

THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE:  
POSTURING AUTHORITIES TO COMPLEMENT  
INTELLIGENCE COMMUNITY REFORM

A thesis presented to the Faculty of the U.S. Army  
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degree

MASTER OF MILITARY ART AND SCIENCE  
Strategic Intelligence

by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

## ABSTRACT

THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE: POSTURING AUTHORITIES TO COMPLEMENT INTELLIGENCE COMMUNITY REFORM, by William T. Wilburn, 150 pages.

In the aftermath of the 9/11 terrorist attacks, policymakers and the American public demanded to know the causes that led to its nation's intelligence failures. The 9-11 Commission, along with the temporarily constituted Joint Intelligence Committees of the U.S. House and Senate, recommended a new head of national intelligence, with greater powers than its predecessor, the Director of Central Intelligence. Simultaneously, Secretary of Defense Donald Rumsfeld successfully lobbied Congress to establish the Under Secretary of Defense for Intelligence USD(I), a new position intended to address chronic problems confronting the defense intelligence. In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act (IRTPA), which established the Director of National Intelligence (DNI). IRTPA presented a number of challenges in terms of defining the USD(I)'s roles. In particular, the statutory authorities of the newly created DNI directly challenged the USD(I)'s ability to define its roles and clearly interfered with USD(I)'s momentum to expand its intelligence responsibilities. The purpose of this study was to determine the appropriate role of the USD(I) and examine the extent to which the USD(I)'s authorities should be scoped to ensure proper coexistence with the DNI and IC. This study discovered that USD(I) redundancies, overlaps, and conflicts ranging from less dangerous infractions like HUMINT to the more severe conflicts pertaining to distribution of national intelligence resources, compromise IC synergy and have the potential to negatively impact national security.

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## ACRONYMS

CI	Counterintelligence
CIA	Central Intelligence Agency
CSS	Central Security Service
DDI	Director of Defense Intelligence
DIA	Defense Intelligence Agency
DNI	Director of National Intelligence
DOD	Department of Defense
DOS	Department of State
FBI	Federal Bureau of Investigation
GEOINT	Geospatial Intelligence
HUMINT	Human Intelligence
I&W	Indications and Warning
IC	Intelligence Community
MIP	Military Intelligence Program
NGA	National Geospatial-Intelligence Agency
NIP	National Intelligence Program
NRO	National Reconnaissance Office
NSA	National Security Agency
OSD	Office of the Secretary of Defense
OUSD(I)	Office of the Under Secretary of Defense for Intelligence
SIGINT	Signals Intelligence
USD(I)	Under Secretary of Defense (Intelligence)

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## CHAPTER 1

### INTRODUCTION

No organizational design will compensate for incompetent incumbents, but some designs prevent competent incumbents from performing well.

—William E. Odom, *The Washington Post*

In the aftermath of the terrorist attacks of September 11, 2001, policymakers and the American public demanded to know the causes that led to its nation's intelligence failures. The National Commission on Terrorist Attacks Upon the United States along with the temporarily constituted Joint Intelligence Committees of the U.S. House and Senate recommended a new head of national intelligence to coordinate programs among all the intelligence agencies across government.<sup>1</sup> Simultaneously, Secretary of Defense (SECDEF) Donald Rumsfeld urged Congress to establish an Under Secretary of Defense for Intelligence USD(I), a new position intended to address chronic problems confronting defense intelligence, namely eliminating the shortcomings in intelligence support to the war fighter.

Established as part of the National Defense Authorization Act of 2003, the USD(I) successfully consolidated the authority for all intelligence activities within Department of Defense (DoD).<sup>2</sup> Before creation of the USD(I), management of the overall defense intelligence portfolio was the responsibility of the Assistant Secretary of

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<sup>1</sup>Richard Best, R-41295, *Intelligence Reform After Five Years: The Role of the Director of National Intelligence* (Washington, DC: Congressional Research Service, 2010), <http://www.crs.gov> (accessed January 27, 2011).

<sup>2</sup>Alfred Cumming, RL32506, *The Position of Director of National Intelligence: Issues for Congress* (Washington, DC: Congressional Research Service, 2004), <http://www.crs.gov> (accessed January 27, 2011).

Defense for Command, Control, Communications and Intelligence ASD(3CI). Under that management structure, issues relating to the higher profile Command, Control, and Communications (C3) systems dominated the Assistant Secretary's time and attention. As a result, service intelligence chiefs believed that intelligence priorities failed to receive appropriate visibility.

Three years after the September 11th terrorist attacks and nearly two years following the creation of USD(I), Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). Most notably, the legislation established the Director of National Intelligence (DNI) with more extensive authorities to coordinate the nation's intelligence efforts than those formerly possessed by Directors of Central Intelligence (DCI). The DNI became the principal advisor to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to national security.<sup>3</sup>

IRTPA presented a number of challenges in terms of defining the USD(I)'s roles. The statutory authorities of the newly created DNI directly challenged the USD(I)'s ability to define its roles, and more importantly, interfered with USD(I)'s momentum and desire to expand its intelligence responsibilities, a process that started two years before IRTPA was passed. There were a number of potential overlaps between defense level and national level intelligence functions in areas such as human intelligence (HUMINT), counterintelligence (CI), and warning.<sup>4</sup> As a result, senior Intelligence Community (IC)

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<sup>3</sup>Cumming, RL32506.

<sup>4</sup>Kathleen Hicks, "Transitioning Defense Organizational Initiatives: An Assessment of Key 2001-2008 Defense Reforms" (Research Study, Center for Strategic and International Studies), <http://www.csis.org> (accessed January 28, 2011).

leaders held strong suspicions that USD(I) was actually intended to compete with, rather than complement, the DNI. Furthermore, critics believed several of the USD(I)'s role and functions were redundant with those of the DNI and had the potential to present unnecessary barriers between the national intelligence agencies of DoD and the DNI.

The purpose of this study is to determine the appropriate role of the USD(I) and to examine the extent to which the USD(I)'s authorities should be scoped to ensure proper coexistence with an increasingly powerful DNI. This study examines the redundancies and overlaps between the USD(I) and DNI. Additionally, this study analyzes the original intent of the USD(I) and identifies changes that have occurred since its creation. As a final point, this study offers recommendations to promote synergy between the USD(I) and DNI. The findings within the research are by no means the definitive answer to the research questions posed, but rather an attempt to promote the dialogue and propose recommendations on how to increase the effectiveness of the IC by identifying and reducing potential redundancies.

### Background

The National Security Act of 1947 realigned and reorganized the U.S. Armed Forces, foreign policy, and IC apparatus. Specifically, the landmark legislation created both the Department of Defense (DoD) and the Central Intelligence Agency (CIA), the nation's first peacetime intelligence agency. The statutory organizational relationships were substantially revised by IRTPA. Principal among enacted changes was the establishment of a new position of DNI to serve as head of the IC.

Although the IC characterizes itself as a federation of its member elements, the overall structure can be best described as a loose confederation, because of its lack of



intelligence efforts of the major intelligence agencies in support of national missions, but does not include intelligence efforts by military departments in support of tactical military operations.<sup>5</sup> Moreover, the DNI has no authority to direct and control any element of the IC except his own staff. With the exception of his own staff, the DNI also has no authority to hire or fire personnel. The IC member organizations in the executive branch are directed and controlled by their respective department heads, all cabinet-level officials with reporting responsibilities directly to the President. With the exception of the CIA, no intelligence agency reports directly to the DNI.

Competition between national intelligence and defense intelligence is not new. Since the creation of the CIA and DoD, the two institutions have disagreed over which organization should control the preponderance of America's intelligence resources. With the passage of IRTPA, the DNI has now entered the equation. Military commanders and proponents of defense controlled intelligence complained that the U.S. intelligence bureaucracy fails to adequately satisfy their needs for near real time information about the enemy. On the other hand, proponents for nationally focused intelligence argued that while support to the military is a priority, it is not the only one. Competition between national and defense intelligence remains constant.

Currently, 75 to 80 percent of the IC assets and budget, which includes the National Security Agency (NSA), National Geospatial Agency (NGA), Defense Intelligence Agency (DIA), National Reconnaissance Office (NRO), airborne reconnaissance programs, service intelligence units, and intelligence components in each

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<sup>5</sup>U.S. Public Law 80-235, July 26, 1947.

of the ten unified combatant commands, supports defense related intelligence activities.<sup>6</sup> These Defense organizations report directly to the SECDEF. Conversely, CIA is the only intelligence agency that reports directly to the DNI.

Much of the responsibility for intelligence within DoD has been delegated to the USD(I), which at one time was the third most senior position within DoD.<sup>7</sup> Although the USD(I)'s role is entirely a management oversight function, with no direct control over any line intelligence assets, it is an extremely influential position in terms of defense intelligence policies, requirements, and budgets. For example, the USD(I) is the main conduit through which defense intelligence issues reach Congress. Additionally, the USD(I), in coordination with the DNI, has the responsibility to identify candidates to be nominated for service as Directors of the DIA, NGA, NRO, and NSA. Importantly, the USD(I)'s staff functions as a guardian of the authority of the SECDEF, watching carefully for encroachments, such as those presented by CIA or DNI.<sup>8</sup>

On March 11, 2003, Dr. Stephen Cambone was sworn in as the first USD(I). Cambone identified four major objectives for his office: improve timely intelligence support to the warfighter; achieve a balance in counterintelligence support by the military departments; advance intelligence transformation; and improve coordination of defense

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<sup>6</sup>Mark M. Lowenthal, *Intelligence From Secrets to Policy* (Washington, DC: CQ Press, 2009), 33.

<sup>7</sup>White House, Executive Order 13395, *Providing an Order of Succession Within the Department of Defense*, Federal Register, December 22, 2005, <http://www.archives.gov/federal-register/executive-orders/> (accessed January 30, 2011).

<sup>8</sup>Lowenthal, 46.

intelligence programs and budgets.<sup>9</sup> Cambone's tenure produced mixed results. Although he was celebrated for creating the Joint Intelligence Operation Centers (JIOCs), Cambone was condemned for authorizing harsh interrogation methods against Al Qaeda detainees at the Abu Ghraib prison.<sup>10</sup> Shortly after Rumsfeld resigned in December 2006, Cambone's resignation followed. Defense Secretary Robert M. Gates chose retired Lieutenant General James R. Clapper, to become the second USD(I).

While Clapper embraced several of Cambone's initial objectives, his approach for implementation was perceived by the IC as less threatening. In 2008, Clapper reorganized the Office of the Under Secretary of Defense for Intelligence (OUSD(I)), the functional staff structured to support the USD(I), with the purpose of realigning along functional lines similar to the DNI.<sup>11</sup> Currently, the OUSD(I) is divided into three Under Secretary directorates: OUSD(I) for Joint and Coalition Warfighter Support; OUSD(I) for Portfolio, Programs, and Resources; and OUSD(I) for Intelligence and Security.

Following a May 2007 memorandum of agreement between SECDEF Gates and DNI Mike McConnell, the USD(I) became dual-hatted, also filling the position of

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<sup>9</sup>Department of Defense, News Release 1221-06, "Stephen A. Cambone to Resign," May 2007, <http://www.defense.gov/utility/printitem.aspx?print=http://www.defense.gov/releases/release.aspx?releaseid=10242> (accessed January 24, 2011).

<sup>10</sup>David Johnston and Tim Golden, "The Struggle for Iraq: Interrogations, Rumsfeld and Aide Backed Harsh Tactics," *The New York Times*, May 16, 2004, <http://query.nytimes.com/gst/fullpage.html?res=9902E1D7173FF935A25756C0A9629C8B63&ref=stephenacambone> (accessed January 30, 2011).

<sup>11</sup>Under Secretary of Defense for Intelligence, Memorandum, Reorganization of the Office of the Under Secretary of Defense for Intelligence, June 18, 2008, <http://www.fas.org> (accessed January 24, 2011).

Director of Defense Intelligence (DDI).<sup>12</sup> In his role as USD(I), Clapper continued to report to the SECDEF. The responsibilities and authorities assigned the USD(I) did not change. In his role as DDI, Clapper reported directly to the DNI and served as the DNI's principle advisor regarding defense intelligence matters. The DDI position is extremely significant because it controls the preponderance of the national intelligence resources.

The decision by SECDEF and the DNI to dual-hat the USD(I) potentially addressed a number of important tensions between national and defense intelligence communities. However, success may be a product of the congruent personalities of the current leadership, instead of inherent strength in the new arrangement. There is no guarantee that this period of cordiality will last, once personalities and administrations change. Accordingly, many believe the tensions between national intelligence and defense intelligence will continue to persist.

#### Primary and Secondary Questions

Are the USD(I)'s authorities, functions, and purpose properly postured to complement the statutory authorities of the DNI?

Secondary questions are:

1. What was the evolutionary timeline and critical events that led to the creation of the USD(I) and DNI?
  - a. What was the initial intent for creating the USD(I)?

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<sup>12</sup>Office of the Director of National Intelligence Public Affairs Office, Under Secretary of Defense for Intelligence to be Dual-Hatted as Director of Defense Intelligence, ODNI News Release No. 16-07, [http://www.dni.gov/press\\_releases.htm](http://www.dni.gov/press_releases.htm) (accessed January 28, 2011).

- b. What strategy did the SECDEF use to gain support for the USD(I) proposal?
- 2. How did the USD(I)'s authorities, functions, and purpose address SECDEF's initial intent for the position?
  - a. What are the current authorities, functions, and purpose of the USD(I)?
  - b. In what ways have the USD(I) authorities, functions, and purpose evolved?
  - c. In what ways did the creation of the USD(I) impact the national intelligence bureaucracy, i.e., relationship between the intelligence agencies and the DNI?
  - d. What are the current authorities, functions, and purpose of the DNI?
  - e. How did the DNI's statutory authorities and functions impact an already established USD(I)?
- 3. What redundancies exist between the USD(I) and the DNI?
  - a. Are the redundancies beneficial?
  - b. Are the redundancies detrimental to the overall effectiveness of the IC?
- 4. What conflicts exist between the USD(I) and DNI?
- 5. How should USD(I) evolve to more effectively complement the statutory authorities of the DNI?
  - a. Should the USD(I) be an assistant level position instead of a deputy level position?
  - b. Should the USD(I) function reside in the DNI or DOD?
  - c. Should the USD(I), in its current state, be eliminated?

### Assumptions

The following assumptions were included to help explain both the genesis of this thesis and the self imposed limitations on its scope:

1. The USD(I) will continue to be a Principal Staff Assistant (PSA) that reports directly to the SECDEF for the foreseeable future.
2. The DNI will continue to be the senior position in the national intelligence structure for the foreseeable future.
3. This thesis assumes that there are no imminent or ongoing substantive changes to the national or defense intelligence structures.

### Definitions

The following is a short description of key terms and concepts relevant to this study. The intent is to provide a common understanding between the reader and the author to aid in future discussions and actions concerning the recommendations within the study. A short discussion of each concept is included in the entries listed below.

Counterintelligence. Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.<sup>13</sup>

Defense Intelligence. The term “Defense Intelligence” refers to the integrated departmental intelligence that covers the broad aspects of national policy and national security and that intelligence relating to capabilities, intentions, and activities of foreign

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<sup>13</sup>Joint Chiefs of Staff, Joint Publication 2-0, *Joint Intelligence* (Washington, DC: Government Printing Office, 2007), 137.

powers, organizations, or persons, including any foreign military or military-related situation or activity which is significant to defense policy-making or the planning and conduct of military operations and activities. Defense intelligence includes Active and Reserve military, strategic, operational, and tactical intelligence.<sup>14</sup>

Defense Intelligence Components. The term “Defense Intelligence Components” refers to all DoD organizations that perform national intelligence, Defense intelligence, and intelligence-related functions, including: DIA, NGA, NRO, NSA and the intelligence elements of the Active and Reserve components of the Military Departments, including the United States Coast Guard when operating as a service in the Navy.<sup>15</sup>

Foreign intelligence. Refers to information relating to capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence, except for information on international terrorist activities.<sup>16</sup>

Intelligence community. Departments or agencies of a government that are concerned with intelligence activity, either in an oversight, managerial, support, or participatory role.<sup>17</sup>

Military Intelligence. The term “Military Intelligence” refers to the collection, analysis, production, and dissemination of information relating to any foreign military or

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<sup>14</sup>Joint Chiefs of Staff, Joint Publication 2-0, 137.

<sup>15</sup>Ibid., 111.

<sup>16</sup>Joint Chiefs of Staff, Joint Publication 1-02, *DOD Dictionary of Military and Associated Terms* (Washington, DC: Government Printing Office, 2007), 151.

<sup>17</sup>Joint Chiefs of Staff, Joint Publication 2-0, 141.

military-related situation or activity that is significant to military policy-making or the planning and conduct of military operations and activities.<sup>18</sup>

Military Intelligence Program. Refers to the programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces. The MIP is directed and controlled by the SECDEF. In 2005, the DoD combined the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities program to form the MIP.<sup>19</sup>

National intelligence. The terms “national intelligence” and “intelligence related to the national security” each refer to all intelligence, regardless of the source from which derived and including information gathered within or outside of the U.S., which pertains, as determined consistent with any guidelines issued by the President, to the interests of more than one department or agency of the Government; and that involves (1) threats to the United States, its people, property, or interests; (2) the development, proliferation, or use of weapons of mass destruction; or (3) any other matter bearing on United States national or homeland security.<sup>20</sup>

National Intelligence Program. Refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the DNI and the head of a United States department or agency or by the President.<sup>21</sup>

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<sup>18</sup>Joint Chiefs of Staff, Joint Publication 2-0, 208.

<sup>19</sup>Ibid.

<sup>20</sup>Joint Chiefs of Staff, Joint Publication 2-0, 144.

<sup>21</sup>Ibid.

Strategic intelligence. Intelligence required for the formation of policy and military plans at national and international levels. Strategic intelligence and tactical intelligence differ primarily in level of application, but may also vary in terms of scope and detail.<sup>22</sup>

Tactical intelligence. Intelligence required for the planning and conduct of tactical operations.<sup>23</sup>

### Limitations

Three limitations influenced this study. First, the relatively short time period that the OUSD(I) has been in existence limited the availability and volume of data on the subject matter. An extensive body of study and debate regarding the creation and existence of the USD(I) was unavailable. Secondly, domestic intelligence was not addressed in the study. Although the subject deserves attention, the USD(I) has only a minor role in domestic intelligence. Finally, to ensure widest dissemination, the author kept this study unclassified.

### Scope and Delimitations

This thesis analyzes the purpose, functions, and authorities of the USD(I). Furthermore, this study examines the USD(I)'s impact on national intelligence, redundancies between the USD(I) and the DNI, as well as conflict caused by creation of the USD(I). As a final point, this study analyzes changes to the USD(I) intended to promote long-term complementary existence between the USD(I) and DNI.

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<sup>22</sup>Joint Chiefs of Staff, Joint Publication 2-0,146.

<sup>23</sup>Ibid.

Conversely, this thesis will not examine whether or not the DNI should continue to exist (this is addressed in assumptions), defense intelligence and its role in the IC except as it pertains to the USD(I), or the national intelligence structure except as it relates to redundancies.

### Significance of Study

The USD(I) is a major player in the IC and advocates for a significant portion of the national intelligence structure. As a principal advisor to the SECDEF, the USD(I) is responsible for all DoD intelligence, counterintelligence, and security matters. Moreover, in his role as DDI, the USD(I) is a principal member of the DNI's Executive Committee (EXCOM) and reports directly to the DNI on matters regarding defense intelligence. Although both positions give the USD(I) considerable power to influence more than 80 percent of the national intelligence assets, to date limited analysis and evaluation of the USD(I) has been conducted, especially in an era in which the authorities of the DNI are solidifying and increasing.

## CHAPTER 2

### LITERATURE REVIEW

The literature review provides the historical and conceptual framework necessary to establish an initial perspective on the primary and secondary research questions. The literature will be analyzed in the context of its contribution to understanding the purpose, functions, and authorities of the USD(I).

Five types of literature were used for this review. The first type consists of U.S. Public Law and Presidential Executive Orders, which ensure technical exactness to the study. The second type includes books, peer reviewed journals, and newspaper articles, which garner reflection, opinion, and divergent views on the subject matter. The third type consists of for-profit and non-profit studies. The preponderance of this type is comprised of Congressional Research Service Reports; highly regarded as in-depth, accurate, and objective. The fourth type features directives and memorandums, which are critical to imparting insight to the internal workings of the USD(I) and DNI. The final type of literature features Congressional testimony, which provides attestation as to the truth of a matter.

For organization and clarity, this review of literature will be presented along five distinct themes. The first theme, *Impetus for Change*, summarizes literature that identifies factors that led to creating the USD(I) and DNI. The second theme, *Functions, Authorities and Purpose*, highlights statutory roles and responsibilities of the USD(I) and DNI. The third theme, *Redundancy Between the USD(I) and IC*, assesses literature that illustrates IC overlaps caused as a result of creating the DNI. The fourth theme, *Conflict, Tension and Turf Battles*, seeks to emphasize literature that addresses the divergence

between national and defense intelligence. The final theme, *Subsequent IC Changes Post USD(I) Creation*, is composed of literature that captures significant IC changes, which occurred after USD(I) and DNI creation.

### Theme 1: Impetus for Change

This first sub-section, Impetus for Change, summarizes literature that identifies the efforts leading to creating the USD(I) and DNI. Specifically, the literature chosen for this sub-section seeks to describe the environment before the USD(I), identify the factors that inspired creation of the position, develop a timeline of events, and establish concerns of key players involved.

On December 4, 1981, President Ronald Reagan signed Executive Order 12333, *United States Intelligence Activities*.<sup>24</sup> Considered the guiding document for the IC, Executive Order 12333 identified powers and responsibilities of U.S. intelligence agencies and directed the leaders of U.S. federal agencies to co-operate fully with the DCI. Specifically, the Executive Order published goals, direction, duties, and responsibilities for each IC member. Prior to the 9/11 intelligence failures, this document had escaped modification. However, following the tragic 9/11 events, senior intelligence leaders predicted that not only would this document significantly change, but many IC leaders were also fairly certain the pre-9/11 postured IC would soon face landmark reform. In 2003, a major reform proposal took center stage--creation of the USD(I).

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<sup>24</sup>White House, Executive Order 12333, *United States Intelligence Activities*, Federal Register, December 4, 1981, <http://www.archives.gov/federal-register/executive-orders/> (accessed January 30, 2011).

After assuming the post of SECDEF in January 2001, Donald Rumsfeld quickly concluded that he required an official in his department with the sole responsibility of managing intelligence activities. Two issues shaped his decision. First, Rumsfeld was not satisfied when officials from 11 different military intelligence organizations attended his 2001 DoD meeting to discuss compromised intelligence following the emergency landing of the U.S. EP-3 in China. Not only did he believe eleven was excessive, he also found the experience confusing. Secondly, Rumsfeld was displeased with the long-standing unwillingness of the DCI to deal with lower-level DoD subordinates in resolving budgetary issues. These two issues, Rumsfeld believed, could be resolved with his proposed creation of the USD(I).<sup>25</sup>

A key voice who agreed with Rumsfeld, Larry Kindsvater, former Deputy Director of Central Intelligence for Community Management, offered his opinion on intelligence reform and the USD(I). Kindsvater's article, "The Need to Reorganize the Intelligence Community," argued for the creation of the USD(I) and offered reasons why he believed the military services were forced to become reliant on national intelligence assets.<sup>26</sup>

Kindsvater explained that during the tightly resourced years of the 1990s, military services were forced to reduce their organic tactical intelligence capabilities, trading unit owned intelligence resources for the new weapons and maintenance activities needed to preserve readiness. As a result, the military services became dependent on national assets

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<sup>25</sup>Jeffrey Richelson, *The US Intelligence Community* (Boulder, CO: Westview Press, 2008), 482.

<sup>26</sup>Larry Kindsvater, "The Need to Reorganize the Intelligence Community," *Studies in Intelligence* 47, no. 1 (2003), <http://www.cia.gov> (accessed January 31, 2011).

to fill gaps previously satisfied by organic resources.<sup>27</sup> Kindsvater believed a strong USD(I) was needed to ensure military needs were met. According to Kindsvater, ~~no~~ one in the Department of Defense was in charge of determining what tactical intelligence capabilities were needed to support military operations.”

