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CONGRESS, THE INTELLIGENCE COMMUNITY, AND THE PRESIDENT: EVOLVING INSTITUTIONAL RELATIONSHIPS IN THE POST-COLD WAR ERA

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CONGRESS, THE INTELLIGENCE COMMUNITY, AND THE PRESIDENT:
EVOLVING INSTITUTIONAL RELATIONSHIPS
IN THE POST-COLD WAR ERA

A Dissertation APPROVED FOR THE
DEPARTMENT OF POLITICAL SCIENCE

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Years ago, a colleague told me not to be an apologist for the work that I produce. He said that, if one does the best job possible, there is no reason to be overly concerned about preempting criticism. His counsel assisted me in overcoming several bouts of anxiety during the course of my graduate studies. The advice is certainly relevant to the submission of a dissertation.

There are few experiences that can be similarly compared to earning a Ph.D. It is, in my estimation, a personal commitment to intellectual development. As rewarding as this development can be, the work of graduate school can be a lonely experience. At the end of the day, you either wrote part of a chapter, or you did not. Nobody can do that for you.

This is not to say that one has no help. I suspect that my own experience is not very unique in terms of the large number of people to whom I owe an unrepayable debt. It is appropriate to acknowledge these individuals in the lines that follow. In fact, the notation of efforts that others have made on my behalf may be the most important item bound between the two covers of this volume. Attempts to

comprehensively enumerate everyone who has assisted me are to no avail. Still, there are a number of individuals whose contribution to my work and to my development has been significant.

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Idiosyncratic of dissertations and of Ph.D. degrees is a lot of required work that is, for the most part, unrelated to the business of research and writing. The morass of important administrative matters was something that I had not anticipated. The Department of Political Science is blessed with a very able cadre of professional staff. Geri Rowden, Debbie Else, and Mary France moved me easily through the university's ubiquitous maze of bureaucratic requirements. They never displayed any ire at what must have seemed like (and might have actually been) a thousand interruptions. I wish that I could take them with me. I will certainly take with me the standard of professionalism that they have displayed. Similarly, I would like to single-out the university's very fine Government Documents staff. They manage an excellent collection with tremendous skill.

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serving, or have served, the nation in some of the most vital capacities existent in our society. That they took the time to speak candidly with me about their work is, I believe, a gracious and prudent step towards what is perhaps the most important criteria for preserving the security of a democratic state--an informed citizenry.

Finally, I would like to acknowledge the role of a special group of people: my friends and family. Albert Sarvis, Ethel Bachman, and the Satterthwaite family have been a fantastic source of support through the years. Leaving the university with a Ph.D. and military officer's commission gives me a rewarding feeling but retaining these fine individuals as friends leaves me every bit as proud. Amy Bolvin helped to organize the bibliography of this project. Beyond this tangible contribution, the support that she has provided has been so important as to be immeasurable. Simply put, she had me laughing in the midst of it all. My parents, Nelson and Betty Korb, have been with me for each of the steps along the way and, thus, this work is dedicated to them.

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ABSTRACT

This dissertation is a case study of Congressional-Executive Branch relations with respect to intelligence policy. The project utilizes the methods of secondary source assessment, interviews with key governmental officials, and formal content analysis to highlight important contextual elements that help to explain institutional behaviors and policies since the end of the Cold War. The evolving degree of presidential interest in, and control over, the intelligence community, is assessed. Additionally, the extent and character of post-Cold War Congressional intelligence oversight is found to be unique in several respects.

Chapter 1

Explaining Post-Cold War Intelligence Policy

> The Congress always suspects that the CIA is still the president's hand-maiden--doing what he wants. And ironically, as a result of a more intrusive intelligence oversight process for the last twenty years, presidents have felt like CIA was more responsive to Congress than it was to him. And so they're both deeply suspicious of where the Agency's loyalties lie and where it will report first if something happens--in the Congress' case *whether* they'll report and in the president's case, how quickly they're going to go to the Hill. It's a peculiar political menage a trois, with the Agency caught in the middle and, in general, getting screwed. You can quote me.
>
> -Robert M. Gates[1]

Nature of Inquiry

This dissertation is a case study of Congressional-Executive Branch relations. The case examined is the interbranch relationship dealing with the formulation and conduct of intelligence policy. The case study focuses primarily on the role of the Director of Central Intelligence in mediating Congressional-Executive Branch relationships during the post-Cold War period, defined as 1991-2000. Since its creation in 1947, the office of DCI has been a "multi-hat" job, and consideration will be given here to its three main functions: the president's chief intelligence officer, Director of the Central Intelligence Agency, and manager of the overall US intelligence

[1]Interview with author, 6 December 1999, Texas A & M University.

community, which today is comprised of 13 organizations or agencies--more than half of which are within the Department of Defense.

In examining interbranch relationships and intelligence policy in the post-Cold War era, the study will attempt to assess: (a) the relative powers of the Presidency and the Congress in controlling intelligence policy, and (b) the extent and character of Congressional oversight of intelligence community performance. It is asserted that in the post-Cold War era under consideration, these two phenomena are observably and importantly different than two preceding, but quite distinct, periods which together comprise the Cold War era. The study then considers the larger question: what factors influence interbranch relationships in the formulation and conduct of intelligence policy? In identifying a number of such factors, the study seeks to explain, at least in part, how and why the post-Cold War era has changed from earlier eras in terms of both (a) the relative power of presidents and Congress over the intelligence community, and (b) the extent and nature of Congressional oversight of intelligence policy.

Drawing on in-depth interviews with many key participants, a review of many documents and a massive secondary literature, as well as a formal content analysis of selected Congressional hearings, it becomes clear that interbranch relationships dealing with intelligence policy are shaped by a number of complicated but identifiable factors which make up the broad historical and political *context* in which humans in organizations live and work. This context is both more complex and more subtle than some of the formal models of Congressional oversight generated by mainstream social science, and also more multi-dimensional, fluid and idiosyncratic than might be suggested by some of the formal or "grand" theories maintained in the field of international relations. There is a tendency of some of this scholarly work to put premiums on parsimony and on data which can be quantified, and in so doing to miss important parts of the picture. While this project explicitly attempts to build upon and extend previous political science research on Congressional oversight of intelligence and on interbranch relationships, it also seeks to cast a wider net. It reports that a wide range of factors contribute in important ways to the historical and political context in

which the Congress and the Executive Branch have interacted in formulating and implementing intelligence policy.

Moreover, it is only through identifying and clarifying the impact of these elements of the larger context that one can explain the changes observed in the post-Cold War era. In trying to understand interbranch relationships dealing with intelligence policy, at a minimum scholars must acknowledge and elucidate the impact of at least the following elements of the larger context: (a) institutional structures and the dispositions they create, (b) the role of personality and the nature of specific personal relationships among individuals holding institutional positions, (c) the degree of consensus--or absence of consensus--in overall American national security policy, (d) individual events, such as election results, the revelation of misconduct or intelligence failure, or events external to the nation, (e) medium-term trends in the political environment and in organizational culture; as examples of such trends, this study will attempt to assess the impact of changes in presidential administrations and the policy focus and priorities of indvidual presidents, and of the emergence and evolution of a new "DCI culture," meaning the conception

held by DCIs of the nature of their office and their responsibilities in interbranch relations.

In asserting the need to consider such a complex and multi-dimensional context, especially one that includes some variables which are difficult to measure and certainly to quantify, and one that also suggests a role may be played by idiosyncratic events, one seems to challenge the aspirations of social science for developing generalizations that may be at least potentially testable, and thus at least potentially may lead to scientific theory and predictive power. But the reality of humans living and working in organizations *is* complex and multi-dimensional, and it does involve variables that are best studied by a variety of methods, including qualitative ones such as in-depth elite interviewing and observation, as the research method of Richard Fenno has so productively demonstrated.[2]

While focusing on a larger and more complex reality may make generalization across cases more difficult, it is nonetheless a necessary step for building a useful social science that truly explains the formulation and

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[2]See Richard F. Fenno, Watching Politicians: Essays on Participation Observation (Berkeley, CA: Institute of Government Studies, 1990); Homestyle: House Members in Their Districts (Boston, MA: Little, Brown, & Co., 1978).

implementation of policies by national governments and their component institutions and organizations. And the utility and value of such an approach can be demonstrated when it provides a plausible and non-obvious explanation for phenomena that are otherwise inexplicable or unforeseen. To cite just one example, this study will report that the relationship between the Congressional oversight Committees and the intelligence community during the post-Cold War era has been, in an overall sense, harmonious and cooperative--even benign. This has been the case despite a number of highly visible instances of intelligence (and counter-intelligence) failure, interbranch conflict over specific policies, and some alleged bureaucratic misconduct.

Given such potentially disruptive and controversial events--events which might easily lead to interbranch conflict and increasingly adversarial relationships--why has the overall tone of Congressional relationships during the post-Cold War era been generally harmonious? It will be shown in the chapters that follow that identifiable elements of the larger context provide a solid explanation for this apparently paradoxical reality. First, however,

it is useful to consider the evolution of interbranch relationships with respect to these matters.

Institutional Relations in Three Eras

Key to the task of more fully explaining the current reality is to understand the evolving intelligence policy relationship among various governmental actors. During the post-World War II period, the relationship can be viewed as evolving through three distinct historical phases. The first two periods comprise the Cold War. From 1947 to the early 1970's, there existed a strong consensus among both the general public and policy-making elites, and between Congress and the Executive Branch, that the overriding threat to the United States was the existence and influence of communism. During this First Era, the Executive Branch was clearly dominant with respect to national security policy. Presidents prosecuted a virtually unrestrained, militant response to Soviet subversion, with the Congress playing a distinctly subordinate role in issuing blank checks to the Executive Branch. The relationship during this period was much less one of comity than of overriding anti-communist consensus and of trust in the Executive Branch to take care that Congressionally deferred power

would not be abused. Indeed, in describing Congressional oversight of intelligence agencies, Loch Johnson has called this first period the "Era of Trust."[3]

The Vietnam-era breakdown of the Cold War consensus and instances of Executive Branch misconduct revealed in the early 1970's motivated the Congress to assert its own authorities in the national security arena. Thus began a second and very different era of Executive-Congressional relations.[4] This Second Era, running from the early 1970's through 1990, is characterized mainly by significant levels of controversy over the substance and conduct of national security policy.[5] The earlier Cold War perspective was still strongly embraced by some political leaders and a segment of the general public, but those views were explicitly challenged and disputed by other leaders and

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[3]Loch K. Johnson, America's Secret Power: The CIA in a Democratic Society (New York: Oxford University Press, 1989), 9.

[4]Richard Melanson has built on the work of others in outlining the extent to which foreign policy consensus has been rebuilt. See Richard M. Melanson, Reconstructing Consensus: American Foreign Policy Since the Vietnam War (New York: St. Martin's Press, 1991); David J. Vogler and Sidney R. Waldman, Congress and Democracy, Alexander George, Presidential Decisionmaking in Foreign Policy: The Effective Use of Information and Advice (Boulder, CO: Westview Press, 1980). This project will substitute Volger and Waldman's term "value" consensus for Melanson's use of the term "cultural" consensus.

[5]Examples of the institutional behaviors that were products of this contest may be found in Kenneth E. Sharpe, "The Post-Vietnam Formula under Siege: The Imperial Presidency and Central America," Political Science Quarterly 102 (Winter 1987-1988): 549-569.

segments of the public. Scholars have noted the impact of consensus--or the lack of consensus--on institutional relations.[6] The absence of consensus clearly affected interbranch relations and national security policy, including intelligence policy. Among the most visible of the many manifestations of this were events such as the passage of the War Powers Act, the Clark and Boland Amendments, and the Iran-Contra affair.

The end of the Cold War, followed by the administration of President Bill Clinton, marks a third distinct era: the post-Cold War era. Compared to the previous two periods, it is unique. On the one hand, the post-Cold War era is similar to the initial Cold War period involving high degrees of national security cooperation between governmental branches. Disputes over policy ends have, in this current era, seldom produced the level of acrimonious debate and aggressive Congressional inquiry which characterize the era between 1975 and 1990. On the other hand, the current era may appear to be characterized by a lack of policy consensus similar to that seen in the 1975 - 1990 period. The Third Era (1991-2000) has also been

[6]See David J. Vogler and Sidney R. Waldmen, Congress and Democracy (Washington D.C.: CQ Press, 1985), Chapter 7, "Foreign Policy and the Search for Consensus," 123-144; Melanson, Reconstructing Consensus.

characterized by divided government and increased ideological polarization. As the following chapters will show, the current era has actually witnessed an increased legislative impact on national security affairs, as Congress fills the vacuum created by the most recent president's more exclusive focus upon domestic concerns. To fully understand the current intelligence policy relationship between Congress and the Presidency, it is necessary to see it as evolving through these three distinct historical phases.

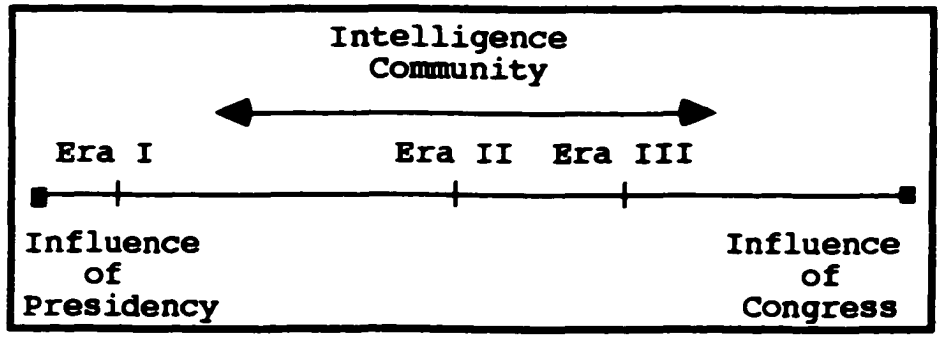
Presidential and Congressional Influence on Intelligence Policy in the Three Eras

One of two main goals of this research is to assess the relative influence of the Presidency and the Congress on intelligence policy. In the course of the three periods outlined above, there has been a marked shift in the relative influence of these two branches over the intelligence community. The degree of value, policy and procedural consensus that characterized each era produced a degree of institutional influence over intelligence policy. The changes can be viewed as movements of the community along a continuum of Presidential-Congressional influence.

Figure 1.1 displays the relationship of periods and relative institutional influence.

During the First Era, the Presidency enjoyed unfettered control over virtually every aspect of community management and intelligence policy. Congress annually authorized

Figure 1.1 Degree of Institutional Influence on the Intelligence Community in Three Eras



appropriations but these legislative actions were typically completed in secrecy, with the involvement of very few members, and with astonishing informality. This period is the Golden Age of American intelligence, characterized by personalities such as President Eisenhower's DCI, Allen Dulles and a number of successful intelligence operations overseas. It was a period of almost complete Congressional acquiescence to Executive Branch control of the intelligence community.

The Second Era represents a major shift in institutional influence over intelligence policy. As the consensus over national security policy began to erode, Congress asserted its influence over the community and its actions. Congress increased its influence by creating such statutes as the Hughes-Ryan Amendment of 1974 (which restricted funding of intelligence activities to those deemed of interest to the national security by the Presidency and required that the Congress be notified of such findings) and the Foreign Intelligence Surveillance Act of 1978 (which placed new restraints upon the community's domestic counter-intelligence efforts). Interbranch competition placed the community near the middle of the continuum of influence, illustrated in Figure 1.1. During the time of Iran-Contra, then Deputy DCI Robert Gates expressed the relationship this way:

> The result of these realities is that the CIA today finds itself in a remarkable position, involuntarily poised nearly equidistant between the executive and legislative branches. The administration knows that the CIA is in no position to withhold much information from Congress and is extremely sensitive to Congressional demands; the Congress has enormous influence and information yet remains suspicious and mistrustful.[7]

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[7]Robert M. Gates, "The CIA and American Foreign Policy," Foreign Affairs 66 (Winter 1987-1988): 225.

This Second Era, thus represents an era of contested control of, and dual-influence over, the intelligence community and intelligence policy.

The Third Era, the post-Cold War era in which we find ourselves now, is the period during which most of the following study is based. It will be shown that, in terms of influence over the intelligence community and matters of policy, the Congress may now be slightly more influential than the Presidency. This study will present factors and evidence to support this assertion and better explain institutional relations and policy outputs.

Congressional Oversight in the Three Eras

The second main goal of this research is to asses the extent and character of Congressional oversight of intelligence community performance. In the course of the three periods outlined above, aspects of the extent and character of Congressional oversight have changed remarkably.[8] As with the degree of relative institutional influence over intelligence matters, variations in

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[8]Frank Smist offers a thorough history of Congressional intelligence activities in Congress Oversees the United States Intelligence Community 1947-1994 (Knoxville, TN: University of Tennessee Press, 1994).

Congressional oversight have been shaped by the nature of consensus during the three eras. Table 1.1 displays the amount and character of oversight pursued by Congress in each of the three time periods. During the First Era, with anti-communist sentiments running high and a strong consensus on the ends and means of American foreign policy, there was so little Congressional oversight of the intelligence community that what did take place warrants

Table 1.1 Amount and Character of Congressional Oversight During the Three Eras

	Congressional Oversight	
	Amount	**Character**
Era I 1947 - 1974	Zero to Minimal	Deferential
Era II 1975 - 1990	Extensive	Adversarial
Era III 1991 - 2000	Extensive	Cooperative

little comment except to note its near absence. The Second Era is characterized by Congressional oversight that is quite prevalent and aggressive. This period commences with the so-called "Year of Intelligence" (1975) in which the Church-Pike Committees were created within Congress to investigate reported misconduct on the part of the intelligence community. The policy trust and deference bestowed by Congress upon the Executive Branch vanished, to

be replaced by cynicism, suspicion, and Congressional assertiveness. The establishment of permanent Intelligence Committees in the Congress institutionalized contested control with the Presidency over intelligence matters. With respect to oversight, the Third Era is again unique. The research reported in the following chapters indicates that the extent of oversight remains relatively high in this latest era. However, the character of this oversight is in marked contrast to that of the Second Era in that its tone is largely cooperative. Why would this be the case?

Since the fall of the Soviet Union, the United States has not achieved a national security policy consensus. Certainly, there are shared sentiments regarding the use of intelligence to protect the nation from the effects of phenomena like terrorism and the proliferation of weapons of mass destruction but even these issues do not produce the overarching and fundamental agreement present during much of the Cold War. The consensus, if one presently exists, seems to be that there is no comprehensive post-Cold War foreign policy. There is a strong consensus that such a comprehensive paradigm is needed but much less articulation or debate over alternative approaches. However, unlike the

Second Era, the Third Era is not characterized by adversarial relations with respect to intelligence policy. Why should a government--one lacking a comprehensive foreign policy, one that is more ideologically polarized and divided institutionally along party lines, and one in which Congressional oversight remains extensive--be characterized by intelligence policy cooperation? The research reported in the following chapters suggests that a constellation of contextual factors can serve to explain the current state of affairs.

Project Overview

This project proceeds by examining in Chapter 2 the historical roots of the intelligence relationship between Congress and the Executive Branch. This will help to clarify the foundation of original expectations and national values which serve as the basis of the relationship. It will also clarify the ingrained institutional dispositions which are an important contextual factor for explaining current interbranch interaction. Chapter 3 discusses the Cold War relationship between individual presidents and their DCIs. A review of this history helps to illuminate the growing role of personality and personal relationships

as a critical factor in the formulation and conduct of intelligence policy. Chapter 4 proceeds with an examination of the Third Era of intelligence policy. Based upon extensive interviews with three post-Cold War DCIs--including the sitting one--and a number of confidential interviews with current intelligence community personnel, members of Congress, and Congressional staff. The chapter further traces the development and present significance of contextual factors which explain Executive-Congressional relations in intelligence. These factors include personal relations, the role of consensus, and individual political events such as revelations of alleged intelligence failure. Finally, Chapter 5 likewise utilizes interviews, an extensive body of original documents and secondary literature, as well as a formal content analysis of recent Intelligence Committee hearings to assess the current extent and character of Congressional intelligence oversight. Chapter 6 offers a summary as well as a brief set of concluding remarks.

The contextuality and human aspects of political phenomena such as intelligence policy and interbranch relations make attempts to reach formulaic conclusions

elusive. The best which can be accomplished are descriptions and likely explanations for observed events and governmental outputs. To this end, a multi-method research design has been employed here involving: the study of genetic source material such as the *Federalist*, the *Congressional Record*, and various national security acts and intelligence reform proposals; formal content analyses of Committee hearings; and more than twenty field interviews conducted with current and former policy officials at the highest levels of both Congress and the Executive Branch.[9] Scholarly access to these individuals is practically nonexistent. These interviews provide a strong foundation for the conclusions which are asserted in this study. They confirm, perhaps more solidly than any other evidence uncovered, the important role that specific, identifiable contextual factors play in helping to assess Executive-Congressional relations as they relate to the formulation and conduct of intelligence policy in the post-Cold War era.

[9]A more detailed description involving these methods and the interview process may be found in Appendix A of this work.

