The Politics of Intelligence Reform Richard H. Immerman* (Draft—not for citation or distribution)

The Intelligence Reform and Terrorism Prevention Act (IRTPA) is "the most dramatic reform of our nation's intelligence capabilities since President Harry S. Truman signed the National Security Act of 1947," remarked President George W. Bush when signing the legislation on December 17, 2004. He was right. While the effectiveness of IRTPA remains to be determined, the legislation's intent was ambitious and far-reaching.

Bush left unmentioned that many of IRTPA's initiatives had been proposed previously—and repeatedly. Indeed, intelligence reform was a recurrent theme on Capitol Hill since the establishment of the Central Intelligence Agency (CIA) at the outset of the cold war. Over the subsequent almost sixty-five years, approximately twenty commissions, committees, and panels recommended improvements to the structure and mission of the Intelligence Community (IC). Prescriptions to strengthen community management in order to enhance coordination among the disparate elements, a linchpin of IRPTA which a historian in the Office of the Director of National Intelligence described as the "unfinished business of 1947," were common and frequent.² The historic dysfunction identified by reformers decade after decade can be attributed to the politics of intelligence. And the failure to remedy the pathologies can be attributed to the politics of intelligence reform. By exploring reform efforts from the CIA's origin to the present, this article tells that story.

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^{*}Although I served in the Office of the Director of National Intelligence, the views expressed in this publication are my own and do not imply endorsement of ODNI or any other U.S. government agency.

The very notion of intelligence—a codeword to many Americans for spying and covert operations, not to mention cloaks, daggers, and rogue elephants—is laden with great emotion in the United States. For that reason, politics has incessantly pervaded the intelligence enterprise, and the creation of the CIA itself could only come about through reform. Despite its deep roots in U.S. history, extending to Nathan Hale and the Culper Ring during America's revolution through the origins of the Office of Naval Intelligence (ONI) and Division of Military Intelligence (later G-2) during America's "rise to globalism" in the late 19th century to contemporary controversies over enhanced interrogation techniques and targeted assassinations, intelligence connotes un-American behavior and values. "Gentlemen do not read each other's mail," allegedly uttered Secretary of State Henry Stimson in 1929 as he shut down Herbert Yardley's codebeaking unit, the ominously named Black Chamber. Polling data consistently reveal that the American public respects and trusts intelligence agencies less than other institutions related to national security. And accompanying this negative image is often a minimalist estimate of intelligence's value and the judgment that the agencies normatively are deficient in their performance.³

This political culture provided the framework for the CIA's establishment within the National Security Act of 1947. It took the exigencies of World War II for Franklin D. Roosevelt to set up the Office of Strategic Services (OSS) under William Donovan, and even then the decision was difficult. His successor Harry Truman's decision to support making the OSS or other stand-alone variation of it permanent was tortuous. Politics drove the process. Washington is a political town in which virtually any initiative confronts entrenched interests intrinsically opposed to it. Even during wartime, the Army's G-2, the ONI, the Federal Bureau of Investigation, and the Department of State protested what each considered Donovan's

encroachments on their turf. Political leaders and operatives with eyes on the White House, moreover, and not just Republicans, worried that Donovan had ambitions similar to theirs.⁴

This collision of interests and ambitions intensified at the end of the war when Donovan proposed to institutionalize an autonomous and centralized intelligence organization with its own budget and director who reported directly to the president. His best chance lay with Roosevelt, who, albeit with reservations, appeared sympathetic. But Roosevelt's death unleashed the multiple pockets of resistance. In the words of one astute observer, "Politics made for strange bedfellows" in this context. "Between November 1944 and September 1945, the departments of State, War, the Navy, and Justice joined forces against the Donovan plan." Truman faced enough domestic challenges without taking on this united front. On September 20, 1945, he ordered the abolition of the OSS, to take effect in less than two weeks. Truman divided the responsibilities for intelligence collection and counterintelligence on the one hand and evaluation on the other between the Departments of War and State, respectively.

Still, the intelligence failure of December 7, 1941, all but assured reform. The 1955

Hoover Commission only slightly exaggerated when it wrote that "The CIA may well attribute its existence to the surprise attack on Pearl Harbor." The line between 1941 and 1947 could not have been more circuitous, however. Truman, along with Secretary of State James Byrnes and James Forrestal, the powerful secretary of the navy, appreciated the value of a coordinating mechanism, but they wanted it to be weak. The result was the establishment of a National Intelligence Authority (NIA), comprised of representatives of the secretaries of war, navy, and state as well as the president, which would supervise a Central Intelligence Group. This CIG would take responsibility for performing the functions necessary to provide the White House and managers of the nation's security with "authoritative information on conditions and

developments in the outside world." Yet those departments that formed the backbone of the national security state would "continue to collect, evaluate, correlate, and disseminate departmental intelligence."

The intent of the 1947 National Security Act was to reform the crazy-quilt apparatus, which itself was the product of an effort, as a CIA historian has written, to "reform the intelligence establishment that had grown so rapidly and haphazardly during the national emergency [World War II]." Initially under the direction of Rear Admiral Sidney Souers (called the Director of Central Intelligence, DCI), the CIG limped along, plagued by bureaucratic politics and unsure of its mission. Souers's successor, Lt. General Hoyt Vandenberg, had grander plans—for himself (he saw this position as a stepping stone to commanding an independent Air Force) and the CIG. He had no intention of deferring to department heads and serving merely as a custodian for the NIA. In his corner was his uncle, Senator Arthur Vandenberg, the ranking Republican on the Senate Foreign Relations Committee and pivotal to whatever bipartisan support Truman could engender on Capitol Hill.