Building on Kindsvater’s call for a strong USD(I) was Sandra Irwin’s article, ~~“New Intelligence Office Must Fix Information Breakdowns,”~~ which offered an in-depth interview with Richard Haver, Donald Rumsfeld’s Special Assistant for Intelligence. Like Kindsvater, Haver also advocated for a powerful USD(I), claiming the office was necessary to satisfy the needs of military commanders, who often complained that the U.S. intelligence bureaucracy failed to adequately satisfy their needs for near real time enemy intelligence.<sup>28</sup> According to Haver, the USD(I) would focus on delivering timely intelligence to the warfighter by developing a close relationship between the USD(I) staff and deployed forces. Haver also envisioned the USD(I) staff spending significant hours in the field to understand the operator’s true needs. Haver stressed the need for USD(I) to focus on people first, instead of equipment and hardware.

In 2003, Rumsfeld’s vision for the USD(I) became reality. Congress passed U.S. Public Law 107-314, which was significant because the legislation authorized the creation of the USD(I).<sup>29</sup> The law specifically directed the SECDEF, within 90 days, to submit a report to Congress that addressed USD(I)’s relationships with the national

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<sup>27</sup>Kindsvater.

<sup>28</sup>Sandra Irwin, ~~“New intelligence Office Must Fix Information Breakdowns,”~~ *National Defense*, March 2003, [http:// http://www.nationaldefensemagazine.org/archive/2003/March/Pages/New\\_Intelligence3926.aspx](http://www.nationaldefensemagazine.org/archive/2003/March/Pages/New_Intelligence3926.aspx) (accessed January 31, 2011).

<sup>29</sup>U.S. Public Law, 107-314, December 2, 2002.

intelligence agencies, USD(I)'s official mission statement, and the OUSD(I)'s organizational structure. In the end, Public Law 107-314 gave the SECDEF a single voice for all departmental intelligence matters.

While creating the USD(I), Congress was simultaneously considering the idea of creating a DNI to head the entire IC. Alfred Cummings' Congressional Research Services Report, "The Position of Director of National Intelligence: Issues for Congress" illustrated Congress' quandary for deciding whether or not to establish the position of the DNI. Cummings explained that while members of Congress tirelessly debated whether to introduce intelligence community reform legislation, three distinct camps emerged; those who favored establishing a DNI, those who favored strengthening the DCI's authorities, and those advocated for the status quo. Supporters of the DNI argued that an already inundated DCI could not effectively manage the IC, lead the CIA, and serve as the President's chief intelligence advisor. Conversely, opponents of the DNI countered that placing the intelligence director in the Executive Office of the President risked intelligence politicization. The debate was eventually swayed by opponents of the DNI who argued that creating the new IC head risked shifting the balance of control away from the USD(I) and DOD, thereby jeopardizing intelligence support to the warfighter. This claim resonated with key Congressional leaders.<sup>30</sup>

In the end, Congress passed U.S. Public Law 108-458, IRTPA, widely considered the most comprehensive reform of the IC since the National Security Act of 1947. U.S. Public Law 108-458 established the DNI to serve as the head of the IC and principal intelligence adviser to the President, National Security Council, and Homeland Security

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<sup>30</sup>Cummings, RL32506.

Council.<sup>31</sup> Under IRTPA, the DNI's authorities were stronger than those of his predecessor, the DCI. Immediately following passage of IRTPA, members of the IC questioned whether or not the USD(I) and DNI could coexist.

### Theme 2: Functions, Authorities, and Purpose of the USD(I)

Critical to this study is the need to survey literature that addresses the functions, authorities, and purpose of the USD(I). Although the Bob Stump National Defense Authorization Act of 2003 identified basic USD(I) roles and responsibilities, additional literary sources illustrate how these roles and responsibilities impact the IC.<sup>32</sup> The literature chosen for this sub-section seeks to identify these roles, establish a timeline of significant events, and illustrate how these roles and responsibilities impacted the IC.

SECDEF Memorandum, "Office of the Under Secretary of Defense for Intelligence," dated April 18, 2003, was the first DoD generated communiqué to articulate responsibilities, functions, relationships, and authorities of the USD(I). The memorandum authorized the USD(I) to serve as a Principal Staff Assistant (PSA) to the SECDEF and supervise all DoD related intelligence activities.<sup>33</sup>

Soon after Rumsfeld's USD(I) nominee, Dr. Stephen Cambone, was confirmed by the Senate, Deputy Secretary of Defense Paul Wolfowitz released the memorandum, "Implementation Guidance on Restructuring Defense Intelligence and Related Matters."

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<sup>31</sup>U.S. Public Law 108-458, December 17, 2004.

<sup>32</sup>U.S. Public Law 107-314, December 2, 2002.

<sup>33</sup>Department of Defense, "Office of the Under Secretary of the Defense for Intelligence, SECDEF Memorandum, April 18, 2003, <http://www.fas.org> (accessed December 22, 2010).

This memorandum established the Office of the Under Secretary of Defense for Intelligence OUSD(I) as the DoD intelligence organization through which all intelligence, intelligence-related oversight, and policy guidance functions would be organized. This memorandum officially introduced Cambone as the first USD(I) and outlined the responsibilities and functions of the newly created position. Notably, the memorandum directed all personnel associated with, and other resources in the Office of Assistant Secretary of Defense for Command, Control, Communications and Intelligence OASD(3CI), related to intelligence counterintelligence, security, and other intelligence related matters, to be immediately transferred to the USD(I).<sup>34</sup>

In August 2005, the first DoD Directive-level document to assign the USD(I) specific functions and authorities was released. DoD Directive 5143, *Under Secretary of Defense for Intelligence*, explained the role of the USD(I) as it related to the DNI. Although the directive was signed by the SECDEF, it was closely crafted and coordinated with DNI. DoD Directive 5143 superseded the 2003 SECDEF Memorandum, “Office of the Under Secretary of Defense for Intelligence” and the Deputy Secretary of Defense Memorandum, “Implementation Guidance on Restructuring Defense Intelligence and Related Matters.” Similar to the document it replaced, DoD Directive 5143 also authorized the USD(I) to serve as a PSA to the SECDEF. However, unlike the 2003 SECDEF Memorandum, DoD Directive 5143 stipulated that not only would the USD(I)

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<sup>34</sup>Department of Defense, “Implementation Guidance on Restructuring Defense Intelligence and Related Matters,” Deputy SECDEF Memorandum, May 8, 2003, <http://www.fas.org> (accessed December 22, 2010).

serve as the primary representative of the SECDEF, but also to the Office of the Director of National Intelligence (ODNI) and other members of the IC.<sup>35</sup>

In July 2003, Stephen Cambone granted one of his first USD(I) interviews to Robert Ackerman of *Signal Magazine*, a publication of the Armed Forces Communications and Electronics Association (AFCEA). In Ackerman's article, "Transforming Military Intelligence," Cambone unveiled the primary functions and priorities of his new post. According to Ackerman, Cambone's two most important functions were: (1) to assist the SECDEF in ensuring that the Armed Forces had the necessary intelligence capabilities and; (2) to ensure the DCI had the requisite capabilities to support the President.<sup>36</sup>

After sharing his most critical functions, Cambone unveiled his top four initiatives, chosen to ensure SECDEF and DCI success. As Ackerman maintained, Cambone intended to enhance long range warning capability. Secondly, Cambone intended to focus on support to the warfighter. Third, Cambone planned to improve counterintelligence capabilities. Finally, Cambone promised to focus on improving the planning, programming, and budget cycle. The USD(I)'s primary levers to impact the intelligence budget were the MIP and NIP, Military Intelligence Program and National Intelligence Program respectively.

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<sup>35</sup>Department of Defense, Directive 5143.01, *Under Secretary of Defense for Intelligence*, November 25, 2005, <http://www.dtic.mil/whs/directives/corres/dir.html> (accessed January 30, 2011).

<sup>36</sup>Robert Ackerman, "Transforming Military Intelligence," *Signal Online* (July 2003), [http://www.afcea.org/signal/articles/templates/SIGNAL\\_Article\\_Template.asp?articleid=123&zoneid=31](http://www.afcea.org/signal/articles/templates/SIGNAL_Article_Template.asp?articleid=123&zoneid=31) (accessed December 22, 2010).

DOD Directive 5205.12, *Military Intelligence Program*, addressed one of USD(I)'s chief budgetary levers. In particular, Directive 5205.12 established policy and assigned responsibilities in accordance with the authority in DoD Directive 5143.01 (*Under Secretary of Defense for Intelligence*). The MIP consists of programs, projects, and activities that support DoD intelligence, counterintelligence, and related intelligence responsibilities, while excluding capabilities associated with a weapon system whose primary mission is not intelligence centric. Finally, the term MIP replaced the legacy terms –Joint Military Intelligence Program (JMIP)” and –Factual Intelligence and Related Activities (TIARA).”<sup>37</sup>

Another significant responsibility of the USD(I) is management of the Joint Intelligence Interoperability Board (JIIB). DoD Instruction 5100.91, *Joint Intelligence Interoperability Board*, dated October 28, 2008 assigned responsibilities for the USD(I) led intelligence board, which provides a forum to facilitate interaction between Intelligence Surveillance and Reconnaissance (ISR) and Command and Control (C2) program managers and advocates. The JIIB also identifies and evaluates system interdependencies for net-centric data sharing. The DoD Instruction directed the USD(I) to provide guidance to the JIIB on interoperability focus areas, program participation, and assessment priorities. This directive also empowered the USD(I) to coordinate directly

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<sup>37</sup>Department of Defense, Directive 5205.12, *Military Intelligence Program*, November 14, 2008, <http://www.dtic.mil/whs/directives/corres/dir.html> (accessed December 28, 2010).

with IC agencies and components on system interoperability matters identified by the JIIB.<sup>38</sup>

The 2005 Congressional Research Services Report, “Director of National Intelligence: Statutory Authorities,” by Richard A. Best, Alfred Cumming, and Todd Masse examined the DNI authorities. Moreover, the authors questioned whether the DNI had sufficient management authority to implement mandated reforms, given the consolidation of power demonstrated by the recently created USD(I). The authors argued that while the DNI’s authorities were substantially stronger than those held by the former DCI, in order to implement reform and lead the IC the DNI’s ability to assert his new powers depended on the extent to which the DNI received presidential and congressional support. Furthermore, the authors asserted that the DNI must also establish a transparent intelligence budget process that will permit him to make and effectively enforce informed budget decisions. Well-known was the fact that the majority of the IC budget is managed and executed by the USD(I).<sup>39</sup>

In 2008, The Center for Strategic and International Studies released an in-depth review called “Transitioning Defense Organizational Initiatives: An Assessment of Key 2001-2008 Defense Reforms.” The study concluded that the SECDEF should clarify with the DNI what authorities and responsibilities the USD(I) should have within the intelligence community. While the assessment made recommendations for the USD(I),

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<sup>38</sup>Department of Defense, Instruction 5100.91, *Joint Intelligence Interoperability Board*, October 28, 2008, <http://www.dtic.mil/whs/directives/corres/dir.html> (accessed December 28, 2010).

<sup>39</sup>Richard Best et al., RS2212, *Director of National Intelligence: Statutory Authorities* (Washington, DC: Congressional Research Service, April 2005), <http://www.crs.gov> (accessed January 27, 2011).

most were focused on the impact to ASD(3CI), after the intelligence portfolio was transferred from the ASD(3CI) to the USD(I).<sup>40</sup>

Finally, having firmly established the USD(I) position, DoD established a principal to assist the USD(I) in carrying out his duties. DOD Directive 5143.02, *The Principal Deputy Under Secretary of Defense for Intelligence (PDUSD(I))*, assigned responsibilities, functions, relationships, and authorities to the position directly subordinate to the USD(I). As the principal assistant to the USD(I), the *PDUSD(I)* is directed to exercise full power and authority to act for the USD(I). The *PDUSD(I)* is also authorized to delegate his authorities to subordinates as required. Finally, *PDUSD(I)* is directed to advise and assist the USD(I) with all responsibilities in providing staff advice and assistance to the SECDEF, including, but not limited to, intelligence, counterintelligence, security, and other intelligence-related matters.<sup>41</sup>

### Theme 3: Redundancy Between the USD(I) and the IC

Prior to the creation of the USD(I) and DNI, members of the IC often claimed the Community Management Staff and the National Intelligence Council already provided an unnecessary layer of bureaucracy, and any additional managerial layers would hamper IC efficiency. Not surprisingly, similar concerns emerged that USD(I) and DNI would also add to the increasingly bureaucratic IC structure. The literature chosen for this section

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<sup>40</sup>Hicks.

<sup>41</sup>Department of Defense, Directive 5143.02, *The Principal Deputy Under Secretary of Defense for Intelligence (PDUSD(I))*, August 12, 2010, <http://www.dtic.mil/whs/directives/corres/dir.html> (accessed January 30, 2011).

seeks to identify the perceived overlaps and unnecessary bureaucracies caused by the creation of the USD(I) and DNI that potentially impede efficiency.

The RAND Corporation's study, "The Next Steps in Reshaping Intelligence," by Gregory Treverton addressed redundancy and other challenges facing the IC. Specifically, Treverton believed the DNI, working closely with the key IC players, should provide some strategic framework for negotiating control of resources while reducing the risk of needless duplication. Treverton also argued that IRTPA reshaped how U.S. intelligence was organized; however, the next step should be transforming how the IC conducts its business matters. According to Treverton, assuming that redundancy was addressed, the next steps for reshaping intelligence should be: building capacity to manage; shaping intelligence by mission instead of collection source or agency; and improving analysis by taking advantage of a much diversified workforce. While Treverton insisted DoD was critical to transformation success, he offered few specifics on how DoD should actually participate.<sup>42</sup>

A clear example of a budgetary overlap was proffered through the lens crafted by Richard Best in the Congressional Research Services Report, "Intelligence Spending: Public Disclosure Issues." According to Best, the USD(I) has the responsibility to oversee all Defense intelligence budgetary matters, ensuring compliance with the budget policies issued by the DNI for management of the NIP. The USD(I) serves as Program Executive for the MIP and supervises coordination during the programming, budgeting, and execution cycles. As a result, the Office of the DNI and the Office of the USD(I) play

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<sup>42</sup>Gregory Treverton, Report 0-8330-3857-5, "The Next Steps in Reshaping Intelligence," The RAND Corporation, December 2005, <http://www.rand.org> (accessed January 27, 1011).

essential roles in developing the NIP and the MIP. Both offices have overlapping responsibilities and require close coordination. While the USD(I) is charged with overseeing the budgets of the defense intelligence agencies, including the portions that fell within the NIP and MIP, he is also the focal point between DoD and the Office of the DNI.<sup>43</sup>

Control of the intelligence agencies is often at the heart of debates between proponents of defense and national intelligence. Although NSA, NGA, and DIA are considered national assets, in their primary roles as combat support agencies (CSAs), these intelligence agencies are responsible to support the warfighter. The Congressional Research Services Report, “Intelligence Community Reorganization: Potential Effects on DoD Intelligence Agencies,” by Richard Best examined concerns expressed by DoD officials and some members of Congress that empowering the DNI with greater authority and control of intelligence agencies in DoD could jeopardize the close relationship between these agencies and the operating military forces. Siding with opponents of the DNI, the conference committee on intelligence reform legislation addressed these concerns with language that gave the DNI substantial authorities over intelligence budgets, but not operational control over their activities.<sup>44</sup>

Building on the theme of redundancy and overlaps, “The Rise of the Shadow Warriors,” by Jennifer Kibbe, illustrated the Pentagon’s intent to use its expanded special

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<sup>43</sup>Richard Best, RS94261, *Intelligence Spending: Public Disclosure Issues* (Washington, DC: Congressional Research Service, 2007), <http://www.crs.gov> (accessed January 27, 2011).

<sup>44</sup>Richard Best, RL 32515, *Intelligence Community Reorganization: Potential Effects on DoD Intelligence Agencies* (Washington, DC: Congressional Research Service, 2004), <http://www.crs.gov> (accessed January 27, 2011).

operations forces (SF) for covert operations, at the expense of the CIA. Kibbe believed the centerpiece of the Pentagon's campaign was the creation of the USD(I). Kibbe referenced Rumsfeld's reaction to a 2001 intelligence review commission led by former National Security Adviser Brent Scowcroft that recommended moving the NSA, the NRO, and NGA out of the Pentagon and placing them directly under the DCI's control, while also shifting the DCI's responsibility for coordination of the intelligence community to a new DNI. According to Kibbe, Rumsfeld emphatically disagreed with Scowcroft's assessment. Kibbe concluded that the creation of the USD(I) had been widely interpreted as Rumsfeld's attempt to upstage the creation of a DNI.<sup>45</sup>

As a final point, Barton Gellman's article, "Secret Unit Expands Rumsfeld's Domain, New Espionage Branch Delving Into CIA Territory," described the Pentagon's expansion into the CIA's historic domain by creating a new espionage arm and reinterpreting U.S. law to give Rumsfeld broad authority over clandestine operations abroad. According to Gellman, the once secret organization, Strategic Support Branch, arose from Rumsfeld's pledge to end his near total dependence on CIA. Intended to operate without detection and under USD(I)'s direct control, the Strategic Support Branch deployed small teams of case officers, linguists, and technical experts along with newly empowered special operating forces. DoD was able to elude the limitation of SECDEF's war powers, because DoD lawyers defined the "war on terror" as ongoing and

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<sup>45</sup>Jennifer Kibbe, "The Rise of the Shadow Warriors," *Foreign Affairs* 83, no. 2 (March/April 2004): 102-115.

indefinite in scope. Gellman believed the USD(I)'s aggressiveness was a deliberate encroachment into CIA's realm.<sup>46</sup>

#### Theme 4: Conflict, Tension and Turf Battles

During his term as DCI, from November 29, 1961 through April 28, 1965, John McCone believed he could have been more effective had there been one senior DoD official responsible for supervising the Department's intelligence activities.<sup>47</sup> Nevertheless, when Rumsfeld proposed his USD(I) vision, it was quickly met with consternation and resistance by those who believed his real motive for a strong USD(I) was not to compliment the IC, but rather challenge the authorities of the DNI. The literature chosen for this section seeks to illustrate conflict, tensions, and turf battles influenced by the creation of the USD(I).

To begin, "Rumsfeld Memo on Intelligence Criticized," by Walter Pincus, illustrated the negative reactions to SECDEF Rumsfeld's memorandum that directed Stephen Cambone to improve intelligence operations within the department. Critics were not concerned by Rumsfeld's desire to improve intelligence, but they were suspicious of the methods he used to accomplish his goal. According to Pincus, the memorandum explicitly stated, "The USD(I) will integrate all Defense Department reorganization efforts including plans that touch on resources, acquisition oversight, personnel management, security, and creation of any new intelligence centers." Pentagon officials

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<sup>46</sup>Barton Gellman, "Secret Unit Expands Rumsfeld's Domain: New Espionage Branch Delving into CIA's Territory," *Washington Post*, January 23, 2005, A1, <http://www.washingtonpost.com/wp-dyn/articles/A29414-2005Jan22.html> (accessed July 30, 2010).

<sup>47</sup>Richelson, 483.

claimed the memorandum was an attempt to facilitate the work of the DNI. However, opponents believed the memorandum directly challenged the authority of the DNI. The controversial memorandum concluded by stating all DoD components would coordinate with the USD(I) on all matters relating to implementation of intelligence reform. Pincus believed the aforementioned was interpreted by some senior intelligence officials as a challenge to the newly created DNI.<sup>48</sup>

“The Smart Approach to Intelligence,” by former DCI John Deutch, offered a much harsher take on the creation of the USD(I). Deutch directly criticized the creation of the USD(I), and labeled the proposal “a dramatic change in the management of intelligence -- the most far-reaching since passage of the 1947 National Security Act, which established the CIA.” Deutch argued that the creation of the USD(I) had the potential to weaken support to the military and the DCI’s ability to lead the IC. Deutch also argued that in order to be effective, intelligence activities must be integrated with command, control, and communications (C3). Instead of creating a USD(I), Deutch believed the SECDEF should have instead elevated the C3I to the rank of Under Secretary. Finally, Deutch claimed creating the USD(I) would further strain the already unequal balance of authority between the DCI and the SECDEF over the national intelligence agencies.<sup>49</sup>

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<sup>48</sup>Walter Pincus, “Rumsfeld Memo on Intelligence Criticized,” *The Washington Post*, April 8, 2005, A04, <http://www.washingtonpost.com/wp-dyn/articles/A35490-2005Apr7.html> (accessed January 30, 2011).

<sup>49</sup>John Deutch, “The Smart Approach to Intelligence,” *The Washington Post*, A.17, September 9, 2002, <http://web.mit.edu/chemistry/deutch/policy/2002-TheSmartAppr.pdf> (accessed January 30, 2011).

–9/11 Intelligence Reform: An Opportunity Lost,” by Glenn Hastedt described the concerted efforts by DoD and the House Armed Services Committee to weaken potential DNI authorities. Hastedt argued, although congressional leaders promised to move quickly to overhaul the intelligence community, acting CIA Director John McLaughlin, SECDEF Rumsfeld, and Secretary of Homeland Secretary Tom Ridge all fought the creation of the DNI. Leading the opposition, Congressman Duncan Hunter, Chair of the House Armed Services Committee (HASC), adamantly opposed any potential legislation that would decrease Pentagon powers, especially the loss of DoD budgetary control. Hunter also resisted efforts aimed at disclosing details of the traditionally secret intelligence budget. According to Hastedt, these forces, along with intense behind the scenes pressure eventually produced a compromise bill acceptable to DoD, Duncan, and the White House.<sup>50</sup>

Congressman Hunter’s position was consistent with Donald Rumsfeld’s 2004 testimony before the Senate Armed Services Committee on the topic of DoD implications of the recommendations made by the 9/11 Commission. Rumsfeld described his efforts to tighten the connection between the operational forces and CSAs. Rumsfeld also testified that DoD, working through the military services and the Combatant Commands, had worked hard to break down stovepipes between foreign and military intelligence. The relationship between the intelligence agencies and warfighter was critical to DoD’s

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<sup>50</sup>Glen Hastedt, –9/11 Intelligence Reform: An Opportunity Lost,” *American Diplomacy Online*, October 27, 2006, [http://www.unc.edu/depts/diplomat/item/2006/1012/hast/hastedt\\_911intel.html](http://www.unc.edu/depts/diplomat/item/2006/1012/hast/hastedt_911intel.html) (accessed January 27, 2011).

success. Finally, Rumsfeld argued that any change in the IC should be designed to help the community close gaps, not widen them.<sup>51</sup>

Building on Rumsfeld's assertions, Stephen Cambone's 2004 testimony before the House Armed Services Committee, regarding "Implications of the Recommendations of the 9/11 Commission on the Department of Defense," offered the additional insight on the significance of the Combat Service Agencies (CSAs) within DoD. Cambone explained that although the issue of intelligence agency control is frequently raised, NSA, NGA, and NRO are identified by law as CSAs to perform essential functions within the DoD.<sup>52</sup>

Cambone also testified that the intelligence agencies were critical to both the SECDEF and DCI for meeting their statutory responsibilities. Cambone stressed, for this reason, the current relationship, in effect a partnership, was forged between SECDEF and DCI in law and supporting executive orders. Furthermore, each had independent responsibilities, which included exercising his authorities to ensure the other can fully discharge his responsibilities. Cambone concluded by adding, the partnership could be continued when the DNI comes into being without moving the CSAs out of the DoD.<sup>53</sup>

Providing useful counterpoints, "The State of the Craft: Is Intelligence Reform Working," by former DCIA, Michael Hayden warned of the DNI's difficult role given the institutional muscle of the SECDEF. Like Hastedt, Hayden described the influence

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<sup>51</sup>U.S. Congress, Senate, Committee on Armed Services, *Implications for the Department of Defense and Military Operations of Proposals to Reorganize the United States intelligence Community*, 108th Cong., 1st sess., August 16, 2004.