Chapter 2

The Business of Intelligence and Original Intent

> The necessity of procuring good intelligence is apparent and need not be further urged. All that remains for me to add is that you keep the whole matter as secret as possible. For upon secrecy, success depends in most enterprises of the kind and, for want of it, they are generally defeated, however well planned and promising a favorable issue.
>
> -George Washington[1]

Constitutional Design and Institutional Dispositions

One important factor for understanding current interbranch relations in the area of intelligence policy is that of institutional structures and the dispositions they create. The entire question of interbranch relationships derives from American Constitutional structure. The Constitution was designed, in part, to address concerns of national security. Under the Articles of Confederation, the national government possessed significantly less of the energy, dispatch, and secrecy needed to effectively formulate and execute policies to protect the nation and its interest. The creation of an Executive Branch headed by a single president was intended to fulfill this need. By design, the Framers incorporated into the Presidency certain

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[1]Letter from George Washington, dated 26 July 1777, Reprinted (with no addressee specified) in, *Intelligence and the War of Independence*, CIA Publications, <http://www.odci.gov/cia/publications/warindep/letter.html>, 4 February 2000.

powers--as well as certain ambiguities--that would enable presidents to meet the challenges posed by the realities of diplomacy and security. They exclusively vested certain authorities in the Executive while dividing others with the Congress. From its inception, the Presidency has increasingly been viewed as the nation's chief protector. An assessment of original thought on these matters indicates that the Framers deliberately conveyed to the Executive certain powers to fulfill this responsibility without hindrance. Their effort was mainly a product of their own experience and resulted in an ingrained set of institutional dispositions which have been amplified by periodic crises of national security. These dispositions are an important contextual factor for explaining contemporary Congressional-Executive relations.

Democracy and National Security

One of Alexis de Tocqueville's observations of American government was that

> Foreign policy does not require the use of any of the good qualities peculiar to democracy but does demand the cultivation of almost all those which it lacks.
>
> It has little capacity for combining measures in secret and waiting patiently for the result. Such qualities

> are more likely to belong to a single man or to an aristocracy.[2]

Tocqueville further notes that American democracy is the type of government in which sympathies and passions are more readily obeyed than strategic calculations of state interests.[3] Given that one attribute of American democracy is its concept of majority rule, Tocqueville was skeptical of the young nation's ability to conduct its engagements abroad with reason and prudence. The Framers of the Constitution were well aware of the potential for a passion-driven majority to run amuck. In *Federalist 10*, Madison notes this central concern saying that

> the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.[4]

The Framers of the Constitution noted the desirability for certain matters of state to be carried on by means which were, in essence, less than democratic--particularly if these matters involved vital interests of the nation. A

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[2]Alexis de Tocqueville, Democracy in America, trans. George Lawrence, ed. J.P. Mayer, (Garden City, NY: Anchor Books, 1969), 228-229. Successful national efforts during such events as The Second World War are at issue with this assertion, however.
[3]Ibid., 229.
[4]Federalist Papers, No. 10.

primary example was the firm placement of the power to make treaties in the hands of the Executive, with an enlightened Senate empowered to consider such agreements and approve of them after the fact. The idea was that the security and potential energy of a single Executive could best protect the interests of the nation with respect to such matters. Thus, Convention delegate John Jay states in *The Federalist* that

> [t]hose matters which in negotiations usually require the most secrecy and despatch, are those preparatory and auxiliary measures which are not otherwise important in a national view, than as they tend to facilitate the attainment of the objects of negotiation. For these, the President will find no difficulty to provide; and should any circumstance occur which requires the advice and consent of the Senate, he may at any time convene them.[5]

In these respects, the Executive was to be "the general Guardian of the National interests."[6]

The conduct of foreign policy is inherently executive. That is not to say that its formulation is exclusively so. The Framers of the Constitution recognized the danger of placing the power to make *and* to execute policy in the hands of one institution or individual. Their skeptical regard

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[5]Federalist Papers, No. 64.

[6]Delegate Governeur Morris quoted in Max Farrand, ed., The Records of the Federal Convention of 1787 (New Haven: Yale University Press, 1966), Vol. 2, 540-541.

for the nature of man and his inability to resist the temptation to abuse power was a product of their intellectual and political experiences. No less a supporter of executive authority than Alexander Hamilton proclaimed the need for Legislative checks on the Presidency.

> The history of human conduct does not warrant the exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be the President of the United States....The joint possession of the power in question, by the President and the Senate, would afford a greater prospect of security than the separate possession of it by either of them.[7]

However, even Thomas Jefferson--certainly a critic of centralized authority--concluded that the conduct of foreign affairs is "executive altogether."[8] American foreign policy--of which intelligence policy is a part--therefore presents us with a classic dilemma of modern, republican democracies. An Executive that is restricted in his exercise of power may provide little peril to American democracy, but, additionally, such and Executive will likely be too weak to serve and protect American interests abroad.

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[7]Federalist Papers, No. 75.

[8]Thomas Jefferson quoted in Charles W. Kegley and Eugene R. Wittkopf, American Foreign Policy: Pattern and Process (New York: St. Martin's Press, 1991), 4th ed., 494.

An Executive that is unrestricted in utilizing his administrative powers to conduct foreign policy may eventually acquire a preponderance of power--which, if abused, could contribute to an abandonment of democratic principles, such as accountability. Additionally, the secret and sometimes discretionary nature of intelligence activities, information, and funding offer potential difficulties in an open democracy where a premium is placed upon public debate and consensus.

Locke and the Executive Nature of Intelligence

The delegates came to the Constitutional Convention having previously been made aware of these political dilemmas through their life long education and practical experiences. John Locke was among the most influential scholars to shape the minds and political values of many of the Framers. Much of the general procedural, policy, and value consensus attained at the Constitutional Convention is attributable to the broad influence of Locke. Locke recognized the need, not only for an executive entity, but for a distinct form of executive power to ensure that what was consented to by the majority would be expediently carried out.

> [B]ecause the laws, that are at once, and in a short time made, have a constant and lasting force, and need a perpetual execution, or an attendance thereunto; therefore it is necessary there should be a power always in being, which should see to the execution of the laws that are made, and remain in force. And thus the legislative and executive power come often to be separated.[9]

Locke went on to clearly indicate that all powers, including those of the executive, are subordinate to the legislative power. He asserts that "the legislative power is the supreme power...for what can give laws to another, must needs be superior to him."[10] However, Locke also states that the executive power may easily be divided in two distinctive powers, the executive and federative.

> These two powers, executive and federative, though they be really distinct in themselves, yet one comprehending the execution of the municipal laws of the society within its self, upon all that are parts of it; the other the management of the security and interest of the public without, with all those that it may receive benefit or damage from, yet they are always almost united. And though this federative power in the well or ill management of it be of great moment to the common-wealth, yet it is much less capable to be directed by antecedent, standing, positive laws, than the executive; and so must necessarily be left to the prudence and wisdom of those, whose hand it is in, to be managed for the public...what is to be done in reference to foreigners, depending much upon their actions, and the variation of designs and interests, must be left in great part to the prudence of those who have this power committed to them to be managed by the

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[9]John Locke, Second Treatise of Government, ed. C.B. Macpherson (Indianapolis, IN: Hackett Publishing Company, Inc., 1980), 76.
[10]Ibid., 78.

> best of their skill, for the advantage of the commonwealth.[11]

Locke recognized the special nature of the power to deal with other nations--a task filled with uncertainty which, at times, inherently seems to require a healthy degree of authoritarianism. Therefore, he prescribes the federative power be recognized within the entity which holds the executive power so that those granting their consent to be governed gain in their leaders a more effective protection of their society's interests. Locke makes no such provision for the legislative power. The only recourse that the legislative power has is to enact new laws to attempt to constrain the executive power. Locke's supreme legislative power contains no explicit provision relating to the conduct of affairs external to the state.

Further, Locke asserts that a certain "power to act according to discretion"[12] should be conferred upon the individuals who hold the executive power. Specifically, Locke states that

> the good of society requires, that several things should be left to the discretion of him that has the executive power: for the legislators not being able to

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[11]Ibid., 77.
[12]Ibid., 84.

> foresee, and provide by law, for all that may be useful to the community...[13]
>
> Many things there are, which the law can by no means provide for; and those must necessarily be left to the discretion of him that has the executive power in his hands, to be ordered by him as the public good and advantage shall require: nay, it is fit that the laws themselves should in some cases give way to the executive power...[14]

This is the essence of what Locke defines as prerogative. It represents those discretionary actions taken in the pursuit of the public good without the guidelines of prescribed statutes and taken, in some instances, against existing laws. Locke goes on to add that certain actions, taken with regard to defending the public's interests, are necessary and do not at all lend themselves to the slow deliberative body which holds the legislative power.

> [F]or since in some governments the lawmaking power is not always in being, and is usually too numerous, and so too slow, for the dispatch requisite to execution; and because also it is impossible to foresee, and so by laws to provide for, all accidents and necessities that may concern the public...[15]

Locke cautions against the dangers of "weak and ill prince[s]"[16] who would utilize prerogative powers in the pursuit of gains which are outside of those that are in the

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[13]Ibid., 84.
[14]Ibid., 84.
[15]Ibid., 84.
[16]Ibid., 86.

best interests of the state. Despite this danger, Locke notes the tendency for prerogative to be a constant source of executive power, though its scope changes and is "always largest in the hands of our wisest and best princes."[17] Locke makes this comment in reference to the power as it was exemplified in English history. However, similar observations may be made about this type of power in the American political experience. With the right context, we allow presidents with the stature of Washington, Lincoln, and Roosevelt a wider latitude of executive prerogative than we do of those assertive presidents whom we perceive as being less devoted to the public good.

Locke raises the inevitable question of "who shall be the judge when this power is made a right use of?"[18] To this question, he presents the murky prescription that the people, having no judicial powers in these matters, may "appeal to heaven"[19] over those actions which they feel have been questionably undertaken. However, Locke gives assurances that, in his conception of government, this reliance upon providence would not lead to an erosion of order.

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[17]Ibid., 86.
[18]Ibid., 87.
[19]Ibid., 87.

> Nor let any one think, this lays a perpetual foundation for disorder; for this operates not, till the inconveniency is so great, that the majority feel it, and are weary of it, and find a necessity to have it amended.[20]

The varying circumstances, and the uncertainties inherent in relations among nations, compel Locke to balance the need for executive prudentialilty in order to protect the public interest--and conform to general principles of good government.[21] Unlike the contemporary debate between realists and idealists, the terms of principle and prudence were complementary for both Locke and the Framers.[22]

The Framers and National Security

Locke's writing contributed to the Framers' discontent with the Articles of Confederation. The Convention delegates who stridently asserted the need to amend the Articles of Confederations were convinced to do so, in large part, due the glaring ineptitude of the Articles to deal effectively with matters of national security. Legions of British troops remaining to the North, hostile Native

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[20]Ibid., 88.
[21]Nathan Tarcov, "Principle, Prudence, and the Constitutional Division of Foreign Policy," in Foreign Policy and the Constitution, ed. Robert A. Goldwin and Robert A. Licht (Washington D.C.: The AEI Press, 1990), 28.
[22]Ibid., 28.

Americans to the West, and treachery on the high seas convinced most of the delegates long before the Convention of the need to create a governmental entity empowered with the requisite traits of decisiveness and energy necessary for the effective conduct of matters involving national security.

Much has been written about the so-called "original intent" of the Constitution's Framers. Through Convention notes and *The Federalist Papers*, we can most assuredly say what were the most contentious concerns of the meetings. Two primary concerns addressed during the Convention are of utmost importance in explaining the national security relationship between Congress and the Presidency. First, there is the matter of Executive power. Despite their familiarity with Locke, and the painful lessons learned under the Articles of Confederation, the Framers of the Constitution had significant misgivings about a powerful Executive. The Framers believed--as expressed by Locke--that the potential for abuse inherently existed in the centralization of power--particularly in matters of foreign affairs--in the hands of an individual.

The other concern was that of provisions pertaining to the common defense. As with the dilemma over the proper scope of Executive power, the delegates were confronted with the dangers inherent in maintaining forces which were most likely to be controlled through Executive authority. The failure of the Articles of Confederation clearly demonstrated a need for an apparatus of some sort to be maintained in order to achieve and maintain national security. Much of the debate was over the issues of standing armies and war powers. Too little attention paid to questions of national security invited foreign intervention. However, the idea of a standing army heightened fears that it could be used to imprudently venture into foreign conflicts, or worse, be utilized by a highly abusive Executive for suppressive domestic purposes.

The debate over Executive power in foreign policy did not commence until September of 1787--rather late in the Convention. The matter first surfaced on June 1 when a part of the Virginia plan was debated. The portion in question would vest in a president all of the executive types of power which were held by the Congress under the Articles of

Confederation.[23] South Carolina delegate Charles Pickney stated that some of these powers "might extend to peace and war which would render the Executive a Monarchy, of the worst kind, towit an elective one."[24] Delegates Pickney and James Madison were early advocates of the notion that Executive power was not to include matters of war and peace.

Virtually nothing else was debated with respect to these matters until the last weeks of the Convention. For most of the summer, it was assumed that the Congress--particularly the Senate--would be the premier institution for handling matters of diplomacy and security. The delegates were clearly more comfortable with allowing a more deliberative and longer-tenured set of Senators deal with these matters than with exposing them to the more intense political passions of the lower chamber. Additionally, it was not clear from the outset as to how valuable expediency, secrecy, and energy would be in regards to foreign affairs.[25] However, scholars have noted that these attributes were recognized to some extent by the Framers and would have been

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[23]Jack N. Rackove, "Making Foreign Policy--The View from 1787," in Foreign Policy and the Constitution, ed. Robert A. Goldwin and Robert A. Licht (Washington D.C.: The American Enterprise Institute Press, 1990), 6.
[24]Farrand, Records, Vol. 1, 65.
[25]Rackove, "Making Foreign Policy," 6-7.

particularly on the minds of the delegates with regard to the prudent conduct of treaty and alliance negotiations overseas.[26] With the division of the appointment and treaty powers between the Senate and the Executive, the Framers began to define some aspects of independent Executive authority. However, the records of the Federal Convention indicate that the Framers of the Constitution did not participate in lengthy, open debate for the purpose of making detailed delineations of the Executive's foreign policy power.

On the other hand, Congressional power with respect to these matters was clearly enumerated in the Constitution. Among the powers stated in Article I, Section 8 of the Constitution are:

- exclusive power to regulate foreign commerce
- exclusive power to define and punish offenses against the laws of nations
- exclusive power to declare war
- exclusive power to grant letters of marque and reprisal
- exclusive power to make rules concerning captures on land and water
- exclusive power to raise and support military forces[27]

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[26]Ibid., 10.
[27]Art. I, Sec. 8, US Constitution.

With its exclusive control on matters of appropriations and maintaining a military, as well as the Senate's power to impact appointments and treaties, the Congress would seem to possess the more solid claim for control of the nation's intelligence apparatus and activities.

Indeed, the Constitution was defended quite forcefully in the *Federalist Papers* by asserting the notion that a federal government would be the consummate trustee of national interests and security. Alexander Hamilton stated that the powers to raise, maintain, and direct a nation's security forces

> ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.
>
> As the duties of superintending the national defence and of securing the public peace against foreign or domestic violence involve a provision for casualties and dangers to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community.[28]

The Framers intended that this power of conducting national security policy be fully controlled by the federal government. Despite their desire to balance national security powers between the legislature and the Executive, a

[28]Federalist Papers, No. 32.

number of Convention delegates intended the Executive to be an independent force with certain attributes which would enable it to manage foreign affairs--to include an intelligence apparatus--more effectively. According to Jay in *The Federalist*, we see that in managing aspects of foreign policy

> perfect secrecy and immediate despatch are sometimes requisite. There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives; and there doubtless are many of both descriptions, who would rely on the secrecy of the President, but who would not confide in that of the Senate and still less in that of a large popular Assembly. The convention have done well, therefore, in so disposing of the power of making treaties...although the President must in forming them act by the advice and consent of the Senate, yet he will be able to manage the business of intelligence in such a manner as prudence may suggest.[29]

Additionally, many of the most important Convention delegates arrived in Philadelphia with significant intelligence experience. Delegates Franklin, Jay, Hamilton, Wilson, Morris, Mifflin, and Gerry all served as either field agents or members of secret committees during the war for independence.[30] George Washington is regarded as the

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[29]Federalist Papers, No. 64.

[30]James Madison was the only major contributor to the debate who possessed no intelligence experience. This enumeration is based upon Central Intelligence Agency, Intelligence in the War of Independence

nation's first spymaster[31], possessing a professional life-long experience in matters of espionage and disinformation. One scholarly assertion has been that competent espionage was so vital during the War for Independence that the colonies would have lost the conflict were it not for Washington's adept intelligence skills.[32] With so many of the delegates aware of this fact, and possessing significant intelligence experiences of their own, it is unlikely they did not foresee a future for an intelligence apparatus of some sort--most likely foreseen in the nation's diplomatic corps. Finally, according to historian Stephen Knott, the central intelligence-related issue debated at the Convention was the danger of foreign penetration of, and influence on, the national government.[33] In his effort to derail a proposal which he thought would discourage distinguished persons from holding office, Pennsylvania delegate Gouverneur Morris "mentioned the case of the Commander in Chief's presenting his account for secret services, which he

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(Washington D.C.: CIA, 1976), 8-11; and Stephen F. Knott, Secret and Sanctioned: Covert Operations and the American Presidency (New York: Oxford University Press, 1996), 42-43.

[31]Frank Smist, Congress Oversees The United States Intelligence Community 1947-1994 (Knoxville, TN: University of Tennessee Press, 1994), 2nd ed., 1.

[32]See Thomas Fleming, "George Washington, Spymaster," American Heritage, February/March, 2000, 45-51.

[33]Knott, Secret and Sanctioned, 43.

said was so moderate that every one was astonished at it; and so simple that no doubt could arise on it."[34] This contingency fund, in-part designed and utilized for clandestine activity, is a less well-known but firm precedent set by George Washington with the full legislative cooperation of the First Congress.[35]

There are several points to emphasize in this discussion. First, the present existence of a significant governmental intelligence component is not merely a product of the National Security Act of 1947. The United States has a tradition of intelligence which dates back to the War of Independence and founding of the nation. Intelligence policy was public policy for more than a century and a half before the Cold War. Second, the Framers eased their discomfort with Executive authority by specifically granting to Congress those foreign policy powers that had been traditionally abused by monarchs. Vesting the Presidency with "the Executive Power," however, the Framers sought to present the Executive Branch with enough discretion to implement legislation and to exercise prerogatives which would be in the security interests of the nation. The

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[34]James Madison's Convention notes of July 26, as cited in Knott, Secret and Sanctioned, 44-45.
[35]Ibid., 49-50.

Framers were attempting to construct something that seems almost destined to be problematic--an unprecedented system of government in which national security policy could be constructed and maintained without sacrificing the democratic ideals to which the Constitution was committed. Finally, though the Convention, the Constitution, and early precedents may have intended that Congress and the Executive be co-equals in determining national security policy--of which intelligence policy is a part--clearly a dramatic change has occurred in the diplomatic history of the Republic. In fact, Congress knowingly delegated some of the most important aspects of its intelligence-related powers to the Executive Branch long before the current relationship developed between the two branches.

The next section illustrates two primary examples of this delegation in order to support an argument that the current interbranch relationship with respect to the conduct of intelligence policy is, to an extent, a product of contextual factors involving institutional dispositions. A Congressionally-induced disconnect over intelligence policy began during the time of the Framers and culminated in the intelligence revelations of the Vietnam era. Congress

deferred to the Presidency on these matters, empowering presidents to handle intelligence matters unilaterally. The reported abuses of unchecked Executive power in the early 1970's illuminated this institutional disposition. The political ire it inspired was a strong motivating factor for the modern intelligence policy relationship which developed between Congress and the Executive Branch.

Congressional Delegation and the Intelligence Policy Gap

Intelligence Funding

Congress passed in 1790 a statute which set up a secret discretionary account to be utilized by the Presidency "for the support of such persons as he shall commission to serve the United States in foreign parts."[36] The law authorized the Presidency to account openly for such expenditures "as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify."[37] The legislation was extended three years later with even less statutory restrictions upon Executive Branch. Controversy over this aspect of intelligence accountability

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[36]1 Stat. 128-29 (1790) cited in Louis Fisher, Presidential Warmaking (Lawrence, KN: University of Kansas Press, 1995), 165.
[37]Ibid., 165.

was virtually nonexistent throughout out the next century and a half.[38]

The exigencies of prosecuting national crusades to stop the forces of global fascism and communism, caused marked and unprecedented increases in the amount of secret funds requested and authorized. As Louis Fisher notes, for example, "the Roosevelt administration hid money in appropriations accounts during World War II to fund the Manhattan Project, which developed and produced the atomic bomb, and only a handful of legislators knew of the more than $2 billion spent on this project."[39] In 1945, Congress passed the Independent Offices Appropriations Act which stated that agencies in existence for more than a year may only receive funding through specific appropriations made by Congress.[40] With the National Security Act of 1947, Congress further delegated direct control over intelligence policy by authorizing that intelligence appropriations be "disguised and buried elsewhere"[41]--mainly in the annual defense budget.

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[38]Ibid., 166.
[39]Louis Fisher, "Confidential Spending and Government Accountability," George Washington Law Review, 47 (1979): 361-362.
[40]Pat M. Holt, Secret Intelligence and Public Policy: A Dilemma of Democracy (Washington D.C.: Congressional Quarterly Inc., 1995), 28.
[41]Ibid., 29.