Vandenberg's opening salvo was to garner an independent budget. He insisted that each department represented on the NIA earmark appropriations for the CIG and empower him, as DCI, to disperse them. The department secretaries objected; Truman backed Vandenberg. From that meager beginning Vandenberg incrementally accrued greater authority for the CIG, chipping away at the responsibilities of State, War, Navy, the FBI, and others. Vandenberg achieved a breakthrough in February 1947. Months earlier he had established the Office of Reports and Estimates (ORE) for the purpose of providing the core of the national security machinery, the president, with what he defined as strategic intelligence. In February he received the NIA's approval. It charged ORE with producing "composite intelligence, interdepartmental in

character, which is required by the President and other high officers and staffs to assist them in determining policies with respect to national planning and security in peace and war and for the advancement of broad national policy. It is in that political-economic-military area of concern to more than one agency, must be objective, and *must transcend the exclusive competence of any one department*." [sic]⁹ Through its ORE, CIG was thrust into the center of the national security policymaking process.

This reification of a central intelligence agency's contribution to national security exacerbated the politics of intelligence reform. The departments continued to defend their respective turf even as the salience of two other political dynamics intensified. The first, ironically, was a function of the first customer himself, the president, for whom the growing CIG was designed to serve most of all. Truman was among those Americans with an inherent distaste for and distrust of intelligence. Having had little previous experience as a customer, like many Americans he viewed intelligence operations as incompatible with democratic practices. "You must always be careful to keep [national defense] under the control of officers who are elected by the people," he commented at an off-the-record press conference. As president it was his responsibility to "guard against a Gestapo." 10

With images of Nazi goose stepping still fresh, this Gestapo metaphor was ubiquitous in and out of Washington. The metaphor by itself was a deterrent to empowering the intelligence enterprise by bringing the disparate elements under centralized management. But a second dynamic exacerbated its effect. The Gestapo metaphor became a political weapon. With the formidable Roosevelt replaced by the untested and politically vulnerable Truman, conservatives took dead aim at the Roosevelt legacy. They sought to cast proposals to set up a bigger and better intelligence bureaucracy as an gambit to create one last New Deal agency. Roosevelt's critics

maintained that a central intelligence agency would be bloated and unwieldy. It would also, as attested to by the demographics of the OSS, be elitest and liberal, which to their way of thinking added up to totalitarian.

This fear mongering that linked a permanent organization that centralized intelligence to institutions such as the Gestapo and concepts such as totalitarianism circulated throughout the two-year interval between the defeat of Germany and the proposed legislation to establish the CIA. The most avid proponent was Walter Trohan. Trohan wrote for the Chicago Tribune, the mouthpiece for its proprietor, the venomous anti-New Dealer and dyed-in-the wool isolationist, Colonel Robert McCormick. Trohan learned of Donovan's proposal to make the OSS permanent at the time of the Yalta Conference. Interpreting it as evidence of a conspiracy to turn the United States into a totalitarian state, beginning on February 9, 1945, he published his finding in the *Tribune* and other newspapers published by McCormick or his like-minded cousin, Eleanor "Cissy" Patterson. The headlines were anything but subtle, ranging from "New Deal Plans Super Spy System" to "New Dean Plans to Spy on World and Home Folks; Super Gestapo Agency is Under Consideration." Trohan claimed that Roosevelt sought to create an "all powerful intelligence service" that would not only "spy on the postwar world" but also "pry into the lives of citizens at home." For two years Trohan, egged on by McCormick and supported by antiliberals like the State Department's Sprouille Braden and FBI Director J. Edgar Hoover, who not uncoincidentally were jealous of their own fiefdoms, waged his war (it remains undocumented who leaked information to Trohan). As late as June 1947, when the National Security Act was before Congress, he wrote, "Agents of the CIG have begun operations on the pattern of the Soviet secret police, the MVD, or Nazi gestapo agents."11

The McCormick clan's political motivations and ideological dispositions were mutually reinforcing. Then there were those in Congress and even in the White House who sympathized with the New Deal but feared a central intelligence agency's potential to subvert Americans' civil rights and liberties. For a small minority the reverse was true. They could tolerate almost anything in the interest of national security but considered another bloated bureaucracy intolerable.

These forces were insufficiently powerful or united to block the reform of the intelligence enterprise. Indeed, not wanting to appear opposed to an initiative framed as promoting the nation's security, most legislators took a low-key approach to intelligence reform. But they did delay it and ensure that it was limited. The director of central intelligence could exercise only marginal influence over intelligence activities that remained the purview of the military services and other departments. This was partially because of personnel and authorities, partially because the CIA was placed under the supervision of the National Security Council but was not a member, and partially, indeed primarily, because of budgetary allocations. Power and influence follow the money, and the military had most of it—even before the advent of extremely expensive technologies. Truman had no reservations about leaving the military services with the bulk of the intelligence budget in return for their support for creating a unified Department of Defense. The legislation did grant the new agency a robust national analytic function, a legacy of Vandenberg's tenure. But even in this sphere, its precise responsibilities were stipulated only in the most general terms, and thus its capability to manage analysis across the community was circumscribed. The CIA's organization reflected the impetus for the decades of reform efforts that would ensue: rather than centralizing the intelligence community, it institutionalized a confederation.¹²

The single paragraph in the National Security Act devoted to establishing the CIA, which Truman signed into law on July 26, 1947, did include an elastic clause which provided the space for the agency's development over the subsequent decades into the "Company" so familiar today. The agency, read the legislation, should perform "such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally." This phrase "additional services of common concern" opened the door to more intense bureaucratic wrangling. Nevertheless, the outcome was a steady accretion of the CIA's responsibilities. ¹³

Within two years these responsibilities included the conduct of political warfare and covert operations for the purpose of affecting political change in the international environment and collecting information on that international environment. With the exception of the 1949 Central Intelligence Agency Act, which allowed the CIA to operate under a greater cloak of secrecy by exempting if from the need to disclose publicly its activities, budget, and personnel, the agency acquired the additional authority to employ "all means . . . short of war" incrementally, through NSC directive (a series of National Security Council Directives, NSCIDs, as well as policy statements) as opposed to congressional action, and to a remarkable extent by default. ¹⁴

Initially, management of the range of covert operations (propaganda and psychological warfare, sabotage, support for resistance movements, and more) was uncomfortably shared between the CIA and State Department through the anodyne-named Office of Policy Coordination (OPC). Dual management was tantamount to almost no management, allowing Director Frank Wisner, particularly after the Communist triumph in China, the successful Soviet atomic test, and the outbreak of the Korean War, rapidly to expand its size and scope.