<sup>52</sup>*Ibid.*

<sup>53</sup>*Ibid.*

demonstrated by the HASC to protect DoD equities while shaping IRTPA. Hayden mentioned that Chairman Duncan Hunter inserted language into the bill (Section 1018) which stipulated that the DNI "could not abrogate" the authorities of the cabinet officers of departments in which elements of the intelligence community were located. Hayden believed Section 1018 of the IRTPA was a determined effort to protect the SECDEF's prerogatives when it came to his critical CSAs: NSA, NGA, and NRO. Hayden also described the internal politics between the USD(I) and DNI as they relate to control of the national intelligence collection agencies. Ultimately, Hayden's belief that the intelligence agencies should work directly for the DNI, caused extreme tension between him and SECDEF.<sup>54</sup>

*Intelligence: From Secrets to Policy*, by Mark Lowenthal described the history, purpose, and authorities of the USD(I). According to Lowenthal, "Much of the Secretary of Defense's authority for intelligence devolves to the Under Secretary of Defense for Intelligence, who becomes, in effect the chief operations officer for defense intelligence". Lowenthal also illustrates the history, purpose, responsibilities, and challenges of the DNI. The author offers a comprehensive analysis of critical DNI relationships within the IC. Lowenthal offered a similar analysis for USD(I) relationships within the IC.<sup>55</sup>

"The Demise of the CIA," by Melvin Goodman, argued that recent intelligence reforms have made matters worse. Specifically, Goodman believed creation of a DNI would reduce the necessary redundancy and competition in intelligence analysis and

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<sup>54</sup>Michael Hayden, "The State of the Craft: Is Intelligence Reform Working," *World Affairs Journal* (September/October 2010), <http://www.worldaffairsjournal.org/articles/2010-SeptOct/full-Hayden-SO-2010.html> (accessed January 30, 2011).

<sup>55</sup>Lowenthal, 46.

would do little to address what he perceived was the real problem--the Pentagon. Goodman argued that allowing the military to dominate the targeting of satellites and the analysis of satellite imagery created additional problems. According to Goodman, "This analysis was used to calibrate the defense budget, to gauge the likelihood of military conflict, and to verify arms control agreements." In the end, Goodman believed the SECDEF's appointment of an USD(I) bolstered DoD's ability to dominate and control the intelligence field.<sup>56</sup>

#### Theme 5: Subsequent IC Change Following USD(I) Creation

The IC has witnessed important changes since the creation of the USD(I). As Richard Best reveals, reform is often motivated by the desire to: improve efficiency; respond to failures and improprieties; or refocus community requirements. The literature chosen for this sub-section encompasses post-creation USD(I)/DNI writings, which satisfy one or more of the aforementioned motives.

Executive Order 13284 of January 23, 2003, *Amendment of Executive Orders, and Other Actions, in Connection with the Establishment of the Department of Homeland Security*, updated Executive Order 12333 and introduced the newly formed Department of Homeland Security as part of the IC. Executive Order 13284 also directed IC members, especially DoD components, to consider the Assistant Secretary for

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<sup>56</sup>Melvin Goodman, "The Demise of the CIA," *The Baltimore Sun*, August 31, 2005.

Information Analysis, Department of Homeland Security, a –Senior Official of the Intelligence Community,” and develop strategies to assist the newly formed department.<sup>57</sup>

Executive Order 13555 of August 27, 2004, *Strengthened Management of the Intelligence Community*, was released with the goal of strengthening IC administration. Executive Order 13555 marked the second time the original document (Executive Order 12333) was modified. Executive Order 13555 identified specific managerial areas within the IC that required improvement. The impetus of the amendment was derived from investigative findings of The National Commission on Terrorist Attacks Upon the United States and the Joint Intelligence Committees of the U.S. House and Senate investigations. The four managerial areas targeted for improvement included: (1) strengthening the authority of the DCI and his role in national intelligence; (2) strengthening controls of intelligence funding; (3) improving the process of selecting heads of intelligence organizations; and (4) improving control of standards and qualifications within the IC.<sup>58</sup>

Signaling a change in leadership philosophy, Executive Order 13394, *Providing an Order of Succession within the Department of Defense*, dated December 22, 2005, published the sequence in which Pentagon civilian officials would take command of DoD, should the SECDEF die, resign, or become unable to perform the functions and duties of the office. This Executive Order marked an official affirmation of the USD(I)’s

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<sup>57</sup>White House, Executive Order 13284, *Amendment of Executive Orders, and Other Actions, in Connection with the Establishment of the Department of Homeland Security*, Federal Register, January 23, 2003, <http://www.archives.gov/federal-register/executive-orders/> (accesses January 30, 2011).

<sup>58</sup>White House, Executive Order 13555, *Strengthened Management of the Intelligence Community*, Federal Register, August 27, 2004, <http://www.archives.gov/federal-register/executive-orders/> (accesses January 30, 2011).

influence and highlighted the SECDEF's public dispute with the Department of the Army. The USD(I) became the third most senior official within DoD, a position historically held by the Secretary of the Army. The Secretary of the Army was demoted to the sixth position. This Executive Order superseded Executive Order 13000 of April 24, 1996.<sup>59</sup>

Executive Order 13470 of July 30, 2008, *Further Amendments to Executive Order 12333, United States Intelligence Activities*, represented the third time in four years that Executive Order 12333 was amended. This change incorporated legislation from the IRTPA. Specifically, the amendment outlined fundamental guidance to intelligence agencies and incorporated newly inserted DNI verbiage. The overall intent of the amendment was to facilitate a more collaborative IC environment by forcing the sixteen intelligence agencies to work together. This Executive order also introduced the DNI as head of the IC.<sup>60</sup>

Shortly after replacing Donald Rumsfeld as SECDEF, Robert Gates made several fundamental changes to defense intelligence in an effort to facilitate a more cordial relationship with the IC. "Revisiting Intelligence Reform," by Tim Shorrock, details SECDEF Gates' attempt to scale back many of Donald Rumsfeld's and Stephen Cambone's intelligence initiatives. Shorrock emphasized that upon replacing Rumsfeld, Robert Gates significantly reduced the Pentagon's footprint on national security policy

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<sup>59</sup>White House, Executive Order 13394, *Providing an Order of Succession within the Department of Defense*, Federal Register, December 22, 2005, <http://www.archives.gov/federal-register/executive-orders/> (accesses January 30, 2011).

<sup>60</sup>White House, Executive Order 13470, *Further Amendments to Executive Order 12333, United States Intelligence Activities*, Federal Register, July 30, 2008, <http://www.archives.gov/federal-register/executive-orders/> (accesses January 30, 2011).

and intelligence. Working closely with DNI Michael McConnell, Gates began to assert civilian control over the key intelligence agencies, and even ended the Pentagon's efforts to create its own intelligence apparatus independent of the CIA.<sup>61</sup>

Consistent with Shorrock's article, Executive Order 13533 dated March 1, 2010, Providing an Order of Succession, within the Department of Defense, scaled back one of SECDEF Rumsfeld's key decisions which made USD(I) the third most senior official within DoD. Similar to the document it replaced, Executive Order 13533 provided the sequence in which Pentagon civilian officials would take command of DoD should the SECDEF die, resign, or become unable to perform the functions and duties of the office. However, in the updated order, the USD(I)'s position changed from the third to the eighth most senior official within DOD. Executive Order 13533 also reestablished the Secretary of the Army to its former position, number three.<sup>62</sup>

Congressional Research Services Report, "Director of National Intelligence Statutory Authorities: Status and Proposals," by Richard Best, updates the 2005 report, "Director of National Intelligence: Statutory Authorities." Best described improvements to DNI power authorized by the FY2010 Intelligence Authorization Act (P.L. 111-259). According to Best, the new legislation provided a number of enhancements to the DNI's authorities. First, the DNI was required to assess personnel levels at all intelligence agencies. Secondly, the DNI was required to undertake initial vulnerability assessments

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<sup>61</sup>Tim Shorrock, "Revisiting Intelligence Reform," *Foreign Policy In Focus*, December 6, 2007, [http://www.fpif.org/articles/revisiting\\_intelligence\\_reform](http://www.fpif.org/articles/revisiting_intelligence_reform) (accessed January 30, 2011).

<sup>62</sup>White House, Executive Order 13533, *Strengthened Management of the Intelligence Community*.

of each major intelligence system and was provided with authority to assess critical cost growth in major intelligence systems and terminate programs unless Congress was given proper explanation. Finally, the DNI was required to conduct accountability reviews of elements of the Intelligence Community. These new authorities enhanced those included in the Intelligence Reform Act and provided the DNI with additional tools to coordinate all intelligence agencies.<sup>63</sup>

While Best agreed the DNI's authorities were stronger than those that were available to the DCI, he questioned whether these authorities were sufficient to implement the 2004 intelligence reforms. Best believed successful reform implementation depended on several factors, including the degree to which the authorities themselves are adequate, the DNI's willingness to assert those authorities, and the extent to which the DNI receives presidential and congressional support.<sup>64</sup>

Congressional Research Services Report, ~~Intelligence Reform After Five Years: The Role of the Director of National Intelligence (DNI)~~,” by Richard Best illustrated the division by observers over the success of the DNI position and the ODNI. Although three DNIs had been successively appointed and confirmed, none served more than two years. A number of innovations were implemented in the IC to encourage coordination and

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<sup>63</sup>Richard Best, RL 32231, *Director of National Intelligence Statutory Authorities: Status and Proposals* (Washington, DC: Congressional Research Service, 2008), <http://www.crs.gov> (accessed January 27, 2011).

<sup>64</sup>Ibid.

information sharing. However, many observers remained skeptical of the need for a DNI or ODNI.<sup>65</sup>

The May 2007 ODNI News Release, “Under Secretary of Defense for Intelligence to be Dual-Hatted as Director of Defense Intelligence,” illustrated the efforts by the DNI and SECDEF to promote cooperation between national and defense intelligence. The current SECDEF Gates and former DNI Mike McConnell signed the memorandum that established a role for the USD(I) as the Director of Defense Intelligence (DDI) within the Office of the DNI. As the DDI, the USD(I) now reports directly to the DNI and serves as his principal advisor on defense intelligence matters. Additionally, the DDI may receive additional responsibilities as determined by the DNI in consultation with the SECDEF. Both the SECDEF and DNI insisted changes would not affect day to day operations of the USD(I).<sup>66</sup>

The 2007 DoD Directive 5240.01, *DoD Intelligence Activities*, reissued the older DoD Directive, *Intelligence Activities of 1988*. The newer directive provided overall policy guidance for the conduct of DoD intelligence, CI, security, and intelligence-related activities. Specifically, the USD(I) was directed to serve as the focal point for the SECDEF with other U.S. Government entities and agencies. Secondly, the USD(I) was directed to serve as the focal point for the SECDEF with foreign governments,

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<sup>65</sup>Richard Best, RL 34231, *Director of National Intelligence Statutory Authorities: Status and Proposals* (Washington, DC: Congressional Research Service, 2010), <http://www.crs.gov> (accessed January 27, 2011).

<sup>66</sup>Office of the Director of National Intelligence Public Affairs Office, Under Secretary of Defense for Intelligence to be Dual-Hatted as Director of Defense Intelligence, ODNI News Release No. 16-07, [http://www.dni.gov/press\\_releases.htm](http://www.dni.gov/press_releases.htm) (accessed January 28, 2011).

international organizations, and non-governmental organizations. The USD(I) was also directed to promote coordination and cooperation within the DoD and between the Department and other Federal agencies. Finally, the USD(I) was charged to provide oversight and policy guidance on sensitive intelligence activities.<sup>67</sup>

The 2008 USD(I) Memorandum, “Reorganization of the Office of the Under Secretary of Defense for Intelligence,” announced an internal reorganization. The reorganization was influenced by the SECDEF’s decision to strengthen HUMINT and CI integration and synchronization, align the core functions of the office, and insure the OUSD(I) was realigned into four core functions: Joint Force Operations; Technical Intelligence Disciplines; Programs and Resources; and HUMINT/CI and Security. Each of the four functional offices of the Deputy Under Secretaries within the USD(I) were reorganized and assigned the responsibility of one of the functional areas. Office of the Deputy Under Secretary of Defense (ODUSD) for Warfighter support reorganized as ODUSD for Joint and Coalition Warfighter Support. ODUSD for Collection, Analysis and Mission Management reorganized as ODUSD for Technical Collection and Analysis. ODUSD for Acquisition, Resources, and Technology reorganized as ODUSD for Portfolio, Programs and Resources. Lastly, ODUSD for Counterintelligence and Security was reorganized as ODUSD for HUMINT, Counterintelligence and Security.<sup>68</sup>

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<sup>67</sup>Department of Defense, Directive 5240.01, *Intelligence Activities*, August 27, 2007, <http://www.dtic.mil/whs/directives/> (accessed January 31, 2011).

<sup>68</sup>Department of Defense, “Reorganization of the Office of the Under Secretary of Defense for Intelligence,” USD(I) Memorandum, June 2008, <http://www.fas.org/irp/doddir/dod/usdi061808.pdf> (accessed January 30, 2011).

The USD(I) in coordination with ODNI reissued directives for each of the DoD intelligence agencies. The new directives updated missions, functions, and authorities. Although the directives were signed by the SECDEF, they were released in coordination with the ODNI. However, no NRO directive was released because of security concerns.

The first reissued intelligence agency DoD Directive 5105.60, *National Geospatial-Intelligence Agency (NGA)*, replaced DoD Directive 5105 and updated the mission, functions, relationships, and authorities of NGA. Explicitly stated, the NGA is a Defense Agency and the SECDEF exercises authority, direction, and control over NGA. Furthermore, the new directive made clear that the USD(I) exercises authority, direction, and control on behalf of the SECDEF over the Director, NGA. More importantly, the directive also stated that NGA is designated a Combat Support Agency of the Department of Defense.<sup>69</sup>

Conversely, NGA also has significant national missions under section 404e of Title 50, United States Code. The directive stated, “Intelligence produced by NGA with substantive military value shall be submitted directly to the SECDEF and, as appropriate, to the Chairman of the Joint Chiefs of Staff and the DNI with notification to the USD(I).”<sup>70</sup>

The second reissued intelligence agency directive was DoD Directive 5100.20, *National Security Agency/Central Security Service*, dated January 26, 2010, which replaced DoD Directive 5100.20, dated December 23, 1971. The newer directive updated

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<sup>69</sup>Department of Defense, Directive 5105.60, *National Geospatial-Intelligence Agency*, July 29, 2009, <http://www.dtic.mil/whs/directives/> (accessed January 31, 2011).

<sup>70</sup>*Ibid.*

the mission, organization and management, responsibilities and functions, relationships, authorities, and administration of NSA/CSS, incorporating and cancelling DoD Directive 5100.23. This directive was consistent with current law and policies, specifically those regarding the DNI.<sup>71</sup>

The Director of NSA/Chief Central Security Service (DIRNSA/CHCSS), under the authority, direction, and control of the USD(I), serves as the principal advisor to the SECDEF, the Chairman of the Joint Chiefs of Staff, and the Combatant Commanders on SIGINT. The DIRNSA/CHCSS advises the DNI and the DDI on all matters under the purview of the DNI concerning SIGINT and serves as the Signals Intelligence (SIGINT) Functional Manager. The DDI advises the DNI on critical deficiencies and strengths in SIGINT related defense intelligence capabilities after consultation with the DIRNSA/CHCSS, and provides assessments on the effect of such deficiencies and strengths in meeting national Intelligence objectives.<sup>72</sup>

The final intelligence agency directive released was DoD Directive 5105.21, *Defense Intelligence Agency*, which updated the mission, responsibilities, functions, relationships, and authorities of DIA. The directive clearly stated that the USD(I) exercises the Secretary of Defense's authority, direction, and control over the Director, DIA, in accordance with DoD Directive 5143.01. Furthermore, the directive explained

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<sup>71</sup>Department of Defense, Directive 5100.20, *National Security Agency/Central Security Service*, January 26, 2010, <http://www.dtic.mil/whs/directives/> (accessed January 31, 2011).

<sup>72</sup>*Ibid.*

the Director, DIA, under the authority, direction, and control of the USD(I), also advises the DNI and the DDI.<sup>73</sup>

### Conclusion

The review of literature established conditions for analyzing the five thematic categories for contextual focus. The first theme, Impetus for Change, summarized literature that identified factors that led to the creation of the USD(I) and DNI. The second theme, Functions, Authorities and Purpose, highlighted statutory roles and responsibilities of the USD(I) and DNI. The third theme, Redundancy Between the USD(I) and the IC, assessed literature that illustrated overlaps caused as a result of creating the USD(I). The fourth theme, Conflict, Tension and Turf Battles, emphasized literature that addresses the divergence between national and defense intelligence. The final theme, Subsequent IC Changes Post USD(I) Creation, captured significant IC changes, which occurred after USD(I) and DNI creation.

### Information Gaps

Noticeable gaps emerged following an extensive evaluation of the literature presented. While there is adequate literature to address the primary themes, there is a lack of literature examining the overall effectiveness of the USD(I). Secondly, very little literature addressed ASD(3CI)'s management successes and failures of defense intelligence prior to establishing the USD(I). The aforementioned is critical because that would help explain the need for establishment of the USD(I). Finally, the author was

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<sup>73</sup>Department of Defense, Directive 5105.21, *Defense Intelligence Agency*, March 18, 2008, <http://www.dtic.mil/whs/directives/> (accessed January 31, 2011).

unable to find any literature that addressed the future of the USD(I), or its role in the IC, especially as it relates to the DNI.

### Trends

There has been much written about the DNI, while very little literature has been exclusively dedicated to the USD(I). For example, this review of literature featured five Congressional Research Reports dedicated to elucidating the role of the DNI. However, the author was unable to find any Congressional Research Reports devoted solely to the USD(I). This lack of literature is surprising considering more than 75-80 percent of the national intelligence budget supports defense related intelligence activities.

### Significance of this Thesis in Relation to Existing Literature

The USD(I) is a significant figure in national intelligence. As previously stated, 75 to 80 percent of the national intelligence budget support defense related intelligence activities. However, there has been limited literature that addresses the effectiveness and usefulness of the USD(I) since its creation. Additionally, there is little written to address how the USD(I) should integrate with the national intelligence structure. This thesis will likely encourage additional research regarding the effectiveness of senior positions and various organizations within the national intelligence structure.

## CHAPTER 3

### RESEARCH METHODOLOGY

The purpose of this study is to determine the appropriate role of the USD(I) and to examine the extent to which the USD(I)'s authorities should be scoped to ensure effective coexistence with an increasingly powerful DNI. This study examines the USD(I)'s impact on national intelligence, redundancies between the USD(I) and the DNI, as well as conflict caused by creation of the USD(I). As a final point, this study recommends and analyzes changes to the USD(I) post intended to promote long-term complementary existence between the USD(I) and DNI.

#### Qualitative Research Approach

This study utilizes a qualitative research approach to collect, analyze, and display information for the purpose of addressing the primary and secondary research questions. Qualitative research is a process of naturalistic inquiry that seeks an in-depth understanding of social phenomena within their natural setting. Instead of statistical procedures, qualitative researchers use multiple systems of inquiry for studying phenomena.<sup>74</sup>

Four common characteristics are critical to understanding the nature of qualitative research. First, the focus is on process, understanding, and meaning. The overall purposes for qualitative research are to achieve an understanding of how people make sense of their lives, delineate the process of meaning-making, and describe how people interpret

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<sup>74</sup>Sharan Merriam, *Qualitative Research: A Guide to Design and Implementation* (San Francisco: Jossey-Bass, 2009), 3.

their experience. Secondly, the researcher is the primary instrument of data collection and analysis. The greater part of interviews, critical analysis, and document examination are the sole responsibility of the researcher. Next, the process is inductive. Researchers collect data to build concepts, hypotheses, or theories instead of deductively testing hypotheses as in positivist research. Finally, the product is richly descriptive. Qualitative researchers use precise words instead of statistics and numbers to convey their findings.

### Basic Qualitative Research Approach

The most common type of qualitative research is a basic, interpretative study. Qualitative researchers conducting basic interpretative research are interested in (1) how people interpret their experiences, (2) how they construct their words, and (3) what meaning they attribute to their experiences. Findings of basic qualitative study are richly descriptive and presented as themes and categories. Ultimately, the principal purpose is to understand how people make sense of their lives and experiences.<sup>75</sup>

This study draws from a constructivist philosophy. Constructivist research challenges the researcher to describe, understand, and interpret reality. Most importantly, constructivist research offers no single observable reality, but rather multiple realities and interpretations of a single event.<sup>76</sup> As a result of these multiple realities, the researcher was required to construct understanding of the relationship between the USD(I) and DNI.

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<sup>75</sup>Michael Crotty, *The Foundations of Social Research* (London: Sage, 1998), 42-43.

<sup>76</sup>Julie Dangle and Mona Matthews, "Developing Doctorial Students as Scholarly Writers," *The Constructivist* 19, no. 1 (Spring 2008): 8.

The reasons why a basic interpretative qualitative approach was used for this study are listed below.

First, a large portion of the data for this study came from archival documents. Documents reviewed included U.S. Public Law, DoD Directives, internal memoranda, and Congressional testimony. While sparse literature has been exclusively dedicated to the USD(I), a significant amount has been written about the DNI. This observation was surprising, considering the USD(I) controls the Pentagon's intelligence portfolio and influences more than 80 percent of the national intelligence budget. The voluminous amounts of archival data retrieved for this study were qualitative rather than quantitative.

Secondly, because of a significant gap in literature on the USD(I), the researcher relied on semi-structured oral history interviews to construct understanding and close the void. Interviews were conducted with a small number of intelligence experts versed in IC structural and procedural issues. Again, the large quantity of data generated through these interviews was qualitative rather than quantitative.

Finally, the researcher sought to examine the USD(I)'s impact on national intelligence, identify redundancies between the USD(I) and the DNI, and highlight conflict caused by the coexistence of the two offices. Results from these issues were also qualitative in nature.

### Research Questions

The overarching researching question guiding this study was: Are the USD(I)'s authorities, functions, and purpose properly postured to complement the statutory authorities of the DNI?

Secondary questions designed to support the primary research questions were:

1. What were the critical events and evolutionary timeline that led to the creation of the USD(I)?
2. How did the USD(I)'s authorities, functions, and purpose address SECDEF's initial intent for the position?
3. What redundancies exist between the USD(I) and DNI?
4. What conflict exists between the USD(I) and DNI?
5. How should USD(I) evolve to more effectively complement the statutory authorities of the DNI?

### Measurement Strategy

Archival open source research and oral history interviews were used to construct an understanding of the primary and secondary research questions. Archival research provided detailed information on the USD(I)'s purpose, functions, and authorities, while oral history interviews were used to probe the effectiveness and future of the USD(I).

The researcher presented the majority of the archival research for this study in Chapter 2, "Literature Review," which also provided the theoretical framework for this study. Archival data was sorted, categorized, and presented along distinct five themes: Impetus for Change; Functions, Authorities, and Purpose; Redundancy Between the USD(I) and IC; Conflict Tension and Turf Battles; and Subsequent IC Changes Post USD(I) Creation. Each research question correlated to a specific theme, capturing the essence of the corresponding research question. These key themes served as a foundation for comparative analysis in chapter 4.

## Sampling Plan

Probability and nonprobability are the two most common forms of research sampling.<sup>77</sup> Probability sampling allows the investigator to generalize results of the study drawn from a population. Because generalization in a statistical sense is not a goal of qualitative research, probabilistic sampling is often not necessary in qualitative research. Therefore, nonprobability sampling was the method of choice for this study. The most common type of nonprobability sampling used is purposeful sampling. Purposeful sampling is based on the assumption that the investigator seeks to discover, understand, and gain insight and therefore must select a sample that optimizes learning.

Significant to purposeful sampling is the requirement to determine specific criteria essential for choosing interview subjects. Researchers using purposeful sampling create a list of attributes essential to the study. The criteria directly reflect the purpose of the study and drive information identification. Sampling criteria for this study were designed to identify individuals with a rich background in national and defense intelligence. Individuals from the sample were selected from the IC, academia, private industry, and the legislative branch of government. Sampled individuals were required to have a minimum of 10 years of intelligence related experience. Most importantly to this study, the sampled individuals were required to be familiar with USD(I) and DNI.

