Establishing a National Intelligence Director:

Directing U.S. Intelligence Efforts in the Post-September 11 Era

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Brief Analysis

After an extended absence from public view, Osama bin Laden reappeared in video excerpts aired on al-Jazeera several days before the November 2 election, issuing warnings to the U.S. public about al-Qaeda's intention to continue striking the United States. The incident raises new questions about the extent to which bin Laden is directing terrorist operatives and operations. In recent months, many experts have opined that he is no longer in complete control, and that the groups affiliated with al-Qaeda are operating more independently, with bin Laden's organization serving predominately as a source of inspiration.

In combating terrorism, it is vitally important for the U.S. intelligence community to understand the structure and shape of international jihadist movements. Given the constantly changing nature of these movements and the terrorist threat they represent, the intelligence community must also be able to adapt quickly in response. In theory, the director of central intelligence (DCI) is the official most responsible for, and most capable of, ensuring that the entire intelligence community is responding appropriately to the evolving threat. In the past, however, limitations on the DCI's authority have often prevented him from making necessary changes. In light of these factors, Congress and the White House must ensure that the head of U.S. intelligence -- whether serving as DCI or, preferably, in a new post of national intelligence director (NID) -- has the power to reshape the intelligence community as the threat dictates.
Limitations on the DCI's Authority

The position of DCI was created by the National Security Act of 1947, which also established the CIA. The act gave the DCI three separate roles: serving as head of the CIA, as the president's principal intelligence advisor, and as head of the intelligence community. With regard to the latter role, however, the DCI has historically been more of a figurehead than an actual leader. The 9-11 Commission concluded that "no recent DCI has been able to do all three [jobs] effectively." Indeed, most DCIs have been less focused on managing the intelligence community than on running the CIA and advising the president. This fact is primarily attributable to their lack of the authority required for such a comprehensive role. As the 9-11 Commission report noted, although the DCI is officially responsible for the intelligence community's performance, he does not have budgetary control, the authority to hire or fire senior managers, or the ability to set standards regarding information infrastructure or personnel.

The DCI's authority is particularly limited with regard to national intelligence entities under the rubric of the Department of Defense. The National Security Agency, the National Reconnaissance Office, the National Geospatial-

Intelligence Agency, and others report to the secretary of defense, not to the DCI. Moreover, the DCI has little control over these agencies' intelligence-collection efforts, prioritization, or budgets. This is of particular importance because the Defense Department controls the majority of the intelligence community's budget and personnel resources. As Sen. Richard Shelby noted in his "Additional Views" to the House-Senate Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001 (hereinafter "Joint Inquiry"), "Only the CIA itself -- and a comparatively tiny 'Community Management Staff' (CMS) -- is unambiguously under the authority of the DCI. The domination of the [intelligence community] by the Department of Defense is perhaps the most fundamental bureaucratic fact of life for anyone who aspires to manage the Community as a whole." The Pre-September 11 'War' on al-Qaeda

The September 11 story vividly illustrates the effects of having a relatively unempowered and overburdened DCI. Both the 9-11 Commission and the Joint Inquiry found that former DCI George Tenet did not succeed in his efforts to mobilize the intelligence community against al-Qaeda prior to September 11. In 1998, in a sharply worded memorandum, Tenet declared "war" on al-Qaeda and announced that he wanted all possible resources and personnel in the CIA and the wider intelligence community dedicated to this campaign. According to the Commission and the Joint Inquiry, however, the intelligence community did not close ranks in support of Tenet's declaration. For example, Kenneth Minihan, then-director of the National Security Agency, recalled receiving Tenet's memorandum but thought that it applied only to the CIA. The Joint Inquiry and the Commission both concluded that Tenet's inability to realign intelligence resources to combat al-Qaeda was largely a direct consequence of his limited authority.

In spring 2001, threat reporting on a possible major terrorist attack reached the highest level since the period leading up to the turn of the millennium. By the summer, Tenet noted that the "system was blinking red" and "could not get any worse." Despite Tenet's concern about an impending al-Qaeda attack, the Commission found that the FBI was not adequately focused on combating international terrorism at the time; there was little evidence that the bureau's field offices had been mobilized in response to the heightened threat.

Mobilizing the Intelligence Community

The DCI's ability to manage U.S. intelligence efforts has obvious implications beyond the September 11 attacks. Whether the DCI currently has the necessary authority, tools, and time to effectively lead the intelligence community -- including the vitally important national intelligence agencies under the primary control of the secretary of defense -- is one of the most important questions in the intelligence reform debate. Although the intelligence community is focused on the threat from al-Qaeda and has shifted significant resources to combat it, the international jihadist movement has been adapting rapidly. The enemy that the United States faced on September 11 is different from the one it faces today. Hence, the central issue has become whether U.S. intelligence can adapt quickly enough to counter the new and emerging threats. If the DCI, for example, finds that groups other than al-Qaeda have become the primary threat, would he or she be able to order the entire intelligence community -- including Defense Department agencies -- to make the necessary changes in focus and prioritization? And if the DCI determines that a given agency has essentially ignored such orders, what power would he or she possess to enforce them?

An even more difficult situation would arise if the DCI eventually determined that international jihadist movements were no longer the primary threat to national security, and that some other threat -- perhaps Iranian or North Korean proliferation efforts -- posed the greatest danger. If this occurred, would the DCI have the authority to expeditiously force intelligence agencies to shift their focus and resources toward this entirely different threat?

Recommendations

Both the 9-11 Commission and the Joint Inquiry concluded that the most effective way to ensure that the intelligence

community is operating as a unified entity is to establish a national intelligence director with increased authority over the entire community's budget, personnel, and management. They also recommended that the NID not be burdened with the additional role of serving as head of the CIA. The House and Senate have both passed bills providing for a separate NID, though the two bills differ significantly on how much power they grant to the position, particularly over the Defense Department. In August 2004, President George W. Bush issued an executive order designed to increase the authority of the DCI, though some have questioned whether it will actually do so. As the debate over intelligence reform continues, Congress and the White House must consider the types of scenarios described above and ensure that the intelligence community is able to adapt quickly in response to evolving national security threats. Establishing an intelligence director with the time to focus on overarching priorities and strategy, as well as the authority to enforce needed changes, would be a vitally important step in the right direction.

Mike Jacobson recently joined The Washington Institute as a Soref fellow after serving as counsel on both the congressional and independent commissions investigating the September 11 attacks. ❖

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