

Is The Director of National Intelligence Ineffective?

Literature Review Project

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Professor Lawrence E. Cline, Ph.D.
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In the years following World War II, the United States recognized a national security need for an intelligence agency that, at least initially, was to coordinate and synthesize the reports produced by the military intelligence agencies and law enforcement. From this need, the National Security Act of 1947 was crafted resulting in the creation of the Central Intelligence Agency (CIA) and the position of the Director of Central Intelligence (DCI). At the time of its creation, besides being the head of the CIA, the DCI was to act as the coordinator for the Intelligence Community (IC). The CIA acted as the clearing house for all intelligence reporting and was given the mandate to fuse (synthesize) intelligence reporting from the military intelligence agencies and the Federal Bureau of Investigation (FBI). The DCI would then advise and make recommendations to the National Security Council (NSC) among other duties. In essence, the DCI sat at the head of the premier national-level intelligence agency and was to direct the IC. The DCI was tasked with briefing both the Executive and Legislative branches on intelligence matters. Between controlling the flow of intelligence to both the Administration and Congress and controlling the dissemination and synthesis of intelligence from the entire IC, the DCI was a force to be reckoned with.

For years, various commissions and members of Congress had felt that the DCI was too narrowly focused on the CIA. They argued that this narrow focus resulted in poorly coordinated intelligence. Following the 9/11 attacks on the United States, the 9/11 Commission was formed to identify the failures leading up to the attacks and to make recommendations for changes. The Commission found that one of the primary faults was a failure to properly coordinate intelligence between the various intelligence and law enforcement agencies. As a result of the lack of coordination, one of the main recommendations of the 9/11 Commission was

implemented and the Director of National Intelligence (DNI) was created and the DCI was disestablished and the head of the CIA was renamed the Director, Central Intelligence Agency (D/CIA). The DNI absorbed some of the oversight bureaucracy of the DCI and was given additional budgetary and personnel authority over the other agencies of the IC. The DNI was now responsible for activities once performed by the DCI, including informing the White House of intelligence activities via the Presidential Daily Brief and for briefing members of Congress. However, the D/CIA continued to provide oversight briefings to Congress on intelligence collection activities and clandestine operations.

The DNI was given authority over the IC in the form of budgetary control. The legislation allowed the DNI to “withhold funds until recipients comply with DNI spending priorities,” however, the DNI was still constrained by guidelines issued by the President to ensure that the DNI exercised budgetary control in a way that “respects and does not abrogate the statutory responsibilities” of other departments according to a report issued by the Congressional Research Service. In other words, money could not be held hostage in order to exert DNI control if it would negatively affect the mandates of the intelligence agencies. Additionally, although the DNI was given authority to appoint and transfer personnel among the intelligence agencies, the authority of the DNI was again limited by requiring the “concurrence of the affected department head” for transfers and the DNI was not given the authority to fire personnel. The legislated limitations on both budget and personnel placed the ability of the DNI to enforce its authority into question.

Where the DCI was limited to intelligence collection tasking, the DNI was given authority beyond collection by the Intelligence Act of 2004 that allowed for the DNI to assign personnel resources and to “manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence...by approving requirements and resolving conflicts.” The control of analysis, production and dissemination is an authority granted to the DNI that the DCI did not possess that was to allow the DNI to better manage the intelligence collaboration and dissemination issues that plagued the IC prior to 9/11.

Following the attacks of September 11, 2001, the IC was restructured. In August 2004, President George W. Bush expanded the authority of the DCI in an attempt to alleviate the intelligence sharing issues and to prepare the IC for the unexpectedly large threat of Al Qaeda. In December 2004, in a move that had been long discussed but had been seen as “radical” in previous decades, the position of DCI was disestablished and a new intelligence coordinator position created in the form of the Director of National Intelligence (DNI) by the Intelligence Reform and Terrorism Prevention Act of 2004. The DNI assumed much of the expanded authority of the DCI and was given the ability to oversee budget and personnel moves. The CIA could only see the creation of the DNI as a loss of prestige and control only a few months after experiencing an increase in its authority. Additionally, where the CIA originally had control of the dissemination of intelligence, now it was mandated to provide access to all intelligence to the DNI. The camel’s nose was effectively under the tent and was sure to lead to challenges to the authority of the DNI.