The initial sample list developed from the aforementioned criteria led the author to request interviews from the following experts:

Thomas Bell: Principal Deputy, Collection, ODNI

Richard Best: Defense Analyst, Congressional Research Service

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<sup>77</sup>Merriam, 77.

Alfred Cumming: Intelligence and National Security Analyst, Congressional Research Service

Stephen Dagget: National Defense Analyst, Congressional Research Service

John Deutch: DCI, 1995-1996

Dr. Stephen Flannigan: Senior Advisor, *Study for Transitioning Defense*

*Organizational Initiatives* by Center for Strategic and International Studies

Michael Hayden: Director, NSA, 1999-2005; Deputy Director, National Intelligence, 2005-2006; and Director, CIA, 2006-2009

Duncan Hunter: Chairman, HASC, 108th and 109th Congresses

Dr. Mark M. Lowenthal: Author; Former Assistant Director, CIA Analysis & Production

Todd Masse: Intelligence and National Security Analyst, Congressional Research Service

Michael McConnell: DNI, 2006-2009

Michael Vickers: USD(I), March 2010-present

Current Senior Managers from NSA, NGA, NRO and DIA.

Current Senior Managers from USD(I) and DNI.

The researcher also found appropriate opportunities to conduct snowball or network sampling. This technique is useful to collect research and knowledge from extended associations through previous acquaintances.<sup>78</sup> Snowball sampling depends on recommendations to find people with the specific range of skills that has been determined

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<sup>78</sup>Douglas Heckathorn, "Respondent-Driven Sampling II: Deriving Valid Estimates from Chain-Referral Samples of Hidden Populations," *Social Problems* 49, no. 1 (February 2002): 11-34.

to be useful. The researcher receives information from different places through a mutual intermediary. This is referred to metaphorically as snowball sampling because as more relationships are built through mutual association, more connections can be made through those new relationships. Snowball sampling is a useful tool for building networks and increasing the number of participants. However, the success of this technique depends greatly on the initial contacts and connections made. The following contacts were developed through snowball sampling:

Larry Burgess: Former Principal Deputy USD(I)

Michael Ennis: Director, Intelligence USMC, 2000-2004

Pamela Duke: Analyst, ODNI Policy and Strategy

David Koger: Staffer, General Defense Intelligence Program

John Moseman: Chief of Staff, CIA, George Tenet's administration

Victoria Prescott: Policy, Strategy, and Doctrine, USD(I)

The phrase, “theoretical sampling” was coined by Barney Glaser and Anselm Strauss in 1967 and refers to the process of choosing new research sites or cases to compare with ones that have already been studied.<sup>79</sup> The goal of theoretical sampling is to gain a deeper understanding of analyzed cases and facilitate the development of analytic frame and concepts used in their research. Theoretical sampling can be viewed as a technique of data triangulation using independent pieces of information to gain a better understanding of a phenomenon that is only partially understood. The researcher used

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<sup>79</sup>Barney G. Glaser and Anselm L. Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Chicago: Aldine Publishing Company, 1967), 29-44.

Congressional Research Service Reports and the Transitioning Defense Organizational Initiatives Assessment as base documents to initiate theoretical sampling.

### Data Collection Instrument

Good investigative questions are invaluable to collecting useful data. Questions can probe experiences, opinions, feelings, or demographic data. Hypothetical, devil's advocate, ideal position and interpretative questions can also elicit useful data.<sup>80</sup> Conversely, multiple questions, leading questions, or those that produce yes and no answers should be avoided.

Interviews can range from highly structured, questionnaire-driven to unstructured, open-ended conversational formats. Highly structured interviews follow rigid adherence to predetermined interview questions and a specific sequence in which questions are asked. On the other hand, unstructured interviews utilize open-ended questions often used when the researcher does not know enough about the phenomenon to ask relevant questions. Semi-structured interviews fall in the middle of the two.

This study used semi-structured interviews. While a structured interview has a formalized, limited set of questions, a semi-structured interview is flexible, allowing new questions to be introduced during the interview in response to what the interviewee says. The interviewer in a semi-structured interview generally has a framework of themes to be explored.

One advantage of using semi-structured interviews for this thesis research was that questions could be prepared ahead of time, allowing the interviewer to be better

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<sup>80</sup>Merriam, 169.

prepared for the interview. The interviewer developed an interview guide, which listed predetermined questions and topics that needed to be covered during the conversation, often in a particular order. The interviewer followed the guide, but was able to follow topical trajectories that strayed from the guide when he felt it was appropriate. Semi-structured interviews also allowed interviewees the freedom to express their views in their own terms.

The following is a list of questions posed to the subject matter experts during the oral history interviews:

What issues, problems, or gaps did the creation of the USD(I) solve or address?

Was/is the USD(I) achieving its stated objectives regarding the IC?

What redundancies exist between the DNI and USD(I), and can they be mitigated?

What conflicts exist between the DNI and USD(I)?

What should USD(I)'s future be?

### Data Collection

Participants for this study were provided an interview advance packet that included an executive summary, primary and secondary research questions and the core questions from the semi-structured interview, along with a letter confirming the date and time of the interview (Appendices A-D). Participants also received a summary of USD(I) and DNI authorities, functions, and purposes. This advance packet provided each participant an opportunity to consider the nature of the research and to formulate initial responses. The qualitative nature of this research sought depth in resources, rather than

spontaneity, and the opportunity to consider the questions in advance of the interview was intended to enhance this depth.<sup>81</sup>

Prior to conducting interviews, the thesis committee reviewed the questions for content and clarity, making recommendations for changes to improve inquiry. The committee made certain the multiple questions, leading questions, and yes/no questions were replaced with appropriate inquiry.

The researcher also rehearsed interviews with the thesis committee. During rehearsal and actual interviews, the researcher recorded the dialogue, using two digital audio recorders. One recorder was the primary collecting device, while the other served as backup. This practice ensured the entire dialogue would be preserved for analysis. The researcher was also able to focus on the participant responses instead of becoming overwhelmed with imprecise note taking. Finally, interview recording afforded the researcher the opportunity to review the interview and improve questioning techniques for subsequent interviews.

### Data Analysis

Data analysis is the critical process of making information useful and actionable. Three steps are involved in this process. Data must be consolidated, reduced, and interpreted. Data analysis is the perhaps the most challenging part of qualitative research. Chapter 4 was organized by themes and categories. Each theme is presented in a separate

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<sup>81</sup>Thomas E. Ward, II, "Implementing Knowledge Management to Support Executive Decision-Making in a Joint Military: Key Enablers and Obstacles" (PhD diss., Capella University, 2005), 154.

subsection within chapter 4. The researcher uses comparative analysis to describe, analyze, and interpret data.<sup>82</sup>

The researcher consolidated data by organizing each entry into one of five themes initially developed during the literature review. The first theme, *Impetus for Change*, corresponds to secondary research question number one and analyzes factors that led to creating the USD(I) and DNI. The second theme, *Functions, Authorities and Purpose*, corresponds to research question number two and examines the statutory roles and responsibilities of the USD(I) and DNI. The third theme, *Redundancy Between the USD(I) and IC*, corresponds to secondary research question number three and evaluates IC overlaps caused as a result of creating the DNI. The fourth theme, *Conflict, Tension and Turf Battles*, corresponds to secondary research question four and analyzes the divergence between national and defense intelligence. The final theme, *Subsequent IC Changes Post USD(I) Creation*, addresses secondary research question five and examines significant IC changes that occurred after creation of the USD(I) and DNI.

#### Data Display

The primary means for displaying data was through textual description and narrative. Words and pictures rather than numbers were used to convey what the researcher learned about the roles, responsibilities, functions of the USD(I) and DNI. In some cases, it was possible to display data in tabular form and to develop graphical depictions to amplify or clarify research findings.

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<sup>82</sup>Harry Wolcott, *Writing Up Qualitative Research* (London: Sage Productions, 2001), 30-33.

### Ethical Considerations

The basis of credibility for the research depends heavily on the credibility of the participants who provided the data. Participants were fully informed that they would be identified as participants, but their individual responses would not be identified without their expressed consent.<sup>83</sup> The purpose of this study was to determine the appropriate role of the USD(I) and examine the extent to which the USD(I)'s authorities should be scoped to ensure proper coexistence with an increasingly powerful DNI. The purpose was not to attack or embarrass individual decisions, decision makers or intelligence organizations. The identity of other individuals or organizations discussed during interviews was not revealed.

### Validity and Reliability

Trustworthiness of a qualitative study depends on the credibility of the researcher and his effort to embrace transparency and responsibility. Qualitative research makes use of validity and reliability strategies to ensure trustworthiness. Merriam discusses several strategies for promoting validity and reliability; several were used in the study.<sup>84</sup> In particular, this study utilized triangulation, respondent validation, and peer review to ensure study trustworthiness.

Triangulation technique uses multiple sources of data and data collection methods to confirm emerging findings. The researcher only became confident with results when different data collection methods led to the same result. By using three sources to derive

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<sup>83</sup>Ward, 154.

<sup>84</sup>Merriam, 215.

the answer to one question, the researcher could expect two of the three methods would produce similar answers. If three divergent answers were produced, the investigator concluded that the question needed to be reframed and methods reconsidered.<sup>85</sup>

Respondent validation involved the researcher providing data and tentative interpretations back to the respondents from whom the data were derived.<sup>86</sup> During an interview, the researcher restated and summarized information and then allowed the participant to determine the accuracy. Respondent validation completed after the interview was accomplished by sharing a one page summary of the findings with the participants involved. The participants either affirmed that the summaries reflected their views, feelings, and experiences, or rejected the summary content. If the participants affirmed the accuracy and completeness, the data was assumed to be credible. If the participants disputed the content, the researcher afforded the respondent an opportunity to correct the record data. Respondent validation is not without fault, but serves as a means to decrease incidences of incorrect data and the incorrect interpretation of data.

Peer review was the final strategy used to ensure research trustworthiness. Peers knowledgeable about the subject were urged to provide critical feedback. Majors Jude Shell and Randy Edwards, both accomplished intelligence officers with extensive USD(I) knowledge, routinely examined this study for congruency of the findings, proper logic flow, and plausible interpretations.

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<sup>85</sup>Tim O'Donoghue and Keith Punch, *Qualitative Educational Research in Action: Doing and Reflecting* (New York: Routledge-Falmer, 2003), 78.

<sup>86</sup>Dvora Yanow and Peregrine Schwartz-Shea, *Interpretation and Method: Empirical Research Methods and the Interpretive Turn* (New York: M.E. Sharp, 2006), 104-105.

## Summary and Conclusions

This study seeks to provide a comprehensive understanding of the purpose, functions, and authorities of the USD(I), as each relates to DNI and intelligence community. Chapter Four represents the majority of the thesis analysis, identifying research findings that emerge as answers to the primary and secondary research questions. Chapter 5 synthesizes those findings and makes recommendations for the USD(I)'s future.

## CHAPTER 4

### ANALYSIS

The purpose of this study is to determine the appropriate role of the USD(I) and to examine the extent to which the USD(I)'s authorities should be scoped to ensure effective coexistence with an increasingly powerful DNI. This study examines the redundancies and overlaps between the USD(I) and DNI. Additionally, this study analyzes the original intent of the USD(I) and identifies changes that have occurred since its creation. As a final point, this study offers recommendations to promote synergy between the USD(I) and DNI.

The researcher will analyze data along the five distinct themes initially introduced during the literature review. To reiterate, the first theme, *Impetus for Change*, corresponds to secondary research question number one and analyzes factors that led to creating the USD(I). The second theme; *Functions, Authorities and Purpose*, corresponds to research question number two and examines the statutory roles and responsibilities of the USD(I) and DNI. The third theme, *Redundancy Between the USD(I) and IC*, corresponds to secondary research question number three and evaluates IC overlaps caused as a result of creating the DNI. The fourth theme, *Conflict, Tension and Turf Battles*, corresponds to secondary research question number four and analyzes the divergence between national and defense intelligence. The final theme, *Subsequent IC Changes Post USD(I) Creation*, addresses secondary research question five and examines significant IC changes that occurred after USD(I) and DNI creation, some of which were meant to improve relations between these two IC players.

### Impetus for Change

The foundational document that established the modern IC organizational construct was signed by President Ronald Reagan on December 4, 1981. Specifically, Executive Order 12333 *United States Intelligence Activities* identified powers and responsibilities for each IC member.<sup>87</sup> For many years, the IC and this guiding document remained relatively unchanged. However, following September 11, 2001, the IC and its foundational document, Executive Order 12333, faced monumental change. Twenty-two years after Executive Order 12333 became law, a major reform proposal quietly took center stage--creation of the USD(I), a new position established to manage the dynamic defense intelligence activities.

All respondents were asked to provide input for this section. However, those inputs offered by Mike McConnell, Michael Hayden, Mark Lowenthal, and John Deutch formed the basis for constructing an evolutionary timeline and identifying critical events leading to the creation of the USD(I). These particular respondents urged the researcher to focus on how and why the USD(I) was created, instead of rehashing old facts. Interestingly, when asked to describe the most significant events that influenced the USD(I) evolution, McConnell, Hayden, Lowenthal, and Deutch recommended different areas of emphasis.

McConnell suggested focusing on how and why the history of defense intelligence management shaped former SECDEF Donald Rumsfeld's desire to create a USD(I) to manage his department's intelligence portfolio, while Hayden recommended focusing on how Rumsfeld's foundational views and experiences influenced his

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<sup>87</sup>White House, Executive Order 12333, *United States Intelligence Activities*.

intelligence outlook. Lowenthal urged the researcher to analyze how the environment influenced Rumsfeld's proposal to establish the USD(I)'s office, while John Deutch recommended focusing on Rumsfeld's strategy for gaining congressional support for the new office. Accordingly this subchapter, *Impetus for Change*, will analyze Defense intelligence management before the USD(I), Rumsfeld's views on intelligence, the environment receptive to intelligence reform, and Rumsfeld's strategy for gaining congressional approval.

### Defense Management Before the USD(I)

Respondents unanimously agreed that from the early 1980s until 2003, DoD intelligence activities were ineffectively managed by committee. The ASD(3CI) managed defense intelligence, the Deputy Under Secretary of Defense for Policy (DUSD(P)) provided guidance for counterintelligence activities, and the DoD General Counsel served as the focal point for legal matters. Adding to the confusion, in 1993, the Defense Airborne Reconnaissance Office was added within the office of the Under Secretary of Defense for Acquisition and Technology (USD(AT&L)) to develop and acquire manned and unmanned airborne reconnaissance systems.<sup>88</sup> Most respondents agreed that the ASD(3CI) organizational model lacked the capability and capacity to manage the Defense intelligence portfolio.

Respondents were also united in their assertions that under the ASD(3CI) organizational model, issues related to the more costly and visible C3 systems dominated the Assistant Secretary's attention. The respondents referenced a 1996 House Permanent

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<sup>88</sup>U.S. House, Permanent Select Committee on Intelligence, *IC21: The Intelligence Community in the 21st Century*, 104th Cong., 2nd sess., 1996.

Select Committee on Intelligence (HPSCI) review of the roles, functions, and structures of the IC to support their claim. *Intelligence Community in the 21st Century* (IC21) determined that the ASD(3CI) had failed to effectively execute its intelligence responsibilities.<sup>89</sup>

*IC21* attributed the ASD(3CI)'s intelligence management shortcomings partially to the office's willingness to take on major responsibilities not directly supporting its primary mission. For example, ASD(3CI) was responsible for supervising information systems support for DoD as a whole; a monumental task for any office considering the sheer size and scope of the department. With information systems management dominating the majority of the Assistant Secretary's day, there was little time to direct the intelligence portfolio. Hayden recalled, "I had been at the NSA job more than two years before I had spoken with any SECDEF-not an ideal state of affairs."<sup>90</sup> Hayden's statement suggests the ASD(3CI) was either unwilling or unable to provide effective supervision to Defense intelligence activities. Most respondents noted *IC21*'s recommendation for DoD to appoint a single official with sufficient stature to direct defense components, intelligence agencies, and functions.

The recommendation for a single DoD intelligence official to manage the intelligence portfolio was not an original idea. During his term as DCI, from November 29, 1961 through April 28, 1965, John McCone believed he could have been more effective had there been one senior DoD official responsible for supervising the

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<sup>89</sup>U.S. House, Permanent Select Committee on Intelligence, *IC21: The Intelligence Community in the 21st Century*.

<sup>90</sup>Hayden.

Department's intelligence activities.<sup>91</sup> When discussing past recommendations for a single DoD official to manage intelligence activities, several respondents referenced the 1995 *Commission on the Roles and Missions of the Armed Forces* which strongly urged DoD to create a senior military intelligence officer with authority to review and evaluate intelligence programs.<sup>92</sup> This official would also make recommendations to the SECDEF concerning the organization and structure of DoD intelligence activities.

Recommendations from *IC21* and the *Commission on the Roles and Mission of the Armed Forces* pertaining to defense intelligence management faced strong opposition from the CIA. Out of fear that consolidating defense intelligence under one dedicated DoD official could weaken the DCI's authorities, CIA quickly downplayed the significance of these two studies. Respondents noted that several key officials within the IC believed that if the USD(I) idea had any chance of overcoming CIA's opposition, it would have to occur while under the leadership of an aggressive and savvy SECDEF capable of successfully navigating the treacherous Washington D.C. political waters.

#### Rumsfeld and Intelligence

On November 20, 1975, an aggressive and savvy Rumsfeld became 13th U.S. SECDEF and immediately sought to reverse the gradual defense budget decline while simultaneously rebuilding U.S. strategic supremacy. The underlying issue of that day was whether or not the CIA was underestimating the threat from the Soviet Union, either by

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<sup>91</sup>Richelson, 483.

<sup>92</sup>Department of Defense, *Commission on Roles and Missions of the Armed Forces*, 1995, [http:// www.dod.gov/pubs/foi/reading\\_room/734.pdf](http://www.dod.gov/pubs/foi/reading_room/734.pdf) (accessed April 2, 2011).

intentionally tailoring intelligence to support Secretary of State Henry Kissinger's policy of détente or by simply failing to give enough weight to bleak interpretations of Soviet intentions.

Rumsfeld, not convinced that the CIA had adequately assessed the threat, successfully undermined Kissinger during the Strategic Arms Limitation Talks, aimed at promoting armament control between the U.S. and Soviet Union.<sup>93</sup> In May 1976, Rumsfeld lobbied for the creation of Team B, a competitive analysis exercise commissioned to analyze threats the Soviet Union posed to the security of the U.S. The Ford administration chose the President's Foreign Intelligence Advisory Board to challenge the CIA's analysis. The Team B concept was initially rejected by DCI William Colby, which led to President Ford quickly replacing Colby with a more supportive DCI, George H. W. Bush. Team B concluded that the National Intelligence Estimate on the Soviet Union underestimated Soviet military power and misinterpreted Soviet strategic intentions.<sup>94</sup> Although history would prove Team B's findings inaccurate, at the time Rumsfeld and DoD scored a major victory against Kissinger's State Department and the CIA.

In January 1977, Rumsfeld left the Pentagon for private sector employment. Respondents believed that Rumsfeld's first term as SECDEF was critical to shaping his views on national intelligence. During the Ford Administration, he gained invaluable

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<sup>93</sup>Elaine Sciolino and Eric Schmitt, "Defense Choice Made a Name as an Infighter," *The New York Times*, January 8, 2001, <http://www.nytimes.com/2001/01/08/us/defense-choice-made-a-name-as-an-infighter.html> (accessed April 2, 2011).

<sup>94</sup>Anne Hessing Cahn, "Team B the Trillion," *The Bulletin of Atomic Scientist* 49, no. 3 (April 1993): 22-23.

experience that would serve him well in the future. Rumsfeld was able to successfully challenge the CIA, shape national intelligence, and gain the President's trust. He would use a similar blueprint when he returned for a second stint as the Pentagon's chief.

At the behest of President George W. Bush, Rumsfeld returned as SECDEF in 2001. Armed with extensive experience gained from his previous SECDEF tour, and as chairman of two congressionally mandated commissions, one on the ballistic missile threat to the U.S. and the other on organization and management of space related activities in support of U.S. national security, Rumsfeld announced a series of sweeping reviews intended to transform the U.S. military. The SECDEF's new vision for a lighter, more agile force depended on responsive, tailored intelligence support to the warfighter. Consequently, SECDEF understood that in order to achieve his vision of an agile force, he would also have to transform national intelligence, an issue that had caused him concern for years.

On two separate occasions, before the Senate Armed Services Committee (SASC), Rumsfeld was asked to name his greatest management challenge. Without hesitation, Rumsfeld answered, "Intelligence."<sup>95</sup> His Senior Intelligence Advisor Richard Haver surmised, "Rumsfeld came to believe that the nation had weak and anemic intelligence capabilities, so when he came back to this job, he felt the need to improve intelligence capabilities across the board."<sup>96</sup>

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<sup>95</sup>U.S. Congress, Senate, Committee on Armed Services, *Implications for the Department of Defense and Military Operations of Proposals to Reorganize the United States intelligence Community*.

<sup>96</sup>Irwin.

Rumsfeld's intelligence frustrations would intensify. An April 1, 2001 mid-air collision between a United States Navy EP-3E signals intelligence aircraft and a People's Liberation Army J-8II interceptor fighter jet ignited an international dispute between the U.S. and the People's Republic of China (PRC).<sup>97</sup> The Hainan Island incident caused the death of the PRC pilot and forced the U.S. Navy EP-3E to make an emergency landing. U.S crew members were detained and questioned by Chinese authorities, while the aircraft, which featured sensitive equipment and information, was disassembled, analyzed and compromised.

Immediately following the incident, Rumsfeld summoned an emergency meeting to discuss compromised intelligence. To Rumsfeld's dismay, officials from eleven different military intelligence organizations attended the meeting. Not only did Rumsfeld believe eleven intelligence officials was excessive, he also found the experience confusing.<sup>98</sup>

Rumsfeld's frustrations would continue to be deepened by the DCI's consistent unwillingness to deal with lower-level DoD subordinates in resolving budgetary conflicts. In August 2002, after a round of budgetary deconflictions with the CIA, Rumsfeld reiterated to a group of senior DoD officials that he wanted a single person to oversee all aspects of the department's intelligence.<sup>99</sup>

Several respondents believed Rumsfeld's tipping point occurred during an October 16, 2001 National Security Council meeting when John McLaughlin, Deputy

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<sup>97</sup>Richelson, 483.

<sup>98</sup>Ibid.

<sup>99</sup>Ibid., 484.

Director of CIA, briefed that a second CIA paramilitary team would arrive in Afghanistan later that night. By contrast, no military special operations forces (SF) teams had even entered the country. An absence of SF teams collecting ground intelligence posed serious challenges for DoD's ability to deploy larger and more capable follow-on forces. The delay only intensified Rumsfeld's frustration with the military's inability to act as nimbly and rapidly as the CIA, as well as his reliance on the CIA for intelligence.<sup>100</sup>

### Environment Ready for Reform

Richard Best from the Congressional Research Service stressed in an interview with the author that historically, intelligence reform had been motivated by the desire to: improve efficiency; respond to failures and improprieties; or refocus community requirements. In response to the failures of September 11, 2001, policy makers saw a reform opportunity aided by an environment receptive to change.

Lowenthal believed the environment, fueled by the American public's desire to avenge the September 11th tragedy eventually forced Rumsfeld's hand. The families of the September 11th victims pressured Congress and the Bush administration to accept the 9/11 Commission's recommendation to establish the DNI. Lowenthal surmised, that after observing the families' momentum, Rumsfeld concluded that his best option to protect the Pentagon's turf in advance of the impending DNI was to create the USD(I).