Empowered by the 1949 Central Intelligence Act, within two years of his appointment as DCI in 1950 Walter Bedell Smith virtually by fiat made the OPC exclusively the CIA's and folded it into the newly established Directorate of Plans (DP). As a result, in the antiseptic words of the Church Committee a quarter-century later, the CIA evolved "into a far different organization from that envisioned in 1947." ¹⁵

That it did also had much to do with politics, and the short-term consequences were fundamentally all about politics. Smith had appointed Allen Dulles the first deputy director for plans. When Dulles became Dwight D. Eisenhower's DCI in 1953, he oversaw the agency's tremendous growth spurt, particularly within the DP. The number of covert operatives increased at such a pace that there was little opportunity for them to receive training. Early successes against feeble opponents, such as in Iran and Guatemala, gave the agency an inflated estimate of its capabilities. But the lack of expertise and one must add discipline that characterized the DP became tragically manifest with the Bay of Pigs operation, and continued through the Vietnam era.

Proposals for reform predictably surfaced periodically, primarily in the form of increased congressional insight. But politics continually intervened to deter action. Early on the Eisenhower White House vigorously opposed congressional "interference" in intelligence operations lest it provide an opportunity for McCarthy-like investigations. This rationale for opposing congressional oversight outlived McCarthy. The longer he held officer, the more convinced became Eisenhower that politics did not stop at the water's edge. His successors were never under the illusion that they did. In truth, executive opposition to congressional oversight was hardly necessary; Congress preferred to be kept in the dark. As the imperial presidency progressed during the 1960s and early 1970s, legislators increasingly deferred to the executive,

especially when confronted with cold war initiatives. There were few votes to be won in home states by opposing presidential policies and programs designed to promote national security. And ignorance was an excellent strategy for avoiding accountability. The select senators and representatives that served on understaffed subcommittees of the Armed Services and Appropriations Committees of each House closely guarded classified information on the CIA's operations and budget. The sole legislator not on one of these committees to have known in advance of planning for the Bay of Pigs was Senate Foreign Relations Committee chair J. William Fulbright, and Kennedy briefed him personally when they travelled together to Florida on Air Force One. To no avail did mavericks like Montana's Mike Mansfield introduce bills to challenge this arrangement. The years 1947-1974 were, in the phrase of one scholar, the era of "Congressional undersight."

This condition—and environment—was dramatically transformed in the late 1960s and early 1970s. The escalation of the Vietnam War and the protests against it, coupled with the muckraking journalism typified by the revelation by *Ramparts* magazine in 1967 that the CIA secretly funded the National Student Associate and other non-governmental organizations, brought unwanted attention to the agency. Its veil of secrecy began to disintegrate, and thus so did its protective shield. Among the costs of the Vietnam War was the CIA's public and congressional support. Defining the CIA through the lens of Operation Phoenix, opponents of the war tied it to the worst exemplars of America's immoral conduct. Advocates of the war criticized the agency for decades of insufficient enthusiasm for the effort and inadequate reporting and estimating. The "war dealt a double whammy to the CIA," writes Anne Kahn. The effect was to make it more vulnerable to Richard Nixon's hostility. From the start of his presidency Nixon never liked or trusted the CIA. But it was Nixon's disrespect for the U.S. Constitution more than

for the CIA that turned 1975 into the "Year of Intelligence," or as it was known within the agency, the "Year of the Firestorm," and instigated the most concerted effort toward reform since 1947.¹⁷

Indeed, what drove the months of hearings, hundreds of interviews, and thousands of pages of documents that produced reports from both houses recommending a litany reforms were not the CIAs inefficiency and very mixed record. It was the revelations of CIA abuses and the polarized politics that were so intertwined with those abuses. In this regard, long before he was consumed by the Watergate scandal, Nixon, convinced that the CIA was a "refuge for Ivy League intellectuals" that had contributed to Kennedy's victory in the 1960 election, sought to institute a series of reforms to change both its organization and way of doing business.

"Intelligence reform won't save a lot of money but will do a helluva lot for my morale," he said to his lieutenant, Bob Halderman, at the time. Nixon was only partially correct.¹⁸

The reforms that Nixon sought were symptomatic of the poisonous politics that would precipitate Congressional calls for reform and frustrate real reformers. The president's motives were mixed—and as personal as they were political. The common denominator was his judgment that the intelligence community suffered from inherent flaws. For one thing, it focused on the wrong enemy. Nixon assessed the greatest threats to the United States as emanating from foreign agents that were posing as domestic radicals and infiltrating antiwar, civil rights, and parallel organizations. With regard to assessing external threats, moreover, Nixon considered the process, which was located primarily in the CIA's Office of National Estimates, as cost ineffective, poorly managed, and insufficiently committed to serving the White House (or put another way, insufficiently politicized).

It took the political environment of the 1970s to produce consequences of Nixon's reform agenda so radically different from those he intended. Within a year of his taking office, guntoting African Americans sized control of the student union at Cornell University and a half-million demonstrators marched on Washington to protest the Vietnam War. Nixon attributed such outrages to subversive foreign influences, but the FBI could not provide supporting intelligence. The president assigned Tom Charles Huston, his internal security aide, to develop a better mechanism. The CIA, National Security Agency, and Defense Intelligence Agency all signed onto Huston's plan, which authorized the intelligence community to intensify domestic surveillance by opening mail, electronically eavesdropping on phone conversations, entering homes and business illegally, and more. Virtually at the same time Nixon instructed James Schlesinger, then the assistant director of the Office of Management and Budget, to evaluate the entire intelligence community.¹⁹