The CIA wasn't the only agency affected by the Intelligence Reform Act that was worried about the authority of the DNI affecting its mission. The Pentagon had been concerned with a loss of control over its intelligence agencies when the DCI was created in 1947 and this concern resurfaced in 2004 with the planned creation of the DNI. The Defense Department eventually forced a compromise reducing the authority of the DNI over certain aspects of the Defense intelligence components, a compromise that allowed the Intelligence Reform Act of 2004 to be passed.

Even with the DNI granted authority that had been beyond that granted to the DCI, the authority of the DNI was compromised compared to the position envisioned by the 9/11 Commission. This lack of authority was immediately noted by John Negroponte, the first DNI, who characterized the Office of the DNI (ODNI) as a "work in progress." The second DNI, Michael McConnell, originally turned down the position and was concerned that "he didn't have the authority to fire anybody." McConnell later reiterated that the DNI needed additional authority and went so far as to suggest that the position be made cabinet-level and a Directorate of Intelligence created. Even former D/CIA Michael Hayden identified that the Intelligence Reform Act of 2004 failed to clarify lines of authority, leaving the DNI to attempt to define its authority. The third (and recently removed) DNI, Dennis Blair stated that the ODNI was "still a work in progress." That the DNI is still a "work in progress" after five years in existence is worrisome and indicates that the DNI is suffering from a lack of clarity of purpose. This lack of clarity was recently highlighted by the Senate Select Committee for Intelligence when it excoriated the NCTC for its "failure to understand its fundamental and primary

missions” following the failed Christmas Day attack on Northwest Airlines Flight 253. The lack of mission focus is a debilitating condition when combined with a lack of authority and control.

Washington is not a stranger to empire building and power-grabs, and a DNI calling for more power for itself should be questioned, even when these calls span multiple holders of the position. Coincidentally, a 2010 report from the Presidential Intelligence Advisory Board was completed just prior to DNI Blair’s resignation. This recent review of the intelligence community by an independent committee calls for “an acknowledged leader” in order for the intelligence community to function effectively and stated that it “should be the DNI” and called for a DNI that was “more powerful than at present.” President Obama disagreed and claimed that the DNI simply needed “more support” and that the DNI failures were “not an issue of more authority.” When the DNI derives its authority from the support of the President, and the President refuses to support the office, the DNI is left as a toothless bureaucrat and is doomed to failure.

A lack of White House support has been on display recently such as when D/CIA Leon Panetta won a territorial dispute with DNI Blair over intelligence authority at U.S. missions outside of the United States. The lack of support was also seen following DNI Blair’s Congressional testimony on the Christmas Day attack by Omar Abdulmutallab, when DNI Blair said that “the pressure since 2008 has been to make [the no-fly list] smaller” and that the ODNI should be ashamed “for giving into that pressure.” DNI Blair was obviously not sending the message the White House desired and less than a month later John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, called the no-fly lists “over-

inclusive.” Pundits claim that President Obama’s decisions “to side with the Central Intelligence Agency over Blair in personnel and briefing disputes made power players reluctant to take the DNI post.” There may have been a good reason why Brennan took himself out of contention for both DNI and D/CIA positions, because he appears to have wielded much greater authority as a member of the National Security Council and White House advisor.

In terms of budgetary support, the National Counter-Terrorism Center (NCTC), the most visible agency under direct control of the DNI, was to have up to 20% of its personnel cut prior to the Christmas Day attack according to NCTC Director Michael Leiter, and the recent Presidential Intelligence Advisory Board report that called for DNI leadership also called for the substantial downsizing of the DNI staff, although that suggestion that is in line with the 9/11 Commissions’ stated belief that the ODNI only needed “no more than a few hundred employees.”

It is probably impossible to gain the full support of Congress for any person or position, and DNI Blair had his share of conflicts with elected representatives. Already there is concern that the incoming DNI, General James Clapper, will lean too far towards the Department of Defense from both Republicans and Democrats in Congress, a bipartisan showing of a lack of support for the DNI.

Political battles over authority precede the creation of the DNI and the turf battles fought between the DCI and other agencies are well documented. However, the situation is different with the DNI. The difference is simple: the DCI was also the head of the CIA and had

extraordinary resources and extensive political connections while the DNI has fewer resources and no concrete intelligence apparatus to its name. The arguments continue as to the proper size of the ODNI and the authority of the DNI, and do little to lend authority to the office. But regardless of a clearly defined size and mission, without support from the White House and Congress with words, deeds, and financial backing, the Office of the Director of National Intelligence is left as nothing but a bureaucratic scapegoat who, survives only at the whim of more powerful and politically connected heads of the intelligence agencies.

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