Although the Commission initially faced serious challenges, the 9/11 Commission made a series of landmark recommendations in its 2004 report including a recommendation to restructure the IC. Henry Kissinger and George Mitchell originally

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<sup>100</sup>Bradley Graham, *By His Own Rules: The Ambitions, Successes and Ultimate Failures of Donald Rumsfeld* (New York: Public Affairs, 2009), 302.

designated as the Commission's co-chairs, quickly withdrew under conflict of interest charges. Thomas Kean, former Governor of New Jersey, and Lee Hamilton, former congressman from Indiana's Ninth district eventually agreed to chair the Commission.<sup>101</sup>

By July 2004, the Commission publicly complained that the White House and Justice Department failed to make necessary documents and personnel available. In October, Kean threatened to issue subpoenas to gain the administration's cooperation. Moreover, the timing of the Commission's final report also became a point of conflict. When the Commission sought an extension beyond its scheduled termination on May 27, 2004, the Bush administration objected. However, vigorous lobbying by the September 11th families forced the Bush administration to agree to a sixty-day extension.<sup>102</sup>

Lowenthal noted that the White House's tensions with the Commission were influenced in large part by fear that the Commission would lay blame at the White House's doorstep just prior to the 2004 presidential election. The Bush administration described the Commission as unnecessary considering the impending House-Senate inquiry. Families of the victims of the September 11th attacks disagreed, and mounted a highly effective public relations campaign that applied relentless pressure on Congress and the White House to support the Commission. After a relatively brief debate, followed by fierce negotiations, Congress quickly adopted many of the Commission's recommendations, including the Commission's signature recommendation--creation of the DNI.

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<sup>101</sup>National Commission on Terrorist Attacks Upon the United States, Website, <http://www.9-11commission.gov/> (accessed January 11, 2011).

<sup>102</sup>Lowenthal, 29.

In 2002, Brent Scowcroft, Chairman of the President's Foreign Intelligence Advisory Board made his contribution to the intelligence reform discussion. Scowcroft proposed reforms similar to those eventually championed by the 9/11 Commission. Most apprehensive to DoD was Scowcroft's recommendation to turn the DCI into the national intelligence czar, with authority over a separate CIA director and control of the annual intelligence budget. Rumsfeld quickly rebuffed Scowcroft's recommendations, which had the potential to strip key intelligence agencies and their multi-billion dollar budgets away from the Pentagon.

#### SECDEF Makes his Move

The research revealed that Rumsfeld's desire to create the USD(I) was motivated by three factors: the need for a single DoD official to manage his intelligence portfolio; longstanding budgetary feuds with the CIA; and the imminent creation of the DNI. While respondents agreed each of the aforementioned factors were significant, from their perspectives, the most significant motivator was the SECDEF's desire to preempt the creation of the DNI and protect DoD's powerful intelligence portfolio through the creation of the USD(I).

In the Fall of 2002, during an exclusive breakfast meeting, SECDEF pitched his USD(I) vision to the DCI, Chairman of the Senate Select Committee on Intelligence (SSCI), and Chairman of the House Permanent Select Committee on Intelligence (HPSCI).<sup>103</sup> No staffers or deputies were permitted to attend the meeting. One respondent

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<sup>103</sup>Interview with IC Official, Washington, DC, March 12, 2010.

familiar with the meeting commented that the proposal was well received and faced little opposition.

George Tenet publically supported the proposal, after Joan Dempsey, Deputy Director of Central Intelligence for Community Management, thoroughly examined the matter.<sup>104</sup> Tenet considered the USD(I) creation an internal DoD matter and believed that a single DoD intelligence official would actually make coordination with the Pentagon much easier. Respondents suggested, had Tenet wanted to resist, he would have found it difficult considering he was still politically weakened after receiving much of the blame for the September 11th failures.

Soon after receiving Tenet's public support, Rumsfeld received positive feedback from another key IC voice. Larry Kinsdvater, former Deputy Director of Central Intelligence for Community Management, believed the military needed a strong USD(I) to ensure its needs were satisfied. According to Kinsdvater, "No one in the Department of Defense was in charge of determining what tactical intelligence capabilities are needed to support military operations."<sup>105</sup> Support from respected IC leadership like Tenet and Kinsdvater provided Congress the necessary political cover to support the plan.<sup>106</sup>

Senator John Warner, Chairman of the Senate Armed Services Committee (SASC), presented the USD(I) proposal as a floor amendment to the Armed Forces Appropriation Bill of 2003. Floor amendments can be offered by any individual senator during consideration of another bill. By contrast, committee amendments are introduced

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<sup>104</sup>Interview with IC Official, Washington, DC, March 13, 2010.

<sup>105</sup>Kinsdvater.

<sup>106</sup>Interview with IC Official, Washington, DC, March 13, 2010.

by the committee responsible for drafting the bill, not by individual senators. Committee amendments typically receive more rigorous debate and scrutiny than floor amendments. Opponents of floor amendments argue that this tactic is often an attempt to slip controversial proposals through the legislative process, bypassing the debate and rigor of committees.

Respondents noted that Rumsfeld's use of the floor amendment to expedite his USD(I) proposal was significant. Several were impressed that the SECDEF was able to gain enough congressional support to pass the legislation in less than two months. Moreover, respondents noted that Rumsfeld's opponents were overmatched by the SECDEF's Washington experience, political savvy, and determination to devise a winning strategy.

Senator Bob Graham, Chairman of the SSCI, publicly criticized the timing of the proposal and argued that the amendment should have been withheld to be considered within the context of a major restructuring of the IC.<sup>107</sup> Despite objections from the SSCI Chairman, Congress passed U.S. Public Law 107-314 on December 2, 2002, authorizing the creation of the USD(I).<sup>108</sup> DoD had finally established a single intelligence official, responsible for exercising the SECDEF's authority, direction, and control over Defense intelligence activities. Most importantly for SECDEF, the USD(I) received a head start on the DNI.

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<sup>107</sup>Walter Pincus, —Rumsfeld Move in Pentagon Criticized,” *The Washington Post*, December 11, 2002 (accessed January 30, 2011).

<sup>108</sup>US Public Law, 107-314, December 2, 2002.

## Impetus for Change Summary and Interpretation

To summarize, this subchapter constructed the evolutionary timeline and critical events that led to the creation of the USD(I). The research revealed that Rumsfeld's desire to create the USD(I) was motivated by three factors: the need for a single DoD official to manage his intelligence portfolio; longstanding budgetary feuds with the CIA; and the imminent creation of the DNI.

The research also revealed that Rumsfeld's use of the floor amendment to expedite the proposal was significant. Respondents were amazed that the SECDEF was able to gain enough congressional support to pass the legislation in less than two months. They attributed the SECDEF's success to his federal government experience, political savvy, and determination.

Last, the research uncovered that respondents believed the environment, fueled by the American public's desire to avenge the September 11th tragedy influenced Rumsfeld's USD(I) timeline. Because Congress and the Bush administration were forced by the 9/11 families to accept the 9/11 Commission's recommendation for the DNI, Rumsfeld's best option to protect the Pentagon's turf in light of the impending DNI, was to create the USD(I).

## Functions Authorities and Purpose

The purpose of this subchapter is to compare and contrast the functions, authorities, and purposes of the USD(I) to the DNI, and determine the impact of each position on the other. The results from this comparison will provide a foundation for identifying and analyzing IC overlaps, redundancies, and conflict. On a final note, this

subchapter also seeks to examine how congressional influence effectively shaped the USD(I)'s and DNI's functions, authorities, and purpose.

To start, DoD Directive 5143.01 describes in detail the functions, authorities, and purpose of the USD(I). As comprehensive as this document appears, the genesis for DoD Directive 5143.01 grew out of a simple intent, expressed through a series of DoD single purposed memoranda that explained the SECDEF's vision. Principally, DoD Directive 5143.01 remained consistent with Rumsfeld's original stated intent for the USD(I).

Richard Haver, Rumsfeld's Special Assistant for Intelligence, began marketing the SECDEF's USD(I) intent shortly after the SECDEF's exclusive proposal breakfast. Haver maintained that the office was necessary to support military commanders who often complained that the U.S. intelligence bureaucracy failed to adequately satisfy their needs for near real time enemy intelligence.<sup>109</sup> Haver believed the USD(I) would mitigate this problem by spending significant hours with operators in the field to understand the operators' needs.

During his Senate confirmation hearings in March 2003, Rumsfeld's nominee to become USD(I), Stephen Cambone, was asked whether he believed USD(I) should serve as the DCI's DoD counterpart. After responding no, Cambone explained his roles would be complementary vice competitive.<sup>110</sup> Furthermore, he added, his two most important functions as USD(I) were: (1) to assist the SECDEF in ensuring that the armed forces had

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<sup>109</sup>Irwin.

<sup>110</sup>U.S. Congress, Senate, Committee on Armed Services, *Nomination of the Honorable Stephen A. Cambone to be Under Secretary of Defense for Intelligence*, 107th Cong., 1st sess., February 27, 2003.

the necessary intelligence capabilities and; (2) to ensure the DCI had the requisite capabilities to support the President.

Even though Cambone testified to Congress that he did not consider himself the DNI's peer, one respondent recalled a meeting between DoD and ODNI where Cambone in fact suggested to DNI John Negroponte that the two were equals. According to the respondent, Negroponte stopped the meeting to make certain Cambone and others understood that the USD(I) was not the DNI's peer.

During his confirmation, Cambone also unveiled his top four initiatives: (1) enhance long range warning capability; (2) increase focus on support to the warfighter; (3) improve counterintelligence capabilities; and (4) improve DoD intelligence planning, programming, and budget cycle processes.<sup>111</sup> Respondents noted that Cambone's functions and initiatives served as a preview to how his new office would organize and operate.

The research revealed Cambone's intent statement was extremely useful to Congress and the IC considering the lack of specifics published in U.S. Public Law 107-314, the act creating the USD(I) position. While the Bob Stump National Defense Authorization Act for Fiscal Year 2003 explicitly stated that the USD(I) would perform duties and exercise delegated powers extended by the SECDEF in the area of intelligence, the law failed to offer specifics regarding USD(I) functions, authorities, and purpose. Several respondents stressed, by offering minimal details, Congress presented

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<sup>111</sup>U.S. Congress, Senate, Committee on Armed Services, *Nomination of Honorable Stephen A. Cambone to be Under Secretary of Defense for Intelligence*.

the SECDEF a unique opportunity to define and shape the specifics of this newly created position, all but guaranteeing intent/authority congruency.

On April 18, 2003, the SECDEF published initial USD(I) details in the Memorandum –“Office of the Under Secretary of Defense for Intelligence.” This memorandum was the first DoD generated communiqué to articulate basic functions and authorities of the USD(I) consistent with the SECDEF’s original intent. Most importantly, this memorandum authorized the USD(I) to serve as a Primary Staff Advisor (PSA) to the SECDEF and supervisor of all DoD related intelligence activities.

In May 2003, Deputy SECDEF Paul Wolfowitz released a second USD(I) related memorandum, –“Implementation Guidance on Restructuring Defense Intelligence and Related Matters.” This memorandum established the Office of the Under Secretary of Defense for Intelligence (OUSD(I)) as the sole DoD intelligence organization through which all intelligence, intelligence-related oversight, and intelligence policy guidance functions would be organized. While this memorandum contained considerably more details than the April 18, 2003 memorandum, the SECDEF’s intent remained the same. The memorandum directed all personnel associated with, and other resources in the ASD(C3I) related to intelligence, counterintelligence, security, and other intelligence related matters to be immediately transferred to the USD(I).

In August 2005, SECDEF released a directive-level document to assign the USD(I) specific functions and authorities. (Figure 2) DoD Directive 5143.01 superseded the 2003 SECDEF Memorandum, –“Office of the Under Secretary of Defense for Intelligence” and the Deputy Secretary of Defense memorandum, –“Implementation Guidance on Restructuring Defense Intelligence and Related Matters.” Similar to the

documents it replaced, DoD Directive 5143.01 also authorized the USD(I) to serve as a PSA to the SECDEF. However, respondents explained two additions made this document significantly different than the two preceding memoranda.

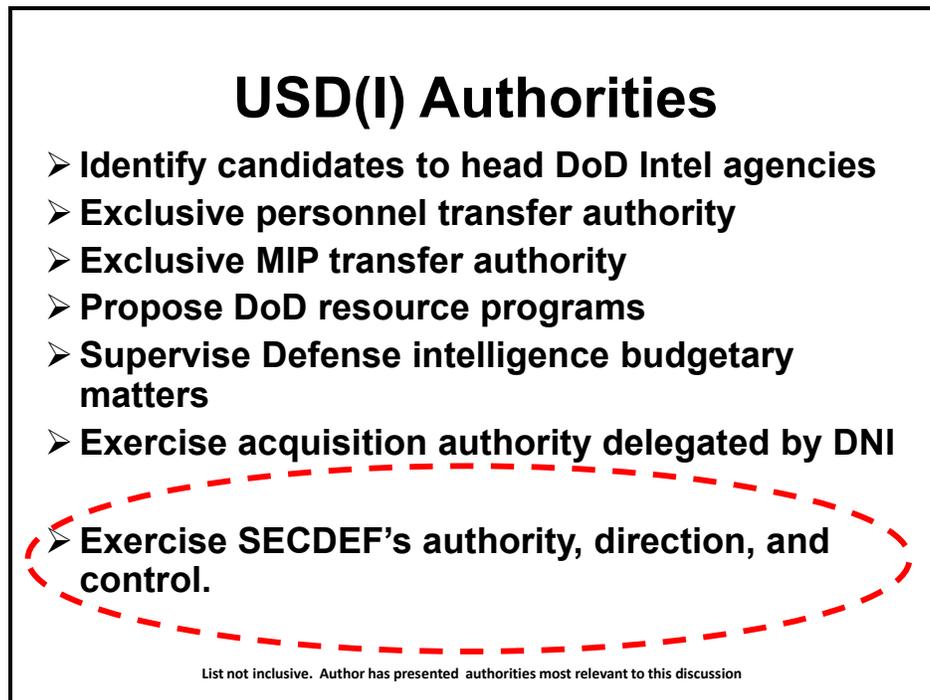


Figure 2. USD(I) Authorities

Source: Department of Defense, Directive 5143.01, *Under Secretary of Defense for Intelligence*, November 25, 2005, <http://www.dtic.mil/whs/directives/corres/dir.html> (accessed January 30, 2011).

Several respondents stressed that paragraph four of DoD Directive 5143.01 was the most significant paragraph of the entire document. The paragraph states:

The USD(I) is the PSA and advisor to the SECDEF regarding intelligence counterintelligence, security, sensitive activities, and other intelligence-related matters. In this capacity, the USD(I) exercises the SECDEF's authority, direction, and control over the Defense Agencies and DoD Field Activities that are Defense Intelligence, counterintelligence, or security Components and exercises planning,

policy, and strategic oversight over all DoD intelligence, counterintelligence, and security policy, plans and programs.<sup>112</sup>

Hayden noted, when Rumsfeld delegated his “authority, direction, and control” to the USD(I), he effected a major reorganization and power shift in the IC.<sup>113</sup>

If DoD Directive 5143.01 was intended to announce to the IC that the USD(I) would be a prominent player, the same could be said about Executive Order 13394 of December 22, 2005, signed by George W. Bush, which delivered a similarly strong message to members of DoD. Executive Order 13394 published the sequence by which Pentagon civilian officials would take command of DoD should the SECDEF die, resign, or become unable to perform the functions and duties of the office. This Executive Order was an official affirmation of the USD(I)’s influence and highlighted the SECDEF’s displeasure with the Department of the Army. Serving notice to everyone within DoD, Executive Order 13394 made the USD(I) the third most senior official within DoD, a position historically held by the Secretary of the Army, who was demoted to the sixth position.<sup>114</sup>

In 2006, Cambone and Rumsfeld resigned. Incoming SECDEF, Robert Gates chose retired Lieutenant General James Clapper to become the new face of DoD intelligence. Respondents noted that this change in leadership created an opportunity for Gates to refocus the OUSD(I). Immediately after his Senate confirmation, Clapper provided new direction and priorities aimed at optimizing the USD(I)’s mission

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<sup>112</sup>Department of Defense, Directive 5143.01.

<sup>113</sup>Hayden.

<sup>114</sup>White House, Executive Order 13394.

performance. Although Clapper stressed his intent to focus on protecting the statutory authorities of the SECDEF, he made a point to stress that “Defense Intelligence was a subset of National Intelligence.”<sup>115</sup> Accordingly, Clapper expressed his desire to foster a close, productive relationship with the DNI.

At a USD(I) town hall meeting in 2007, Clapper introduced his “immediate impact” issues. First, the new USD(I) stressed the need to integrate National and Defense HUMINT which he believed would provide better support to the military forces. Next, he ordered a review of Counterintelligence Field Activity (CIFA’s) mission, roles, and responsibilities to address public outrage for the organization’s questionable domestic intelligence activities. Last, Clapper expressed his aspiration to evolve information operations by aligning roles and relationships with current doctrine.<sup>116</sup>

Through the years, as the USD(I)’s functions, authorities and purpose matured and developed, so did its organizational structure. When the OUSD(I) was created, the office employed 109 full-time permanent employees, functionally aligned to match Cambone’s initiatives expressed during his confirmation hearing. The OUSD(I) was divided into four deputies and one administrative section (Figure 3): Director for Administration, Deputy USD(I) for Programs, Resources, and Requirements; Deputy USD(I) for Preparation and Warning; Deputy USD(I) for Warfighting and Operations; and the Deputy USD(I) for Counterintelligence and Security.<sup>117</sup>

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<sup>115</sup>Department of Defense, “Town Hall OUSD(I),” OUSD(I) Memorandum, May 1, 2006.

<sup>116</sup>Ibid.

<sup>117</sup>Department of Defense, “Implementation Guidance on Restructuring Defense Intelligence and Related Matters.”

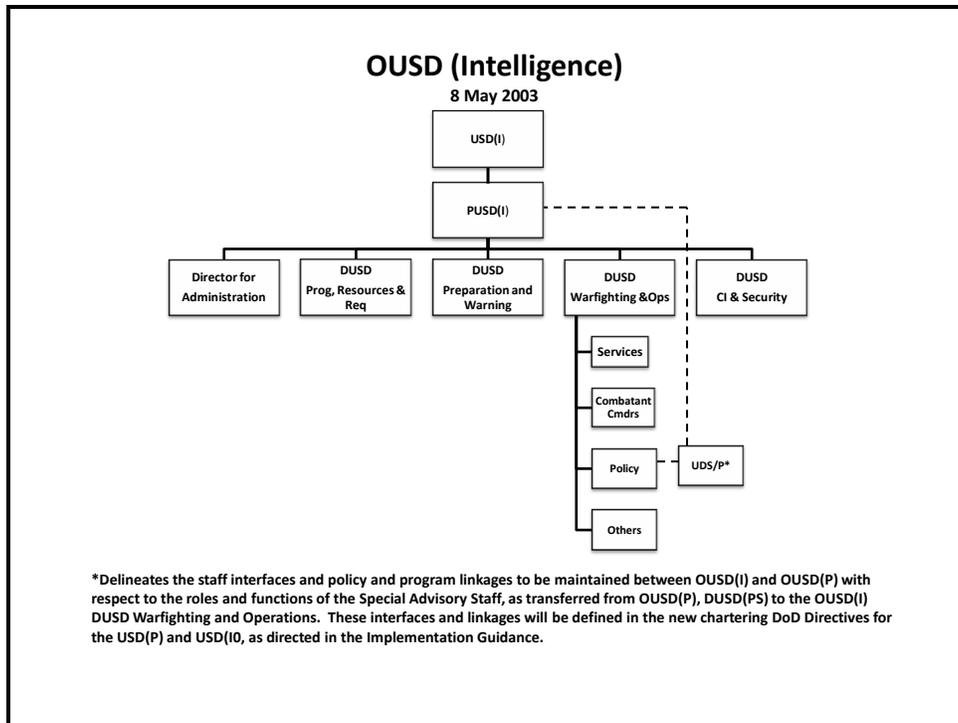


Figure 3. OUSD(I) Organizational Structure May 8, 2003

Source: Department of Defense, “Implementation Guidance on Restructuring Defense Intelligence and Related Matters,” Deputy SECDEF Memorandum, May 8, 2003, <http://www.fas.org> (accessed December 22, 2010).

In 2008, Clapper reorganized the OUSD(I) to address the SECDEF’s decision to strengthen HUMINT and CI integration, more properly align the core functions of the office, and ensure the OUSD(I) was properly postured to address DoD and IC priorities. Noticeably missing from the 2008 organizational chart was the DUSD for Preparation and Warning. Respondents noted that Clapper eliminated the office claiming it created unnecessary overlap.

Clapper’s 2008 OUSDI was realigned into four core functions: Joint Force Operations; Technical Intelligence Disciplines; Programs and Resources; and HUMINT/CI and Security (Figure 4). Each of the four functional offices of the Deputy

Under Secretaries within the OUSD(I) were reorganized and assigned the responsibility of one of the functional areas. ODUSD for Warfighter Support reorganized as ODUSD for Joint and Coalition Warfighter Support. ODUSD for Collection, Analysis and Mission Management reorganized as ODUSD for Technical Collection and Analysis. ODUSD for Acquisition, Resources, and Technology reorganized as ODUSD for Portfolio, Programs and Resources. Lastly, ODUSD for Counterintelligence and Security was reorganized as ODUSD for HUMINT, Counterintelligence and Security.<sup>118</sup>

Respondents explained that the 2008 reorganization was consistent with Clapper's desire to foster a close, productive relationship with the ODN(I), while protecting the SECDEF's statutory responsibilities and authorities.

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<sup>118</sup>Department of Defense, "Reorganization of the Office of the Under Secretary of Defense for Intelligence."

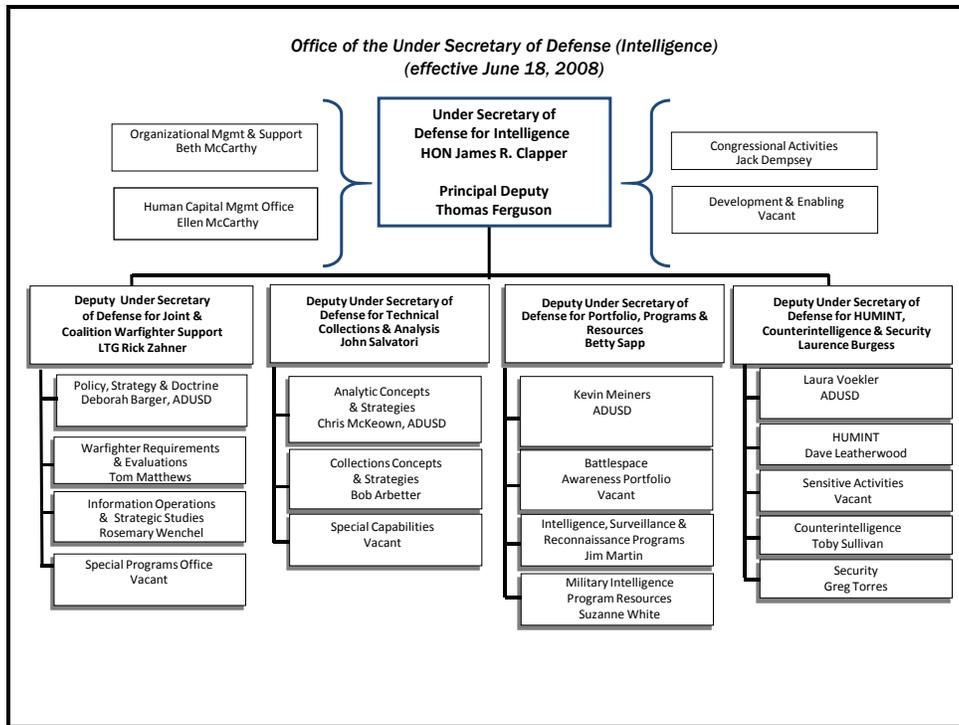


Figure 4. OUSD(I) Organizational Structure June 18, 2008

Source: Department of Defense, “Reorganization of the Office of the Under Secretary of Defense for Intelligence,” USD(I) Memorandum, June 2008, <http://www.fas.org/irp/doddir/dod/usdi061808.pdf> (accessed January 30, 2011).