Nixon's approval of the Huston Plan and its endorsement by the CIA, NSA, and DIA meant nothing to J. Edgar Hoover. The IC was a confederation, the FBI was his fiefdom, and at the age of 75 he had to consider his legacy. Hoover deemed any proposed reform of domestic intelligence that did not originate with him an end run. That was intolerable. That the reform was illegal made it more intolerable. Hoover in fact had been engaged in these kinds of activities since the 1950s. Huston's proposal, which would involve multiple and uncoordinated new actors, increased the risk of exposing past transgressions even as it implicated the FBI in fresh ones. Hoover's reputation, carefully constructed over almost a half-century, could be shattered. Recognizing he could not overcome what was essentially Hoover's veto, Nixon aborted the Huston Plan. He went ahead with his plans to overhaul the intelligence community, however. Among the faults Schlesinger found were that the DCI's "theoretical control of the community

was an impolite fiction; . . . the total cost of intelligence...was at least twice the figure formally submitted to Congress; that intelligence estimates too often hid differing judgments in bland compromise; . . . and that technical intelligence far surpassed political intelligence in quality."²⁰

Using the report as his club, at the end of 1971 Nixon proposed a radical reorganization, the centerpiece of which vested the DCI with vast new authority to manage the community. But Helms did not like to manage, and Nixon did not like Helms. Within weeks of his reelection, he replaced him with none other than Schlesinger. Downsizing CIA personnel drastically, renaming the Directorate of Plans the Directorate of Operations, and strengthening the DCI's community management responsibilities and supervision of the Office of National Estimates were components of Schlesinger's "program of draconian reform." But in spring 1973 Nixon moved Schlesinger to secretary of defense and promoted his deputy, William Colby, to DCI.²¹

Nixon, Schlesinger, nor Colby imagined the blowback this reform agenda would trigger. A few months prior to Schlesinger's appointment as DCI, a five-member team in the pay of the president's reelection committee broke into the headquarters of the Democratic National Committee at the Watergate Complex in Washington in an effort to intercept their communications. Any CIA connection to this "third rate burglary" seemed extremely far-fetched. And there was none—at first. Indeed, part of the reason Nixon fired Helms from the directorship of the CIA's was his refusal to interpose the CIA between the White House and the FBI investigation of the Watergate break-in. About that Schlesinger was unaware. But he was aware that the burglars included CIA veterans. That prompted the new DCI to instruct his deputy, Colby, to survey agency personnel to compile a record of past behavior that not authorized by its charter. The resultant product came to be called the "Family Jewels." 22

Schlesinger and Colby intended to keep the report from the public. But the early 1970s was an extraordinary time in U.S. politics. Despite Nixon's landslide reelection and the signing of the Paris Treaty ending the Vietnam War in January 1973, American society remained profoundly polarized. Not only had the war shattered the cold war consensus, but also large swaths of the population spanning the political spectrum harbored a deep distrust and even hostility toward the government. This dynamic encouraged revisionist scholarship, muckraking journalism, and a slew of authors, filmmakers, and artists who challenged the societal norms. Within this charged atmosphere, the CIA was a particularly exposed target. This was in no small measure due to the uneasy relationship with American democracy that made it a convenient scapegoat when things went wrong. The CIA's politicization during the Vietnam War added some justification to this scapegoating. Adding to its vulnerability was the instability produced by the rapid succession of DCIs from Helms to Schlesinger to Colby (and soon George H. W. Bush). But perhaps most salient as a catalyst for efforts toward intelligence reform was the CIA's association with the "imperial presidency." Even though Congress was primarily responsible for its failure to oversee the intelligence community, it identified this neglect as symptomatic of an unconstitutional erosion of its prerogatives.²³

This perfect storm of phenomena produced the "Year of Intelligence." In December 1974, in the wake of the Watergate hearings, the indictment of multiple White House officials, and the resignation of Richard Nixon, Seymour Hersh, a Pulitzer prize winner for his exposé of the My Lai Massacre, published a *New York Times* article under the four-column headline, "Huge C.I.A. Operation Reported in U.S. Against Antiwar Forces, Other Dissidents in Nixon Years." Drawing on information from the Family Jewels report, he revealed not only the still-born Huston Plan, but also Operation MHCHAOS, a program begun by Lyndon Johnson,

expanded by Nixon, and described by Hersh as a "massive, illegal, domestic intelligence operation" that violated the CIA charter by targeting the "antiwar movement and other dissident groups." Hersh claimed that he likewise had evidence of illegal CIA surveillance of suspected foreign intelligence agents in the United Stated that dated to the 1950s. Writing that a "possible Watergate link is but one of many questions posed by disclosures about the CIA," Hersh concluded that only a congressional hearing could "unravel" the web of deceit.²⁴

The political climate in which Hersh was reporting all but assured he would be preaching to the choir. Indeed, his article a few months earlier on the CIA's efforts to subvert the government of the by-then-overthrown government of Chile's Salvadore Allende had already generated legislation to increase congressional oversight.. Enacted less than two weeks after Hersh's Family Jewels piece, the Hughes-Ryan Act, an amendment to the Foreign Assistance Act, required the president to report all covert operations to one if not more congressional committees. It was, Loch Johnson observes, "the first measure since the creation of the CIA in 1947 to place formal controls on the Agency." But it turned out to be just a step on the road to more substantive proposals for reform.²⁵

Hersh had let the cat out of the bag. In an effort to coopt congressional initiatives even as he allowed America "time to heal" following the Watergate revelations, President Gerald Ford established a blue-ribbon commission under Vice President Nelson Rockefeller to investigate Hersh's allegations. Congress was not satisfied. Elected only months after Nixon's resignation, the "Fighting 94th" was overwhelmingly Democratic. This Congress also counted among its ranks ten senators and seventy-five representatives that were freshmen and committed to fixing what was manifestly broken. In January 1975 the Senate mandated the establishment of a Select Committee to Study Governmental Operations with Respect to Intelligence Operations, chaired

by the Democrats' Senator from Idaho, Frank Church. The next month the House followed suit. The House Select Committee on Intelligence was initially chaired by Lucien Nedzi (Dem., MI)), but five months later it was reconstituted and New York Democrat Otis Pike replaced Nedzi.²⁶