In short, "the CIA has never received a specific appropriation by Congress."[42]

Today, the specific line-items of the intelligence budget remain classified. The current Director of US Central Intelligence agreed to the publication of the aggregate figure appropriated for 1997 and 1998, although requests to disclose the 1999 and 2000 numbers have been denied for security reasons.[43] Throughout the 1990's, intelligence budget figure typically ranged between $26-28 billion.[44] In a democracy, secrecy and control over information represents power and control to some extent. When in September of 1995, it was disclosed that the National Reconnaissance Office--responsible for developing and maintaining the nation's system of spy satellites--had accumulated over $1 billion in unspent funds, new debate concerning accountability in this area of public policy emerged.[45] Accumulated money would give an agency a way to

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[42]Save for "housekeeping" items such as personnel retirement funds. Holt, Secret Intelligence, 29.

[43]See Justin Brown, "The 'Top Secret' at CIA: Its Own Budget," Christian Science Monitor, 26 May 2000, from Federation of American Scientists Web Cite, <www.fas.org/irp/news/2000/05/000526-nfip.htm>.

[44]See Staff Reporting, "Intelligence Bottom Line Disclosed," Congressional Quarterly Almanac (Washington D.C.: CQ Press, 1997), 8-48.

[45]The Washington Post made the disclosure on 24 September 1995; cited in J. Whitfield Larrabee, "Black Holes: How Secret Military and Intelligence Appropriations Suck Up Your Tax Dollars," The Humanist, 56 (May-June 1996): 9.

circumvent democratic accountability, insofar as the agency could conduct research and development in specific areas without being forced to seek a legitimizing nod from the Congress in the form of statutorally-authorized appropriations. Article I, Section 9, of the United States Constitution--the "Statement and Account" clause--provides to the Congress the Constitutional authority to conduct forms of oversight. The question is whether or not this authority can be in-part delegated to the Executive Branch on intelligence-related matters of national security. Despite recent controversy, most of the intelligence budget remains classified, as desired mainly by the Executive Branch.

Covert Warmaking and the Constitution

Another aspect of Congressionally-delegated power with respect to the intelligence community is covert warmaking. This matter, perhaps more than any other, offers insights as to the current intelligence-related dynamics between Congress and the Executive.

Article I, Section 8 of the Constitution states that exclusively to the Congress shall be granted the power "to

declare War" and to "grant Letters of Marque and Reprisal."[46] A letter of Marque is an expressed permission to cross borders to obtain redress and a letter of reprisal authorizes "the use of force to secure compensation for an unlawful taking of property or goods."[47] At the time of the Constitutional Convention, letters of marque and reprisal "came to signify any intermediate or low-intensity hostility short of declared war that utilized public *or* private forces."[48] Many of the Framers, including Hamilton, supported this definition and recognized the power as belonging to Congress alone.[49] Many statesmen of the time considered such letters to be a democratic solution to engaging in hostilities which did not rise to the level of a formally declared conflict.[50] The decision to authorize paramilitary types of activities was thought by Madison to ensure "immediate responsibility to the nation in all those for whose conduct that nation itself is to be responsible."[51]

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[46]Art. I, Sec. 8, US Constitution.
[47]Jules Lobel, "Covert War and Congressional Authority: Hidden War and Forgotten Power," University of Pennsylvania Law Review, 134 (June 1986): 1042-1043.
[48]Ibid., 1045. Italics in original.
[49]Ibid., 1046.
[50]Ibid., 1046.
[51]Federalist Papers, No. 44, Cited in Lobel, Covert War, 1052.

This interpretation suggests that the Congress today is intended to possess much more of a role in conducting the nation's covert activities--particularly of the paramilitary variety. In fact, Congress has all but formally delegated its power to approve such use of force, utilizing instead its nonenumerated power of oversight to register its approval after the fact. It is not by coincidence that this delegation of power has closely paralleled--if not mirrored--that of the war power.

As Robert Katzmann notes, few issues so graphically illustrate the problems of allocating national security responsibility between Congress and the Presidency as that of war powers.[52] Both constitutional scholars and historians have struggled to uncover the true meaning of the war power in the Constitution. Most experts seem to agree that, in terms of this power, the framework of the document itself was intended to perpetuate a clear division of responsibility between Congress and the Presidency with neither branch having a completely lopsided allocation.

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[52]Robert A. Katzmann, "War Powers: Toward a New Accommodation," in A Question of Balance: The President, Congress, and Foreign Policy, ed. Thomas Mann (Washington D.C.: The Brookings Institute, 1990), 35. For other sources see Louis Henkin, Foreign Affairs and the Constitution (Mineola, NY: Foundation Press, 1972); Abraham D. Sofaer, War, Foreign Affairs, and Constitutional Power: The Origins (Cambridge, MA: Ballinger, 1976).

Clearly, this intent with respect to aspects of intelligence policy does not exist. Not all covert activities involve military types of operations. However, a substantial portion of them involve the use of military force but are seemingly immune from Congressional regulation. What was the original intent on this matter?

The war power debate at the Constitutional Convention began during the first few weeks of June 1787 when the delegates were attempting to initially set up an Executive Branch.[53] Within roughly the first two weeks of the convention, delegates of several states offered a number of unique plans concerning the nature of the Presidency; however, none of these plans touched on the pertinent area of Executive war powers.[54] Delegate Charles Pinckney's plan offered to invest the "Executive Power" in a single man who was to be "Commander in Chief of the army and navy of the United States..." and was eventually combined with aspects of delegate Alexander Hamilton's plan which, in part, stated:

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[53]For excellent background see David Locke Hall, The Reagan Wars: A Constitutional Perspective on War Powers and the Presidency (Boulder, CO: Westview Press, 1991), 1-32.
[54]Ibid., 11.

> The President...shall take care that the laws be faithfully executed. He shall be the commander in chief of the Army and Navy of the United States and of the Militia within the several states...all treaties, conventions and agreements with foreign nations shall be made by him, by and with the advice and consent of the Senate.[55]

Ultimately, the delegates voted in favor of a draft which incorporated many of the powers mentioned in these plans. Additional debate occurred concerning the conferring upon Congress of power to "make" war. Delegates such as Charles Pinckney objected to this, contending that the problem of expediency would not be answered in granting such a power to the full body of Congress. He believed that only the smaller and more knowledgeable Senate should handle such matters. Delegate Pierce Butler noted that if efficiency was desired, the Presidency should be given the power to make war to which delegate Elbridge Gerry responded for an incredulous majority that "[he] never expected to hear in a republic a motion to empower the Presidency alone to declare war."[56]

As a result, the draft was once again amended, striking out Congressional power to "make" war, which was already interpreted in the draft to be an Executive function in

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[55]Ibid., 11-13.
[56]David Gray Adler, "The Constitution and Presidential Warmaking: The Enduring Debate," Political Science Quarterly, 103 (Spring 1988): 4.

terms of repelling attacks, and in its place granting Congress the power to "declare" war--interpreted then as meaning "commence" war.[57] Additionally, the Congress, unlike the Presidency, was granted a host of other plenary war-related powers, including sole power over military appropriations, the power to raise and maintain an army and a navy as well as powers over the militia, and the power to grant letters of marque and reprisal--all powers which relate to contemporary intelligence activities.[58] The Framers were quite naturally content to limit the Executive power due to the misgivings they possessed with respect to monarchical systems of government.

This is not to say that the Framers completely disapproved of any sort of Executive prerogative in the scope of the war powers. Abraham Sofaer has contended that, in the granting of the appropriations power to Congress, the Framers were aware of its potential as a check on Executive warmaking.[59] The Framers were conducive to the idea that military appropriations adopted for a narrowly specified purpose could at times constitute Congressional approval for

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[57]Ibid., 6.
[58]Michael Glennon, Constitutional Diplomacy (Princeton, NJ: Princeton University Press, 1990), 73.
[59]Sofaer, War, Foreign Affairs, and Constitutional Power, 26-33.

a specific Executive action[60]--e.g. deterring piracy on the high seas by funding a navy. Other scholars such as David Hall note that Sofaer's contention is consistent with both Madison and Hamilton.[61] Hall quotes Madison's assertion that:

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance and for carrying into effect every just salutary measure.[62]

In addition to this, scholars have asserted that the Presidency possesses two other points of Executive war power despite the lengthy list of war powers the Framers allocated to Congress.[63] These two aspects are worth noting here in order to complete the framework of original intent that has perpetuated the debate over war powers as they potentially relate to intelligence policy. The first of these is the Commander in Chief clause of the Constitution. Aspects of

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[60]Ibid.
[61]Hall, The Reagan Wars, 15.
[62]Ibid., 15. The idea of legislative support of an action through continued appropriations is painfully obvious in the contemporary example of continued Congressional funding of U.S. operations in Vietnam despite Legislative apprehension during the same time concerning U.S. involvement in Southeast Asia.
[63]See Adler, "The Constitution and Presidential Warmaking," 8-17; Louis Fisher, Constitutional Conflicts Between Congress and the President (Lawrence, KS: University of Kansas Press, 1991), 3rd ed., 247-250.

David Hall's work assert that this clause signifies original intent:

> Set against the Legislative power to declare war was the President's power to act as Commander-in Chief....The absence of recorded debate seems to suggest an absence of dissent on the question of whether the President should have command of the armed forces...The Framers concluded that Congress should not "make" war, but should be empowered to "declare" it. The President was left with the power to "make" war to "repel sudden attacks." During such an emergency, as Hamilton pointed out, a declaration of war is unnecessary because the nation is "already at war." Such exigency presents precisely the circumstances under which the Framers intended and foresaw unilateral presidential warmaking.[64]
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> The argument that all war powers are vested in Congress by virtue the power to declare war is inconsistent with the historical role of declaration of war. The Framers clearly were familiar with the idea of undeclared war. Most eighteenth-century wars were un-declared.[65]

In light of Hall's argument, one cannot easily refute the general existence of emergency powers with respect to the Commander in Chief clause--it is the scope of the powers that seems to be the focus of disagreement.

The final point of contention over war powers is the "Executive power" clause. Article II, section I of the Constitution states: "The Executive power shall be vested in a President of the United States of America." The majority of the Framers rejected the notion that this clause

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[64]Hall, The Reagan Wars, 17.
[65]Ibid., 19.

should mean anything other than a mere execution of the laws and Executive appointments.[66] Delegates James Wilson and James Madison agreed that this power should deal solely with the ability to maintain the duties of the office, and delegate Roger Sherman went so far as to say that the Executive power was but a tool of the legislature for putting its will into effect.[67]

Hamilton argued to the contrary. He asserted that the Presidency's enumerated Article II powers were not a "complete and perfect specification" of his Executive powers. Some powers are specified, "leaving the rest to flow from the general grant of that [Executive] power." This interpretation of Executive power was accepted in 1926 by the Supreme Court in *Myers v. United States*.[68] The most recent Presidencies, including those of Carter and Clinton, have recognized an existing intent which permits the Presidency to deal with intelligence-related situations such as rogue development of weapons of mass destruction, terrorism, narcotics trafficking, and hostage rescue efforts

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[66]Henkin, "Foreign Affairs and the Constitution," 286.
[67]Farrand, The Records of the Federal Convention of 1787, vol. 2, 185, cited in Adler, "The Constitution and Presidential Warmaking," 14-15.
[68]Preceding portion of paragraph paraphrased from Hall, The Reagan Wars, 22.; 272 U.S. 52, 118 (1926).

through the clandestine use of military and quasimilitary force.[69]

As with secret funding, Congress was soon delegating powers in the area of quasi-military policy as well. In 1793, President George Washington issued a proclamation which declared that the U.S. would remain neutral in a war occurring between France and Great Britain.[70] It can be argued, and was by Madison, that it is not in the power of the Presidency to legislatively decide between a state of war and a state of peace for the nation; however, the action went officially unchallenged.[71]

Similarly, President Thomas Jefferson took what was then considered to be somewhat extraordinary steps to ensure the safety of American merchant vessels from piracy. In 1801, Jefferson ordered U.S. naval vessels to engage hostile elements from Tripoli without Legislative consent. Congress retroactively authorized these responses eight months after

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[69]See John Lehman, Making War: The 200-Year-Old Battle Between the President and Congress over How America Goes to War (New York: Charles Scribner's Sons, 1992).
[70]Adler, "The Constitution and Presidential Warmaking," 18.
[71]President Washington acted similarly in avoiding confrontations with Spain and in his orders authorizing preemptive action against the Miami Indians. During this century, some of the nation's largest paramilitary operations such as in Central America, Iran, and Afghanistan brought the nation into the twilight zone just outside of declared war.

their initiation.[72] The war power seeds sown by these early Presidencies were strong precedents which empowered future office holders. The scope of the war powers steadily changed due to the use of these precedents--especially during the crises of the past century. The perceived abuse of these powers culminated in the controversial war powers legislation of the 1970's. "Thus," as John Lehman notes, "the very earliest precedents established one pattern that has often been followed since. To wit, the President initiates military action without Congressional interference, often with ipso facto blessing if it has gone well."[73]

In addition to following early precedents, Chief Executives have encountered a vast array of extraordinary emergency powers. Prominent examples of these include the Supreme Court's Civil War era decision in the *Prize Cases*, stating that "[The President] does not initiate the war, but is bound to accept the challenge without waiting for any

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[72]Lehman, Making War, 76-77. Jefferson's decision is often referred to as actions taken against Barbary raiders. Interestingly, this particular precedent is remarkably similar to President Reagan's 1987-88 reflagging and protection of Kuwaiti oil tankers in the Persian Gulf. Retroactive Congressional approval in war powers and intelligence activities is as old as the Constitution itself.
[73]Ibid., 77.

special legislative authority."[74] In this case, President Abraham Lincoln's wartime measures were approved on the grounds that they were necessary to save the union and the very fabric of its laws. Large leeway was also granted to President Franklin Roosevelt for coping with World War II.[75] These grants of authority augmented the various types of quasi-legal justifications that those holding the office of the Presidency would utilize to authorize extended actions abroad.

The point here is not necessarily to make a detailed historical examination of the apparent expansion in presidential warmaking but rather to argue that the political context of "emergency" has increased Congressional deference to the Presidency on matters of national security--most assuredly intelligence policy. Justice Jackson, writing his concurrence in the 1952 steel seizure case, stated that "emergency powers tend to kindle emergencies."[76] This context is the most important explanation in attempting

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[74]Joan Biskupic, "Constitution's Conflicting Clauses Underscored by Iraq Crisis," Congressional Quarterly Weekly Report, 12 January 1991, 36.

[75]For example, Roosevelt instituted a number of domestic control measures, such as wage and price controls, to more effectively prosecute the war.

[76]*Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), Justice Jackson concurring.

to link theories of original intent with current governmental practices.

The Cold War represented warmaking in a manner which the Framers could never have anticipated. This was a type of war in which formal declarations were not feasible. Rather, it was a conflict waged almost entirely by clandestine services during its initial stages. If ever there existed Justice Jackson's "twilight zone" of foreign policy power with respect to the Constitution, it was in a high stakes war fought mainly by spies and paramilitary types.[77] The Cold War was unprecedented in its nature, scope, and level of peril. Unlike clashes over religion, territory, and perceived power relationships, the Cold War was a competition of ideas which created and justified vast national security states and bureaucracies. So great were the dangers and stakes of this conflict for the US that an unprecedented array of prerogatives were bestowed upon the Executive Branch--all for the important goal of maintaining the security of the country and its interests. Nuclear weapons afforded only minutes to make decisions and demanded the best of intelligence services. Widespread, fear-driven

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[77]Ibid.

bipartisanship over the need to avoid a nuclear Pearl Harbor, and to contain Communist aggression, could be mollified by allowing the Presidency to take vigorous action abroad with little regard for democratic principles in decision making.

The much ballyhooed consensus over Cold War foreign policy in the wake of the Second World War was as much a product of this climate of national emergency as it was a meeting of the minds between the likes of Republican Senator Arthur Vandenburg and President Truman. The discretion and powers legislatively granted to the Executive Branch during the Cold War were a continuation of an American political tradition. Like the Congressional deference paid to the unprecedented Executive actions of Washington and Jefferson, and similar to the delegations of authority to Lincoln and Franklin Roosevelt, the Executive latitudes afforded by the Congress during the Cold War have been lasting. Once an institution of government grants expressed or tacit approval to the actions of another branch, then power is delegated--often without legislation--and in a manner which makes official change quite difficult.[78] The fact is that, apart

[78]The War Powers Act has done little to curb presidential warmaking or increase a priori Congressional involvement in these matters.

from presidentialist arguments which state that the Executive is best suited to handle intelligence policy due to the need for secrecy and dispatch, Congress developed what some describe as a "culture of deference" with respect to matters of national security and foreign policy.[79] Congress and the Executive became virtually disconnected from one another with respect to intelligence policy.

It was not until the Vietnam-inspired erosion of the Cold War consensus that serious reevaluation began concerning the national security policy relationship between the Chief Executive and the Legislature.[80] The Legislature was increasingly unwilling to be deferential to the national security initiatives of the Chief Executive. The volatile political context of the times was exacerbated by several remarkable disclosures concerning US domestic intelligence activity and various US-sponsored assassination attempts overseas. Congress attempted to regain some control of intelligence policy through its unenumerated power of oversight. The reality of oversight has made a significant

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[79]Stephen R. Weissman, A Culture of Deference: Congress' Failure of Leadership in Foreign Policy (New York: Harper Collins, 1995).
[80]For an excellent assessment of this transformation see Lawrence C. Dodd, "Congress, the Presidency, and the American Experience: A Transformational Perspective," in Divided Democracy, ed. James A. Thurber (Washington D.C.: Congressional Quarterly Press, 1991), 275-302.

impact upon the formulation and conduct of intelligence policy.

Congress and the President: The Oversight Linkage

The preceding section has argued that, despite original intent, Congress has formally delegated virtually plenary national security powers to the Presidency. This abdication of power was most notable with respect to Congress' responsibility for key areas of intelligence policy. Also, in terms of democratic notions of accountability and limits upon bureaucratic discretion, Congressional delegations created a disproportional amount of policy influence between the two branches--clearly not something the Framers generally intended to promote. The volatile political context of the early 1970's, combined with a collapse of the American consensus on the Cold War, culminated in a resurgence of Congress against an "imperial" Presidency. There was a significant attempt by Congress to once again command some level of impact upon national security policy. It did not find success in attempting to regain through statutes the power and influence which it had long since delegated to the Executive. Instead, it acquired--created

to some extent--power and influence by utilizing the activity of oversight.

One does not find the term oversight in the text of the Constitution. The Framers did not anticipate the existence of the large bureaucratic-administrative state into which the United States government has evolved. Nevertheless, the "necessary and proper" and "statement and account" clauses grant the legislature a broad notion of power with respect to regulating Executive agencies.[81]

A set of models developed by Richard Stillman are useful with respect to understanding the intelligence oversight relationship between Congress and the Presidency.[82] Of the oversight relationship between the two branches, Stillman says that there are essentially three views which can be traced back to the Framers of the Constitution. The Jeffersonian view of bureaucratic oversight stressed limits on governmental authority and discretion. It is also characterized by

- extensive popular participation, as opposed to full-time professionals.
- maximum decentralization of functions to limit activities and ensure "constant popular scrutiny."

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[81]Art. I, Sec. 8, US Constitution.

[82]Discussion based upon Richard Stillman, The American Bureaucracy: The Core of Modern Government (Chicago: Nelson-Hall, 1996), 2nd ed., 360-394.

- operational simplicity and economy.
- strict legal limitations that clearly spell out organizational purposes and limit discretion.
- administrative power that flows from the bottom up.[83]

The Jeffersonian model dominated the oversight relationship during most of the 19th Century because the political character of the country was typified by highly localized, agrarian interests and the relatively small role and size of the Executive Branch.

The Hamiltonian view, by contrast, places a premium upon administrative effectiveness, while paying less attention to other democratic values such as public accountability and the representation of interest group concerns. Other characteristics include

- broad discretionary and activist roles for agencies.
- strong, centralized, decisive leadership.
- unified organizations, preferably led by one individual.
- preference for paid, trained professionals.
- popular control through election of capable chief executives supplied with adequate political power.[84]

This model became predominant as the United States emerged as an industrial and international power during the late 19th and early 20th Centuries. This period culminated with

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[83]Ibid., 362-363.
[84]Ibid., 361-362.

the recommendations of the Brownlow Commission of the 1930's. The recommendations included:

- placing the Presidency in charge of an independent Executive Branch.
- transferring authority for budgeting, personnel and planning to the White House.
- giving the Executive complete responsibility for accounts and current financial transactions.[85]

Stillman contends, however, that the current oversight relationship is better depicted by the Madisonian model, which emphasizes the importance of pluralism and the satisfaction of organized interests rather than the values of efficacy and accountability. This model emphasizes the fact that Executive agencies are immersed with other political actors in national politics and that they share power with the other branches of government. Power is more fluid in this model, flowing to and from all levels of the organization. "Social consensus and equilibrium between competing interest groups, not organizational efficacy nor accountability to an abstract will of the people, should be the primary aim of public officials."[86]

The intelligence oversight relationship between the Executive and Legislative Branches of government does not

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[85]Ibid., 373-374.
[86]Ibid., 364.

fit the Madisonian model as outlined by Stillman. This is due mainly to the nature of intelligence policy. This type of public policy is unique in terms of its national constituency and special activities. Agencies within the intelligence community possess a unique set of clients and constraints which are wholly unlike those of the more prevalent forms of policy agencies[87].