In March 2011, Michael Vickers, the current USD(I), announced another OUSD(I) reorganization (figure 5). Respondents familiar with the OUSD(I) explained that this reorganization was intended to mirror the ODN(I)’s upcoming reorganization, scheduled for June 2011. Instead of four Deputies, the OUSD(I) now has three. The Deputy USD(I) for Technical Collection and Analysis was eliminated. Functions related to technical collection and analysis were realigned to the Deputy USD(I) for Intelligence and Security.

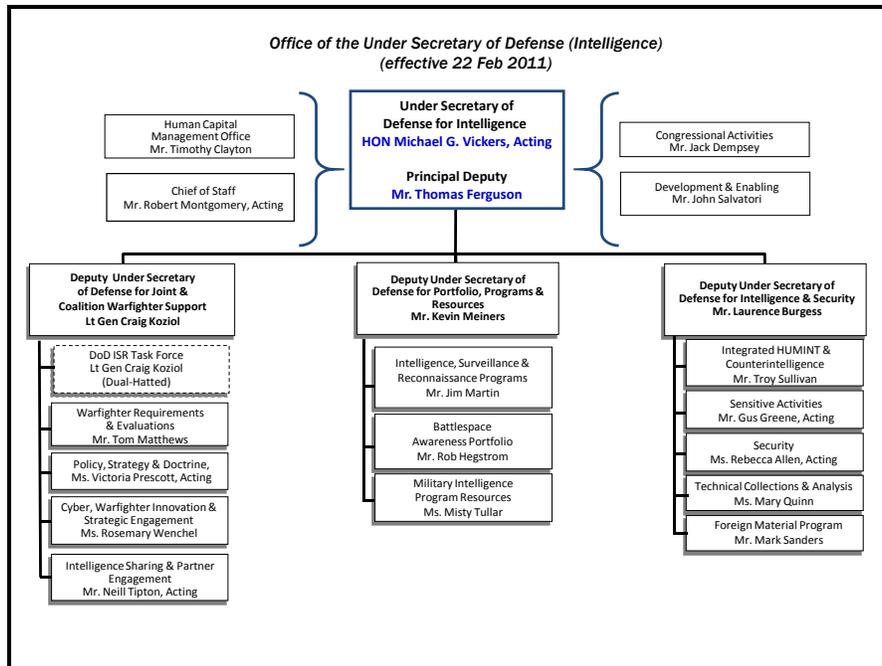


Figure 5. OUSD(I) Organizational Structure February 22, 2011  
*Source:* Department of Defense, “DoD Organizational Structure Diagrams, OUSD(I),”  
 DoD Official website, <http://www.defense.gov/orgchart/#21> (accessed March 3, 2011).

### DoD’s Impact on the DNI

With passage of IRTPA in 2004, the DNI gained substantially more authority than his predecessor, the DCI. Not only does the DNI wield more budgetary power than the DCI, he also has more meaningful authorities in areas of personnel, reprogramming, appointment, tasking, and acquisition. On the surface, the DNI appeared to have statutory authorities necessary to lead the entire IC. However, the research revealed perhaps the most important finding of this subchapter.

While the creation of the DNI with its increased authorities directly challenged the USD(I)’s ability to define its roles and expand its intelligence responsibilities, the defense establishment was able to guarantee its high degree of control of national

intelligence resources, once Duncan Hunter, Chairman of the HASC inserted Section 1018:

The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government.<sup>119</sup>

With the stroke of a pen, Hunter's insertion (section 1018 of IRTPA) effectively marginalized many of the DNI's newfound authorities. Although the legislation affords the opportunity for the President to provide guidance on what the DNI could and could not do with respect to cabinet officers, to date, the Commander In Chief has yet to promulgate such guidelines. When asked about the matter, respondents predicted that if Presidential guidelines were issued, they would likely favor DoD, which would further weaken the DNI's authority.

Figure 6 compares the authorities of the DCI, USD(I), and DNI. An overwhelming majority of respondents expressed beliefs that Section 1018 of IRTPA was deliberately inserted to undermine the DNI's power. However the same consensus was not reached when the researcher attempted to determine who benefitted more, the SECDEF or the Chairman of the House and Senate Armed Services Committees. Almost half of the respondents believed that Rumsfeld wanted Section 1018 to protect his DoD intelligence portfolio, while the others believed the House and Senate Armed Services Committees were interested in protecting their power, prestige, and jurisdiction.

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<sup>119</sup>U.S. Public Law 108-458, December 17, 2004

Richard Best, from the Congressional Research Service, provided the preponderance of the information used to create figure 6 and assisted the researcher in comparing the authorities.

<b>Authorities Cross-walk</b>			
	<b>DCI</b>	<b>USD(I)</b>	<b>DNI</b>
<b>Budgetary</b>	Facilitates the development of IC annual budget.	Oversees and governs MIP. Exclusive executive and proponent to SECDEF and DNI.	Participate in the development of the MIP. Can not abrogate budgetary and administrative authorities of DoD.
<b>Personnel</b>	Transfer required concurrence of affected department head for a period not to exceed one year	Exclusive DoD transfer authority. Exercise policy oversight of personnel in defense intelligence positions to ensure Defense intelligence, CI, and security components are manned, trained equipped, and structured to satisfy needs of the Commanders, Military departments, and ODNI.	With OMB approval can transfer personnel up to two years.
<b>Reprogramming</b>	Transfer funds only if affected parties did not object. Could only transfer for periods up to one year	Exclusive transfer to reprogram within the MIP	With OMB approval can transfer or reprogram NIP funds after department heads have been consulted
<b>Appointment</b>	Limited in terms of degree of nonconcurrence authority and number of positions affected.	Responsible to identify for SECDEF nominees for national agencies. Evaluates DoD national intelligence agency heads.	Concurrence required before nominations for national agencies
<b>Acquisition</b>	No IC acquisition authority	Shared milestone decision authority with DNI on major acquisitions	Exclusive milestone decision authority on major acquisitions except DoD programs, where he shares authority with USD(I)
<b>Tasking</b>	Authorized to exercise collection authorities, but statutory authorities did not address analysis, production, and dissemination	Through DoD channels, can influence tasking of collection, analysis, production, and dissemination	Manage and direct the tasking of analysis, production, and dissemination of national intelligence

Figure 6. Authorities Cross-walk

Source: Created by author.

### Budgetary Authority

The USD(I) exercises exclusive authority for MIP governance and oversight. Additionally, the USD(I) has the authority to approve the addition or deletion of programs, functions, and activities to and from the MIP.

By comparison, Best emphasized that the DNI is empowered by five distinct budgetary authorities not available to DCIs. First, the DNI was authorized to develop and

determine an annual budget for the NIP based on budget proposals provided by the heads of agencies and organizations of the intelligence community and their respective department heads. Second, the DNI was authorized to ensure the effective execution of the annual NIP budget for intelligence and intelligence-related activities. Third, the DNI was given authority to direct the Office of Management and Budget (OMB) to apportion NIP funds to the elements of the IC. Fourth, the DNI became responsible for managing NIP appropriations by directing the allotment or allocation of appropriations through the heads of departments containing agencies or organizations of the intelligence community. Last, the DNI is authorized to monitor the implementation and execution of the NIP.<sup>120</sup>

#### Reprogramming Authority

The USD(I) has the authority to approve resource changes affecting MIP capabilities, programs, and projects throughout the Planning Programming Executing and Budgeting (PPBE) process in coordination with the Director, Program Analysis and Evaluation (PA&E) and with the concurrence of the Under Secretary of Defense Comptroller (USD(C)).<sup>121</sup>

By comparison, Best noted that the DNI, with OMB concurrence can approve transfer or reprogramming of NIP funds. All reprogramming activity by the DNI must be intended for a higher priority intelligence activity or support an emergent need. With approval from OMB and after consulting with affected department heads, the DNI can transfer or reprogram NIP funds out of any department or agency as long as the amount

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<sup>120</sup>Richard Best, RL 34231, *Director of National Intelligence Statutory Authorities: Status and Proposals*.

<sup>121</sup>Department of Defense, Directive 5143.01.

in a single fiscal year is less than \$150 million, is less than 5% of the department's or agency's NIP funds, and does not terminate an acquisition program. DCIs never had significant reprogramming authority.<sup>122</sup>

#### Personnel Transfer Authority

The USD(I) is responsible for oversight and implementation of the DoD detailee policy within the Defense intelligence, counterintelligence, and security components. Additionally, the USD(I) exercises approval authority, consistent with the processes developed by the SECDEF and the DNI, over the assignment of intelligence, counterintelligence, and security personnel within the IC. Requests for detailees external to DoD must receive concurrence from the USD(I) prior to approval by the Director of Administration and Management.<sup>123</sup>

Conversely, the DNI, with OMB approval, is only authorized to transfer personnel within the IC for periods not to exceed two years. The DNI must receive approval from Director of OMB and notify appropriate congressional committees of transfer. On a final note, the DNI may only execute a transfer if transfer is to an activity of higher priority and supports an emergent need. By contrast, DCIs were permitted to transfer personnel, but only if the affected parties concurred and for periods not to exceed one year.<sup>124</sup>

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<sup>122</sup>Best, RL 34231, *Director of National Intelligence Statutory Authorities: Status and Proposals*.

<sup>123</sup>Department of Defense, Directive 5143.01.

<sup>124</sup>Best, RL 34231, *Director of National Intelligence Statutory Authorities: Status and Proposals*.

### Tasking Authority

The USD(I) has the authority to develop, coordinate, and oversee the implementation of DoD policy, strategy, and programs pertaining to intelligence, surveillance, and reconnaissance (ISR). The USD(I) is also authorized to oversee the Sensitive Reconnaissance Operations (SRO) Program policy and maintain cognizance of non-SRO reconnaissance and surveillance activities and operations. Last, the USD(I) is authorized to develop and oversee policy for Defense intelligence planning and preparation activities as well as Defense warning and forecasting activities.<sup>125</sup>

Conversely, Best emphasized that the DNI is authorized to establish objectives and priorities for the IC in addition to managing and directing tasking for collection, analysis, production, and dissemination of national intelligence. The DNI also approves requirements for collection and analysis, including requirements responding to the needs of consumers. Last, the DNI is responsible for providing advisory tasking and guidance to intelligence elements of the MIP.<sup>126</sup>

### Acquisition Authority

The USD(I) is responsible for providing advice and assistance to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), the Assistant Secretary of Defense for Networks and Information Integration/DoD Chief

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<sup>125</sup>Department of Defense, Directive 5143.01.

<sup>126</sup>Best, RL 34231, *Director of National Intelligence Statutory Authorities: Status and Proposals*.

Information Officer, and to other officials and entities in the U.S. Government concerning acquisition programs that affect Defense intelligence.<sup>127</sup>

By contrast, Best noted the DNI has exclusive milestone decision authority for NIP funded major systems, except with respect to DoD programs in which case the DNI has joint authority with the SECDEF. Furthermore, if the DNI and the SECDEF are unable to reach an agreement on a milestone decision, the President must resolve the conflict. The DCI never had this authority.

#### Appointment Authority

The USD(I) is authorized to identify candidates for SECDEF's consideration to be nominated and/or appointed to serve as Directors of DIA, NGA, NRO, and NSA. The USD(I) is also responsible for overseeing the duty performance of the Directors of the Defense Intelligence Components and for soliciting evaluative input from the DNI, as appropriate.

On the other hand, IRTPA authorized the DNI to recommend to the President nominees for Principal Deputy DNI and Director, CIA. The DNI has the right to concur with the appointment or the recommendation for nomination of the heads of NSA, NRO, and NGA. The DNI must also be consulted for appointments or recommendations for the Director of DIA and the Deputy Assistant Commandant of the Coast Guard for Intelligence. By contrast, the DCI appointment authorities were more limited. Not only

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<sup>127</sup>Department of Defense, Directive 5143.01.

did the DCI lack similar DNI concurrence authority, the DCI also faced significant restrictions with regard to the number of positions he could influence.<sup>128</sup>

### Functions, Authorities, and Purpose Summary and Interpretation

To summarize, this subchapter analyzed the USD(I)'s authorities, functions, and purpose as each relates to the SECDEF's initial intent for the position. The research revealed that when Rumsfeld delegated his authority, direction and control of the major defense Department intelligence agencies to the USDI(I), he effected a major reorganization and power shift in the IC.

The research also illustrated that the lack of detail in U.S. Public Law 107-314 provided the SECDEF an opportunity to define and shape the specifics of his newly created position, all but guaranteeing congruency with SECDEF's original intent and providing a head start on the DNI.

The research revealed the most important finding of this subchapter. Section 1018 of IRTPA marginalized the DNI's authorities to lead the IC, and guaranteed DoD's high degree of control of national intelligence resources.

### Redundancy Between the USD(I) and IC

Intelligence analytical redundancy has been credited with promoting concentration of effort and alternative viewpoints. Conversely, intelligence duplication has been blamed for wasted resources, clashes of jurisdiction, and intelligence protectionism. Effective competitive analysis promotes positive redundancy, while

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<sup>128</sup>Best, RL 34231, *Director of National Intelligence Statutory Authorities: Status and Proposals*.

duplication of analysis, as often witnessed within the all source agencies (CIA, DIA, and State Bureau of Intelligence and Research (INR), causes bureaucratic duplication.<sup>129</sup> Not surprisingly, similar concerns regarding bureaucracy and duplication were expressed by IC members about the creation of the USD(I).

One respondent noted that because Rumsfeld created the USD(I) with little regard or sympathy for the preexisting IC organizational structure and processes, overlaps were inevitable. With the stroke of a pen, said the respondent, the SECDEF radically reshuffled the entire IC. The respondent concluded by stressing that the IC should be grateful that more overlaps were not created.

A different respondent offered an alternative view regarding USD(I) generated overlaps. The respondent explained the fact that an overlap exists is not the issue. According to the respondent, the real cause for concern should occur when overlapping organizations both believe they are the lead agency for any given matter. The respondent stressed that IC leadership must be willing to identify and leverage areas of positive convergence and divergence, while attacking and eliminating areas of negative cooperation and conflict, which have the potential to become full blown conflicts and negatively affect national security.

To prime the dialogue, the researcher asked the respondents to provide examples of overlaps and redundancies between the USD(I) and IC. The five most common responses included: budget, covert action, HUMINT, warning, and counterintelligence. The researcher will analyze each overlap and illustrate how the USD(I) either created, influenced, or intensified the redundancy.

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<sup>129</sup>Lowenthal, 14.

## Budget

While identifying USD(I) generated budgetary overlaps, respondents immediately discerned that some budget overlaps were caused by the creation of the USD(I), while others existed before the USD(I) creation, but were made worse after the USD(I)'s creation. Respondents noted that budget overlaps were influenced by two factors: the budgetary responsibilities resulting from the DoD and ODNI dual-hat agreement and the USD(I)'s budgetary responsibilities pertaining to the DoD intelligence agencies.

The research revealed that the USD(I)'s dual-hatting responsibilities caused budgetary overlap between the USD(I) and DNI. In his role as Director of Defense Intelligence (DDI), the USD(I) assists the DNI in managing the Defense portion of the NIP, estimated to be twice the size of the MIP. In his primary role, the USD(I) manages the MIP, the smaller of the two intelligence programs consisting of Defense and service related programs. As a result, dual-hatting responsibilities require the USD(I) to represent both national and defense budgetary responsibilities.

The research also revealed that the USD(I)'s budgetary responsibilities involving the DoD intelligence agencies caused overlap between the USD(I) and ODNI, and perhaps even produced a conflict of interest. For example, when the USD(I) serves as both SECDEF's and DNI's focal point for managing DoD intelligence agency budgets, he is simultaneously advocating for two positions. Respondents questioned the USD(I)'s ability to equitably advocate for two separate organizations with potentially competing priorities. Furthermore, the same respondents expressed concerns that the USD(I) has the potential to pressure the directors of the DoD intelligence agencies to support DoD favored programs, given the fact that USD(I) is not only responsible for identifying to the

SECDEF nominees for the Director positions, but also responsible for evaluating these Directors' performance.

### Covert Action

Several respondents stressed that while not directly in his charge, the USDI supported and facilitated "covert-like" activities conducted by U.S. Special Operations Command (SOCOM) beginning in 2004, which overlapped onto the CIA's domain. The USD(I) relied on the Intelligence Authorization Act of 1991 to justify SF "covert-like" operations, bypassing the statutory requirement for a presidential finding and congressional notification. Intended to prevent scandals like the 1986 Iran Contra Affair, the Intelligence Authorization Act for Fiscal year 1991 expanded oversight provisions, previously applied exclusively to the CIA, to now include any department, agency, or entity of the U.S. Government.<sup>130</sup> The law explicitly stated that traditional military activities or routine support to such activities were deemed not to be covert action within the meaning of the law and thus did not require a presidential finding or congressional notification.

Respondents noted that the USD(I) incorrectly interpreted the 1991 law and in the process placed military personnel at risk. The Geneva Conventions of 1949 defines the basic rights of those captured during a military conflict. More importantly, the Geneva Conventions also established protections for the wounded and civilians in and around a

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<sup>130</sup>Kibbe.

war zone.<sup>131</sup> Military personnel operating out of uniform, while conducting covert-like actions, lose their Geneva Conventions protection.

While acknowledging the aforementioned risk, the majority of the respondents were also quick to point out the fact that after Gates became SECDEF, and Clapper became USD(I), the Pentagon's covert-like operations ended. Several respondents urged the researcher to exercise caution when using the phrase covert-like operations. Furthermore, respondents explained that while clandestine defense intelligence activities may seem similar to covert action, they are not governed by reporting requirements established under the legal regime for covert action. Moreover, since congressional notifications have not traditionally been required for clandestine actions authorized by military orders, DoD intelligence activities received less formal oversight than official covert actions or CIA clandestine activities.

#### HUMINT

Respondents believed that in 2003, the USD(I) encroached on CIA's historic domain by creating a DoD espionage organization and reinterpreting U.S. law to give Secretary Rumsfeld broad authority over clandestine operations abroad, eliminating the need to coordinate with the CIA's National Clandestine Service. The Strategic Support Branch (SSB) provided DoD an intelligence capability for deployed operational units and SF in support of anti-terrorism and counterterrorism missions in Iraq and Afghanistan.

The once secret organization originated from Rumsfeld's pledge to end his near total dependence on CIA. Intended to operate without detection and under USD(I)'s

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<sup>131</sup>Kibbe.

direct control, the SSB deployed small teams of case officers, linguists, and technical experts along with special operating forces. DoD was able to elude the limitation on SECDEF's war powers by DoD lawyers defining the war on terror as ongoing and indefinite in scope. Members of Congress feared the USD(I)'s aggressiveness was a deliberate encroachment into CIA's realm.<sup>132</sup>

The USD(I) claimed the SSB was necessary because the CIA naturally has interests that differ from those of military commanders, but he also criticized CIA's operations directorate as understaffed, slow, and risk-averse.<sup>133</sup> The CIA has substantially fewer HUMINT operators when compared to the Pentagon. CIA and several respondents in this study asserted that the Director of CIA, not the USD(I), is the national HUMINT manager and thereby serves as the national authority for coordination, deconfliction, and evaluation of clandestine HUMINT operations across the entire IC. As such, all DoD HUMINT operations should have received CIA approval before execution.

### Warning

From Pearl Harbor to the USS Cole tragedy in Yemen, the challenge to provide information and warning that allows military and civilian leaders to make better decisions persists. Testifying before the SASC, Strategic Forces Subcommittee, in April 2004, former USD(I) Cambone reiterated his commitment to improve and develop reliable strategic warning. He asserted that competence in strategic warning across the full

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<sup>132</sup>Gellman.

<sup>133</sup>Ibid.

spectrum of potential threats was critical to support the full range of political, economic, and military tools.<sup>134</sup>

Cambone explained that strategic warning prowess was essential to providing the time needed to repurpose U.S. forces and to adjust their posture in a timely way to dissuade adversaries and defeat enemies.<sup>135</sup> Several respondents for this study applauded the USD(I)'s desire to focus on warning. However, they disagreed with his intent to create a centralized warning process. Respondents noted that by attempting to manage warning at the USD(I) level, Cambone created overlaps with multiple intelligence organizations.

Respondents explained that warning is complicated by the reality that the warning in the future is likely to be against threats that the IC may not be able to imagine today. Furthermore, the key to warning is found in the IC's ability to quickly turn indicators into actionable intelligence. As such, respondents expressed concern that adding another cog in the strategic warning chain would prove counterproductive and costly.

In 2006, Clapper discontinued the focus on warning at the USD(I) level. Instead, his office focused on enabling the Combatant Commanders to accomplish this task. In 2006, Clapper eliminated the position of Deputy OUSD(I) for Warning and Preparation.<sup>136</sup>

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<sup>134</sup>U.S. Congress, Senate, Committee on Armed Services, Strategic Forces Subcommittee, Intelligence Surveillance, and Reconnaissance, 104th Cong., 1st sess., April 7, 2004.

<sup>135</sup>Ibid.

<sup>136</sup>Department of Defense, "Reorganization of the Office of the Under Secretary of Defense for Intelligence."

## Counterintelligence

During his Senate confirmation in March 2003, Cambone stated that one of his top initiatives would be to improve counterintelligence capabilities.<sup>137</sup> Respondents believed this desire to improve CI resulted in the Pentagon encroaching onto the FBI's historic domain by creating the Counterintelligence Field Activity (CIFA), also known for a time as the Joint Counterintelligence Assessment Group (JCAG). Presidential Decision Directive (PDD)-75, "U.S. Counterintelligence Effectiveness-Counterintelligence for the 21st Century," signed by President William Clinton on January 5, 2001 provided the foundation for organization.<sup>138</sup>

CIFA's mission was to develop and manage DoD CI programs and functions that supported protecting DoD. Neither the size of its staff, nor its budget was publicized. However, CIFA's operations caused concern among members of Congress and civil liberties advocates after reports surfaced that a CIFA sponsored database called Threat and Local Observation Notice (TALON), designed to monitor threats against U.S. military installations, retained information on U.S. citizens.<sup>139</sup>

On August 4, 2008, the USD(I) activated the Defense Counterintelligence and Human Intelligence Center (DCHC), while simultaneously disestablishing CIFA. The

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<sup>137</sup>U.S. Congress, Senate, Committee on Armed Services, *Nomination of Honorable Stephen A. Cambone to be Under Secretary of Defense for Intelligence*.

<sup>138</sup>Department of Defense, "Establishment of the Defense Counterintelligence and Human Intelligence Center (DCHC)"

<sup>139</sup>Walter Pincus, Defense Facilities Pass Along Reports of Suspicious Activity, 'The Washington Post', December 11, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/10/AR2005121000893.html> (accessed January 10, 2011).

new center, under the direction of the DIA, combined CIFA resources and responsibilities with longstanding DIA CI and HUMINT capabilities, management, and oversight.

### Redundancy Between the USD(I) and IC Summary and Interpretation

To summarize, this subchapter analyzed redundancies and overlaps that were caused or influenced by the creation of the USD(I). Multiple respondents provided examples of overlaps and redundancies between the USD(I) and IC. The analyses focused on the respondent feedback involving budget, covert action, HUMINT, warning, and CI.

The research discovered that USD(I) budgetary overlaps were caused by two factors: the USD(I) dual-hatting responsibilities and his budgetary responsibilities, vis-à-vis DoD intelligence agencies.

The research also revealed that in 2004, the Pentagon incorrectly used the Intelligence Authorization Act of 1991 to justify use of its SF for covert-like operations, bypassing the statutory requirement for a presidential finding and congressional notification.

The research suggested that in 2003 the Pentagon encroached into the CIA's historic domain by creating the SSB and reinterpreting U.S. law to give the SECDEF broad authority over clandestine operations abroad, eliminating the need to coordinate with the CIA's National Clandestine Service.

The respondents stressed that the key to warning lies in the ability to quickly turn indicators into actionable intelligence. As such, respondents expressed concern that adding another cog in the strategic warning chain was counterproductive and costly.

The respondents believed that in 2002, the Pentagon encroached into the FBI's historic domain by creating CIFA and allowing this secret unit to collect information on American persons.

Finally, the respondents expressed the need to mitigate and resolve overlaps and redundancies that have the potential to become full blown conflicts, negatively affecting national security.