By spring the Church Committee had started to call witnesses—a who's who of CIA and government officials—and its staff had begun to pour through volumes of classified materials. Its charge, as interpreted by its chairman, was to focus on the abuses of the Nixon administration highlighted by Hersh. That was fine with Church. An admirer of his forerunner as Idaho's senator, the progressive isolationist William Borah, he genuinely abhorred immoral state behavior, government secrecy, and an interventionist foreign policy. He associated the Nixon administration and the CIA with all three. Church was equally motivated by his political ambitions, however. He had sought the committee's chairmanship as a springboard to campaign for the presidency in 1976. Even as he appeared above politics, Church imagined, he would become a Democratic darling by painting Ford with a Nixonian brush.²⁷

Events conspired against such partisanship. In June the White House released portions of the Rockefeller Commission's report. It confirmed and elaborated upon the CIA's domestic spying exposed in Hersh's article, and it included insight on covert operations, surreptitious drug testing on human subjects, and parallel abuses. What it omitted was any reference to assassinations. In a television broadcast that February, the journalist Daniel Schorr had broken the news that Ford had inadvertently leaked that the Family Jewels contained explosive material on U.S. plots to assassinate foreign leaders. The Rockefeller Commission Report was silent on this bombshell; Ford had ordered that these findings remain classified. Because Schorr made public the plots' existence, the Church Committee had no alternative but add an investigation of them to its agenda. For Church this was inconvenient. Among the targets for assassination were

South Vietnam's Ngo Dinh Diem and Cuba's Fidel Castro. The planning took place not under the deposed Republican Richard Nixon but the martyred Democrat John Kennedy.²⁸

By sensationalizing the hearings, the revelations about assassinations policiticized them. Or it further politicized them. Although the testimony and staff research uncovered robust evidence of the CIA's complicity in assassination plots, the bureaucratically-engineered shield of plausible deniability prevented the Church Committee from determining that any president had explicitly authorized an assassination. Church was relieved. The ethical quagmire Nixon had dug for Republicans was sufficient without the CIA's transgressions, and by portraying the CIA as an out-of-control "Rogue Elephant," he could keep Kennedy's reputation out of harm's way. Over in the House, however, Pike challenged the rogue elephant metaphor by proposing a systemic explanation for the CIA's misdeeds that implicated the executive and legislative branches as well as both parties. The result was to make enemies across the aisle. On January 23, 1976, the committee voted to reject more than one hundred deletions from the report insisted on by the CIA. On January 30 the full House voted against its public release. But Daniel Schorr received a copy; from whom remains a mystery. On February 16 the *Village Voice* published the unexpurgated report.²⁹

The politics that suffused each of the committees and their relationships with the White House contributed substantially to their disappointing results. The attention the Church Committee paid to assassinations and other CIA abuses combined with its chairman's political agenda to generate a report more focused on the past than the present. The Pike Committee's report's perspective was more structural, but its report became a victim of partisan warfare and executive branch intervention. Its unauthorized release undermined its legitimacy. Consequently, although 1975-76 was an auspicious time to institute fundamental reforms of the intelligence

community, the products of the "Year of Intelligence" were remarkably moderate. Each of the reports did articulate a number of well-founded recommendations, beginning with but going beyond the establishment of standing oversight committees. Other suggestions included making transparent the intelligence budget; obliging the Government Accounting Office to audit the CIA; approving a legislative charter for the NSA; requiring court orders before the FBI infiltrates domestic organizations; and requiring the president to notify Congress in writing within forty-eight hours of a covert operation, restricting their scope, and prohibiting assassinations. The Pike Committee even proposed placing the DCI under the supervision of a community intelligence tsar.³⁰

But the political window essential for substantive reform had largely closed. Ford's pardon allowed Nixon—and Watergate—to retreat if not fade from the public memory, along with the Vietnam War, the overthrow of Allende, and marches on Washington. Indeed, the public ire that precipitated Nixon's downfall and the hearings was now directed toward Schorr and Hersh as much as government institutions. Even the Civil Rights movement seemed more subdued, signaling once again that American political culture is not conducive to sustained reform. By impressing on congressional and public critics the dangers confronted by agency personnel even as it underscored the risks to the secret world of intelligence of too much transparency, the December 23, 1975, assassination of Richard Welch, the CIA station chief in Athens, all but sealed the fate of reform. The Senate established its permanent Select Committee on Intelligence (SSCI) in 1976, the same year that President Ford issued Executive Order 11905, US Foreign Intelligence Activities. Its provisions included the creation of a Committee on Foreign Intelligence to prepare and manage the budget and otherwise supervise the National Foreign Intelligence Program (NFIB), and an Intelligence Oversight Board. A year later the

House stood up its Permanent Select Committee on Intelligence (HPSCI). Two decades after proposed by Mike Mansfield and others, congressional oversight was institutionalized. The Foreign Intelligence Surveillance Act of 1978 mandated strict procedures for electronic surveillance and other methods of collecting information on suspected agents of foreign powers operating on U.S. soil. Then in 1980 President Jimmy Carter signed the Intelligence Oversight Act, making the IC responsible for ensuring that the SSCI and HPSCI receive timely and comprehensive notification about significant intelligence activities, particularly covert actions.³¹

While necessary, these reforms fell far short of the aims of ambitious reformers in the heady days following Watergate. Indeed, some argued that they were counterproductive. Who received prior notifications of and briefings about intelligence activities was determined previously by informal arrangements, and was somewhat flexible. The 1980 legislations specifically mandated the briefings of SSCI and HPSCI members. Excluded were both chambers' armed forces, foreign affairs, appropriations, and other committees. Unlike SSCI and HPSCI, these other committees' relations with the IC were more distant, and therefore less comfortable. This feature led one scholar to lament that the Intelligence Oversight Act "a victory for executive secrecy." Moreover, shortly after the enactment of the Intelligence Oversight Act, Ronald Reagan appointed the OSS veteran William Casey DCI and made him the first occupier of that office to hold Cabinet rank. The covert projects Casey pursued, particularly but not exclusively with regard to Central America and Iran, revealed unambiguously that the 1980 legislation was susceptible to interpretation and evasion, and the oversight mechanism was hardly foolproof.³²

