

**STATEMENT ON 18 AUGUST 2004 BEFORE THE  
SENATE SELECT COMMITTEE ON INTELLIGENCE**

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Mr. Chairman, I thank you and the Committee for the opportunity to address the important issues related to the future shape, organization and role of the US intelligence system that you are focusing on in this series of hearings.

I understand that in the minds of many outside this room the subject boils down to creating a National Intelligence Director, and the only open question is what powers such an individual should have. At least 20 Commissions, panels and other bodies over the last 20 years have reviewed the intelligence system, documented serious shortcomings, called for reforms, examined intelligence failures and generally concluded, as Representative Porter Goss has recently said, "*Nobody in their right mind would create the architecture we have in our intelligence community today. It's a dysfunctional community.*" After so many warnings and so little action it is little wonder that many would say it's time for a Czar, if not, "off with their heads".

This may be the right answer although, if so, it would be a first in the US Government's many attempts to address organizational and performance failures by anointing czars endowed with symbolism and little real power and even less enduring executive or Congressional support. I remain agnostic on the wisdom of creating a National Intelligence Director in the absence of knowing:

- Whether we agree on the failures and shortcomings the post is to correct,
- The power of the post itself,
- The wider Executive Branch national security structure within which it is to fit,
- The legislative oversight, authorization and budgeting structure that will vitally determine its authorities and endurance, and
- **Most importantly a demonstrated willingness by both the Congress and the President to hold people and organizations**

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**responsible when they massively fail to live up to their responsibilities.** [The Committee might ask the Congressional Research Service to provide a report on the total number of officials ever “fired” by all the previous “Czars” that have been pushed forward to deal with other organizational failings in the US Government.]

I should add that my agnosticism does not reflect in any way a lack of enduring grief for the shared tragedy of the families and the Nation that resulted from the failure of the US intelligence and law enforcement system to prevent the disaster of 911. And it certainly does not reflect a lack of appreciation for the outstanding work of the 911 Commission.

I am concerned, however, that simply creating a National Intelligence Director, even one with what may seem like real powers – and we should all recall that at the 100,000 feet level that we generally address such questions in Washington this boils down to budgets and very senior personnel - will end up not addressing the real problems – particularly if we continue to say “everyone is at fault therefore no one can be held responsible” – that led to the long string of recent intelligence failures that concluded with 911 and the failure to find Iraqi WMD.

Let me turn to what I know best – although probably not as well as this Committee itself – the reasons we failed to adequately assess the actual state of Iraq’s WMD program. In headline form, I would identify the major factors that contributed to this failure as:

1. A broken culture and poor management within the CIA;
2. A breakdown in CIA analytical tradecraft;
3. The lack of any US clandestine human collection against the Iraq WMD target after 1998;
4. A failure to seriously examine and question the accuracy of data and reports that came from non-US sources;
5. Abuse of control over information to prevent others in the CIA and other parts of the intelligence community from seeing the real problems with the available data concerning Iraq’s WMD and consequently the CIA’s assertions as to the status of Iraq’s WMD program;
6. A real absence of scientific analytical capability within the CIA’s Directorate of Intelligence and a failure to use even the scientific excellence that existed elsewhere in the CIA much less elsewhere

in the US Government to understand the current state of Iraq's WMD program;

7. Multiple security systems and information systems that both within the CIA and between the CIA and other parts of the intelligence system restricted access to vital elements of information necessary for accurately understanding Iraq's WMD program;
8. A complete lack of competitive analysis that led to stale data and findings passing completely unchallenged and being offered up as if they were based on current collection and knowledge;
9. A National Intelligence Council process that was unproductive of real assessments and that mislead, rather than informed, the policymakers, the Congress and, ultimately, the American public.

The remarkable thing to me as I re-examine my own experience and look at the excellent report of this Committee on Iraq's WMD is that the origin of these factors is almost entirely within the CIA. Iraq was an overwhelming systemic failure of the CIA and until this is taken on board and **people and organizations are held responsible for this failure** I have real difficulty seeing how more far reaching reforms have any chance of real success. It really should not take a National Intelligence Director to correct these failings. Indeed, I would argue that if the next DCI does not take on board as his first task the renovation of the CIA beginning with ensuring that these failings are finally effectively addressed then a National Intelligence Director has little hope of success.

Mr. Chairman, having started out by declaring my agnosticism on the creation of a National Intelligence Director let me conclude with what I feel are the essential powers and conditions that, at a minimum, must be given to a National Intelligence Director if this new "czar" were to have a decent chance of not sliding into the irrelevance of our other "czars". At a minimum these are:

1. Explicitly placing all 15 intelligence organization under the authority of the National Intelligence Director and defining that authority to include design and monitoring of intelligence strategies to support the national security of the United States, responsibility for the execution of that strategy and all other powers deemed necessary to ensure the effectiveness of all US intelligence activities;

