

Informal Commission Meeting at the
Center for Strategic and International Studies
Wednesday, July 23, 2003 -- Summary Notes

In attendance were Commissioners Hamilton, Gorelick and Roemer; CSIS participants John Hamre, Sam Nunn, Dan Benjamin, Jim Bodner, Mary DeRosa, Fred Ikle, Mary McCarthy, and Joan Rohlfing; and Commission staff Philip Zelikow, Chris Kojm, Dan Marcus and Stephanie Kaplan.

Following brief opening remarks by Hamre, Nunn and Hamilton, Commissioner Roemer asked whether we as a government are moving in the wrong direction. Instead of an Intelligence Community under the leadership of a single Director for National Intelligence, are we moving in the direction of greater dispersal of effort, through the creation of a separate DHS analytic center, a Terrorist Threat Integration Center (TTIC), etc? Commissioner Gorelick posed two questions: what is DOD's role in protecting the American homeland, and is the NSC too operational or not operational enough? She also asked about Congressional oversight.

Senator Nunn spoke first on congressional oversight. In his view everything revolves around the annual budget process. Congressional oversight is not performed effectively, and ends up as spasmodic oversight in response to front-page stories. He observed that unless and until the Congress gets away from the annual budget cycle, there will not be effective oversight. No matter what people profess about oversight, political pressures and the realities of the budget cycle make oversight too hard to do unless you move to a 2-year budget cycle.

Senator Nunn then spoke about terrorism and WMD: if you really believe that the link between terrorism and WMD is the greatest problem we face, then there is a huge gap between the threat and our response to it. Any terrorist with investigative ability can quickly identify vulnerable nuclear material in Russia or the 20-25 vulnerable research reactors around the world that are not properly secured. Every country in the world has to secure, in a transparent manner, their nuclear materials. Once terrorists get nuclear materials, the hard part of their job is done. On the biological side, the same must be done to secure facilities, and overcoming the huge cultural barriers between the government and the private sector will be difficult. Chemical storage sites and chemical trucks may represent less of a catastrophic threat than nuclear or biological materials, but the extensive presence of them may make them actually a greater danger. Senator Nunn stressed the importance of global partnerships: certainly with Russia, but with many other countries as well. The race to control WMD materials worldwide is a race between partnership and catastrophe.

Commissioner Roemer asked Senator Nunn a number of structural questions about congressional oversight: (1) whether there should be a permanent investigation and oversight subcommittee in the Intelligence Committee (he agreed); (2) whether there should be a Joint Intelligence Committee (he disagreed; scheduling meetings just

becomes too hard); and (3) whether membership on the Intelligence Committees should be limited to 6 to 8 years (he is inclined toward longer terms). Commissioner Hamilton noted how much the Intelligence Committees had changed over time: previously, only senior Members were asked to serve. Now, for the first time, Democrats have named a freshman to the Committee, and the Committee itself has become the most popular one in the House.

Senator Nunn thought that the most important structural reform might be a 3-year authorization for the bulk of the budget, so that more time can be spent on oversight. He did not dismiss expressions that such an idea was "off the wall;" that if a Commission as prestigious as this one endorsed the idea, it may get serious consideration. Zelikow agreed that the idea had merit, given that a strong criticism from within agencies was "management by supplemental" and the inability to plan and budget effectively.

Senator Nunn also expressed his considerable concern that people on Capitol Hill and in the Executive branch have gotten into the habit of selectively pulling out intelligence information to suit their purposes, and that intelligence must have more separation from policymakers. For example, the DCI should not be traveling around the Middle East carrying out operational, policy responsibilities. In response to questions about empowering a Director of National Intelligence, and reactions from the Defense Department, he distinguished between tactical intelligence, which the armed services need, and national intelligence, where there needs to be a greater separation of intelligence from policymakers.

Commissioner Gorelick asked about the several feet high stacks of classified annexes accompanying annual Intelligence Acts, and whether such annexes constituted appropriate oversight. John Hamre answered emphatically no. He thought that there were too many Congressional staff, focused on too many small issues, and second-guessing budget line items, whether to raise or cut them a few million dollars here and there. He blamed Members for letting staff dictate which issues come before them, and that Members needed to spend their time on the broader policy decisions where their judgment and attention was truly needed, and for which they were elected. Senator Nunn spoke positively about his experience as Chair of the Permanent Subcommittee on Investigations of the Government Operations Committee. The subcommittee had no legislative authority, never held a markup -- but it held subpoena power and conducted highly important and valuable oversight.

Commissioner Gorelick returned to her question from the outset: "Why were we in a position where the Department of Defense was not defending the country?" She noted that there had been work on this topic for 20 years. Jim Bodner said that during the second term of the Clinton Administration, DOD thought it was already going too far in terms of its statutory authority for a domestic role. DOD officials were very worried about the press and public backlash in response to this pronounced domestic role.

Mary McCarthy noted that she was the former National Intelligence Officer for Warning, before serving on the NSC from 1996-2001. She believes that the Warning function has broken down, and simply is not performed the way it should be. The problem is not a lack of HUMINT, or a lack of collection. Rather, analysts who have broken down potential scenarios and identified key indicators for warning purposes need to go to collectors and ask for the data that they need to carry out the warning function.

She stated her belief that the oversight function on Capitol Hill has atrophied. On balance, she believes that more political appointments in the IC would mean greater accountability, and that this is a greater good than the potential downside of more political appointments. In response to a question from Vice Chair Hamilton, she stated that the PFIAB performs episodic oversight, and that in any case elected officials are needed to perform the oversight function. Further, she stated her belief that there is virtually no accountability within the Intelligence Community. It is one thing when people have done their jobs conscientiously and made a wrong call. It is quite another when persistent sloppy conduct leads to promotions: that's a real problem.

Former NSC staffer Dan Benjamin stated that before 9/11, the national security community was thinking in a wholly different paradigm: worrying about missile attack, and low-probability military scenarios. Yet, even two years after 9/11, we still do not grasp that the biggest threat to us comes from non-state actors. We still don't have a policy toward radical Islam. We have been fortunate to have had good success in our intelligence operations in the past two years in breaking up terrorist plans and operations. But the bigger problem over the medium and long-term is radical Islam, which will come back to bite us if we do not have a strategy for addressing it.

Commissioner Gorelick stated her worry that the CSG got buried too far in the bureaucracy to be effective. Dan Benjamin noted that after the Embassy bombings, the gap between the CSG and the Principals Committee of the NSC became much less; he and Zelikow noted that the CSG of the second Clinton Administration was far different from the CSG of the first. Jim Bodner noted that the Principals Committee was meeting twice a week on the topic of finding and killing bin Laden. In response to a question from Vice Chair Hamilton, Dan Benjamin thought the threat of catastrophic terrorism against the United States was growing, because we are losing the battle for hearts and minds in the Islamic world.

Mary DeRosa responded to Commissioner Gorelick's earlier question about the role of the NSC. She stated her strong view that it should not have an operational role. If the NSC staff is charged with carrying out a program, that will consume all its time, and the NSC will fall flat on its primary role of policy coordination.

Commissioner Roemer asked how Dick Clarke and his team carried out the decisions of Principals. Dan Benjamin noted that most of the government did not think that what happened on 9/11 was possible, and therefore they didn't break the crockery needed for a timely response to the threat. ###