### Conflict, Tension, and Turf Battles

Former DCI John Deutch, was extremely critical of the USD(I), labeling the proposal ~~a~~ dramatic change in the management of intelligence--the most far-reaching since passage of the 1947 National Security Act."<sup>140</sup> Deutch argued that the creation of the USD(I) had the potential to weaken support to the military and the ability for the DCI to lead the IC. Deutch claimed that creating the USD(I) would further strain the already unequal balance of authority between the DCI and the SECDEF. Several years later, former DCIA General Michael Hayden described Rumsfeld's effort to establish USD(I) as a power grab that set up a turf war for dominance over the IC.<sup>141</sup> Both gentlemen suggest that the mere presence of the USD(I) would cause major conflict within the IC.

Before asking respondents to provide examples of IC conflicts caused by the existence of the USD(I), the researcher pressed the respondents to draw a distinction between IC overlaps and IC conflict. One respondent explained the difference by comparing IC overlaps and conflicts to the U.S. Government sensitive information

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<sup>140</sup>Deutch.

<sup>141</sup>Hayden.

classification system. According to the respondent, Top Secret, the highest level of classification for sensitive materials would cause exceptionally grave damage to national security if made public or compromised. Comparatively speaking, conflict, the highest level of organization dysfunction in the IC could also cause exceptionally grave danger to national security if issues remain unresolved or unmitigated. On the other hand, Secret level information could cause grave damage to national security if compromised. Similar to Secret level information, IC overlaps could also cause grave damage to national security if unresolved or unmitigated. Clearly, conflicts are the higher priority.

The researcher attempted to test Hayden's and Deutch's assertion that the USD(I) would cause extreme consternation by asking respondents to provide examples of conflict caused by the creation of the USD(I). The three most common responses included: resources, both human and financial resources; control of the DoD intelligence agencies; and congressional oversight.

### Resources

In fiscal year 2010, the NIP budget totaled \$53.1 billion, while the MIP budget totaled \$27 billion.<sup>142</sup> Supporting the work of the 16 main intelligence organizations, are 1,271 government organizations and 1,931 private sector companies in 10,000 locations

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<sup>142</sup>Office of the Director of National Intelligence Public Affairs Office, ODNI News Release 21-10 –“ODNI Releases Budget Figure for 2010 National Intelligence Program,” [http://www.dni.gov/press\\_releases.htm](http://www.dni.gov/press_releases.htm) (accessed January 28, 2011); Department of Defense, News Release 993-10, –“DoD Releases Military Intelligence Program Topline Budget,” October 28, 2010, <http://www.defense.gov/utility/printitem.aspx?print=http://www.defense.gov/releases/release.aspx?releaseid=10242> (accessed January 24, 2011).

in the U.S. working on counterterrorism, homeland security, and intelligence.<sup>143</sup> The national intelligence budget includes salaries for about 100,000 people, highly technical satellite programs, aircraft, and electronic sensors.<sup>144</sup>

Of the \$80 billion dedicated to national intelligence, the USD(I) directly manages the entire \$27 billion dedicated to the MIP. The USD(I) also coordinates the defense portion of the NIP, which amounts to approximately \$35 billion. Together, the USD(I)'s NIP and MIP responsibilities account for approximately \$62 billion, which represents 75-80 percent of the total national intelligence budget. Critics have questioned whether national intelligence has become too militarized.

On a day to day basis, USD(I) manages more of the IC than does the DNI in terms of people and dollars. The USD(I) also represents the vast majority of the intelligence client base because of the broad range of defense intelligence requirements. Lowenthal stressed that because of need to keep the national intelligence budget classified, it was ~~h~~idden within the defense budget and in many ways the budget became beholden to the Pentagon.”<sup>145</sup>

DoD has argued against ceding any daily budgetary execution responsibilities because the Pentagon believes that such a change runs the risk of limiting intelligence

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<sup>143</sup>Dana Priest and William Arkin, —AHidden World Growing Beyond Control,” *The Washington Post*, July 19, 2010, <http://projects.washingtonpost.com/top-secret-america/articles/a-hidden-world-growing-beyond-control/> (accessed March 2, 2011).

<sup>144</sup>*Ibid.*

<sup>145</sup>Lowenthal, 43.

support to military operations.<sup>146</sup> Furthermore, without military control, DoD claims that intelligence support and priorities may be jeopardized.

Congress is also a factor in any redistribution of power. In the past, the powerful House and Senate Armed Services Committees have successfully guarded their turf against any potential encroachments. As a result many respondents believe that it is unlikely that there will be major shifts of actual power in national intelligence.

On November 2, 2010, DNI James Clapper announced that he had won a conceptual agreement with DoD to remove \$53 billion of the national intelligence budget from Pentagon control and place it under his purview by 2013, as part of an effort to enhance his authority over the U.S. intelligence community.<sup>147</sup> Clapper called the agreement a “win-win”.<sup>148</sup> Clapper's deal with SECDEF Gates would take \$50 billion off the top line of the Pentagon budget and give the ODNI more authority and oversight of the budget. The \$27 billion MIP military intelligence budget would remain under the Defense Department.<sup>149</sup>

Proponents of intelligence reform have complained that Congress did not give the ODNI enough control over spending and other levers of power. Respondents for this

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<sup>146</sup>Richard Best, RL 32515, *Intelligence Community Reorganization: Potential Effects on DoD Intelligence Agencies* (Washington, DC: Congressional Research Service, 2004), <http://www.crs.gov> (accessed January 27, 2011).

<sup>147</sup>Ellen Nakashima, “National Intelligence Director Says Budget Will Be Moved from Pentagon Control,” *The Washington Post*, November 2, 2010, [http://www.washingtonpost.com/wp-dyn/content/article/2010/11/02/AR2010110206813\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2010/11/02/AR2010110206813_pf.html) (accessed March 2, 2011).

<sup>148</sup>*Ibid.*

<sup>149</sup>*Ibid.*

study claimed that placing the national intelligence budget under Clapper's control would make it easier for him to ensure that funds are being spent in accordance with presidential and congressional priorities.

Several respondents urged caution, stressing that the issue is much more complex than Clapper explained. They explained that the powerful House and Senate Armed Services Committees, not the Executive Branch, authorize funds for the intelligence budget. Furthermore, the agreement was made between Clapper and Gates, who is set to leave the Pentagon in July 2011. The incoming SECDEF, Leon Panetta, has yet to publicly support the plan. Last, respondents noted that regardless of the outcome, the USD(I) will remain a major player in the process.

#### Control of the Intelligence Agencies

While the CIA is one of the best known components of the IC, the intelligence agencies of DoD produce far more intelligence products and analysis than the CIA. Moreover, NSA, NGA, NRO and DIA have significant responsibilities for collecting intelligence of concern to agencies outside of DoD.<sup>150</sup> Therefore, it should come as no surprise that control of these agencies is the root cause for much tension and conflict.

Respondents noted that after the USD(I) was created, Cambone increased his grip on the DoD intelligence agencies, holding regular meetings to discuss strategy, policy, and vision. In the past, Directors of DoD intelligence agencies had not experienced this type of direct management approach from the Pentagon. Several respondents noted that much of the USD(I)'s involvement was positive. However, one respondent did recall

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<sup>150</sup>Best, RL 32515, *Intelligence Community Reorganization: Potential Effects on DoD Intelligence Agencies*.

Cambone becoming upset with agency heads for releasing employees early because of imminent inclement weather. The respondent firmly believed these types of decisions did not require USD(I)-level approval. Respondents noted that the DCI was never involved in Director-level decisions.

Proponents for Pentagon controlled agencies argue that empowering the DNI with greater control of intelligence agencies in DoD could jeopardize the close relationship between these agencies and the operating military forces. On the other hand, proponents for stronger DNI control argue that while support to the military is a priority, it is not the only one.

During the tightly resourced years of the 1990s, military services were forced to reduce their organic tactical intelligence capabilities, trading organic intelligence resources for the new weapons and maintenance activities needed to preserve readiness. As a result, the military services became dependent on national assets to fill gaps previously satisfied by organic resources.<sup>151</sup>

In their primary roles as Combat Support Agencies (CSA), NSA, NGA, NRO and DIA are responsible for supporting the warfighter. CSAs are designated under section 193 of U.S. Code, Title 10 to fulfill combat support functions for joint operating forces across the range of military operations, and in support of combatant commanders executing military operations.<sup>152</sup> CSAs perform support functions and provide supporting

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<sup>151</sup>Kindsvater.

<sup>152</sup>Department of Defense, Directive 3000.06, *Combat Support Agencies*, April 15, 2010, <http://www.dtic.mil/whs/directives/corres/dir.html> (accessed December 28, 2010).

operational capabilities, consistent with their establishing directives and pertinent DoD planning guidance.

The USD(I) is responsible for establishing policies and procedures with respect to the combat support functions performed by those DoD intelligence agencies, which are designated as CSAs in support of the Chairman of the Joint Chiefs of Staff requirements mandated in section 193 of Title 10.<sup>153</sup> The USD(I) is also responsible for developing and implementing policies and programs to correct deficiencies identified by the Chairman of the Joint Chiefs of Staff and other Defense officials for those defense intelligence agencies which are designated as CSAs to accomplish assigned mission support of military combat operations.

Rumsfeld described his efforts to tighten the connection between the operational forces and CSAs during his 2004 testimony before the SASC. He explained that the relationship between the intelligence agencies and warfighter was critical to DoD's success and argued that any change in the IC should be designed to help the community close gaps, not widen them.<sup>154</sup>

Stephen Cambone echoed similar claims during his 2004 testimony before the HASC, regarding "Implications of the Recommendations of the September 11th Commission on the Department of Defense." Cambone testified that the intelligence agencies were critical to both the SECDEF and DCI for meeting their statutory

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<sup>153</sup>Department of Defense, Directive 3000.06.

<sup>154</sup>U.S. Congress, Senate, Committee on Armed Services, *Implications for the Department of Defense and Military Operations of Proposals to Reorganize the United States intelligence Community*, 108th Cong., 1st sess., August 16, 2004.

responsibilities.<sup>155</sup> For this reason, Cambone stressed that the current relationship is in effect a partnership forged between SECDEF and DCI in law and supporting executive orders. Furthermore, each had independent responsibilities, which included exercising his authorities to ensure the other can fully discharge his responsibilities. Cambone concluded by adding, the partnership could be continued when the DNI was established, without moving the CSAs out of the DoD.

There are those who disagree with Rumsfeld and Cambone's assessment of the USD(I) and DoD intelligence agencies. Notably, General Hayden has argued that the USD(I) was effectively a senior Pentagon official between the nation's intelligence chief and the intelligence agencies. Hayden stressed that Rumsfeld wanted more personal influence over these key organizations. Furthermore, Section 1018 of the IRTPA was a determined effort to protect the SECDEF's prerogatives when it came to his critical combat support agencies: NSA, NGA, and NRO. Ultimately, Hayden's belief that the intelligence agencies should work directly for the DNI, caused extreme tension between him and SECDEF. During the summer of 2004, Rumsfeld invited Hayden and Clapper to a luncheon, where the SECDEF voiced his displeasure with Hayden's belief that the national agencies should work directly for the DNI.<sup>156</sup>

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<sup>155</sup>U.S. Congress, House, Committee on Armed Services, *Implications of the Recommendations of the 9/11 Commission on the Department of Defense*, 108th Cong., 1st sess., August 11, 2004.

<sup>156</sup>Hayden.

## Congressional Oversight

The legislative branch is responsible for monitoring and indirectly supervising federal programs, agencies, and policies. This authority is rooted in the Constitution's "necessary and proper" clause and the implied powers of Congress. Oversight of the IC is essential because of the critical importance of ensuring the nation's security, as well as checking the potential for abuse of power.<sup>157</sup>

The HPSCI and the SSCI are the primary intelligence oversight bodies on Capitol Hill. The HPSCI is comprised of twenty-two members, which includes at least one member each from the House Appropriations, Armed Services, Judiciary, and Foreign Affairs Committees. The SSCI is comprised of 15 members. By rule, the majority party has eight members on the committee, regardless of the number of seats held by the majority in overall Senate. One seat from both the majority and minority party are reserved for standing committee members from Appropriations, Armed Services, Foreign Relations, and Judiciary.<sup>158</sup>

Inconsistencies among congressional chambers complicate oversight of programs and resources directed, authorized, and controlled by the USD(I). In some cases, the congressional intelligence committees have even competed for jurisdiction over controversial issues that may fall within the purview of additional committees. Consider,

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<sup>157</sup>Fredrick M. Kaiser and Walter J. Oleszak, RL30240, *Congressional Oversight Manual* (Washington, DC: Congressional Research Service, 2007), <http://www.crs.gov> accessed January 27, 2011).

<sup>158</sup>Ibid.

both the Judiciary and Intelligence Committees contended they each had oversight over the once-secret NSA warrantless surveillance program.<sup>159</sup>

Within the Senate, the SASC wields more influence and oversight responsibilities over the USD(I) and resources his controls, mainly because the USD(I) was created under Title 10. The SSCI exercises jurisdiction over the USD(I) and the directors of the intelligence agencies pertaining to Title 50 activities. For some matters, Title 10 and Title 50 authorities are shared between the Armed Services and Intelligence Committees in the House and Senate.

Incorporating the USD(I) into the intelligence oversight process has complicated how Congress exercises its authority. On one hand, Congress now has one person from DoD dedicated to intelligence with whom the committees can deal with. Respondents expressed the belief that the USD(I) will improve DoD responsiveness to congressional requests for information. On the hand, figuring which committees can and will deal with the USD(I) and on what issues is extremely complex. Relationships, personalities, and politics play a large role in how fervent some of the committees are to exercise their jurisdictional authorities in oversight of the USD(I) and defense intelligence.<sup>160</sup> As one respondent noted, the only way to simplify the confusing USD(I) oversight responsibilities is for Congress to make some difficult decisions and concessions regarding statutory reforms.

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<sup>159</sup>Jennifer Gillooly, “Congress and the USD(I)” (Paper presented for National Defense Intelligence College, Washington, DC, April 2007).

<sup>160</sup>Ibid.

## Conflict Tension, and Turf Battles Summary and Interpretation

The subchapter analyzed the nature of conflict between the USD(I) and IC. The research revealed that the USD(I) was involved in conflict related to resources, control of the DoD intelligence agencies, and congressional oversight responsibilities.

Most significant to this subchapter was one respondent's warning that conflict had the potential to cause exceptionally grave danger to U.S. national security if issues were not resolved or mitigated.

Lowenthal believed that because the intelligence budget is hidden within the defense budget, in many ways national intelligence was beholden to DoD.

Respondents stressed that proponents for defense controlled intelligence agencies argue that empowering the DNI with greater control of intelligence agencies in DOD could jeopardize the increasingly close relationship between these agencies and the operating military forces. Conversely, proponents for stronger DNI control argue that while support to the military is a priority, it is not the only one.

Last, respondents expressed concerns that congressional authorities influencing the USD(I) cause conflict across the chambers because of two distinct statutes. Title 10 and Title 50 jurisdictional authorities split the armed services and intelligence communities in the House and Senate.

### Subsequent IC Changes Post-USD(I) Creation

Up to this point, the researcher has focused on the USD(I)'s history. However, this subchapter will offer a different perspective. The researcher will address the USD(I)'s future, and actions that set the conditions for the USD(I) to evolve. In other

words, the researcher intends to analyze the environment and available options to the IC that will allow the USD(I) and IC to best manage or eliminate overlaps, redundancies, and conflict.

First, the researcher will analyze critical events that set the conditions for change. Secondly, the researcher will analyze the SECDEF's and DNI's decision to dual-hat the USD(I). Third, the researcher will analyze evidence of collaboration between the USD(I) and the IC. Fourth, the researcher will take a look at the USD(I)'s future, by asking (1) whether the USD(I) should remain at the Under Secretary level or the position be demoted to the Assistant Secretary level, (2) whether or not intelligence should reunite with C3. Finally, the researcher will analyze relationships that matter.

#### Setting the Conditions for Change

In December 2006, shortly after Rumsfeld resigned, Cambone's resignation followed. Robert Gates quickly made several fundamental decisions within defense intelligence to facilitate a more cordial relationship with the IC. Ironically, to replace Cambone, Gates chose retired Lieutenant General James Clapper, who had run afoul of Rumsfeld after he publicly voiced an opinion that NGA should be under the control of the DNI. Additionally, Gates significantly scaled back the Pentagon's footprint on national security policy and intelligence. Working closely with DNI Michael McConnell, Gates also began to assert civilian control over the key intelligence agencies and even ended the Pentagon's efforts to create its own intelligence apparatus independent of the CIA.<sup>161</sup>

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<sup>161</sup>Shorrock.

DNI McConnell worked with the Gates and Clapper to overhaul the IC's guiding document, which outlines fundamental direction to intelligence agencies and organizations. The overall intent of the amendment to Executive Order 12333 was to facilitate a more collaborative IC environment by forcing the sixteen intelligence agencies to work together.<sup>162</sup> On July 30, 2008, President Bush signed Executive Order 13470, *Further Amendments to Executive Order 12333, United States Intelligence Activities*. Respondents were united in their beliefs that Gates and McConnell wanted to set the stage for a more collaborative IC environment.

Two years after the Executive 12333 rewrite, the IC witnessed another subtle yet significant change that also set the conditions for a more collaborative IC. In May 2010, President Obama signed Executive Order 13533, *Providing an Order of Succession within the Department of Defense*, reversing one of the previous administration's decisions which made USD(I) the third most senior official within DoD. Similar to the document it replaced, Executive Order 13533 provided the sequence in which Pentagon civilian officials would take command of DoD should the SECDEF die, resign, or become unable to perform the functions and duties of the office. However, in the updated order, the USD(I)'s position changed from third to the tenth most senior official within DOD. Executive Order 13533 also restored the Secretary of the Army to his former position on the succession list, number three. Respondents believed this change was consistent with Gates' and McConnell's desire to ease tension between the USD(I) and IC, but more importantly Executive Order 13533 delivered a strong message to the those within DoD.

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<sup>162</sup>White House, Executive Order 13470.

## Dual-hatting the USD(I)

Respondents believed that perhaps the most significant sign of defense and national intelligence collaboration occurred in May 2007, when the DNI released, “Under Secretary of Defense for Intelligence to be Dual-Hatted as Director of Defense Intelligence.” Former DNI Mike McConnell convinced Gates to sign the memorandum that established a role for the USD(I) as the Director of Defense Intelligence (DDI) within the Office of the DNI. As the DDI, the USD(I) now reports directly to the DNI and serves as his principal advisor on defense intelligence matters (Figure7). The DDI may receive additional responsibilities as determined by the DNI in consultation with the SECDEF.<sup>163</sup>

The researcher did encounter one respondent who offered a divergent opinion regarding the purpose of the Dual-Hatting Memorandum. Lowenthal stressed, “To clarify the hierarchy, the USD(I) was designated the DDI to make it clear that the USD(I) continued to have a position superior to agencies even though the DoD intelligence agency directors sat on the same DNI Executive Committee.”<sup>164</sup> Lowenthal also cautioned the researcher that memoranda have no legal or enduring basis.

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<sup>163</sup>Office of the Director of National Intelligence Public Affairs Office, Under Secretary of Defense for Intelligence to be Dual-Hatted as Director of Defense Intelligence.

<sup>164</sup>Interview conducted with IC official, Washington, DC, March 21, 2011.



Figure 7. ODNI Dual-hatting Organizational Structure  
 Source: ODNI website, www.odni.gov (accessed March 30, 2011).

Members of the SSCI expressed similar concerns about the long term risks associated with memoranda. Specifically the intelligence committee believed the agreement was not a sufficient instrument to ensure the relationship would last.<sup>165</sup> For example, the memorandum stipulates that either party can unilaterally terminate this relationship with 30 days written notice. The SSCI was concerned that a future DNI who is not interested in working cooperatively with the DoD could easily marginalize or ignore the USD(I), because the memorandum left no legal recourse to force the DNI to cooperate. Conversely, if DoD or a future USD(I) loses interest in working closely with the DNI, a statutory requirement would make it much harder for the USD(I) to disengage.

<sup>165</sup>U.S. Congress. Senate. Committee on Intelligence, Hearing on National Defense Authorization Act for fiscal year 2008, 110th Cong., 1st sess., June 29, 2007.

Similar to the SSCI, respondents believed the decision by SECDEF and the DNI to dual-hat the USD(I) potentially addressed a number of important tensions between national and defense intelligence communities. However, success may be a product of the congruent personalities of the current leadership, instead of inherent strength in the new arrangement. There is no guarantee that this period of cordiality will last, once personalities and administrations change.

#### Additional Evidence of Collaboration

The USD(I), in coordination with ODNI, reissued directives for each of the DoD intelligence agencies. The new directives updated missions, functions, and authorities. Although the directives were signed by the SECDEF, they were released in coordination with the ODNI. The Directives outline Title 10 and Title 50 agency responsibilities. No NRO directive was released because of security concerns.

The first reissued intelligence agency DoD Directive 5105.60, *National Geospatial-Intelligence Agency (NGA)*, replaced DoD Directive 5105 and updated the mission, functions, relationships, and authorities of NGA.<sup>166</sup> The second reissued intelligence agency directive was DoD Directive 5100.20, *National Security Agency/Central Security Service*, dated January 26, 2010, replacing DoD Directive 5100.20, and updating the mission, organization and management of the organization.<sup>167</sup> The final intelligence agency directive released was DoD Directive 5105.21, *Defense Intelligence Agency*, which updated the mission, responsibilities, functions, relationships,

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<sup>166</sup>Department of Defense, Directive 5105.60.

<sup>167</sup>Department of Defense, Directive 5100.20 .

and authorities of DIA.<sup>168</sup> The significance of the new directives is the fact that each contains specific language that recognizes the importance of the DNI/USD(I) relationship.

#### Under Secretary versus Assistant Secretary

Some respondents expressed concerns that promoting the leadership of the defense intelligence organizations to the Under Secretary level may have been too high relative to the position of intelligence elsewhere in the defense community. These same respondents believed the action may have sent too strong a signal. However the majority of the respondents believed that the undersecretary level was correct. Those who support maintaining the level of management argued that because information is an element of national power, intelligence should enjoy a loftier status. This answer may have been influenced by the fact that all respondents shared a background in intelligence.

#### Reuniting Intelligence with C3?

John Deutch argued that the creation of the USD(I) had the potential to weaken support to the military and the ability for the DCI to lead the IC. Deutch also stressed that intelligence activities must be integrated with C3. Instead of creating a USD(I), Deutch believed the SECDEF should have instead elevated the ASD(C3I) to the rank of Under Secretary. According to Deutch, “It would be a folly to separate the ‘I’ from related C3 functions under the new Secretary for Intelligence.”<sup>169</sup> Deutch asserted that reuniting C3I

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<sup>168</sup>Department of Defense, Directive 5105.21.

<sup>169</sup>Deutch.

would improve the SECDEF's control over military intelligence and would accelerate C3's contribution to transforming warfighting capabilities.

When asked about Deutch's proposal, the majority of respondents argued that this alternative had the potential to return intelligence to the same political position it held before separating from C3. Prior to the USD(I), the IC believed that C3 issues received more attention than intelligence issues. Several respondents referred the researcher to the IC21 report that highlighted the problems of including intelligence with C3.

### Relationships That Matter

Several respondents asked the researcher to dedicate a few paragraphs to address why relationships matter in the IC. These respondents are keenly aware that diagrams can be misleading. While they depict where agencies exist in relation to one another, they fail to explain how the organizations interact and respond to one another.

Respondents in the study concede that the natural tension between national and defense intelligence may always persist. However, tension can be mitigated if the IC leadership commits to cooperation. The relationship between Gates, Clapper, Panetta, and more recently Vickers, has worked well. These men understand overlap, redundancies and conflicts, and are committed to eliminating overlaps while mitigating conflicts.

The researcher was told on several occasions that while the relationship between the USD(I) and DNI had a rocky start, the two organizations have worked to mitigate differences. The respondents concluded that the leadership at the top correctly set the proper tone.

## Subsequent IC Change Following USD(I) Creation Summary and Interpretation

The purpose of this subchapter was to address the USD(I)'s future and actions that set the conditions for the USD(I) to evolve. The researcher's goal was to analyze available options to allow the USD(I) and IC to better manage overlap, redundancies, and conflict.

