. 2).

[13]Best, *Proposals for Intelligence Reorganization*, 17. See also, Aspin-Brown, A-14 (see chap. 3, n. 7).

[14]"Reorganization of the IC," *Weekly Compilation of Presidential Documents*, 4 November 1971, 1482.

[15]Prados, *Intelligence Community Leadership*, 76 (see chap. 3, n. 2).

[16]Aspin-Brown, A-15 (see chap. 3, n. 7).

[17]Karalekas, 85.

[18]Aspin-Brown, 30 (see chap. 3, n. 7). This committee was composed of the director of central intelligence, the deputy secretary of defense for intelligence, and the deputy assistant to the president for national security affairs. It was charged with controlling budget preparation and resource allocation and establishing priorities for collection and production.

[19]Aspin-Brown, 30 (see chap. 3, n. 7). The PRC assumed most of the functions of the abolished CFI including establishment of requirements and priorities and budget review.

[20]Prados, *Intelligence Community Leadership*, 49 (see chap. 3, n. 2).

[21]Aspin-Brown, 30 (see chap. 3, n. 7).

[22]Ibid., 31.

Intelligence Reform

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