But the urge to reform had passed; not even Iran Contra could revive it. The hearings over the scandal achieved next to nothing. Indeed, directed by an incompetent colonel with little

experience in intelligence from the White House basement, possibly without the knowledge of a detached and admittedly forgetful president, the behavior from beginning to end of Iran Contra was so outrageous as to seemly defy systemic reform. Identifying, indicting, and in some cases even convicting the outliers culpable for this keystone-cops-type operation seemed the appropriate fix. Furthermore, for most of the public, Congress, and even the press, what mattered most was that after half a century the Cold War wound down to a triumphalist end. For that, Reagan, George H.W. Bush, and the foreign policy establishment received a pass for relatively petty dalliances in Iran or Central America. Within and beyond the Beltway, the salience of the IC faded. Its poor performance in estimating the prospects for a revolution in Iran, for example, was all but forgotten, and its conduct was perceived as almost irrelevant to the end of the Cold War.

During the Clinton years, whatever vestigial sentiment remained for intelligence reform dissipated. Senator Patrick Moynihan of New York did propose legislation—to abolish the CIA, not reform it. Moynihan knew the proposal was dead on arrival. He wanted to make the point that an institution committed to secrecy had no place in a democratic society, and its influence on the outcome of the cold war had been negligible. "The Soviet Empire did not fall apart because the spooks had bugged the men's room in the Kremlin or put broken glass in Mrs. Brezhnev's bath, but because running a huge closed repressive society in the 1980s had become-economically, socially and militarily, and technologically—impossible," he thundered when introducing the Abolition of the Central Intelligence Act of 1995. Moynihan's bill generated paltry support; reforming let alone abolishing America's intelligence establishment was far down on the list of everyone's priorities. As America lurched from crisis to crisis—in Haiti, in

Somalia, in Kosovo and elsewhere, intelligence mistakenly appeared a minor variable in a much larger equation.³³

The CIA began to reemerge from the shadows in the late 1990s, although it did so divorced from the nation's political pulse. A June 1996 terrorist bombing of the military barracks at Khobar Towers in Saudi Arabia that cost the lives of nineteen U.S. servicemen was one catalyst. The appointment a year later of George Tenet as DCI was another. Tenet was a skilled bureaucrat and a political centrist without party ties. Prior to becoming the agency's deputy director under his predecessor John Deutch, he had served on the staffs of the SSCI and the National Security Council. Tenet recognized that for purposes of safeguarding American security on the one hand and restoring the CIA's reputation, budget, and élan on the other, the agency had to reorient its emphases. He immediately began to position the CIA at the forefront of what he argued had to be a much more aggressive and concerted effort to confront terrorism, the proliferation of WMD, and other unconventional threats to U.S. security far removed from dynamics associated with the cold war.³⁴

Intelligence reform was on neither Tenet's agenda nor that of the president or Congress. The DCI focused his attention and bureaucratic skill on receiving appropriations to boost recruitment of personnel. He also fiddled with the organizational chart. But virtually every one of Tenet's initiatives targeted the CIA's Directorate of Operations. Not only did Tenet leave the analytic side of the IC essentially untouched, but he also paid short shrift to his community management role. Focusing on the CIA, he made little effort to enhance the IC's integration and foster collaboration among the elements. As had been the case since covert operations became a CIA responsibility in the interval between the enactment of the National Security Act and the outbreak of the Korean War, the agency's DO tail wagged the IC dog. This state of affairs did

not change after al Qaeda's bombing of the *U.S.S. Cole*, docked in the harbor of Aden, Yemen, in October 2010, or even after its attack on the Twin Towers in New York and Pentagon in Washington a year later.

Indeed, notwithstanding representations of the 9/11 tragedy as a colossal intelligence failure, demands to hold the IC accountable were surprisingly muted. Americans, including those in Congress, appeared more intent on uniting in their grief and anger than apportioning blame. Further, that night and in a series of following speeches, President George W. Bush gave voice to the American quest for revenge, and for that purpose the CIA soon began to make amends. Operation ENDURING FREEDOM was the plan of the CIA, not the Pentagon, and from beginning to end its agents in the field reestablished contacts with the Northern Alliance's warlords, provided them with intelligence, money, and materials, supplied US forces with "actionable" intelligence (including bombing targets), and otherwise served valiantly. By the time Bush and the Congress established the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) after Thanksgiving in 2002 (and even then it did not begin work until spring 2003), operations had ceased in Afghanistan.³⁵

But then for the IC everything fell apart. Had ENDURING FREEDOM ended with the defeat of the Taliban, the death (or better yet capture) of Usama bin Laden, and the destruction of al Qaeda, the 9/11 Commission report probably would have taken its place next to the many preceding studies and proposals for reform. Its effect would have been at most marginal. But the Bush administration's goals went beyond Afghanistan. Declaring a Global War on Terror, Bush sought regime change in Iraq. With reluctance and trepidation, the IC facilitated executing this agenda. All too aware of Bush's predisposition to invade Iraq, aware of no evidence disconfirming the premise that Saddam Hussein had a hidden cache of chemical and biological

weapons, and sensitive to its earlier failure to detect Iraq's nuclear program, its hastily drafted National Intelligence Estimate, "Iraq's Continuing Programs for Weapons of Mass Destruction," violated many of the cardinal principles of analytic tradecraft. Published in October 2002, it served as a justification for Bush's decision to go to war in March 2003. Then, under great pressure from Congress and the press in the aftermath of the invasion, in July 2003 the White House released the NIE's "Key Judgments" in a form that exacerbated the document's shortcomings. Omitted were the caveats and qualifiers. The *New York Times* declared the NIE "one of the most flawed documents in the history of American intelligence." When after apparent initial success the War in Iraq took a turn to the worse, and from there conditions rapidly deteriorated, the IC with its NIE became *a* if not *the* scapegoat.³⁶