Intelligence activity, even more than diplomacy, is inherently Executive.[88] The requirements of managerial hierarchy, expediency of decisionmaking, and discretion in pursuing policy goals are most suited to the Hamiltonian model. Like Stillman's application of this model to the Marine Corps, the Hamiltonian model is currently dominant in the intelligence world, due to its reliance upon a professionalized staff, a pyramidal hierarchy of authority, and, among other traits, an assumption that there will be a separation between politics and administration.[89] In matters of national security, the

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[87]Regulatory and redistributive policy, for instance, must contend with organized interests such as the oil and gas producers or the American Association of Retired People. These groups compete with others to influence the behaviors and outputs of Congress and relevant agencies such as the Nuclear Regulatory Commission and the Social Security Administration.
[88]Leaving aside questions of whether or not it ought to be wholly conducted by presidents alone.
[89]Stillman, The American Bureaucracy, 385.

American citizenry--like many of the Framers--have emphasized Executive Branch efficacy over public accountability. The Congress was institutionally disposed to see that power and decisionmaking in national security were delegated to the Executive Branch to deal with periodic national crises. Hence, the protracted, apocalyptic nature of the Cold War--with its anti-Communist consensus--meant that delegations of this type necessarily became continuous. Policy consensus during this time revolved around the notion of containment and the various presidential doctrines in which it was manifested. The breakdown of all three components of consensus--value, procedural, and policy--occurred during the Vietnam era.

As a result of this breakdown, there occurred what Samuel Huntington has termed a "democratic surge," in which a new consensus formed around the value of accountability.[90] Policy consensus with respect to the means of achieving the containment of communism dramatically dissipated with respect to intelligence policy, as revelations concerning

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[90]Cited by Stillman from Samuel P. Huntington, "The United States," in Michael Crozier, Samuel P. Huntington, an Joji Watanuki, eds., The Crisis of Democracy (New York: New York University Press, 1975), 74-75.

covert activities shocked the public.[91] Procedurally, the Congress no longer possessed an overriding consensus that it should remain wholly deferential to the Executive Branch in matters of intelligence--or matters of diplomacy and national security generally. In conjunction with the outcry over intelligence power abuses, a new procedural consensus significantly emerged with the reform-minded Congress in the mid-1970's. They attempted to reconstitute the Hamiltonian model of intelligence policymaking to incorporate major aspects of the Jeffersonian model, including accountability and more narrowly defined Executive discretion. This was achieved mainly through adoption of Investigative Oversight.[92] The intelligence policy relationship of the past twenty-five years has been largely affected by this attempt to splice together aspects of both the Hamiltonian and Jeffersonian views.

To summarize, this chapter has presented research concerning original intent with respect to the intelligence policy relationship between Congress and the Executive Branch. Its purpose has not been to prove that the

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[91]For example see, Seymour Hersh, "Huge CIA Operation Reported in US against Antiwar Forces, Other Dissidents in Nixon Years," New York Times, 22 Dec. 1974, A1.
[92]The nature of which is reviewed more thoroughly in Chapter 4.

Presidency should be preeminent in this policy area. Rather, the purpose has been to outline key aspects of original intent which contribute to certain institutional dispositions. In the course of history, Congress has been disposed to afford the Presidency degrees of latitude for dealing with matters of national security. In doing so, Congress largely removed itself from the formulation and conduct of important types of policy, such as intelligence policy. Congressional deference clearly helped to perpetuate a tradition of Executive preeminence with respect to intelligence matters. The unprecedented nature of the Cold War served to increase this trend--at least until the erosion of consensus began in earnest during the late 1960's. The changing nature of this consensus, in the wake of Vietnam and Watergate, caused the intelligence policy relationship between the two branches to shift dramatically. Congress utilized its power of oversight to contest the total control that the Presidency enjoyed over intelligence policy. Congressional abstinence from intelligence policy was replaced by adversarial forms of oversight. Part of the explanation for this advesarial response and for more recent trends in Executive-Congressional relations can be

attributed to the contextual factor of institutional dispositions. The following two chapters examine the relationship between Chief Executives, their DCIs and the Congress in order to illuminate other important contextual factors.

Chapter 3

Cold War Intelligence and the Executive Branch

> To the Central Intelligence Agency, a necessity to the President of the United States, from one who knows.
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> -President Harry Truman[1]

> What the hell do those clowns do out there in Langley?
>
> -President Richard Nixon[2]

Consensus, Personality, and Personal Relationships

This chapter assesses the evolving relationship between presidents and their Directors of Central Intelligence during the Cold War. Certain contextual factors useful for helping to explain post-Cold War interbranch relations with respect to intelligence policy emerge during this period. From its inception in 1947, the modern intelligence community has been a unique tool of the Presidency. In the realm of national security, the community goes beyond the role of providing presidents with prescient intelligence and analysis to one of supplying policy options, like covert

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[1]President Truman's inscription on a photograph of himself which he presented to the CIA, 9 June 1964, cited in Center for the Study of Intelligence, "Our First Line of Defense: Presidential Reflections on US Intelligence," <http://www.odci.gov/csi/monograph/firstln/washington.html>, Downloaded 4 February 2000.

[2]Quoted in Robert M. Gates, "An Opportunity Unfulfilled: The Use and Perceptions of Intelligence at the White House," The Washington Quarterly 12 (Winter 1989): 35.

actions, that are alternatives to the more binding extremes of war and diplomacy. However, as a component of the Executive Branch, the Central Intelligence Agency and the other elements which make up the intelligence community are similar to other bureaucratic actors in the sense that they compete for resources and influence. Presidents have varied considerably in the amount of attention they give to, and guidance they accept from, the intelligence community--as personified by the Director of Central Intelligence (DCI).

The Cold War period (1947-1990) encompasses the era of greatest presidential influence on the intelligence community as well as the post-Vietnam era in which presidents faced a contest for control of intelligence matters, as the Congress began to assert itself. Differences between these eras highlight important contextual factors for explaining interbranch relations and policy.

During the initial stages of the Cold War, presidents chose their own DCIs and provided them with varying degrees of access and policy influence without regard to the Congress. The personal proclivities of individual presidents may be the strongest factor in explaining events

during the first part of the Cold War. However, beginning in 1975, the era of contested control witnessed DCIs who were compelled to be more sensitive to the Congress. This shift in the attention of DCIs created a new dynamic in Executive-Congressional relations and, as a consequence, greatly affected the formulation and implementation of intelligence policy. The changes which occurred also made increasingly important contextual factors involving personality and personal relationships. In the post-Cold War era, these contextual elements have become primary explanatory factors, thus making an understanding of their origins an important part of this study.

The Modern US Intelligence Apparatus

The grounds of the Central Intelligence Agency[3] are the repository for a section of the Berlin Wall. The artifact rests serenely on a small grassy knoll--its Western side colorfully spray-painted with an array of slogans, its Eastern side characteristically stark and unaltered.[4] The portion of the Wall represents the Agency's victory over its main opponent, the Soviets Union's KGB. In a larger sense,

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[3]Hereafter, the "Agency."
[4]Author's research visit, CIA Headquarters, 1 September 1999.

it represents the head of a slain dragon and America's triumph over an ideological foe of five decades.

The displayed portion of the Wall is indicative also of the nature and pace of political change that has come to characterize our time--change that is happening so rapidly that observers cannot seem to define precisely their present state of diplomatic affairs but, instead, utilize the past to provide some sort of bearings as to what should be the nature of American national security. Nearly ten years after the dissolution of the Soviet Union, government officials, commentators, and academics still speak of our current dilemmas in this "post Cold War" era. Utilization of this expression has become so commonplace that, with respect to matters of national security, a certain set of assumptions and priorities have become widely accepted. These include increased regional instability due to the loss of world bipolarity, proliferation and dissemination of weapons of mass destruction and related technological information, decreased American hegemony and increased independence of those who enjoyed the Cold War umbrella of US military protection, and a significant shift in the nature of power such that nations acquiring the newest

advances in technology are counted among the emerging cadre of elite states.

The Framers of the Constitution could not have imagined the course of events which would test the structure and mechanics of the government they constructed. Similarly, despite their experience with intelligence and their assumption that the Executive Branch would experience the continuous need for intelligence-related services, the Framers had little foreknowledge of--and in some cases desire for--an America that was widely and deeply engaged abroad. In fact, President Washington warned his successors in government that, despite the young nation's proven ability to secure itself, the United States should minimize its relations with other states. In his Farewell Address he stated, "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection as possible."[5] Following Washington, President John Quincy Adams stated that "America does not go abroad in search of monsters to destroy."[6] The nation abided by these foreign policy maxims

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[5]Cited in Walter A. McDougall, Promised Land, Crusader State: The American Encounter with the World Since 1776 (Boston, MA: Houghton Mifflin Co., 1997), 46.
[6]Ibid., 36.

and, relative to our own time, America's political role on the world stage in the 19th century was quite limited.

The Executive push for an expanded American role in foreign affairs began with President McKinley's prosecution of a war with Spain. Theodore Roosevelt's use of US naval vessels in defending national interests, and pursuing his "big stick" style of engagement, accentuated this trend. The American proclivity for nonentanglement began to erode in earnest by the time of World War I and President Woodrow Wilson's doomed pleas for an increased international role for the country. America's failure to support the League of Nations, the intensely perverse nature of totalitarian regimes, and the terrible costs of modern warfare helped to set the stage for a new consensus regarding America's need to be internationally engaged.

From an intelligence policy standpoint, clearly the intelligence failure at Pearl Harbor, and the global threat of communism, weighed heavily on the minds of those "present at the creation" of America's new foreign policy in the late 1940's. After the first successful nuclear tests conducted by the Soviet Union in 1949, the matter of intelligence became of central importance. The age of atomic diplomacy

and the high levels of superpower summitry that were taking place caused presidential needs for timely, accurate intelligence to increase dramatically.

Forewarning and the ability to dictate the course of events, rather than merely react to them, contributed to the country's power and deterred a communist-inspired Pearl Harbor. To this end, the role of the US intelligence community was viewed as critical to the foreign policy objectives of containment. As described in Chapter 2, the Executive Branch expected Congressional deference on matters of national security--particularly with respect to intelligence activity. Each president vigorously defended his intelligence prerogatives despite the formation of, and episodic assertiveness displayed by, the Congressional Committees charged with intelligence oversight. However, the Executive Branch now faces the task of constructing a post-Cold War justification for an intelligence community in a highly polarized, fiscally-challenging political environment. This period has witnessed unprecedented debate and conflict over confirmation hearings, intelligence

reform, and what security threats should be allotted significant intelligence resources.[7]

One phenomenon that emerges from this history--especially the early Cold War portion--is a trend for legislative intentions and textbook democratic processes to be subordinated to situational imperatives and the varying levels of policy consensus produced at different moments in political time. Research about the origins and historical management of the Cold War intelligence community shows that leadership personalities and political realities, together with the varying degrees of consensus they produce, are key factors for understanding interbranch relations and intelligence policy. But what are the legislative intents that have been significantly subordinated by the increasing role of certain elements of context? The following sections of this chapter attempt to address this question through an

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[7]See, for example, George Tenet, "Does America Need the CIA?," Vital Speeches Of The Day, 15 January 1998, 197-199; Roy Godson, Ernest R. May, and Gary Schmitt, eds., US Intelligence at the Crossroads: Agendas for Reform (Washington D.C.: Brassey's, 1995); Roger Hilsman, "Does the CIA Still Have a Role?," Foreign Affairs 74 (September/October 1995): 104-116; Loch K. Johnson, "Now That the Cold War is Over, Do We Need the CIA?," in The Future of American Foreign Policy, ed. Charles W. Kegley and Eugene R. Wittkopf (New York: St. Martin's Press, 1992), 301-306; David L. Boren, "The Intelligence Community: How Crucial?," Foreign Affairs 71 (Summer 1992): 51-62; Graham E. Fuller, "Intelligence, Immaculately Received," The National Interest 26 (Winter 1991-1992): 95-99.

examination of the origins of the modern intelligence community.

In the Beginning: The National Security Act of 1947

The Second World War is the starting point for examining our modern intelligence community. Contrary to the popular notion, the intelligence failure at Pearl Harbor is not as infamous as the attack itself. The problem was not that federal government possessed no prescient information regarding an imminent move by the Imperial naval forces of Japan. Rather, it was the lack of a centralized entity for the pooling, examination, and expedient distribution of vital information which contributed greatly to our first modern "intelligence failure."

The current structure of the US intelligence community is a product of President Harry Truman's desire to centralize intelligence functions[8] and make more expedient the distribution of the community's work.[9] Truman was irritated by the redundant efforts of, and rivalry between,

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[8]Collection and analysis. For a discussion of the structure and mechanincs of the CIA, see Ronald Kessler, Inside the CIA: Revealing the Secrets of the World's Most Powerful Spy Agency (New York: Pocket Books, 1992).

[9]David Ray, "Intelligence Accountability After the Cold War: Continuity and Change in Congressional Oversight, 1991-1997," paper prepared for presentation at the Southwestern Political Science Association Annual Meeting, Chorpus Christi, March 18-21, 1998, 1.

existing intelligence elements within the government and the armed services.[10] He described the process and structures he inherited from Roosevelt this way:

> Before 1946 such information as the President needed was being collected in several different places in the government. The War Department had an Intelligence Division--G-2--and the Navy had an intelligence setup of its own--the ONI. The Department of State, on the one hand, got its information through diplomatic channels, while the Treasury and the Department of Commerce and Agriculture each had channels for gathering information from different parts of the world--on monetary, economic, and agricultural matters.
>
> During World War II the Federal Bureau of Investigation had some operations abroad, and in addition the Office of Strategic Services...operated abroad...[11]

The Central Intelligence Agency was created as an upgraded replacement for the Office of Strategic Services. The OSS was created by President Franklin Roosevelt "in order to supplement the intelligence activities of the Department of State and the armed services."[12] In an effort to consolidate existing intelligence entities and fulfill the war-time need for complicated, large-scale covert operations the OSS was established as the primary agency to conduct espionage and to tactically execute "special

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[10]Ibid.
[11]Harry S. Truman, Memoirs, vol. 2, Years of Trial and Hope (Garden City, NY: Doubleday & Company, Inc., 1956), 55-56.
[12]Harold F. Gosnell, Truman's Crises: A Political Biography of Harry S. Truman (Westport, CT: Greenwood Press, 1980), 285.

activities." This operational legacy was not lost on the CIA; nor did the Agency relinquish the unique bureaucratic turf of "special operations" bestowed on the OSS during the crisis of the war. Truman abolished the OSS in August 1945[13], not because there no longer existed a need for intelligence, but due to the fact that he was "wary of a peacetime spy agency"[14] prosecuting clandestine operations of the OSS variety.

Nevertheless, Truman had long been convinced of the need to strengthen and centralize the federal government's intelligence capabilities. He writes:

> This scattered method of getting information for the various departments of government first struck me as being badly organized when I was in the Senate. Our Senate committees, hearing witnesses from the executive departments, were often struck by the fact that different agencies of the government came up with different and conflicting facts on similar subjects...
>
> I have often thought that if there had been something like co-ordination of information in the government it would have been more difficult, if not impossible, for the Japanese to succeed in the sneak attack at Pearl Harbor.[15]

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[13]Ray, "Intelligence Accountability," 1.

[14]Zachary Karabell, Architects of Intervention: The United States, the Third World, and the Cold War, 1946-1962 (Baton Rouge, LA: Louisiana State University Press, 1999), 38.

[15]Ibid., 56. In 1944 Roosevelt requested a preliminary plan to centralize intelligence functions. The existing turmoil must have been significant for FDR to attempt to eliminate the administrative competition which he thrived on and utilized to make his decisions.

As part of a larger vision for unity and coordination among the national security agencies and armed services, Truman conducted a series of meetings in January 1946, in order to "examine the various plans suggested for a centralized intelligence authority."[16] In a classic example of age-old competition, the State Department and the armed services submitted opposing plans.[17] The State Department felt that it "should be in charge of all intelligence,"[18] while the services believed every department should retain its own intelligence capability with the proposed agency being a collective pool for organizing and disseminating information. Truman favored the latter and was firm in dealing with those who would foot-drag over the bureaucratic changes. Confronting some resistance from an agency head, Truman said,

> I know you have expert intelligence men in your office, but I like this plan. If your people can make it better, that's all right. But I have been waiting to do this for a long time. So you appoint your men...and let's get it done."[19]

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[16]Ibid., 57.
[17]Characterization of the plans taken from Truman, Memoirs, vol. 2, 57.
[18]Ibid., 57.
[19]Ibid., 57.

The Central Intelligence Group was created by Executive Order on January 20, 1946. The CIG was placed under the direction of a national intelligence authority, which was created by a presidential directive two days later.[20] The national intelligence authority consisted of the Departments of State, War, Navy, and the president's own representative. Truman wrote of this interim arrangement,

> Under the new intelligence arrangement I now began to receive a daily digest and summary of the information obtained abroad. I also was given all information sent abroad by the State Department to our ambassadors, as well as that sent by the Navy and War Departments to their forces, whenever these messages might have influence on our foreign policy. Here, at last, a co-ordinate method had been worked out, and a practical way had been found for keeping the President informed as to what was known and what was going on.[21]

Truman pressed on towards his goal of reorganizing the US national security apparatus at large. On 26 February 1947, Truman sent the Speaker of the House and his chief ally in the Senate, Republican Arthur Vandenburg, a bill which would accomplish this aim.

On 26 July 1947--with some compromises to the armed services--Truman signed the National Security Act as he

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[20]Mark M. Lowenthal, U.S. Intelligence: Evolution and Anatomy (Westport, CT: Praeger, 1992), 2nd ed., 15.
[21]Karabell, Architects of Intervention, 58.

boarded the presidential aircraft to fly home to Missouri.[22] Current Executive-Congressional intelligence relations have their origins in the National Security Act of 1947. The Act's purpose, in part, was "to promote the national security by providing for...the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security."[23]

The main purpose of the Act was to unify the Armed Services into what would eventually emerge as a central Department of Defense. The Act's creation of the Central Intelligence Agency has been described as "almost incidental."[24] Establishment of the CIA was an attempt to centralize the functions of intelligence collection and analysis as well as eliminate the pervasive bureaucratic rivalries and duplicitous efforts among various intelligence components of several government agencies including the War Department, the Federal Bureau of

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[22]Truman wished to beat the Congressional recess and have James Forrestal named as Secretary of Defense with the passage of the Act. The final Congressional signatures came as the President waited to travel home to see his ailing mother who, unbeknownst to Truman, would die before his plane landed in Missouri. See David McCullough, Truman (New York: Simon & Schuster, 1992), 571.
[23]National Security Act of 1947, PL 253, 80th Congress, 1st Sess.
[24]Pat Holt, Secret Intelligence and Public Policy: A Dilemma of Democracy (Washington D.C.: CQ Press, 1995), 28.

Investigation, and the State Department's Bureau of Intelligence and Research. The Central Intelligence Agency, in addition to duties of intelligence collection and analysis, was charged with covert and paramilitary operations as well as overseas counterintelligence.

The Act also created a Director of Central Intelligence (DCI) to "centralize" the activities of intelligence community and report directly to the Presidency. The DCI possesses a dual role as head of the CIA and manager of the US intelligence community. The community itself encompasses a number of agencies and bureaucratic turfs which have been fragmented since the Act's inception. This fragmentation has increased as specialized agencies such as the National Security Agency[25] the National Reconnaissance Office[26], and the Defense Intelligence Agency[27] were created as the Cold War progressed. The DCI faces enormous challenges in attempting to fulfill the role of community manager--not the least of which is the fact that most of the annual

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[25]Created by President Truman in 1952 and today is mainly responsible for the SIGINT (signals intelligence) and ELINT (electronic intelligence).

[26]Created by President Eisenhower and has been responsible for maintaining the nation's system of aerial reconnaissance platforms--mainly "spy" satellites.

[27]Created in 1961 by President Kennedy's Secretary of Defense, Robert McNamara and created to manage the intelligence activities of the four Armed Services.

intelligence budget falls under the control of the Pentagon and the Secretary of Defense. Nearly all of these Executive agencies perform the intelligence functions of collection and analysis with covert actions and paramilitary warmaking being the specific purview of the CIA.[28] The Act's only intelligence-related section, Sec. 102, declares the duties of the Central Intelligence Agency and its Director in rather short order.

Section 102 is divided into six subsections (a-f). 102(a) states that

> There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be the head thereof. The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services or from among individuals in civilian life. The Director shall receive compensation at the rate of $14,000 a year.[29]

Sec. 102(b) exclusively discusses the career status and pay grade of a commissioned officer serving as DCI. The framers of the legislation were wary of combining an officer's military command authority with that of the office of Director--lest the views of the Pentagon color the intelligence product. At the same time, legislators did not

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[28]Ray, "Intelligence Accountability," 2.
[29]Ibid.

wish to preclude from the highly managerial role of DCI those senior military personnel who displayed outstanding leadership abilities. Prospective DCIs within the ranks of the armed services worried that agreeing to serve the president as Director would hurt or even halt their military careers. These fears were laid to rest in Sec. 102(b).