The majority of the respondents believed that the undersecretary level was correct. Those who support the maintaining intelligence at the Under Secretary level argued that because information is an element of national power, intelligence should enjoy a loftier status.

When asked about Deutch's proposal to combine the intelligence with C3 at the under secretary level, the majority of respondents argued that this alternative had the potential to return intelligence to the same political position it held before separating from C3.

The research revealed that respondents in this study along with members of the SSCI expressed concern that the memorandum of agreement was not a sufficient instrument to ensure the cordial relationship between DoD and ODNI would last. Moreover, both groups believed the agreement was far too personality dependent.

The research also revealed the USD(I) in coordination with ODNI reissued directives for each of the DoD intelligence agencies. Although the directives were signed by the SECDEF, they were released in coordination with the ODNI.

Finally, multiple respondents informed the researcher that while the relationship between the USD(I) and DNI was rocky at first, the two organizations have made considerable strides to mitigate differences.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

The study's primary research question was answered by several findings. Evidence indicates that the USD(I)'s authorities, functions, and purpose are not properly postured to complement the statutory authorities of the Director of National Intelligence (DNI) and Intelligence Community (IC). Strong leadership and dedicated professionals have partially addressed institutional weaknesses created by the lack of USD(I) and DNI statutory congruency. However, leadership alone cannot sufficiently solve all of the problems caused as a result of the USD(I)'s establishment. Because the USD(I) was created with little regard for existing IC organizational structure and policies, the IC was left to deal with USD(I) generated intelligence overlaps, redundancies, and conflict that not only stifled community synergy, but also negatively impacted national security.

“I want one dog to kick for defense intelligence matters, but when it comes to intelligence, right now I have a whole kennel,” were the words Donald Rumsfeld used to describe his pre-USD(I) intelligence management dilemma.<sup>170</sup> This statement reflected one of Rumsfeld's most compelling justifications for creating the USD(I). The research revealed that the SECDEF's desire to have “one dog to kick” was important; however, it was not nearly as important as Rumsfeld's desire to preempt the creation of the DNI, protect DoD intelligence equities, and exert greater influence over national intelligence.

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<sup>170</sup>Jeff Stein, “Rumsfeld Gets a Spy Czar and ‘One Dog to Kick,’” *CQ Homeland Security-Intelligence*, November 13, 2002.

The research revealed that certain influential members of Congress were also complicit in consolidating and protecting the defense intelligence portfolio. The powerful House and Senate Armed Services Committees worked closely with Rumsfeld to systematically protect defense intelligence equities at the expense of the legislation that created the DNI. In particular, Duncan Hunter created, Chairman of the House Armed Services Committee (HASC), inserted Section 1018 of Intelligence Reform and Terrorism Prevention Act (IRTPA) which severely marginalized the DNI's ultimate authority.

Equally important to consolidating defense intelligence power was the SECDEF's delegation of his authority, control, and direction to the USD(I) in such a deliberate way, therefore instantly creating the DNI's rival. These actions further tilted an already unbalanced national intelligence apparatus, which in terms of dollars and people heavily favors defense intelligence over national intelligence. Furthermore, several subsequent actions within the IC, occurring after the introduction of Section 1018 of IRTPA and paragraph 4 of DoD Directive 5143.01, were crafted in response to these two highly controversial protective mechanisms.

Fundamentally, the role of the USD(I) was broadly accepted within the DoD. The USD(I) is credited for improving unity and effectiveness within the defense intelligence community. The USD(I) led development of the Joint Intelligence Operation Centers was also hailed as an overall success. Most importantly, the office has increased the appreciation for and attention to the specific intelligence requirements supporting the warfighter.

That same favorable reception was not extended by the greater IC, which held strong suspicions that the USD(I) was actually intended to compete with rather than complement the DNI. In particular, the statutory authorities of the newly created DNI directly challenged the USD(I)'s ability to define its roles and clearly interfered with the USD(I)'s momentum to expand its intelligence responsibilities.

With the passing of the Bob Stump Defense Authorization Act for Fiscal Year 2003, which created the USD(I), Congress reshuffled the entire IC with little regard or sympathy for the preexisting organizational structure and processes. Inevitably, overlaps in the areas of budget, covert action, human intelligence (HUMINT), warning and counterintelligence (CI) were created. These redundancies are particularly important given that they have the potential to become full blown conflicts, negatively affecting national security.

Categorically, IC conflicts are organizational dysfunctions that have the potential to cause exceptional grave danger to U.S. national security if these threats are unresolved or unmitigated. Fortunately, the research also uncovered a potential solution for creating a more effective relationship between the USD(I) and the IC. The ability to eliminate or at the very least mitigate conflicts pertaining to the equitable distribution of IC resources, control of the DoD intelligence agencies, and congressional oversight responsibilities has the potential to create a more synergistic defense and national intelligence environment.

Discussions abound regarding the future of the USD(I). Unfortunately, the combination of section 1018 of IRTPA, paragraph four of DoD Directive 5143.01, and protective actions of the House and Senate Armed Services committees have limited the IC's ability to create solutions that substantially improve the statutory relationship

between the USD(I) and DNI. As a result, the IC has been limited to making non-statutory improvements like the USD(I) and DNI coordinated directives and the recent DoD and ODNI limited dual-hatting agreement.

Other USD(I) proposals regarding (1) whether or not the position should remain at the Under Secretary level or be demoted to the Assistant Secretary level and (2) whether or not intelligence should be reunite with C3, are unlikely to gain support mainly because both proposals run the risk of returning defense intelligence to the same political position it held before separating from C3-a DoD afterthought. Accordingly, the USD(I) will likely remain at the Under Secretary level and separated from C3.

Tension between national and defense intelligence will likely persist. However, good personal relationships and strong leadership have been key to mitigating differences, promoting cooperation, and overcoming the initially tumultuous relationship between the USD(I) and DNI. Although much credit has been given to the senior leaders, who effectively set the proper tone, a closer look reveals the middle management and intelligence specialist at the lower levels actually deserve the lion's share of the credit for finding creative ways to improve the USD(I) and DNI relationship.

### Recommendations

The team of Gates, Clapper, Panetta, and more recently Vickers, has worked well together. These men have attacked IC overlap, redundancies, and conflicts by working hard to resolve problems created by the incongruent statutory authorities of the USD(I) and DNI.

The researcher has offered five recommendations intended to assist in resolving USD(I) influenced IC conflicts. Each recommendation is controversial, demands

considerable political will, and requires extreme territorial concessions. Most importantly, all recommendations are intended to ensure that USD(I)'s authorities, functions, and purpose are properly postured to complement the statutory authorities of the DNI.

To start, the DNI should advise the President to exercise his IRTPA Section 1018 provision by providing guidance on what the DNI can and cannot do with respect to the cabinet officers. Although several respondents have warned against this recommendation, the researcher believes the DNI could benefit if the President presents guidelines that are not only favorable to national intelligence, but ultimately provides greater balance between defense and national intelligence.

Second, the researcher recommends moving the defense portion of the National intelligence Program (NIP) under the control of the DNI. By giving the DNI more power over the defense intelligence segment of the NIP, the DNI could ensure that funds are being spent in accordance with presidential and congressional priorities. As Lowenthal stressed, because of the requirement to keep the national intelligence budget classified, it was ~~h~~idden within the defense budget and in many ways the national intelligence budget became beholden to the Pentagon.<sup>171</sup> As of October 2010, the national intelligence budget top lines, both military and non-military, have been made public. Therefore, the DNI no longer needs to hide his budget within the defense budget. Accordingly, the DNI should use this opportunity to gain greater control of the IC, through greater control of the budget.

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<sup>171</sup>Lowenthal, 43.

Third, the IC should consider having the DoD intelligence agencies report directly to the DNI. Although critics have historically claimed placing the intelligence agencies under the control of the DNI would undermine the power of the SECEDF, who relies heavily on the CSAs to support the current period of persistent conflict, they fail to acknowledge that these agencies already had resources dedicated to supporting the nation's military activities before the period of persistent conflict began. Furthermore, there is no reason to believe our national intelligence apparatus cannot be nimble enough to address defense priorities, while also satisfying national requirements.

Fourth, Congress should consider reforming its own committee authorities by creating a joint committee for intelligence to include all committees with jurisdiction over intelligence matters.<sup>172</sup> The change would reduce the overreliance on good graces and close personal ties of well meaning officials. A joint committee would also hedge against controversial and politically motivated legal verbiage like Section 1018. The researcher admits that this recommendation would require considerable secession of power by committees who have historically guarded their authorities and responsibilities.

Last, Congress should make the DoD and ODNI dual-hatting agreement statutory. The agreement relies on hope and goodwill to bridge the differences between defense intelligence and national intelligence. This reminds the researcher of the commonly used axiom, "Hope is not a strategy." Although the current agreement addressed a number of important tensions between national and defense intelligence communities, the memorandum does not go far enough. Success may be a product of the congruent personalities of the current leadership, instead of inherent strength in the new

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<sup>172</sup>Gillooly.

arrangement. Most importantly, there is no guarantee that this period of cordiality will last once personalities and administrations change.

To conclude, this study determined the appropriate role of the USD(I) and examined the extent to which the USD(I)'s authorities should be scoped to ensure proper coexistence with the DNI and the IC. The evidence indicates that the USD(I)'s authorities, functions, and purpose are not properly postured to complement the statutory authorities of the DNI and IC. As a result, IC has only made improvement on the margins, and not attacked the true concerns of overlaps, redundancies, and conflict. Bolder changes are necessary to complement statutory authorities of the DNI.

## GLOSSARY

all-source intelligence. Intelligence products and/or organizations and activities that incorporate all sources of information, most frequently including human resources intelligence, imagery intelligence, measurement and signature intelligence, signals intelligence, and open-source data in the production of finished intelligence.

analysis and production. In intelligence usage, the conversion of processed information into intelligence through the integration, evaluation, analysis, and interpretation of all source data and the preparation of intelligence products in support of known or anticipated user requirements.

collection management. In intelligence usage, the process of converting intelligence requirements into collection requirements, establishing priorities, tasking or coordinating with appropriate collection sources or agencies, monitoring results, and retasking, as required.

collection management authority. Within the Department of Defense, collection management authority constitutes the authority to establish, prioritize, and validate theater collection requirements, establish sensor tasking guidance, and develop theater-wide collection policies.

communications intelligence. Technical information and intelligence derived from foreign communications by other than the intended recipients.

counterintelligence. Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

current intelligence. One of two categories of descriptive intelligence that is concerned with describing the existing situation.

database. Information that is normally structured and indexed for user access and review. Databases may exist in the form of physical files (folders, documents, etc.) or formatted automated data processing system data files.

dissemination and integration. In intelligence usage, the delivery of intelligence to users in a suitable form and the application of the intelligence to appropriate missions, tasks, and functions.

enemy capabilities. Those courses of action of which the enemy is physically capable and that, if adopted, will affect accomplishment of the friendly mission. The term "capabilities" includes not only the general courses of action open to the enemy, such as attack, defense, reinforcement, or withdrawal, but also all the particular courses of action possible under each general course of action. —Enemy

capabilities” are considered in the light of all known factors affecting military operations, including time, space, weather, terrain, and the strength and disposition of enemy forces. In strategic thinking, the capabilities of a nation represent the courses of action within the power of the nation for accomplishing its national objectives throughout the range of military operations.

evaluation and feedback. In intelligence usage, continuous assessment of intelligence operations throughout the intelligence process to ensure that the commander’s intelligence requirements are being met.

foreign instrumentation signals intelligence. Technical information and intelligence derived from the intercept of foreign electromagnetic emissions associated with the testing and operational deployment of non-US aerospace, surface, and subsurface systems. Foreign instrumentation signals intelligence is a subcategory of signals intelligence. Foreign instrumentation signals include but are not limited to telemetry, beaconry, electronic interrogators, and video data links.

foreign intelligence. Information relating to capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence, except for information on international terrorist activities.

fusion. In intelligence usage, the process of examining all sources of intelligence and information to derive a complete assessment of activity.

general military intelligence. Intelligence concerning the (1) military capabilities of foreign countries or organizations or (2) topics affecting potential US or multinational military operations, relating to the following subjects: armed forces capabilities, including order of battle, organization, training, tactics, doctrine, strategy, and other factors bearing on military strength and effectiveness; area and terrain intelligence, including urban areas, coasts and landing beaches, and meteorological, oceanographic, and geological intelligence; transportation in all modes; military materiel production and support industries; military and civilian communications systems; military economics, including foreign military assistance; insurgency and terrorism; military-political-sociological intelligence; location, identification, and description of military-related installations; government control; escape and evasion; and threats and forecasts.

geospatial intelligence. The exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the Earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.

human intelligence. A category of intelligence derived from information collected and provided by human sources.

imagery intelligence. The technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

indications and warning. Those intelligence activities intended to detect and report time-sensitive intelligence information on foreign developments that could involve a threat to the United States or allied and/or coalition military, political, or economic interests or to US citizens abroad. It includes forewarning of hostile actions or intentions against the United States, its activities, overseas forces, or allied and/or coalition nations.

indicator. In intelligence usage, an item of information which reflects the intention or capability of an adversary to adopt or reject a course of action.

information requirements. In intelligence usage, those items of information regarding the adversary and other relevant aspects of the operational environment that need to be collected and processed in order to meet the intelligence requirements of a commander.

intelligence. The product resulting from the collection, processing, integration, evaluation, analysis, and interpretation of available information concerning foreign nations, hostile or potentially hostile forces or elements, or areas of actual or potential operations. The term is also applied to the activity which results in the product and to the organizations engaged in such activity.

intelligence community. All departments or agencies of a government that are concerned with intelligence activity, either in an oversight, managerial, support, or participatory role. Also called IC.

intelligence estimate. The appraisal, expressed in writing or orally, of available intelligence relating to a specific situation or condition with a view to determining the courses of action open to the enemy or adversary and the order of probability of their adoption.

intelligence operations. The variety of intelligence and counterintelligence tasks that are carried out by various intelligence organizations and activities within the intelligence process. Intelligence operations include planning and direction, collection, processing and exploitation, analysis and production, dissemination and integration, and evaluation and feedback.

intelligence, surveillance, and reconnaissance. An activity that synchronizes and integrates the planning and operation of sensors, assets, and processing, exploitation, and dissemination systems in direct support of current and future operations. This is an integrated intelligence and operations function.

joint intelligence operations center. An interdependent, operational intelligence organization at the Department of Defense, combatant command, or joint task force (if established) level, that is integrated with national intelligence centers, and capable of accessing all sources of intelligence impacting military operations planning, execution, and assessment.

measurement and signature intelligence. Intelligence obtained by quantitative and qualitative analysis of data (metric, angle, spatial, wavelength, time dependence, modulation, plasma, and hydromagnetic) derived from specific technical sensors for the purpose of identifying any distinctive features associated with the emitter or sender, and to facilitate subsequent identification and/or measurement of the same. The detected feature may be either reflected or emitted.

Military Intelligence Board. A decision-making forum which formulates Department of Defense intelligence policy and programming priorities.

open-source intelligence. Information of potential intelligence value that is available to the general public.

operational intelligence. Intelligence that is required for planning and conducting campaigns and major operations to accomplish strategic objectives within theaters or operational areas.

planning and direction. In intelligence usage, the determination of intelligence requirements, development of appropriate intelligence architecture, preparation of a collection plan, and issuance of orders and requests to information collection agencies.

priority intelligence requirement. An intelligence requirement, stated as a priority for intelligence support, that the commander and staff need to understand the adversary or the operational environment.

processing and exploitation. In intelligence usage, the conversion of collected information into forms suitable to the production of intelligence.

red team. An organizational element comprised of trained and educated members that provide an independent capability to fully explore alternatives in plans and operations in the context of the operational environment and from the perspective of adversaries and others.

scientific and technical intelligence. The product resulting from the collection, evaluation, analysis, and interpretation of foreign scientific and technical information that covers: a. foreign developments in basic and applied research and in applied engineering techniques; and b. scientific and technical characteristics, capabilities, and limitations of all foreign military systems, weapons, weapon systems, and materiel; the research and development related thereto; and the production methods employed for their manufacture.

signals intelligence. 1. A category of intelligence comprising either individually or in combination all communications intelligence, electronic intelligence, and foreign instrumentation signals intelligence, however transmitted. 2. Intelligence derived from communications, electronic, and foreign instrumentation signals.

synchronization. 1. The arrangement of military actions in time, space, and purpose to produce maximum relative combat power at a decisive place and time. 2. In the intelligence context, application of intelligence sources and methods in concert with the operation plan to ensure intelligence requirements are answered in time to influence the decisions they support.

tactical intelligence. Intelligence required for the planning and conduct of tactical operations.

technical intelligence. Intelligence derived from the collection, processing, analysis, and exploitation of data and information pertaining to foreign equipment and materiel for the purposes of preventing technological surprise, assessing foreign scientific and technical capabilities, and developing countermeasures designed to neutralize an adversary's technological advantages.

threat warning. The urgent communication and acknowledgement of time-critical information essential for the preservation of life and/or vital resources.



## APPENDIX B

### ADVANCE PACKET THESIS EXECUTIVE SUMMARY

In the aftermath of the 9/11 terrorist attacks, policymakers and security experts demanded to know the causes that led to America's intelligence failures. The National Commission on Terrorist Attacks Upon the United States, along with the temporarily constituted Joint Intelligence Committees of the U.S. House and Senate recommended a new head of national intelligence. Simultaneously, Secretary of Defense Donald Rumsfeld successfully lobbied Congress to establish the Under Secretary of Defense for Intelligence USD(I), a new position intended to address chronic problems confronting defense intelligence, with a focus on eliminating shortcomings in intelligence support to the warfighter. Established as part of the National Defense Authorization Act of 2003, the USD(I) successfully consolidated the authority for all intelligence activities in the Department of Defense.

Subsequently, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which established the Director of National Intelligence DNI. IRTPA presented a number of challenges in terms of defining the USD(I)'s expanding role with the newly created DNI. Senior IC leaders held strong suspicions that USD(I) was designated to compete with, rather than complement the DNI. The purpose of this study is to determine the appropriate role of the USD(I) and examine the extent to which the USD(I)'s authorities, functions, and authorities should be scoped to ensure proper coexistence with an increasingly powerful DNI.

Primary Research Question: Are USD(I)'s authorities, functions, and purpose properly postured to complement the statutory authorities of the DNI?

## APPENDIX C

### ADVANCE PACKET RESEARCH QUESTIONS

#### **THE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE: POSTURING AUTHORITIES TO COMPLEMENT INTELLIGENCE COMMUNITY REFORM**

**Purpose:** The purpose of this study is to determine the appropriate role of the USD(I) and examine the extent to which USD(I)'s authorities, functions, and purpose should be scoped to ensure proper coexistence with an increasingly powerful DNI.

**Primary Research Question:** Are USD(I)'s authorities, functions and purpose properly postured to complement the statutory authorities of the DNI?

#### **Secondary Research Questions:**

1. What was the evolutionary timeline and critical events that led to the creation of the USD(I) and DNI?
  - a. What was the initial intent for creating the USD(I)?
  - b. What strategy did the SECDEF use to gain support for the USD(I) proposal?
2. How did the USD(I)'s authorities, functions, and purpose address SECDEF's initial intent for the position?
  - a. What are the current authorities, functions, and purpose of the USD(I)?
  - b. In what ways have the USD(I) authorities, functions, and purpose evolved?
  - c. In what ways did the creation of the USD(I) impact the national intelligence bureaucracy, i.e., relationship between the intelligence agencies and the DNI?
  - d. What are the current authorities, functions, and purpose of the DNI?

- e. How did the DNI's statutory authorities and functions impact an already established USD(I)?
3. What redundancies exist between the USD(I) and the DNI?
    - a. Are the redundancies beneficial?
    - b. Are the redundancies detrimental to the overall effectiveness of the IC?
  4. What conflicts exist between the USD(I) and DNI?
  5. How should USD(I) evolve to more effectively complement the statutory authorities of the DNI?
    - a. Should the USD(I) be an assistant level position instead of a deputy level position?
    - b. Should the USD(I) function reside in the DNI or DOD?
    - c. Should the USD(I), in its current state, be eliminated?

**Primary interview questions:**

1. What issues, problems, or gaps did the creation of the intend USD(I) solve or address?
2. Was/is the USD(I) achieving its state objectives regarding the IC.
3. What conflicts exist between the USD(I) and DNI and can they be mitigated?
4. What redundancies exist between the USD(I) and the DNI?
5. What should the USD(I)'s future be?

## APPENDIX D

### ADVANCE PACKET RESEARCHER BIOGRAPHY

Major Wilburn is a native of Atlanta, Georgia. In 1993, he entered the Marine Corps through the Platoon Leaders Class Program. Major Wilburn completed Bachelor of Science degrees in International Affairs and History from Kennesaw State University, and was commissioned a Second Lieutenant in March 1996. After graduating from The Basic School, Major Wilburn was ordered to 2d Radio Battalion, Camp Lejeune, North Carolina. He served as Executive Officer, Headquarters Company and Executive Officer, Bravo Company.

In January 1998, Major Wilburn was assigned to 22d Marine Expeditionary Unit (22d MEU). He served as the Radio Battalion Detachment Officer-In-Charge for two Landing Forces Sixth Fleet (LF6F) deployments. While serving with 22d MEU, Major Wilburn participated in the following operations: JOINT FORGE, BALKAN CALM, AUTUMN SHELTER, and ALBANIA SECURITY MISSION.

In June 2000, Major Wilburn was assigned to Intelligence Department, Headquarters, United States Marine Corps. He served as Assistant Intelligence Occupational Field Sponsor. Major Wilburn spearheaded several of the DIRINT's strategic initiatives to include: Creation of Tactical Cryptologic Communications Course (TCCC), designed for entry level Signals Intelligence officers; formation of 3d Radio Battalion; and merging of the Counterintelligence and Interrogation Translator military occupational specialties. Additionally, Major Wilburn served as the Marine Representative to National Cryptologic Training Council. In 2003, Major Wilburn transferred to Marine Corps Intelligence Activity, where he planned and executed the 2003 force structure reorganization.

In January 2004, Major Wilburn attended Marine Air Ground Task Force Intelligence Officers Course (MIOC) and graduated as Honor and Distinguished Graduate. Upon completion of MIOC, Major Wilburn was assigned to 3d Intelligence Battalion. He served as Commander, Counterintelligence Human Intelligence Company, Battalion Operations Officer, and Battalion Executive Officer. While a member of 3d Intelligence Battalion, Major Wilburn participated in Combined Support Force-536 (U.S. Tsunami Task Force) and JTF 535 (Philippine Disaster Relief). In 2006, Major Wilburn's tour at 3d Intelligence Battalion culminated with the distinct pleasure of serving as Acting Battalion Commander.

In June 2007, Major Wilburn assumed command of India Company, Marine Cryptologic Support Battalion, with detachments throughout the Pacific to include: Japan, Republic of Korea, Australia and Thailand. Additionally, Major Wilburn was also served as Chief, Joint Ground National Tactical National Integration, National Security Agency/Central Security Service Hawaii. In February 2009, Major Wilburn deployed to Kandahar, Afghanistan in support of OPERATION ENDURING FREEDOM, and established the first Cryptologic Services Group in Regional Command South (RC-S). He also served as the RC-S SIGINT Collections Manager.

In June 2010, Major Wilburn reported for duty at the Army Command and General Staff College (CGSC), Fort Leavenworth, Kansas. After completion of CGSC, Major Wilburn will attend the School of Advanced Warfare, Quantico, Virginia.

Recently, selected for the rank of Lieutenant Colonel, Major Wilburn has earned advanced degrees in Economics and Human Relations. He is a graduate of the Post Graduate Intelligence Program, the Weapons and Tactics Instructor Course, and an adjunct faculty member to the Marine Corps University. His personal awards include the Defense Meritorious Service Medal, Meritorious Service Medal, Navy and Marine Corps Commendation Medal with gold star, Navy Marine Corps Achievement Medal, and the Military Outstanding Volunteer Service Medal.

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