2. Giving the National Intelligence Director not just budget approval authority, but the real budget power which is detailed budget formulation, approval and release and reprogramming authority for each of the 15 intelligence agencies;
3. Giving the National Intelligence Director not just the responsibility for approving the heads of the 15 intelligence agencies – a largely meaningless power – but the responsibility for ensuring that the personnel policies and practices of all the intelligence agencies operate in a manner to support the effective execution of the national intelligence strategies and the responsibility to remove personnel at all levels who do not adequately perform.
4. Move the National Intelligence Council from the DCI to the National Intelligence Director with the charge of ensuring that all the resources of the intelligence agencies are brought to bear in providing the nation with the best possible analytical products. Responsibility for production and briefing of the PDBs should be moved to this reformed National Intelligence Council, and it must have access to all the collection and analytical resources of the US intelligence community.
5. It is vital to the nation to ensure that diverse analytical views within the intelligence community are allowed to contend on a level playing field and that policymakers understand these differences. The National Intelligence Director, and particularly a reformed National Intelligence Council, must have this as one of its highest responsibilities.
6. While diversity and even contention is to be prized in analysis, a much more common, shared and more effective system is required in the collection of intelligence data – the common feedstock for even differing analytical views. The National Intelligence Director needs to be charged by Congress with ensuring that all of the collection resources of the US intelligence community work to support the national intelligence strategies and priorities. A past that allowed individual collection agencies to ignore the priorities of the DCI and follow their own understanding of the priority needs of “their” customers must come to an end. By the same token the past practice of letting collection organizations establish their own technology requirements and investment plans independent of overall nation intelligence strategies or requirements must end. The National Intelligence Director must assume the responsibility for ensuring that the various collection

services meet the information needs of the intelligence community, and this means setting collection priorities and strategies and ensuring that investment resources are used wisely.

7. Even perfect collection – a goal almost never reached – and excellent analysis is worthless unless it is effectively disseminated, first within and among intelligence agencies but even more importantly to the ultimate users through out the Government. Too many examples of failures in communication abound in the cases of 911, Iraq's WMD and almost every other of the multitude of recent intelligence failures. Incompatible e-mail systems and data bases within agencies and between agencies have been tolerated when almost every study since at least 1992 has called attention to this glaring weakness. The National Intelligence Director must be given the authority and requirement to end this chaos. In the same token, the myriad security systems and authorities no longer add to security – in fact they detract from it – and serve more to protect turf and prevent determinations of accountability. The National Intelligence Director must be given by Congress the ultimate responsibility for security systems through out the intelligence community and be held responsible for shaping a security system that truly protects what is vital while allowing information to be shared and accountability to be assessed.
8. Charge the National Intelligence Director with providing the President and the Congress within twelve months of its creation and every 3 years afterwards with analysis and recommendations on the organizational and resource requirements necessary to support the intelligence requirements to ensure US national security. Fifteen intelligence organizations – and there are actually more – is surely the wrong number and reflect more the needs of the Cold War and the well documented difficulty of the Government to eliminate organizations after the requirements that led to their creation has passed.
9. Recognize that unless Congress puts its house on a footing to support and provide the essential oversight of the performance of the intelligence community and the National Intelligence Director this innovation is doomed to failure. The Senate and House must find a way that does not allow diverse authorizers and appropriators to carve up and undermine the authority of the National Intelligence Director.

10. Just as Congress needs to reshape its oversight structure if a new National Intelligence Director is to have any chance of success, so must the President's national security apparatus. The dog that did not bark in the case of Iraq's WMD is the NSC. When the President apparently expressed concern about the adequacy of the briefings he was receiving on WMD where was the NSC? Why was the Secretary of State left to spend several days reviewing CIA data of Iraq's WMD and ultimately left to twist in the wind when the data he went forward with to the UN Security Council proved false and misleading? Where was the NSC process that ensures that data being given the President and other senior decisionmakers represent what it is said to represent? The National Intelligence Director should not be in the Executive Office of the White House or in the Cabinet. Intelligence must serve the nation and speak truth to power even if in some cases elected leaders chose, as is their right, to disagree with the intelligence with which they are presented. This means that intelligence should not be part of the political apparatus or process. On the other hand, no President can with regard to intelligence – or any other field of government – safely assume that everything that comes to the Oval Office is what it is said to represent. Presidents have developed various means, as befits their personalities and the times, to run their truth tests. When I first came to Washington, it was common for a President to check informally with members of Congress, individual judges on the Supreme Court and, believe it or not, even journalists and academics on the views presented them by their own Cabinet officers. In more recent Administrations, the NSC assumed this role with regard to foreign affairs and defense policy. Regardless of how you do it, it should be clear that it must be done. The National Intelligence Director must not be sucked into the political apparatus of the White House, but on the other hand the President needs to have a mechanism for both conveying his priorities and concerns and for ensuring that he has confidence and an understanding of what the intelligence community is telling him. The NSC seems to be the most logical place to center this role.

Mr. Chairman, as you no doubt have concluded my agnosticism concerning the National Intelligence Director has not stopped me from sharing with you,

in some detail, my views as to the shape such an office should take. I suspect that you are saying a Marine's silent prayer that I was not unreservedly enthusiastic as then my comments might *really* have been lengthy.

I share with many the view that the US intelligence system is in crisis and that this crisis is so grave as to weaken an essential underpinning of both our diplomatic and military capabilities to support US national interests. If this crisis is to be resolved, it will require an effort at least equal to the effort that led to the intelligence community's creation and rise to strength in the most dangerous phase of the Cold War. Remedying this crisis cannot simply be achieved by naming a National Intelligence Director. Vision; an unswerving commitment to serving the nation beyond the political and policy interests of any one Administration; an ability to listen, communicate, lead and execute; and an ethical center all must be brought to bear. The task ahead will be neither easy or quick and will be more a journey than a one step solution. It will certainly not be a quick fix.

I believe that intelligence reform without accountability will not achieve the objective we all share to avoid repeating the clearly avoidable tragedy of 911 and the equally avoidable failures in analysis that marked the Iraq WMD program. If you are to go ahead with the creation of a National Intelligence Director – and I believe you will – I think that you must ensure that such a structure is vested with all the powers necessary to be successful and that the Congress and the President have the organization, capabilities and acceptance of the responsibility to ensure that, as this new structure moves forward, accountability goes hand-in-hand with reform.

Mr. Chairman, I thank you and the Committee for this opportunity to share my views with you.