Sec. 102(c) deals solely with the DCIs authority to terminate the employment of any Agency official if such an action is warranted by the security interests of the United States.

Sec. 102(d) represents the heart of the Act's discussion concerning the duties of the Central Intelligence Agency. The Agency's main role of "coordinating the intelligence activities of the several Government departments and agencies in the interest of national security" involved five main functions to be conducted by the Agency "under the direction of the National Security Council."

> (1) [T]o advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security[.]
>
> (2) [T]o make recommendations to the National Security Council for the coordination of such intelligence

activities of the departments and agencies of the Government as relate to the national security[.]

(3) [T]o correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: Provided, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: Provided further, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: And provided further, That the Director of Central Intelligence shall be responsible for protecting intelligence sources an methods from unauthorized disclosure[.]

(4) [T]o perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally[.]

(5) [T]o perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.[30]

The language of Section 102 is remarkably broad in terms of the Agency's potential activities--a fact which could not have been lost on the authors of the legislation. From an Executive viewpoint, the language may be described as empowering, since the most explicit portions of wording only detail what may *not* take place or how an entity may *not* be defined. For instance, fears of developing a Gestapo-like police force compelled the Act's creators to make explicit the prohibition of the new Agency involving itself

[30]Ibid.

in matters of police, subpoena, or law enforcement. In short, fears held since the beginning of the republic were addressed by clearly barring the Agency from participating in matters of internal security.

Section 102 (d)(5), with its undefined reference to performing "such other functions and duties" as directed by the National Security Council, is potentially very empowering. The legislation which emerged from Congress did not address the implications of this wording. This particular sub-section of the Act is the main basis for covert operations in which the Agency has been engaged. The other basis is the operational legacy of the OSS and the interim CIG. Past and present members of Congress on both sides of the aisle remain committed to the covert action capability of the Executive Branch.[31] This is significant in the wake of excesses such as the Iran-Contra matter and the end of the Executive-empowering, constant sense of crisis characteristic of the Cold War.

Sec. 102(a) clearly places the Agency "under the National Security Council." The Act sets up the NSC as a

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[31]When asked "Do you think it was intended, and do members of Congress still desire, that the president have a covert action capability?" one Congressional insider said "Of course. It's simply naive not to want this for the country." Confidential interview with author, 18 October 1999, Washington D.C..

purely Executive entity with rather open-ended responsibilities. The NSC was created "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and other departments and agencies of the Government to cooperate more effectively in matters involving the national security."[32] Specific duties of the Council are

> to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and[33]
>
> to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.[34]
>
> The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems appropriate or as the President may require.[35]

The NSC, therefore, owns a distinct role as a policy making body. Its structure, access, and activities are a product of presidential styles and inclinations. Presidents Truman and Eisenhower were committed to the "old" school,

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[32]Public Law 253, The National Security Act of 1947, Sec. 101(a).
[33]Ibid., Sec. 101(b)(1).
[34]Ibid., Sec. 101(b)(2).
[35]Ibid., Sec. 101(d).

whereby foreign policy was largely the domain of Secretaries of State.[36] Presidents Kennedy and Reagan were activists in foreign affairs who often circumvented the large bureaus and legislative mazes by centralizing the formulation and implementation of national security policy in the White House under the NSC. It is no coincidence that both Kennedy and Reagan placed a premium on the covert intelligence activities they conducted in Southeast Asia and Central America. Where presidents go astray legally, lies not in the nature of most intelligence activities.[37] They experience trouble to the extent to which they keep themselves and the Congress informed about these "other functions and duties" as they are constructed and implemented by the intelligence community via the NSC.[38] Therefore, in order to better understand the current view of Executive Branch view towards intelligence policy, it is useful to compare and contrast the relationship between Cold

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[36]Daniel N. Farnsworth, "Presidents and Their Foreign Policy Advisors," in The American Presidency: A Policy Perspective from Readings and Documents, ed. David C. Kozak and Kenneth N Ciboski (Chicago: Nelson Hall Press, 1985), 185.

[37]Except specifically outlawed activities like assassinating foreign heads of state.

[38]The Congress has not attempted to modify these sections of the Act. Rather it has passed legislation mainly to keep itself more informed. The Intelligence Oversight Acts of 1980 and 1991 both have Congressional notification (as opposed to authorization) requirements with respect to covert action.

War and post-Cold War presidents and the intelligence community, as personified by the DCI.

Cold War Presidents and the Intelligence Community

Truman and Eisenhower

President Truman was the first modern president to forcefully and publicly advocate support for a national intelligence capability. He stated:

> [t]here had never been much attention paid to any centralized intelligence organization in our government.
>
> The war taught us this lesson--that we had to collect intelligence in a manner that would make the information available where it was needed and when it was wanted...[39]

Plotting the assassination of a foreign head of state may not have been envisioned by Truman. Upon reflecting on both the creation of the CIA and the activities that the Agency engaged in years after he left office, Truman stated:

> I think it was a mistake. And if I had known what was going to happen, I never would have done it.[40]

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[39]Truman, Memoirs, cited in Center for the Study of Intelligence, "Our First Line of Defense."
[40]President Truman quoted in Merle Miller, Plain Speaking: An Oral Biography of Harry S. Truman (New York: G.P. Putnam's Sons, 1973), 391.

> I never had any thought that when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations.[41]

However, Truman did do it and, at least initially, the Agency satisfied his demand for centralized, expedient communication of intelligence.[42] Credible evidence suggests that Truman was convinced early in the life of the Agency of the need for special types of operational activities. Truman was influenced by the author of "containment," George Kennan, on this fact. Kennan writes:

> In 1948-1949, several government officials, including myself, were concerned with the problem of how to frustrate Communist efforts at penetration and subversion of governmental systems of Western Europe and other continents. We concluded that the United States had a need for some sort of facilities through which, from time to time, it could conduct operations in the international field that it would not be proper for any regular departments or agencies to take responsibility or for which the regular agencies of governing were too cumbersome. In other words, an agency for secret operations.[43]

National Security Directive 10/2 established an entity known as the Office of Policy Coordination in order to carry out these activities.[44] In effect, the OPC "subordinated

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[41]President Truman quoted in Stephen E. Ambrose, Rise to Globalism: American Foreign Policy Since 1938 (New York: Penguin Books, 1993), 7th ed., 93.
[42]Holt, Secret Intelligence, 192.
[43]George F. Kennan, Memoirs, 1950-1963 (Boston, MA: Little Brown, 1972), 202.
[44]James W. McKenney, "Presidential Leadership and the CIA," in The American Presidency: A Policy Perspective from Readings and

intelligence collection and analysis to covert operations"[45], a fact which could not have been lost upon the Truman administration. Further, Truman gave voice to the developing situational imperative of the time--that of countering totalitarian aggression around the world. This imperative was a derivative of the deep-seated cultural commitment against the dark forces of totalitarianism. The resulting Cold War consensus allowed him to establish an unprecedented intelligence apparatus which was almost exclusively overseen and controlled by the Executive Branch.

> This Agency puts the information of vital importance to the President in his hands. He has to know what is going on everywhere at home and abroad, so that he can intelligently make the decisions that are necessary to keep the government running...
>
> You are the organization, you are the intelligence arm that keeps the Executive informed so that he can make decisions that always will be in the public interest for his own country, hoping always that it will save the free world from involvement with the totalitarian countries in an all-out war--a terrible thing to contemplate.[46]

Despite his support for intelligence work, Truman guarded presidential prerogatives, stating flatly "I make

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Documents, ed. David C. Kozak and Kenneth N. Ciboski (Chicago: Nelson Hall Press, 1985), 193. McKenney states that the bureaucratic tension which resulted from this exists today--an assertion confirmed by the interviews conducted for this project.

[45]Ibid., 193.

[46]President Harry S. Truman, News Conference, 4 October 1951, cited in CSI, "Our First Line of Defense."

American foreign policy."[47] Truman's first three DCIs were bureaucratically weak and fulfilled his primary desire for a coordinator of information whom he could rely upon to help deal with the decisions he faced. The large foreign policy initiatives of the administration--the Marshall Plan, containment, and NATO--all heavily involved the Secretary of State, with Truman making the final decisions. Clearly, during the Act's infancy, the intelligence related sections were interpreted quite narrowly. This fact, combined with the newness of the community, served to provide little support for serious Congressional involvement in intelligence policy.

Dwight Eisenhower entered the presidency with a high regard for accurate intelligence and perhaps the highest public regard and trust of any recent president. This trust would be crucial to maintaining the Executive monopoly over intelligence activities. His war-time tenure as Supreme Allied Commander in Europe introduced him to the high stakes world of intelligence, disinformation, and aspects of covert warmaking.

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[47]Cited in Charles W. Kegley and Eugene R. Wittkopf, American Foreign Policy: Pattern and Process (New York: St. Martin's Press, 1991), 4th ed., 494.

> In war nothing is more important to a commander than the facts concerning the strength, dispositions, and intentions of his opponent, and the proper interpretation of those facts. In peacetime, the necessary facts are of a different nature. They deal with conditions, resources, requirements, and attitudes prevailing in the world. They and their correct interpretation are essential to the development of policy to further our long-term national security and best interests.
>
> No task could be more important. Upon the quality of your work depends in large measure the success of our effort to further the nation's position in the international scene.[48]

Like Truman, Eisenhower relied heavily upon his Secretary of State for undertaking major initiatives abroad. However, his DCI, Allen Dulles (brother of Eisenhower's Secretary of State John Foster Dulles) received more presidential leeway with respect to expanding the activities of the intelligence community, especially the Agency. This was due in part to the confidence Eisenhower had gained in Allen Dulles as a result of the latter's success in predicting what would take place in the Soviet Union after Stalin's death.[49]

While the Agency's operational latitude widened during the Eisenhower administration, it did not achieve the autonomy sometimes suggested by its successes in Iran and Guatemala. In his presidential biography of Eisenhower,

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[48]President Dwight Eisenhower, Comments upon laying of cornerstone for CIA building, 3 November 1959, cited in CIS, "Our First Line of Defense."

[49]Geoffrey Perret, Eisenhower (New York: Random House, 1999), 476.

William Ewald contends that DCI Dulles did not enjoy an unusual amount of access to the president.

> Eisenhower did not direct CIA actions via private one-on-one conversations with Allen Dulles. This fact the White House appointment records abundantly confirm: In 1953 the two met in the Oval Office (apart from NSC and Cabinet meetings) exactly sixteen times, in 1954 sixteen times, in 1955 seven times, in 1956 twenty times, in 1957 sixteen times, in 1958 twenty-seven times, in 1959 twenty-four times, in 1960-61 twenty-four times. These 150 meetings average 19 a year. Of those 19, approximately 80 percent included at least one additional person...sometimes for less than ten minutes...[50]

Eisenhower's style has been characterized as a "hidden hand" type of management. Ewald discusses, for instance, the extent to which the president knew of Dulles' cable to the station chief in the Congo: "Targets of opportunity may present themselves to you. You can act on your own authority."[51] Ewald interviewed every surviving member of the administration who attended meetings concerning the Congo situation in order to verify that Eisenhower did not issue such an order and that he would never do so under any circumstance.[52]

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[50]William Bragg Ewald, Eisenhower the President: Crucial Days, 1951-1960 (Englewood Cliffs, NJ: Prentice-Hall, 1981), 253-280.
[51]Ibid., 253. The Church Committee investigating intelligence abuses suggested that he did know about the order. Ewald tells of a CIA agent who was sent with material to poison Congo leader Patrice Lumumba whom was suspected of being a puppet of the Soviets.
[52]Ewald, Eisenhower the President, 273-280.

In fact, Eisenhower recognized the alarming growth in the Agency's operational ambitions, a rate of activity not matched by its lack of success in other areas, such as penetrating Soviet Intelligence.[53] The initial process by which activities were approved has been described by Eisenhower's National Security Advisor as "pretty damn informal."[54] Eisenhower sought to retain firm control over intelligence activity through establishing the President's Foreign Intelligence Advisory Board. The Board's first report was less than complimentary of Dulles' management skills. Eisenhower, however, refused to make any personnel changes. "With all his limitations," Eisenhower said, "I'd rather have him as chief of intelligence than anyone else I can think of. In that business you need a strange kind of genius."[55] After the U-2 debacle, Eisenhower issued a directive that "in no circumstances did he ever want to meet with the CIA alone," because he was suspicious of the Agency

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[53]Perret, Eisenhower, 477.

[54]Gordon Gray quoted in Ewald, Eisenhower the President, 267. Perret contends that Truman had let the Agency conduct covert operations "entirely on its own authority," with no prior approval from any quarter. Truman's registered shock at the activities of the CIA years after he left office is even less compelling in light of this possibility.

[55]Ewald, Eisenhower the President, 266.

claiming that they "privately" received his approval for its activities.[56]

The Truman and Eisenhower administrations represent a high-water mark in terms of the level of interbranch consensus and trust with respect to intelligence matters. In fact, this phenomenon was a spillover from the larger US foreign policy consensus. Public--and Congressional--anti-communism was so resolute that the Executive Branch "devoted 80% of the Agency's resources to waging the Cold War and 20% to intelligence gathering" during this time period.[57] Despite its status as the premier Cold War weapon, Eisenhower--much more than Truman--"kept a close watch on the CIA."[58] At the close of his presidency, in the wake of the U-2 affair, Eisenhower remained publicly committed to the work of the intelligence community, saying that "these activities have their own rules and methods of concealment" and are "a distasteful but vital necessity."[59]

Kennedy and Johnson

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[56]Ibid., 271. The fact is that Eisenhower personally approved of the U-2 program from its inception through each and every mission.
[57]Perret, Eisenhower, 477.
[58]Stephen E. Ambrose, Eisenhower: Soldier and President (New York: Touchstone/Simon and Schuster, 1990), 377.
[59]President Eisenhower, News conference, 11 May 1960, quoted in CIS, "First Line of Defense."

Cold War bipartisanship sustained Executive Branch dominance over intelligence policy throughout the 1960's. Upon President Kennedy's arrival at the White House, the CIA had become a significant piece of national security apparatus. The most pertinent foreign policy issues of the 1960 presidential campaign were the loss of French Indochina, the missile gap, and "Republican failures in Cuba."[60] The Agency was increasingly tasked to address these problem areas. Arthur Schlesinger describes the Agency's increased stature.

> The CIA's budget now exceeded State's by more than 50 percent. Its staff had doubled in a decade. In some areas the CIA had outstripped the State Department in the quality of its personnel; it had almost as many people under official cover overseas as State; often the CIA station chief had been in the country longer than the ambassador, had more money at his disposal and exerted more influence.[61]

President Kennedy was intrigued by the success of the Agency in Latin America and the Middle East. He was an attentive pupil to Dulles' briefs--particularly those regarding plans and actions against communist Cuba. His faith in, and trust of, the Agency significantly declined after the failure of the CIA-backed Bay of Pigs invasion in

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[60]Theodore C. Sorensen, Kennedy (New York: Harper & Row, 1965), 205.
[61]Arthur M. Schlesigner, Jr., A Thousand Days: John F. Kennedy in the White House (Boston, MA: Houghton Mifflin Co., 1965), 427.

April 1961--to the point of feeling "betrayed" by the Agency.[62] Still, he retained his penchant for circumventing State's bureaucratic morass by relying on the Agency for information and special tasks.[63] Dulles was soon replaced by Republican John McCone, who had served in both the Truman and Eisenhower administrations. Schlesinger's account is again useful in describing McCone.

> McCone had the reputation of a rigid cold-warrior who viewed the world in moralistic stereotypes. McCone did lack the expansive personality of his predecessor, but he turned out to be a cautious, realistic and self-effacing head of the CIA. He repaired morale within the Agency, instituted measures to subject venturesome proposals to critical scrutiny and did his best to keep the CIA and himself out of the newspapers. He restored its relations with the State Department and the Congress...And, declining to allow his own views to prejudice the intelligence estimates, he showed a fair-mindedness which shamed some of us who had objected to his appointment.[64]

Kennedy was especially taken with McCone's low-key demeanor and approach to the work of the intelligence community.[65] McCone is most acclaimed for arguing against the analysis of

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[62]Holt, Secret Intelligence, 193. Seymour M. Hersh offers a unique account of the Kennedy's relationship with the Agency and its anti-Castro efforts in The Dark Side of Camelot (Boston, MA: Little, Brown and Co., 1997), 169-177 and 268-293.
[63]See Richard Reeves, President Kennedy: Profile of Power (New York: Simon and Schuster, 1993), 71-72.
[64]Schlesinger, A Thousand Days, 429.
[65]Sorensen, Kennedy, 631.

his Agency professionals in predicting correctly that Soviet offensive nuclear missiles would be placed in Cuba.[66]

The new president was committed to the steady growth of the nation's paramilitary capacities. However, he transferred much of the responsibility for these activities from the Agency to the Pentagon--specifically the Army and its newly constituted Special Forces units. According to Theodore Sorenson, Kennedy's closest personal aid, "the President did not doubt the necessity or the legitimacy of *dirty tricks*," and he ordered the CIA to retain responsibility for these measures.[67] However, Kennedy closely monitored the Agency's activities by revamping the President's Foreign Intelligence Advisory Board and, more significantly, by creating a more powerful NSC to ensure that Agency activities were congruent with the administration's larger foreign policy goals.

> ...I have looked through the record very carefully over the last nine months, and I could go back further, to indicate that the CIA has done anything but support policy. It does not create policy; it attempts to

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[66]Holt, Secret Intelligence, 193. Despite this fact, Holt claims that McCone retained "great respect" by the Agency's career officers.
[67]Ibid., 630-631. See also, Sorensen, Kennedy, 670-671. Sorenson details the extent to which personal analysis indicated that surface to air missile sites seen in reconnaissance photo's led McCone to believe that they were installed to protect a nuclear capability. Career Krenlinologists based their negative conclusions on the historical tendency for the Soviets to base such missiles on their home turf, where they could be better protected.

> execute it in those areas where it has competence and responsibility...I can just assure you flatly that the CIA has not carried out independent activities but has operated under close control of the Director of Central Intelligence, operation with the cooperation of the National Security Council and under my instructions.[68]

In fact, under Kennedy, the National Security Advisor became a premier source of policy guidance for the president, with the Secretary of Defense a close competitor.[69] Nevertheless, at the insistence of Kennedy, DCI McCone and the Agency received weekly access to the president in the form of informal discussions about current world events and potential crises abroad.[70]

President Lyndon Johnson was more concerned with domestic policy than he was with foreign affairs. Still, he did not wish to be accused of "losing" regions of the world to the communists. His obsession with not losing--an obsession fed primarily by fears of attacks from the political Right that he was "selling out Vietnam"[71]--led him to make military commitments in that country which would

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[68]President Kennedy, News conference, 9 October 1963, quoted in CIA, "First Line of Defense."
[69]At the expense of the State Department which, under Kennedy, saw itself moved to a peripheral status in the day to day conduct of diplomacy and crisis management.
[70]Holt, Secret Intelligence, 194.
[71]Merle Miller, Lyndon: An Oral Biography (New York: G.P. Putnam's Sons, 1980), 488.

rival his Great Society programs and ultimately doom the possibility of a second term of office.

Johnson continued Kennedy's trend of centralizing national security decision making in the White House. The Secretary of Defense and the National Security advisor continued to build their status as the primary agents of policy influence. DCI McCone left the administration in 1966, not because he enjoyed less access to the president, but because Johnson was not inclined to seek the Agency out for serious consultation.[72]

After the year-long, caretaker term of Admiral William F. Raborn, Johnson promoted Richard Helms from Deputy Director to DCI. Helms' intelligence experience dates back to his days in the OSS. At the time of his nomination as DCI, he had spent virtually all of his time in the (covert) operations side of the Agency. Under Helms, the Agency did not experience an upgrade in its status among presidential courtiers; however, Helms was included among the regulars at Johnson's Tuesday lunches.[73] In fact, Helms asserted that Johnson had no interest in, or knowledge of, the intelligence community, and was concerned only to the extent

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[72]Ibid., 194.
[73]Miller, Lyndon, 488.

that he received the products he needed.[74] When information was not forthcoming, particularly that which might confirm Johnson's suspicions that foreign money was behind much of the New Left's protests, he is reported to have angrily shaken a finger at Helms while exclaiming, "I simply don't understand why it is that you can't find out about that foreign money."[75] This exchange is indicative of Johnson's relationship with the intelligence community; in addition it lends credence to the likely possibility that the president was aware of and supported domestic activities conducted by the Agency.[76]

Nixon and Ford

As Vice President, Richard Nixon had persuaded Senator Joseph McCarthy not to wage a communist witch hunt within the ranks of the Agency.[77] This was done at the request of

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[74]Ibid., 194.

[75]Hugh Sidey, quoted in Miller, Lyndon, 488. Johnson was angered by bureaucratic eccentricities. Hugh Sidey states that he strongly insisted that information presented to him be boiled down to a page or less. Upon receiving one CIA report he said, "I told them to put it on one page, so they have to show me who is boss." The report ran one line on a second page. See Hugh Sidey, A Very Personal Presidency: Lyndon Johnson in the White House (New York: Atheneum, 1968), 250.

[76]Detailed discussion of this possibility found in Vaughn Davis Bornet, The Presidency of Lyndon B. Johnson (Lawrence, KS: University Press of Kansas, 1983), 205-208.