Within this context the 9/11 commission preceded toward producing its report. Some observers argue that Philip Zelikow used his position as the commission's executive director to direct its findings toward indicting the intelligence community and exonerating the White House. He had co-authored a book on German reunification based on their experiences together as NSC staffers under George H.W. Bush, had served on George W. Bush's transition team and Foreign Intelligence Advisory Board (PFIAB, now the PIAB), and had headed Bush's Markle Task Force on National Security in the Information Age. Zelikow may have wanted to shield the administration; nevertheless, its bipartisan composition limited his ability to shape the conclusion.³⁷

The report was politicized, but for that Democrats contributed no less than Republicans. The 9/11 Commission issued its final report in June 2004. Almost exactly a year before, three months after Bush gave the green light to the invasion of Iraq and the 9/11 commission opened its hearings, the SSCI began to investigate, in the words of its vice chair, Jay Rockefeller, "the

accuracy of our pre-war intelligence and the use of that intelligence by the Executive." It issued its report in July 2004. The lockstep progress of the 9/11 Commission and SSCI's examination of the pre-Iraq War intelligence in fundamental ways fused the two disparate events. And with regard to the latter, Democrats, many of whom had supported the invasion and were reluctant to be exposed for failing rigorously to interrogate the 2002 NIE, were as eager as Republicans to lay the blame primarily on the IC. Accordingly, in an unholy alliance both parties, claiming a spirit of bipartisanship, supported scapegoating the IC in each of the reports.³⁸

Within six months of the release of both reports and notwithstanding the bitter and nailbiting 2004 election, this bipartisanship held sufficiently to hammer out the Intelligence Reform and Terrorism Prevention Act.³⁹ Its centerpiece was the establishment of the Director of National Intelligence. The Office of the Director of National Intelligence (ODNI) would not collect intelligence nor, with the exception of NIEs and the President's Daily Brief, both community products, would it produce finished intelligence. Rather, effectively halving the DCI's role, it would be responsible for managing the sixteen elements that comprised the Intelligence Community, fostering greater collaboration among them, and improving their capabilities individually and collectively. Establishing the DNI was not a new idea. It has been proposed multiple times previously. In 1989 Senator Arlen Spector had actually introduced legislation to establish a position with that very title. Although Specter garnered little support, over the concept resurfaced in the recommendations of prominent commissions headed by former Vice Chairman of the Joint Chiefs of Staff Admiral David Jeremiah (USN, ret.) and former National Security Advisor Brent Scowcroft. Only because in the latter half of 2004 both Republicans and Democrats saw it in their political interest to initiate this reform was decades of bureaucratic and institutional resistance overcome. The enactment of IRTPA is testament that in the political

world of Washington, "[T]here are only two possibilities: policy success and intelligence failure."

It is too early to assess the consequences of IRTPA (establishing the DNI is but one); its reforms remain a work in progress. In order to collect the necessary votes in the face of vested interests and conflicting perspectives, the authors finessed most of the details. They left authorities, responsibilities, and even location for future deliberations and decisions, despite the act extending to hundreds of pages. Further, as one observer notes, IRTPA gave the DNI the "responsibility over all intelligence matters," but "not the authority over all intelligence matters." The CIA continues to resist integration, the Pentagon still commands the bulk of the intelligence budget, and all but one of the IC elements reports to a cabinet-level official, not the DNI. Congress is miserly in committing resources to the ODNI lest it evolve into another bloated bureaucracy, and IRTPA left both chambers' capacity for oversight untouched. There are signs that the legislation has had positive effects, but not enough to generate optimism. And the prospects for future reform are dim. It took the confluence of events between 2001 and 2004 to open the political window required to enact IRTPA. That window seems closed—tightly. 42

¹ President Signs Intelligence Reform and Terrorism Prevent Act, December 17, 2004, http://georgewbush-whitehouse.archives.gov/news/releases/2004/12/20041217-1.html (accessed September 26, 2011).

² Laurie West Van Hook, *Reforming Intelligence: The Passage of the Intelligence Reform and Terrorism Prevention Act* (Washington: Office of the Director of National Intelligence and National Intelligence University, 2009), http://www.fas.org/irp/dni/reform.pdf (accessed September 24, 2011). See also Michael Warner and J. Kenneth McDonald, *U.S. Intelligence Community Studies since 1947* (Washington: Strategic Management Issues Office and Center for the Study of Intelligence, 2005).

³ David Rudgers, Creating the Secret State: The Origins of the Central Intelligence Agency, 1943-1947 (Lawrence: University of Kansas Press, 2000), 5; McGeorge Bundy and Henry Stimson, On Active Duty (NY; Harper & Brothers, 1947), 188; Paul R. Pillar, Intelligence and U.S. Foreign Policy: Iraq, 9/11, and Misguided Reform (NY: Columbia, 2011), 179.

⁴ Thomas F. Troy, *Donovan and the CIA* (Frederick, MD: University Publications of America, 1981), 23-70; Rudgers, *Creating the Secret State*, 15-32.

⁵ Donovan's memorandum to Roosevelt of November 18, 1944, in Troy, *Donovan and the CIA*, 445-47.

⁶ Amy B. Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Stanford: Stanford University Press, 1999), 175.

⁷ Harry Howe Ransom, *The Intelligence Establishment* (Cambridge: Harvard University Press, 1970), 60; Rhodri Jeffreys-Jones, *The CIA and American Democracy* (New Haven, Yale

University Press, 1989), 30; Anne Karelekas, *History of the Central Intelligence Agency*, in *The Central Intelligence Agency: History and Documents*, ed. William M. Leary (University: University of Alabama Press, 1984), 20-21; Harry S. Truman to the Secretaries of State, War, and Navy, January 22, 1946, ibid., 126-27.