[77]See Stephen E. Ambrose, Nixon: The Education of a Politician, 1913-1962 (New York: Simon & Schuster, 1987), 315.

President Eisenhower and Allen Dulles--not because Nixon had an affinity for the Agency. In fact, in his memoirs, Henry Kissinger describes Nixon as being distrustful--even disdainful--of the Agency and its staff of "Ivy League liberals who behind the facade of analytical objectivity were usually pushing their own preferences."[78] Though Nixon did not feel comfortable with DCI Helms personally, Kissinger urged the president to strive for greater continuity in the position and, thus, Helms was retained.[79] Kissinger's personal description of Helms provides some insight into the DCIs relationship to the Nixon administration as well as the president's preference that the Agency refrain from any sort of advocacy role.

> Disciplined, meticulously fair and discreet, Helms performed his duties with the total objectivity essential to an effective intelligence service.[80]
>
> He never volunteered policy advice beyond the questions that were asked of him, though never hesitating to warn the White House of dangers even when his views ran counter to the preconceptions of the President or of his security advisor. He stood his ground where lesser men might have resorted to ambiguity.[81]
>
> ...I never knew him to misuse his knowledge or his power.[82]

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[78]Henry Kissinger, White House Years (Boston, MA: Little, Brown, & Company, 1979), 11.
[79]Ibid., 36.
[80]Ibid., 37.
[81]Ibid., 37.
[82]Ibid., 37.

Helms grew increasingly confounded by the limitations he faced in his attempts to manage the intelligence community. Though responsible for all of the community's activities, Helms noted in 1969 that, in reality, he possessed control of less than 15 percent of its assets--the other 85 percent of which were controlled by the Pentagon.[83] Helms left the Agency in 1973 amidst publicity about assassination plots and other questionable intelligence activities.

Nixon's appointment of James Schlesinger as DCI marked the beginning of a tumultuous time for the intelligence community. Schlesinger implemented a series of reforms within the community, the most notable of which was a reduction in the Agency's Directorate for Operations[84]--a trend which was politically driven by the air of scandal surrounding the community in the 1970's and a trend which would continue through to the Presidency of Ronald Reagan. Schlesinger was quickly reassigned to the Pentagon, but his reforms were carried on with mixed success by his successor as DCI, William Colby.

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[83]Jeffrey T. Richelson, The U.S. Intelligence Community (Boulder, CO: Westview Press, 1999), 4th ed., 387.
[84]The covert action people.

Gerald Ford gained intelligence insight early in his Congressional career through his appointment, in 1956, to the House subcommittee which controlled the Agency's appropriations. Of Colby, Ford has written that he was "smart; he possessed both integrity and guts and I liked and respected him very much."[85] Ford stated that, as president, he instructed DCI Colby that he "simply wouldn't tolerate any violations of the law" and that the Agency's charter was to be upheld.[86] Political developments and revelations would outrun Ford's attempt to manage the community.

The president's pardon of Richard Nixon only aggravated the more aggressive tone of those who were skeptical of the community. Colby's tenure as DCI was overshadowed by scrutiny of alleged Agency wrongdoing.[87] Both he and his immediate predecessor compiled "the *family jewels*--a listing of the various occasions over the past twenty-five years in which the CIA had stepped over the line of its proper activity."[88] Colby warned Ford of the imminent publication of some of these details, in particular the Agency's past

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[85]Gerald R. Ford, A Time to Heal: The Autobiography of Gerald R. Ford (New York: Harper & Row, 1979), 325.
[86]Ibid., 229.
[87]Lowenthal, U.S. Intelligence, 39.
[88]William E. Colby, "Discussant," in, vol. 2, Gerald R. Ford and the Politics of Post-Watergate America, ed. Bernard J. Freestone and Alexej Ugrinsky (Westport, CT: Greenwood Press, 1991), 490-491.

domestic activities.[89] The post-Watergate period in which the disclosure occurred--a time dominated by high degrees of public mistrust of government and accentuated by an aggressive Congress--significantly influenced Ford to establish a blue-ribbon commission to investigate allegations of misconduct. The panel preceded investigative committees established in Congress to conduct its own investigations.[90] Political climate clearly affected the personalities and relationships involved. As John Robert Greene notes:

> It is possible that after the Hersh story [alleging a massive domestic spying operation] Ford saw an opportunity to reform the intelligence community. Yet it is highly unlikely that Ford would have availed himself of this opportunity had it not been for the tempest that Hersh's story was causing. Ford thus had to involve the Executive Branch in investigating the CIA, if for no other reason than to beat Congress to the punch. With the 1976 election in mind, the president could not afford to bring up the rear on this issue.[91]

Ford's concern is evident in his own writings.

> What worried me most was the fact that Congress seemed determined to take over the act. [T]hey wanted to look

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[89]Ford, A Time to Heal, 229.

[90]Many in Congress and the media were suspicious of Nelson Rockefeller's appointment to head the president's panel. Rockefeller had served in intelligence-related posts in the Eisenhower and Nixon administrations which served to question his objectivity. See John Robert Greene, The Presidency of Gerald R. Ford (Lawrence, KS: University Press of Kansas, 1995), 106.

[91]Greene, The Presidency of Gerald R. Ford, 106.

> at *everything* in the files. Back in the 1950's and early 1960...no more than ten or twelve members of Congress were fully and regularly informed about the budget and the activities of the CIA. By 1975, however, that number had swollen to between fifty and seventy-five. Inevitably, there were leaks, public embarrassment followed, and the agency was having trouble doing its job.[92]

Ford made a series of national security personnel changes, one of which was the appointment of George Bush as DCI. Bush was an "able administrator" and had served in a variety of major political posts. In research for his own work on intelligence, Bob Woodward remarked that--when he inquired of Bush's CIA contemporaries as to what Bush did--many stated that they could not remember him doing much of anything.[93] In fact, Woodward claims, it was Bush "who established a normal working relationship with the Congress.[94]

Carter and Reagan

From the inception of his campaign for the presidency, Jimmy Carter attempted to reform the intelligence community. With his dismissal of George Bush, he was the first president to fire an incumbent DCI. Carter's abortive

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[92]Ford, A Time to Heal, 265.
[93]Bob Woodward, "Discussant," in, vol. 2, Gerald R. Ford and the Politics of Post-Watergate America, ed. Bernard J. Freestone and Alexej Ugrinsky (Westport, CT: Greenwood Press, 1991), 501.
[94]Ibid., 501.

attempt to appoint Kennedy counsel Theodore Sorenson[95] as DCI led to his appointment of Admiral Stansfield Turner. Turner shared Carter's view that the main source of almost all of the uncovered abuses--intelligence operations--needed to be scaled back in favor of greater emphasis upon collection.[96] Consequently, the Directorate for Operations saw its share of the Agency's budget fall from more than sixty percent in the late 1960's to less than five percent during the first part of the Carter administration.[97]

Turner also shared the president's view that the DCI should be given additional discretion to fulfill his management responsibilities. Turner ordered Agency reforms and approved significant cuts in selected personnel. These events did not sit well with the entrenched intelligence professionals within the community--many of whom had served under several previous administrations. Turner publicly exposed scandals and disciplined agents to demonstrate his firm grip on the Agency[98] He achieved fairly regular access

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[95]See Garland A. Haas, Jimmy Carter and the Politics of Frustration (Jefferson, NC: McFarland & Co., 1992), 56-57.
[96]See Stansfield Turner, Secrecy and Democracy: The CIA in Transition (Boston, MA: Houghton Mifflin, 1985).
[97]John Dumbrell, The Carter Presidency: A Re-evaluation (New York: Manchester University Press, 1993), 199.
[98]John Orman, Comparing Presidential Behavior: Carter, Reagan, and the Macho Presidential Style (Westport, CT: Greenwood Press, 1987), 92.

to the president but was disliked by those inside the Agency. Finally, Turner must have realized that serious, and more consistent, Congressional oversight was a reality which he would have to face. His strategy was to keep the overseers as informed and involved as possible in order to quell operational misgivings and give the Agency allies to defend itself from other members of Congress.[99]

The administration's misreading of events in Iran has been characterized as a failure of the Executive Branch.[100] Carter notes in his diary that

> American intelligence reports during the summer, however, indicated no cause for serious concern. According to a CIA assessment, issued in August, Iran 'is not in a revolutionary or even a prerevolutionary situation.' The report went on to say that the military was loyal to the monarchy and that those who were in opposition, both the violent and the nonviolent, did not have the capacity to be more than troublesome in any transition to a new regime.[101]

The militancy of the post-revolutionary Iranian government, and the Soviet Union's December 1979 invasion of Afghanistan, caused the Carter administration to relax considerably the leash on covert activities.

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[99]Dumbrell, The Carter Presidency, 193.
[100]See Alexander Moens, "President Carter's Advisors and the Fall of the Shah," Political Science Quarterly 106 (Summer 1991): 211-237; Holt, Secret Intelligence, 197.
[101]Jimmy Carter, Keeping Faith: Memoirs of a President (New York: Bantam Books, 1982), 438.

The start of Ronald Reagan's first term did not find the Agency disposed to wage the campaign of covert activities for which it would become known in the wake of Iran-Contra. In fact, one insider described the Agency's climate early on:

> Almost all of those in the upper echelons of the agency who had been lucky enough to survive the purges [of the 1970's] were determined that anything was better than a replay of those catastrophes, and the organization that Bill Casey inherited was little inclined to take risks. Once a beehive of activity, the CIA in early 1981 was a relatively quiet place, and most of the top officials had little interest in aggressive new enterprises.[102]

The events of Iran-Contra damaged much of the institutional trust which had been established between Congress and the Presidency since Watergate. As part of his program to more aggressively confront the Soviet Union, Reagan promised during his campaign to loosen restrictions on intelligence activities. To complete this task, his administration desired an assertive DCI who was close to the president personally. Reagan selected and gave cabinet rank to OSS veteran William Casey, who had chaired Reagan's successful campaign. Casey was committed to addressing Cold War problem areas around the world through the use of covert

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[102]Michael A. Ledeen, Perilous Statecraft: An Insider's Account of the Iran-Contra Affair (New York: Charles Scribner's Sons, 1988), 27.

action. The intelligence budget is described as having increased nearly twenty percent a year during Casey's tenure.[103] Intelligence community insider Michael Ledeen describes Casey and his relationship to the president this way:

> William Casey was one of the two most powerful directors in the history of the CIA. Like Allen Dulles...Casey enjoyed a close personal relationship with his president, and consuming interest in spycraft, and the high respect and personal affection of his top officers at the agency.
>
> ...Casey was one of the smartest and most disciplined men in the administration. A voracious reader and tireless worker, he exhausted his colleagues both physically and intellectually.
>
> ...no previous CIA director ever met with so many "outsiders" as he. For Casey had learned one of the basic lessons of large organizations: Bureaucracies have a built-in tendency toward intellectual paralysis...Casey was determined that the CIA keep pace with the rapidly changing world.[104]

Policy disputes in the Reagan administration were seldom more bitter than those between DCI Casey, Secretary of State Shultz, and the Congress. Robert Gates, who was Casey's Deputy DCI, described this relationship.

> Shultz especially would always be aggravated that we were up on the Hill briefing on a particular problem before the Executive Branch had figured out what it wanted to do.

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[103]Holt, Secret Intelligence, 197.
[104] Ledeen, Perilous Statecraft, 23-24.

> And if you get a suspicious Secretary of State like Shultz, then their view is that, in fact, CIA is trying to sabotage the president's policy or the Secretary of State's policy.[105]

The lack of consensus, both within the White House and between it and the Congress, led to serious policy disagreements, especially in the face of such events as the passage of the Boland Amendments which outlawed attempts to aid anti-communist rebels in Nicaragua. The eroding consensus over the means utilized to prosecute the Cold War is epitomized by the Boland Amendments. These legislative restrictions combined with Reagan's rather distant management style to place the administration on its perilous course in Central America.[106] The legal fallout from Iran-Contra signaled an end to the comity between Congress and the Executive Branch in intelligence policy.[107] Reagan attempted to limit political fallout from the crisis by replacing Casey with Federal Judge William Webster.[108] For the remainder of the administration, Webster steered the

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[105]Robert M. Gates, interview with author, Texas A & M University, 6 December 1999.
[106]For more on the institutional dynamics during the Iran-Contra affair see Gregory F. Treverton, "Intelligence: Welcome to the American Government," in A Question of Ballance: The President, the Congress, and Foreign Policy, ed. Thomas E. Mann (Washington D.C.: The Brookings Institution, 1990), 70-108.
[107]Confidential interview.
[108]Casey suffered a fatal medical condition in the Spring of 1987.

Agency through the remaining Contra investigations and initial Cold War post-mortems. Webster was clearly a caretaker Director of the Agency; his personal and professional credentials led to a noncontroversial appointment and tenure as Director. He was insulated from much of the Agency's day-to-day activities and his Deputy Director, Robert Gates, was seen from some quarters as the person running day to day activities in reality.[109]

Cold War Context and Intelligence

Conclusions drawn from the historical evidence support the assertion that personal factors and degrees of policy consensus during the Cold War help to explain intelligence policy. In large part, the most troubling times for the Agency occurred when there were ruptures in the Cold War foreign policy consensus. During the Truman and Eisenhower administrations, this policy consensus--namely the war against communism--was airtight. Following the totalitarian horrors of the 1930's and the 1940's, the nation was resolved to contain forces which would undermine the freedom of individuals. The procedural consensus, which was a product of the value and policy agreement of this period,

[109]Confidential interview.

led to Executive preeminence to do what it took to successfully wage war on behalf of the Free World. Trust in government was high and only improved with each of the intelligence community's initial successes, such as in Guatemala and Iran. There was comparatively little interest in the Congress in pursuing a player's status with regard to intelligence policy. During this time, personality was a significant contextual factor only in as much as it affected the personal relationships between presidents and their DCIs.

It was the era of Vietnam in which we witnessed the destruction of the elements of consensus and trust in the intelligence policy relationship between Congress and the Presidency. The cultural value consensus over our involvement in Vietnam--and in a larger sense the manner of our involvement in the affairs of other nations--disintegrated. This process was expedited by the publicity surrounding alleged Agency abuses during a rather explosive moment. The lack of value consensus undermined the policy consensus over America's interventionism and intelligence activities. This, in turn, eliminated Congressional willingness to sit on the sideline and, thus, procedural

consensus evaporated as well. The intelligence policy relationship changed from one of institutional deference to one of suspicious investigation. In the era of the 1970's, a more fully informed Congress and a lack of consensus produced a more adversarial intelligence relationship. DCIs were forced to focus an increasing portion of their attention upon the concerns of the Congress. DCI William Casey's contempt for, and recalcitrance towards, Congressional oversight is an exception to this trend. However, the events which resulted from his tenure, most notably the Iran-Contra affair, served to force the Executive Branch to make even greater consessions to the Congress. Casey's successors have abided by these concessions. And, as will be asserted in the following chapter, Robert Gates--Casey's deputy--embraced a relationship with the Congress which was altogether new.

Chapter 4

Post-Cold War Intelligence Management

The joke around town was that it was really (DCI) Jim Woolsey trying to get in to see the President.

-Robert M. Gates[1]

You won't need a statute to have me come notify you.
-George Tenet[2]

Contextual Factors in the Post-Cold War Era

This chapter will assess the post-Cold War role that certain, identifiable factors of context play in determining the character of interaction between presidents, their DCIs and the Congress. This assessment will help to explain current interbranch relations with respect to intelligence policy.

The post-Cold War era presents a paradoxical reality. Like the era of more adversarial relations which preceded it, the post-Cold War period offers few points of consensus on foreign policy and national security matters. In terms of intelligence matters, the Congress of the post-Cold War

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[1]Referring to a 1994 incident in which an individual stole a small aircraft and deliberately flew it into the side of the White House; interview with author, Texas A & M Univeristy, 6 December 1999.
[2]Confirmation testimony offered in response to questions regarding the notification of Congress about covert actions. See Congress, Senate, Select Committee on Intelligence, Nomination of George J. Tenet To Be Director of Central Intelligence, 105th Cong., 1st sess., 6 May 1997, 102.

"knows almost everything the president knows."[3] Logic suggests that intelligence policy should remain quite contentious, but presently it is not. This is the case despite the absence of consensus on overall foreign policy and the existence of divided government. Executive-Congressional relations in this area are essentially cooperative, resembling none of the divisions and full-blown investigations prevalent during the preceding period. Why is this relationship so much better today and why is the intelligence community enjoying among the best intelligence-related interaction it has ever experienced with the Congress? An assessment of post-Cold War interbranch relations and policy events of the past decade illuminates factors which help to answer this question.

Contextual Continuity and Change

Senator David Boren of Oklahoma likes to share stories with students in the political science classes he conducts. He often recalls the flurry of events surrounding the fall of the Soviet Union. One moment that stands out in his mind is the memory of President Bush's Secretary of State, James Baker, looking strangely glum during a press conference

[3]Confidential interview.

convened to discuss America's very recent victory in the Cold War. Secretary Baker began his remarks by stating almost with remorse that events in the former Soviet Union had not unfolded in accord with the administration's predicted timetable! The administration's reaction to world events was understandable in light of the speed and relative tranquility that characterized the death of the Soviet Union. America's victory in the Cold War produced the sobering consequence that the usual business of maintaining the nation's security was about to be subjected to new types of scrutiny and change.

The question of whether or not the end of the Cold War caught America by surprise is still being contested. Cracks in the Soviet system were spotted more than a decade before the events of 1991. Still, the post-Cold War shift in priorities experienced by the nation's national security apparatus was enormous; moreover, the pressures upon the intelligence community were especially marked. This was attributable in large part, to the conclusion drawn by many that the community had been created and maintained in order to combat Soviet communism. Certainly, if one examines budgetary allocations between 1949 and 1989, one can see the

importance placed upon national security relative to other governmental services provided by the federal bureaucracy.

Lost in the decades of grappling with the Soviets was the simple fact that the Agency was created to provide the government with timely, finished intelligence that is useful for assisting the president and members of his administration in preempting surprise and in making informed policy choices. It was only with the growth of Soviet expansionism that the community's focus became the Cold War. Situational imperatives, like the goal of winning the Cold War, have the notable effect of subordinating agency charters, legal statutes, and even democratic values to the protection of one's country, budget, or elected seat.

The 1990's were remarkable years for the intelligence community. Amid the initial post-Cold War war anticipation of peace dividends and reduced military spending came calls for the elimination of the Central Intelligence Agency.[4] The disappearance of the Soviet threat led some to believe that strategic intelligence needs could be competently met by the State Department and that tactical intelligence

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[4]Senator Daniel Patrick Moynihan (D-NY) sponsored legislation which would have eliminated the Agency. See Donna Cassata, "Experts: CIA Needs Reform But Not a Czar," Congressional Quarterly Weekly Report, 27 May 1995, 1517.

requirements could be fulfilled by the intelligence divisions of the individual armed services. Others, in both the Bush and Clinton administrations, concluded that the intelligence community, while not so suddenly unimportant as to warrant elimination, was in dire need of reform and new direction. To this end, the decade witnessed a host of intelligence reform proposals that, in large part, have not been enacted into law. Periodic Congressional ire has emerged as Agency blunders came to light, and the tenure of post-Cold War DCIs have averaged only two years. However, interbranch relations have improved a great deal. Again, the question arises: What can account for the post-Cold War interbranch comity which currenty exists with respect to intelligence policy?

Much of the explanation lies in the character of relations between post-Cold War presidents, DCIs, and the Intellience Commitee membership in the Congress. Factors which impact these realtions, and have contributed to the surprisingly positive relationship include personality and personal relations, the degree of consensus, and medium-term trends--most notably the shift in presiential policy priorities and changes in the culture of the DCI.

The Bush Administration

No president was in a better position to effect change in the intelligence community than George Bush. He is the only former Director of Central Intelligence to become President of the United States. Scholars rank him alongside Allan Dulles for the improvements he made with respect to the Agency's morale and Congressional standing.[5] Biographer Herbert Parmet outlines one example of Bush's impact on the Agency.

> A story soon made the rounds describing Bush during a morning meeting with his senior staffers at the beginning of his tenure with the troubled agency. He turned to them, according to accounts that made his career at Langley almost legendary, and said, "What are they trying to do to us?" He was, he wanted them to know, one of them. He understood their shattered morale.[6]

Bush served in a number of important, security-related posts before becoming DCI, including envoy to China and ambassador to the United Nations. Later, during his presidential administration, his White House staff was made up of individuals, such as Richard Cheney and Lieutenant General Brent Scowcroft, who possessed remarkable national

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[5]Historian John Ranelagh, quoted in Herbert S. Parmet, George Bush: The Life of a Lone Star Yankee (New York: Scribner, 1997), 195.
[6]Parmet, George Bush, 194.

security experience. Bush also entered his presidency with numerous legislative allies and a commitment to a cooperative partnership with the Congress.[7] Scholars cite as evidence of Bush's commitment to the integrity of the oversight process his own writings in which he has said: "Don't look for shortcuts and don't try to circumvent the oversight process. Most important of all, follow the rules."[8] Ten years prior to making the above statement Bush wrote, "I do believe that oversight of the intelligence community is necessary, and I will strongly support the new measures set out by the President. I welcome the responsible exercise of oversight by the congress as well."[9]

Bush possessed a track record for compliance with rules governing oversight that went far beyond mere rhetoric. As DCI, he officially appeared before Congress 30 times during the first six months of his tenure--a figure which does not include more than 30 other meetings with members and their staffs.[10] Though dismayed at the constant stream of

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[7]Kerry Mullins and Aaron Wildavsky, "The Procedural Presidency of George Bush," Political Science Quarterly 107 (Winter 1992): 49.
[8]George Bush, Looking Forward (New York: Doubleday, 1987) in Mullins, "The Procedural Presidency," 50.
[9]George Bush, 14 March 1976 address, in All the Best: My Life in Letters and Other Writings (New York: Scribner, 1999), 251.
[10]Bush, "Memorandum for the President," 3 Aug 1976, in All The Best, 257.

investigative inquiries made by Capitol Hill staff, Bush nevertheless complied fully with his responsibility to report to seven different committees in the Congress.[11] As Director, Bush showed a keen appreciation of the apolitical nature of his job.[12] As president, Bush would find that personality and political circumstances would be the dominant factors in his intelligence relationship with the Congress.

The Bush presidency occurred during one of the most unique international moments of the 20th Century. An entire world order collapsed after 1989. The forty year old foundation of the American national security state disappeared almost overnight. Rather than reducing the role of the intelligence community, the end of the Cold War focused attention on a host of "new" security concerns such as postmodern forms of terrorism, proliferation of weapons of mass destruction, narcotics traficking, rogue states, and economic espionage. Any type of consensus which Bush hoped to build around these manifold threats was hampered early on by the appointment process in the wake of Judge Webster's expected retirement.

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[11]Ibid., 257; 259.
[12]Parmet, George Bush, 188.

America's first post-Cold War president selected career Agency official Robert Gates to succeed Webster. Gates experienced a relatively meteoric rise within the Agency after arriving in Washington D.C. in 1966 from an Indiana University Master's degree program. During his early years with the Agency, Gates earned a Ph.D. in Soviet Studies from Georgetown University and briefly served with the US Air Force as a nuclear missile officer. Among his more notable career assignments in conjunction with the Agency are staff assistant to the US SALT Delegation (1971-1973), Special Assistant to National Security Advisor Zbigniew Brzezinski (1977-1979), Deputy Director for Intelligence (1982-1986), Deputy Director of Central Intelligence (1986-1989), and Deputy for National Security Affairs to the president (1989-1991). Gates also authored more than thirty major articles and addresses at the time of his nomination to be Director.

The senior management portion of Gates' career was marked by attempts to institute reforms within the Agency and the larger intelligence community.[13] As Deputy Director for Intelligence in the early 1980's, he supported the

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[13]Evidence from Robert M. Gates, "Questionnaire for Completion by Presidential Nominees," found in Congress, Senate, Select Committee on Intelligence, Nomination of Robert M. Gates to be Director of Central Intelligence, 102nd Cong., 1st sess., vol. 1, 19.

development of a covert action review system. The purpose of the program was to subject all covert action proposals to analytic review. This review would evaluate the premises upon which covert actions were based and it would outline the risks and ramifications of such proposals to ensure that the actions were in line with foreign policy goals. Gates also helped to establish the Intelligence Producers Council--headed by an Agency outsider--as a forum for the analytic shops to share information and minimize duplication within the intelligence community. Finally, Gates assisted in establishing a budgeting program which was less centralized, and one in which actual requirements--as opposed to intelligence forecasts--were the primary determinant for allocations.

Gates' nomination to be DCI was controversial. His confirmation process was unique for two reasons. First, Gates possessed "a lot of political baggage."[14] He was the first career officer to be put up for the position of DCI in a generation. Out of all those who have served as Director, he is one of only three to have been career officers and the only one to rise from entry level employee. He was the only

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[14]Gates interview.

career analyst to be nominated.[15] It had been nearly twenty years since the last career officer--William Colby--had been appointed Director. Ideological polarization and bitter partisan conflict had become pronounced trends in Washington D.C. during the intervening two decades.[16] This fact would make the Gates' confirmation hearing unusually contentious. Further, over the years, Gates worked directly for some of the most powerful and controversial individuals in American government--including Henry Kissinger, Zbigniew Brzezinski, and William Casey. This fact would ensure that those who did not wish to see him confirmed would have plenty of areas for inquiry, particularly Gates' relationship with Casey in regards to Central America. In fact, his association with the Iran-Contra matter forced him to withdraw his nomination to be DCI in 1987, after he was selected to replace the terminally ill Casey. Finally, Gates' unusually quick rise within the Agency, and many of the innovations he instituted within its analytic branches, may also have alienated some colleagues who claimed during confirmation hearings that

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[15]As opposed to Operations.
[16]Alan K. Ota, "Partisan Voting on the Rise," Congressional Quarterly Weekly Report, 9 January 1999, 79-80.

Gates had slanted intelligence to suit certain policy preferences of his superiors.[17]

A second factor which contributed to the duration and conflict of the Gates hearings is that, in many respects, the hearings took on a life of their own as a post-Cold War performance review of the Agency, with emphasis on whether or not the Soviet threat had been exaggerated. Early in the hearing, Senator Bill Bradley stated:

> While [Gates] might be excused for belittling the fundamental changes taking place as early as 1986, it is hard to excuse his blindly fatalistic view in 1988 that, in his words, "The dictatorship of the Communist Party remains untouched and untouchable" or that, in his words, "a long competition and struggle with the Soviet Union lie before us."
>
> There is no question that Mr. Gates got it wrong. The question is why.
>
> The committee has to decide whether such mistakes were truly impartial errors of judgment or the result of systematic biases to support the bloated defense budgets of the 1980's.[18]

Virtually the entire final week of hearings involved Senator Bradley's concern. Rather than an assessment of the nominee's qualifications and views, much of the testimony during this time involved battles between factions within

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[17]See John Gentry, Lost Promise: How CIA Analysis Misserves the Nation: An Intelligence Assessment (Lanham, MD: University Press of America, 1993).
[18]Congress, Nominatin of Robert M. Gates, Vol. 1, 424.

the Agency as well as between the Agency and Congress. Had the hearing occurred without the context of the Cold War's end, much of its substance would have been different and most assuredly its duration.[19] Of the event itself, Gates remarked:

> I've never had a problem with the confirmation process. I believe that if one is to be entrusted with the kind of power that the DCI has that if he hasn't got the guts to go through that kind of a doorway, he probably doesn't belong as DCI anyway.

In his written confirmation testimony, Gates outlined his views concerning the role of the DCI.

> At this moment in history perhaps the most important challenge for the DCI is to focus on the future. The world so familiar to us for two generations has changed dramatically in a very short time. The next DCI must lead a fundamental reappraisal of intelligence priorities from a substantive perspective. He must also evaluate the structure of the intelligence community and its broad strategies and then plot a course for the future that best and most efficiently serves our national interest. Old attitudes also must be re-examined. A DCI cannot do this alone, but only in close collaboration with the President and senior national security officials and in close consultation with the Congress through the Intelligence Committees. But the DCI must initiate and lead the process.[20]

In the end, Gates was confirmed but perhaps less because of his personal assurances to the Committee than the commitment of SSCI Chairman David Boren to see that his nomination was

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[19]Confidential interview.
[20]Ibid., 34.

successful. Gates would not have been confirmed without Boren's help.[21] Gates "returned the favor by briefing Boren with assiduous regularity."[22]

Long before his politcally volatile confirmation, Gates personally recognized that considerable Congressional oversight had become a permanent fixture of intelligence work. The existence of the Soviet threat was the driving force behind the creation and maintenance of the intelligence community. The demise of the Soviet Union would surely increase Congressional questioning of intelligence priorities and operations. Despite allegations to the contrary, Gates, Bill Casey, and other long time Community officials saw fatal cracks developing inside of the Soviet system[23] and worked to expedite--if not plan for--an end to the Cold War.[24] Unlike Casey--and, perhaps, in political response to the Contra affair--Gates increasingly accepted oversight as a political reality with which he would have to contend. This was perhaps more out of pragmatism than it was from a philosophic commitment to

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[21]Confidential interview.
[22]Quoted in Carroll J. Doherty, "Despite Flurry of Allegations, Boren Still Respects Gates," Congressional Quarterly Weekly Report, 20 July 1991, 2001.
[23]Michael A. Ledeen, Perilous Statecraft: An Insider's Account of the Iran-Contra Affair (New York: Charles Scribner's Sons, 1988), 26.
[24]Confidential interview.

democratic accountability.[25] Regarding the oversight relationship between Congress and the Presidency, Gates stated:

> I don't think that oversight is at all too intrusive. And I think contrary to conventional wisdom, I think most intelligence professionals welcome oversight and particularly in the covert action arena. Because we've all been exposed over the years to some really nutty ideas in the White House situation room and for the DCI or the DCIs representative to be able to say "well, that's all a very interesting idea but, of course, I'll have to brief the intelligence committee." It has a very healthy effect on the meeting.[26]

Gates contends that there has not been a single incident on the order of the Iran-Contra episode in more than a decade of recent Congressional oversight of the intelligence community.[27] With the exception of his own rocky confirmation, Gates' claim is essentially accurate. The primary explanation for this fact lies in an understanding of politics as an art rather than a predictive science. Senator David Boren, who chaired the Senate Select Committee on Intelligence (SSCI) from 1987 to 1993 made the following observation of Executive-Congressional relations during the Gates years.

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[25]Confidential interview.
[26]Gates interview.
[27]Relatively minor exceptions being possible CIA complicity in the 1990 murder of an American in Guatemala and a 1996 funding dispute with the National Reconnaissance Office.

> You had someone like Gates who came in as Director who believed in oversight. I think that we've had Directors before who really didn't believe in Congressional oversight. It was something of an adversarial relation. They didn't think Congress could keep secrets. They wanted to keep everything compartmented which meant compartmented also from Congress. Gates embraced oversight. I think he was smart enough to know it was there to stay. It was only going to grow in its influence and its ability to get information and that you could either fight it, which would be in the long run not winnable, and divisive, and would lead to confrontations, destruction of morale within the community; or you can embrace it and by embracing it help in some ways to shape it within what you thought were reasonable boundaries. And that's what he did.[28]

Gates firmly committed himself and the Agency to obtaining a better relationship with the Congress than had been achieved under Casey and Webster. He took note of the effect that his work in this area had upon the rest of the intelligence community.

> I think that if the DCI is a strong advocate of Congressional oversight inside the community, then that has an enormous trickle-down effect. I think part of the reason for so many of the problems during the time Bill Casey was Director was that Bill was fairly contemptuous of Congress and that attitude permeated a lot of parts of the community. And so I think the attitude of the Director and the messages that that sends really is much more influential than whatever policy distances there may be at the time.[29]

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[28]David Boren, interview with author, 25 Feb 99, University of Oklahoma.
[29]Gates interview.

The observations of Boren and Gates offer insights for explaining institutional behavior. "Policy distances," or a lack of policy consensus, may not be the single most important determinant of effective intelligence oversight. The degree of DCI commitment to oversight emerges as a significant factor. In other words, effective intelligence accountability is not exclusively a function of the quality or quantity of Congressional activity. For meaningful oversight to occur, there must be much more than a committed chairman and fully engaged members of Congress. There must be constructive Executive Branch actions as well--particularly involving the DCI. This is a powerful factor in accounting for the state of Executive-Congressional relations with respect to intelligence policy throughout the 1990's and one that surfaced repeatedly throughout the course of this research, including field interviews with three DCIs, their staffs, as well as by relevant members of Congress and their staffs.

Other elements which help to explain the overall institutional relationship emerge from the Gates years as well--most notably the impact of new types of interpersonal relationships on reform efforts. The Gates DCI years were a

unique moment because each of the three major institutional players in the intelligence relationship--the Agency, the Presideny, and the Congressional oversight Committees--brought together skillful leaders as well as individuals who enjoyed close personal relationships. Senator Boren described aspects of these relationships this way:

> Obviously we were of one mind about foreign policy. And we were exceedingly bipartisan. And the other thing is we had close, very close, bonds of friendship--which human relationships always enter into these things.
>
> I had talked with Bob Gates about withdrawing his nomination the first time and assured him that if he were ever reappointed I would do everything in my power to make sure he was treated fairly.
>
> I had a relationship with George Bush in which we shared insights on not only some sensitive political issues but in which we discussed personal, family matters and our feelings as people--not anything to do with politics. So, all of that came together.[30]

In fact, there existed between these individuals a consensus about intelligence policy and the emerging international issues that would need to be addressed.[31] The triangular association involving a president, an agency head, and a

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[30]Boren interview.

[31]For an elucidation of the elements of consensus see Richard M. Melanson, Reconstructing Consensus: American Foreign Policy Since the Vietnam War (New York: St. Martin's Press, 1991), 3-12. In a notable exception to this assertion, Boren voted against authorizing President Bush to use force against Sadaam Hussein. However, Boren stated that he based his decision upon intelligence data and estimates which were quite dissimilar to what the president was using to make his own decisions.

committee chair--served to shape the general tone and specific content of efforts to reevaluate the intelligence community in the wake of the Cold War.

Gates stated that, with respect to anticipating the heightened scrutiny and reform that the community would face in the aftermath of the Cold War, the Executive Branch would usually read the signs and act accordingly to preempt unproductive reshuffling of bureaucratic boxes or complex procedural requirements.

> I would say that out of the twenty-five or so task forces that I appointed in terms of restructuring the community after the end of the Cold War, some of the biggest were the result of the dialogue between [Senator] Boren[32] and myself or some of us in the Executive Branch and some of the people on the Hill.
>
> And there were several cases where David [Boren] tried to put things in legislation and then withdrew them, and used that as leverage to help me push the Executive Branch...to cooperate with me in change because if there weren't the risks that Congress would pass a really ugly piece of legislation, some of the other parts of the Executive Branch might not have been willing to go as far as they did in going along with the reforms that I was proposing.[33]

Gates hereby offers direct and revealing testimony as to how aspects of intelligence policy--especially post-Cold War re-prioritizing and restructuring--were carried out. Smist[34]

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[32]Chair of the Senate Select Committee on Intelligence at the time.
[33]Gates interview.
[34]Frank Smist, Congress Oversees the United States Intelligence Community, 1947-1994, 2nd ed. (Knoxvill, TN: University of Tennesee Press, 1994).

has rightly characterized the Bush-Gates-Boren period of oversight as being one in which there remained significant Congressional skepticsm over intelligence policy, although the interview data reported here suggest that, in reality, the tone was for the most part cooperative, with Congress being supportive of the Executive Branch, and the Executive Branch sensitive to the concerns of Congress. An example of this cooperation involves efforts to restructure the intelligence community.

Less than four months after the Executive Branch successfully appointed Gates DCI, Boren and House Permanent Select Committee on Intelligence (HPSCI) chairman Dave McCurdy introduced similar intelligence reform bills in Congress. The sweeping reform measures were cooly received by the Bush administration but were viewed by some within the adminsistration as productive in the sense that they expedited, and in some cases expanded, reforms already being advanced by Gates.[35] In this sense, the real intention of the Boren-McCurdy proposal was a call for Executive action. Bobby R. Inman, a former head of the National Security Agency, interpreted events by saying, "The mere fact of

[35]Confidential interview.

introducing the legislation has been helpful. There is an enormous amount of resistance within the bureaucracy. The legislation has sent a very loud and clear signal."[36]

When Gates unveiled his own reform proposals, shortly after introduction of the Boren-McCurdy package, McCurdy stated: "If fully implemented, he may accomplish a great deal of what we desired."[37] A short time later, McCurdy again expressed confidence in Gates' measures by stating: "Given Mr. Gates' willingness to work with us, I believe it is important to give his changes a chance to work."[38] Interview data reveal a constructive, ongoing dialogue between committee leadership and the Executive Branch. Gates acknowledged:

> I think that what David [Boren] and I did was probably unique in the history of the community and certainly had never been done before and I doubt will ever happen again--that is, in essence, a DCI and the Chairman of the SSCI coming pretty close to conspiring against bureaucracy in the Executive Branch.
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> I felt the need to move very fast to restructure the intelligence community at the end of the Cold War and to get an number of things in motion that were fairly far reaching. And so I think that because I wanted to move fast and because the bureaucracy was so reluctant

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[36]Quoted in Andrew Taylor, "Hearings Yield No Clear Path On the Road to Change," Congressional Quarterly Weekly Report, 7 March 1992, 550.
[37]Quoted in Carroll J. Doherty, "Bill to Cut Spending Gets OK; Agency Reshuffle Left Out," Congressional Quarterly Weekly Report, 16 May 1992, 1364.
[38]Quoted in Pamela Fessler, "Leaner Authorization Measure Emerges From the House," Congressional Quarterly Weekly Report, 27 June 1992, 1893.

> is one of the reasons why David and I had such a productive partnership.
>
> You know, I wasn't playing games because I often would tell the President in frank what I was doing. But I would say 'I can't move the Pentagon or this, that, or the other without first using this [Congressional] leverage'.[39]

These efforts preempted formal legislation. In ways that elude detection by the formal models of social science, personality and interpersonal relationships are at work in shaping the contours of intelligence policy. Personality and personal relationships and degrees of trust and consensus on values between individuals clearly have made an impact upon shaping the contours of intelligence policy in the post-Cold War period.

With institutional trust running quite high, and "no popular outcry for rearranging the boxes within the intelligence community," Congressional will to follow through on fundamental changes was modest.[40] Popular focus upon defeating Iraqi aggression in the Persian Gulf, and a postwar recession at home, only served to limit further the public preoccupation with--and thus Congressional push for--critical evaluation and reform of the intelligence community. Personality and personal relationships, the

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[39]Gates interview.
[40]Boren interview.

degree of policy consensus, and individual events like the Gulf War, increasingly shaped intelligence policy in the immediate aftermath of the Cold War. Elements of the larger context continued to play a large role in interbranch relations and intelligence policy throughout the course of the 1990s.

The Clinton Administration

The impact of personal relations and other identifiable elements of context on intelligence policy is underscored by events since the advent of the Clinton administration. Clinton, in marked contrast to his predecessor, came to the Presidency with much less personal interest in, and comparatively no experience with, foreign and intelligence policy. He relied heavily upon individuals such as Les Aspin, Warren Christopher, Madeline Albright, and Anthony Lake to formulate and implement day-to-day foreign and security policies.[41] The administration's record in these

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[41]Aspin was a long-time Washington insider first making a name for himself as one of Robert McNamara's Pentagon "wiz kids" and later chairing the House Armed Services Committee as a member of Congress. Christopher was Deputy Secretary of State under President Carter, who described him as "the best public servant I ever knew." Albright was foreign policy advisor to presidential candidate Michael Dukakis and has taught foreign policy at Georgetown. Lake had experience as a foreign service officer and was Director for Policy and Planning at the State Department from 1977-1981.

areas has consistently received criticism. Throughout both terms of the Clinton presidency, there has generally been no consensus about American foreign policy. Many have argued that this is due to an absence of vision and a lack of a general framework to give it direction.[42] As suggested in Chapter 1, there is almost a consensus about the lack of such a general framework. Others have concluded that Clinton bases foreign policy decisions upon factors which significantly deviate from any articulated national interest.[43] The result has been characterized by sloppy and inconsistent diplomatic behavior by the world's sole superpower.[44]

In defense of Clinton, some scholars have concluded that the transformation of world politics and lack of articulated national interests would hinder the diplomatic perfomance of any president.[45] What is clear in the debate over whether or not Clinton has articulated and followed an overarching foreign policy framework, is that the game of

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[42]See Moises Naim, "Clinton's Foreign Policy: A Victim of Globalization," Foreign Policy 109 (Winter 1997/1998): 34-37; Richard N. Haass, "Fatal Distraction: Bill Clinton's Foreign Policy," Foreign Policy 108 (Fall 1997): 112-123.
[43]Michael Mandelbaum, "Foreign Policy as Social Work," Foreign Affairs 75 (January/February 1996): 16-32.
[44]Samuel P. Huntington, "The Lonely Superpower," Foreign Affairs 78 (March/April 1999): 35-49.
[45]For example, see Jurek Martin, "Clinton Abroad," The Washington Monthly 31 (March 1999): 22-26.

diplomacy has fundamentally changed in the 1990's. The basis for certain types of policy decisions--such as those regarding covert actions--is so different that it affects Executive-Congressional relations with respect to intelligence policy.

Another element which affects intelligence policy is that Clinton was elected at the end of a significant downturn in the American economy. In fact, many observers attribute his defeat of Bush to the country's financial condition (i.e. recession) and the perception that the incumbent administration was out of touch with the average voter's economic plight. This perception was embodied in the Democratic campaign slogan, "It's the economy, stupid." During the election, the incumbent president was actually under attack for being a foreign policy president, not sufficiently focused on domestic policy.[46] American voters seemed uninterested in savoring the military victory won in the Gulf War. They seemed uninterested in relishing the ideological victory won in the Cold War. And they were growing increasingly frustrated by extremely partisan electoral politics which seemed to be played at the expense

[46]Fareed Zakaria, "The New American Consensus: Our Hollow Hegemony," The New York Times Magazine, 1 November 1998, Section 6, 44-47, 74, 80.

of other concerns. Their concern were with issues like wages, child-care, and health-care. Thus, having run successfully on a platform that made domestic matters dominant, Clinton was predisposed to concentrate his presidential efforts in these areas.