- ⁹ Minutes of the Meeting of the National Intelligence Authority, 12 February 1947, in *The CIA under Harry Truman*, ed. Michael Warner (Washington, DC: Center for the Study of Intelligence, 1994), 113-21. Author's emphasis.
- ¹⁰ David M. Barrett, *The CIA and Congress: The Untold Story from Truman to Kennedy* (Lawrence: University of Kansas Press, 2005), 21; Jeffreys-Jones, *The CIA and American Democracy*, 29-30.
- ¹¹ Douglas Waller, *Wild Bill Donovan: The Spymaster Who Created the OSS and Modern American* Espionage (NY: Free Press, 2011), 304-312; Jeffreys-Jones, *CIA and American Democracy*, 30-33.
- ¹² John J. Rosenwasser and Michael Warner, "History of the Interagency Process for Foreign Relations in the United States: Murphy's Law?" in *The National Security Enterprise: Navigating the Labyrinth*, ed., Roger Z. George and Harvey Rishikof (Washington, D.C.: Georgetown University Press, 2011), 20; Zegart, *Flawed by Design*, 184.
- ¹³ National Security Act of 1947, July 26, 1947, excerpts pertaining to establishment of CIA, its responsibilities and those of the Director, and abolition of NIA and CIG, in Warner, *The CIA under Truman*, 131-35.

⁸ Central Intelligence: Origin and Evolution, ed. Michael Warner (Washington, DC: Center for the Study of Intelligence, 2001), 2.

George Kennan defined political warfare as "all means . . . short of wall." See Policy Planning Staff Memorandum, May 4, 1948, *Foreign Relations of the United States, 1945-1950:*Emergence of the Intelligence Establishment (Washington, DC: GOP, 1996): 269-72.

Loch K. Johnson, *America's Secret Power: The CIA in a Democratic Society* (NY: Oxford, 1989), 36-7; United States Senate, 94th Congress, 2nd Session, *Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities*, Book IV

¹⁶ Stephen E. Ambrose with Richard H. Immerman, *Ike's Spies: Eisenhower and the Espionage Establishment* (Garden City, NY: Doubleday, 1981), 187-88; Barrett, *The CIA and Congress*, 447-59; Zegart, *Flawed by Design*, 193.

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(Washington, DC: GPO, 1976), 31 [Church Committee Report].

¹⁸ Cahn: Killing Détente, 74.

¹⁹ Church Committee Report, Book III: 921-982.

²⁰ Kahn, Killing *Détente*, 76-78.

²¹ Jeffreys-Jones, *The CIA and American Democracy*, 191-92; Douglas F. Garthoff, *Directors of Central Intelligence as Leaders of the U.S. Intelligence Community*, 1946-2005 (Washington, DC: Potomac Books, 2007), 65-75.

²² The "Family Jewels" report is available at http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB222/family_jewels_full_ocr.pdf (accessed October 6, 2011).

²³ Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (NY: Free Press, 2001).

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- ²⁶ Kathryn S. Olmstead, *Challenging the Secret Government: The Post-Watergate Investigations* of the CIA and FBI (Chapel Hill: University of North Carolina Press, 1996), 48-58. See also Loch K Johnson, *A Season of Inquiry: The Senate Intelligence Investigation* (Lexington: University Press of Kentucky), 1985.
- ²⁷ LeRoy Ashby and Rod Gramer, *Fighting the Odds: The Life of Senator Frank Church* (Pullman: Washington State University Press, 1994), 472.

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²⁴ Seymour M. Hersh, "Huge C.I.A. Operation Reported in U.S. Against Antiwar Forces, Other Dissidents in Nixon Years," *New York Times*, December 22, 1974.

²⁸ Cahn: *Killing Détente*, 78-81.

²⁹ Olmstead, *Challenging the Secret Government*, 85-167; Christopher Andrews, *For the President's Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (NY: HarperCollins, 1995), 413-420; Gerald K. Haines, "Looking for a Rogue Elephant: The Pike Committee Investigations and the CIA," *CSI* (Winter 1998-99),

³⁰ Olmstead, *Challenging the Secret Government*, 163-76; Haines, "Looking for a Rogue Elephant."

³¹ Garthoff, *Directors of Central Intelligence*, 295-96; Executive Order 11905: United States Foreign Intelligence Activities, http://www.ford.utexas.edu/library/speeches/760110e.htm#SEC. 6 (accessed 7 October 2011); Johnson, *America's Secret Power*, 209.

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³² Olmsted, *Challenging the Secret Government*, 176-79; Theodore Draper, *A Very Thin Line: The Iran Contra Affairs* (NY: Hill & Wang, 1991); Bob Woodward, *Veil: The Secret Wars of the C.I.A.*, 1981-1987 (NY: Simon & Schuster, 1987).

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³⁵ Bob Woodward, *Bush at War* (NY: Simon & Schuster, 2002).

³⁶ National Intelligence Estimate, "Iraq's Continuing Programs for Weapons of Mass Destruction," 30 October 2002, http://www.fas.org/irp/cia/product/iraq-wmd-nie.pdf; and Key Judgments from NIE on 'Iraq's Continuing Programs for Weapons of Mass Destruction," http://www.dni.gov/nic/special_keyjudgements.html (both accessed October 10, 2011); David Barstow, William J. Broad, and Jeff Gerth, "How the White House Embraced Disputed Arms Intelligence," *New York Times*, October 3, 2004.

³⁷ Philip Shenon, *The Commission: the Uncensored History of the 9/11 Commission* (NY: Twelve, 2008).

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³⁹ Public Law 108-458, *The Intelligence Reform and Terrorism Prevention Act*, 17 December 2004, http://travel.state.gov/pdf/irtpa2004.pdf (accessed 11 June 2009).

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⁴¹ Pillar, Intelligence and U.S. Foreign Policy, 96..

⁴² Richard H. Immerman, "Transforming Analysis: The Intelligence Community's Best Kept Secret," *Intelligence and National Security* 26 (April-June 2011): 159-81.