A third element affecting intelligence policy was the change taking place with respect to membership on the Congressional intelligence oversight Committees. Committee members serve fixed terms of six and eight years for the House and Senate, respectively. The start of the new Congress, in January 1993, saw new chairmen and ranking members take control of the oversight Committees, ending the tenures of Oklahomans McCurdy and Boren. In the House, Speaker Tom Foley replaced McCurdy with Democratic member Dan Glickman (KN) in order to give the House leaders more control over the committee.[47] During public hearings, Glickman was strident in calling for more Agency involvement in "economic intelligence."[48] In the Senate, Arizona

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[47]Pamela Fessler, "Secrecy May Be Highest Hurdle As Agencies Face Shifting Hill," Congressional Quarterly Weekly Report, 13 February 1993, 328.

[48]See Pamela Fessler, "Woolsey Gets Senate Approval; Budget Cuts, Overhaul Await," Congresstional Quarterly Weekly Report, 6 February 1993, 276. In his confirmation hearing, Woolsey indicated that economic intelligence and counterintelligence represented the "hottest current topic in intelligence policy issues" but that government sharing of economic intelligence is full of "complexities, legal difficulties...and the rest. See Congress, Senate, Select

Democrat Dennis DeConcini assumed control of the Intelligence Committee. He departed from Boren's effort to work with Agency personnel to reinvent the intelligence community.[49] In addition, his attitude in meeting with intelligence officials was described as "almost brusque."[50] The unique and very personal relationship between the president, the DCI, and the committee chair completely vanished with the presidential election and committee changes. These factors would greatly impact both the presidential access and general influence of Clinton's first choice for DCI.

R. James Woolsey

James Woolsey served as Director of Central Intelligence from 5 February 1993 to 10 January 1995. A native of Tulsa, Oklahoma, Woolsey earned an undergraduate degree at Stanford University and a law degree from Yale. He was also a Rhodes Scholar and served briefly as a Captain in the US Army. Prior to serving as DCI, Woolsey occupied a variety of security-related positions. These included

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Committee on Intelligence, Nomination of R. James Woolsey to be Director of Central Intelligence, 103rd Cong., 1st sess., 23 February 1993, 87-88.

[49]Fessler, "Secrecy May Be Highest Hurdle," 329.

[50]Ibid.

analyst in the Office of the Secretary of Defense (1968-1970); National Security Council advisor for the US delegation to the Strategic Arms Limitation Talks (1969-1970); General Counsel to the US Senate Armed Services Committee (1970-1973); Under Secretary of the Navy (1977-1979); President's Commission on Strategic Forces ("Scowcroft Commission" 1983-1984); President's Delegate at Large to the US-Soviet Strategic Arms Reduction Talks and Nuclear and Space Arms Talks (1983-1986); President's Blue Ribbon Commission on Defense Management (1985-1986); Ambassador and US Representative to the Negotiation on Conventional Armed Forces in Europe (1989-1991).

The Senate confirmation of Woolsey was a dramatic departure from that of Gates. Gates was consistently dogged both by his association with the Iran-Contra matter and his long career within the intelligence community, during which he acquired a number of political adversaries. Despite his commitment to oversight and improving Congressional-Executive relations, Gates could never escape his Congressional critics. Woolsey, on the other hand, had "earned respect from both Republicans and Democrats for long years of public service" and came to the job of DCI already

possessing "close ties to Capitol Hill."[51] Unlike Gates, Woolsey possessed a wide variety of senior-level government experience and virtually no intelligence experience.[52] Woolsey acknowledged at the start of his confirmation that virtually all of his exposure to intelligence had been in the area of strategic arms and US Naval intelligence. However, this did not seem to trouble those on Capitol Hill. In fact, Woolsey's status as an intelligence outsider was seen by some as an asset. SSCI Chairman Dennis DeConcini stated: "If ever there was a time when we needed someone like Jim Woolsey to judge these [post-Cold War reform] situations, it's now. We know he'll act less as a cheerleader and more as a judge."[53] DeConcini succeeded Senator Boren as Chair of the SSCI and viewed the arrival of Woolsey as a positive change, saying that "the benefit of this guy is he doesn't have a lot of baggage."[54]

Woolsey's indicated that he believed one of his primary responsibilities was to adhere to the oversight provisions of the National Security Act of 1947. This entails keeping

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[51]Fessler, "Woolsey Gets Senate Approval," 276, 277.
[52]For more background on Woolsey see John Prados, "Woolsey and the CIA," The Bulletin of the Atomic Scientists, <http://www.bullatomsci.org/issues/1993/ja93/ja93Prados.htn>, 1-7, Downloaded 11 August 1999.
[53]J. Bennett Johnston, D-La., quoted in Fessler, "Woolsey Gets Senate Approval," 276.
[54]Fessler, "Secrecy May Be Highest Hurdle," 326.

the established Congressional oversight Committees "fully and currently informed"[55] about the intelligence activity of the United States. Woolsey stated that "the responsibilities of both Executive Branch officials and Congress go beyond the specific provisions of the law."[56] In his view, a partnership between administration officials and the legislature had great potential to increase the effectiveness of intelligence collection and utilization. Woolsey indicated that his experience as a Congressional staffer, as well as his personal convictions concerning oversight, led him to believe that Congress should be treated as a full partner in the post-Cold War era of intelligence activity. He emphasized the need for "frequent consultation, tolerance for one another's different viewpoints and organizational needs, and a respect for the importance of the different, but complementary, roles of governmental branches."[57]

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[55]Woolsey quoted from "Questionnaire for Completion By Presidential Nominees," found in Congress, Senate, Select Committee on Intelligence, Nomination of R. James Woolsey to be Director of Central Intelligence, 103rd Cong., 1st sess., 23 February 1993, 36.
[56]Ibid.
[57]Ibid., 36-37.

This sentence suggests that Woolsey would attempt to uphold the pledges he made before Congress.[58] His approach to the goal of making Congress an intelligence policy partner was unprecedented in terms of the level of personal effort Woolsey put forth. In 1993, during his first year as DCI, Woolsey averaged one Congressional briefing *per day*. This was in the starkest of contrasts to all of his DCI predecessors.[59] The nature, substance, and duration of Woolsey's briefings varied. Some of the briefings involved formal testimony in front of the intelligence oversight Committees. Many of the formal briefings during Woolsey's first year were even less contentious than his short confirmation hearing had been. His confirmation hearing was characterized by lines of questioning that were mainly benign points of clarification. The major exceptions to this fact were unsurprising. Democratic Senator Howard Metzenbaum of Ohio--a long-time intelligence community critic--asked the only questions which could be classified as abrasive. John Warner (R-VA), ranking minority member on

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[58]The following discussion is based upon an interview with James Woolsey conducted by the author on 1 September 1999 in Washington D.C..

[59]DCI Bush, for instance, had sent a memo to President Ford complaining of this activity. Bush dealt with Congress about one fifth as much as Woolsey--and Bush's tenure was in the immediate aftermath of the CIA scandals of the early 1970's. See Bush, All The Best, 257-259.

the SSCI, pressed the nominee on some issues as well. Warner's intensity likely stemmed from the position of being leader of the loyal opposition to the new Democrat in the White House. In the end, the concerns of these two legislators were not serious enough to keep them from joining their committee colleagues in unanimously recommending Woolsey's nomination to the full Senate. He was confirmed by a rather low key voice vote.

Woolsey attempted to stay ahead of Congressional demands. He departed from his DCI predecessors by making frequent, and often unrequested, visits to Capitol Hill. His purpose on most of these visits was to conduct what he describes as "tutorial sessions" for members to assist them in gaining a fuller perspective on intelligence matters--both in terms of substantive analysis of world affairs as well as developments within the intelligence community itself.[60] The visits were also part of his effort to lobby on behalf of the intelligence community--often for funding that was specifically marked for reduction in President

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[60]Woolsey interview. See also, Gregory T. Bowens, "House Votes To Freeze Funding But Keep Amount Secret," Congressional Quarterly Weekly Report, 7 August 1993, 2168.

Clinton's budget requests.[61] After a time, the sessions began to annoy key members of Congress. For example:

> One time he called right while I was sitting there talking to a senator.
>
> I don't know what Jim's problem is. This [proposal] causes no rifts. I didn't touch any of his people. I already gave him authorization for $25,000 bonuses for early retirements, and they're already maxed out.[62]

Again we see personality and personal relationships as a central tool for conducting intelligence policy. Woolsey attempted to educate members, in part, for the purpose of giving them an Executive Branch perspective on the roles, capabilities, and future needs of the intelligence community. Though his personalized style differed from that of Gates, the goal was the same: stay ahead of Congressional concerns about reform and budgetary matters; act rather than react. Woolsey contends that member attentiveness to these sessions was dictated, in large part, by the wilingness of committee chairman to set an appropriate tone for substantive Congressional oversight.[63]

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[61]See Gregory J. Bowens, "Chairman Leaves His Mark on Bill That Freezes Spending," Congressional Quarterly Weekly Report, 17 July 1993, 1895.
[62]Ibid.
[63]Woolsey interview.

This fact is a notable point of congruence with the research findings reported on the DCI tenure of Robert Gates.

Woolsey argued that the integrity and effectiveness of Congressional oversight is a direct product of the behavior of committee chairmen. In short, the chairman takes on most of the responsibility of oversight.[64] Overall, Woolsey (particularly during his second year as DCI) did not build a positive relationship with Senate Committee chairman DeConcini during the time they interacted. The relationship between Congress and the intelligence community suffered. Woolsey indicated that, during the period of his second year, he spent much of his time "fighting fires" on Capitol Hill rather than conducting substantive intelligence-related activities for the purpose of helping members of Congress make more informed policy decisions.

The most significant of these so-called "fires" was the political fallout after the arrest of Aldrich Ames in February of 1994. Ames was a thirty year veteran of the Agency. Despite flagrant problems with alcohol and extremely poor job performance reports, he was repeatedly promoted and eventually secured a sensitive position in the

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[64]Ibid.

Soviet-East European Division of the Agency's Directorate of Operations.[65] From his position in the DO, Ames possessed access to information on the entire network of agents the Agency utilized within the Soviet Union. Later, citing reasons of financial gain, Ames identified these agents to the Russians shortly after walking into the Soviet Embassy in the spring of 1985 and volunteering to spy. In its investigative report of the matter, the SSCI stated that Ames' betrayal of these men involved "the largest amount of sensitive documents and critical information...that has ever been passed to the KGB..."[66] The men betrayed by Ames vanished, yet the Agency was, in retrospect, judged to have originally reported these disappearences rather matter-of-factly to the oversight Committees. Further, Ames' activities continued until 1994, despite tips from Ames' colleagues dating back to 1989 that there were financial irregularities with respect to his lifestyle that should have raised suspicions.

Despite the fact that Ames' activities had occurred under the watch of his three immediate DCI predecessors,

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[65]The Directorate of Operations, hereafter "DO", is the Agency's subcomponent responsible for handling human espionage.
[66]Quoted in Donna Cassata, "Senate Panel Broadly Indicts CIA Culture of 'Negligence'," Congressional Quarterly Weekly Report, 5 November 1994, 3138.

Woolsey would be the one forced to deal with the matter. He was faced with the choice of either firing high-level officials in the Agency, which would lead to charges within its ranks that he was "scapegoating," or he could issue strong reprimands and attempt to ride out the storm of Congressional protest.[67] Woolsey chose to do the latter and was faced with unanticipated levels of Congressional criticism. Protests came from Republicans, smelling blood as the 1994 mid-term elections quickly approached, as well as Democrats who were desperately trying to maintain majorities in Congress. HPSCI Chairman Glickman described Woolsey's handling of the affair as "slow and spotty"[68] and forbodingly stated that "the question is whether the CIA has become no different than any other bureaucracy, if it has lost the vibrancy of its unique mission."[69] SSCI Chairman DeConcini responded to Woolsey's actions by saying:

> It's a very inadequate response to negligence in the biggest espionage case in the CIA's history. There's a problem here that you're not going to get at by leaving some of these people in place. It'll take dramatic reorganization to change the culture, the good old

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[67]Choices cited from Tim Weiner, David Johnston, and Neil A. Lewis, Betrayal: The Story of Aldrich Ames, an American Spy (New York: Random House, 1995), 285.
[68]Bob Benenson, "Woolsey Acts To Quell Concern Over Handling of Spy Case," Congressional Quarterly Weekly Report, 19 March 1994, 681.
[69]Ibid.

> boys' club that protected this guy, promoted him, and gave him sensitive positions.[70]

The interbranch trust and confidence which had been cultivated in the aftermath of Iran-Contra began to suffer during Woolsey's second year. However, the reasons were wholly different then those surrounding the affair in Central America. In the Ames case, there was no outright effort to mislead the oversight bodies as there had been with the issues in Central America. Woolsey's September 1994 reprimands occurred during a pivotal electoral mood of dissatisfaction with the incumbent administration. The political climate, rather than Executive misdeeds, led Congress to proceed with oversight of an advesarial nature.

Woolsey was already experiencing other difficulties by the time of Ames' arrest. Perhaps the most significant was his lack of access to President Clinton. To a great extent this was due to the lack of a personal relationship between Woolsey and the President. Woolsey perceived that Clinton far was more concerned with domestic politics than he was with matters involving intelligence.[71] Woolsey recalled one meeting of senior foreign policy officials in which the

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[70]Ibid. Others, such as Senator Howard Metzenbaum (D-OH), called for the DCIs resignation.
[71]Woolsey interview.

President's press secretary and political advisor, George Stephanopoulos, completely controlled the discussion with a heated exchange over how best to "spin" a foreign policy event in order to protect their boss' public approval rating. In the midst of their argument, Woolsey--who was sitting silently along side the President and other cabinet-rank officials--raised his hand in an effort to be recognized. When he attempted to draw the discussion back to dealing with the crisis at hand, the DCI received blank stares from the two combatants. After a moment of awkward silence in the room, their argument seamlessly resumed.[72]

By October 1993, after less than nine months on the job, Woolsey confronted increasing inattention by the administration on intelligence issues. One account reports that:

> [President] Clinton, preoccupied with the economy, would often cancel his daily CIA briefing. Woolsey complained of having little access. Even National Security Advisor Anthony Lake began skipping his agency briefing.[73]

Additionally, the Agency issued a top secret warning to the White House, entitled "Looming Disaster," which predicted

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[72]Ibid.
[73]Douglas Waller, "Master of the Game: The Formidable John Deutch is Becoming the Most Powerful CIA Chief Ever," Time, 6 May 1996, 42-43.

that Somalian Warlord Muhammad Farrah Aidid would attempt to ambush US troops. The report was ignored.[74] DCI access to the President, never in abundance, seemed to dry up even further during 1994. Commenting at the end of Woolsey's tenure as DCI, HPSCI member Larry Combest observed that "there is just a big impression on the Hill that this [intelligence policy] is not an area of tremendous importance to the White House."[75]

These remarks might be construed as being impressionistic and anecdotal evidence. However, they come from senior career individuals who were in the best position to know the nature of certain intelligence policy decisions. Comparing Gates and Woolsey, we see that several elements of the larger context matter in intelligence policy; among these are personality and the nature of personal relationships among the DCI, the president, and Intelligence Committee leadership.

Another element is the conception of the job of DCI held by its occupants; both Gates and Woolsey differed from earlier DCIs in their pro-active acceptence of Congressional oversight. Gates enjoyed a more successful tenure of

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[74]Ibid., 43.
[75]Quoted in Donna Cassata, "Intelligence Panel Belatedly Filled," Congressional Quarterly Weekly Report, 4 February 1995, 374.

building interbranch consensus and comity and, not surprisingly, he left government service with the change of administrations. Woolsey, by contrast, came with "no baggage" but resigned midway through Clinton's first term. He suffered from a lack of the sort of relationshiop needed to weather incidents like the Ames case and revelations about community mismanagement. The shift in personality and personal relationships combined with trigger events, like the Ames case and the anti-administration mid-term elections of 1994, helped to produce this outcome.

John M. Deutch

The abrupt departure of Woolsey only added to the intelligence policy discontent experienced by each branch of the government. Woolsey was unable to institute fundamental changes within the intelligence community due to factors largely beyond his control. The political situation, and his reaction to it, infringed upon management continuity by shortening his tenure as DCI. For its part, Congress responded to public outrage after the Ames case broke by commencing its own intelligence reform effort. In March 1994, the Senate voted 99-0 to establish a presidential commission which would reevaluate the intelligence

community.[76] Convening their newly elected majorities in January 1995, Republicans commissioned their own study for reforming the intelligence community.[77] Initially sparked by controversies involving the Ames matter and secret National Reconnaissance Office funds, these Congressional efforts possessed an investigative quality. However, the momentum for reform dissipated rather quickly.[78] As demonstrated below, this was due mainly to the efforts of the new DCI and new elements of the larger political context which shifted the often inconsistent attention of the Congress.

Contemplating Woolsey's replacement and the atmosphere in which the new DCI would be required to work, Robert Gates stated:

> The Director of Central Intelligence has to develop his own strategic plan in terms of restructuring the culture, if only to channel and complement the work of these other groups [in the community].
>
> If he's going to have a prayer of being successful, he must be part of the [White House] inner circle.[79]

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[76]See Elizabeth A. Palmer, "Congress Creates Commission To Study CIA's Performance," Congressional Quarterly Weekly Report, 1 October 1994, 2824.

[77]"Intelligence Community in the 21st Century" was a House commission created in large measure by Republican Larry Combest of Texas who succeeded Glickman as HPSCI chair.

[78]Contextually-driven calls for reform would return to haunt Deutch as well.

[79]Quoted in Donna Cassata, "Congress Jumps to CIA's Aid In Its Quest for Identity," Congressional Quarterly Weekly Report, 7 January 1995, 43.

President Clinton considered a number of individuals to replace Woolsey and was forced to withdraw his first candidate amid accusations that the nominee had been involved in some legal improprieties. John Deutch was the Deputy Secretary of Defense at the time he was nominated by President Clinton to be DCI. Deutch had received bipartisan praise for his work in the Defense Department and had already received Senate confirmation for two previous positions.[80] Deutch resisted the nomination until he received assurances from the administration that his post would be granted Cabinet rank status. Deutch's move made many in Congress--including the new SSCI Chairman Arlen Specter--fearful of a return to the days of William Casey (who, as DCI, had received Cabinet rank) and a dangerous blurring of the line between the reporting of analysis and making policy.

Like his immediate predecessor, Deutch was a known quantity and reasonably well liked by most members of Congress. Deutch had a long history of important government appointments. He obtained a Ph.D. in chemistry from the Massachusetts Institute of Technology in 1965 and

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[80]See Donna Cassata, "Choice of Deutch To Head CIA Wins Qualified Praise," Congressional Quarterly Weekly Report, 18 March 1995, 825.

immediately began work for the Defense Department that same year. Intermittently, from 1970 to the present day, he has served in various positions at MIT, including professor, dean, and provost. His more notable government appointments include Under Secretary for Energy (1977-1980), Under Secretary of Defense for Acquisitions and Technology (1993-1994), and Deputy Secretary of Defense (1994-1995). Additionally, Deutch was appointed in 1991, by President Bush, to serve as a member of the President's Foreign Intelligence Advisory Board. These positions not only provided Deutch with significant exposure to the intelligence community but also aided him in building a network of Congressional acquaintances. Furthermore, this experience gained him the administrative savvy useful for avoiding the bureaucratic and Congressional pitfalls prevalent in national security policy.[81]

Personal factors, such as bureaucratic-legislative expertise, would affect Deutch's tenure as significantly as trigger-events and inter-personal relationships had affected Gates and Woolsey. Deutch had impressed the Clinton administration by organizing the 1995 round of military base

[81]Confidential interview.

closures so that politically important states such as New Hampshire, Florida, and California were protected.[82] One senior aide commented that Deutch's actions "positioned him as a player" and that Deutch "moves around the White House effortlessly."[83] His skills and stature were evident in conditionally accepting the nomination in exchange for the Clinton's guarantee of Cabinet rank status--a move designed to preempt the lack of presidential access which contributed to Woolsey's resignation.[84] The issue of Cabinet status addressed the concerns of those in Congress who believed that President Clinton was granting insufficient attention to intelligence policy. Witness this exchange between SSCI member (and former Vice Chairman) William Cohen and nominee Deutch:

> Senator COHEN. But I believe that by virtue of your predecessor's lack of access and the level of morale which [one] could say is perhaps at ocean bottom levels out at the Agency, you were prompted to request the [Cabinet rank] access and the President agreed to that level of access because he felt that the Agency was in such a state of either low morale, disarray or in need of that kind of leadership that he granted the request. Is that correct?
>
> Mr. DEUTCH. Senator, you say it extremely well.
>
> Senator COHEN. You need only say yes.

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[82]Bill Turque and John Barry, "The Trouble with the CIA," Newsweek, 20 March 1995, 27.
[83]Ibid.
[84]Confidential interview.

Mr. DEUTCH. Yes.

Deutch also attempted to stay ahead of other Congressional concerns. Senators Connie Mack and Arlen Specter both raised the issue of reports that sexual harassment was prevalent throughout the Agency.[85] Deutch responded that he was "not privy to the facts of this case" but noted that he intended to safeguard equal opportunity and proper conduct if confirmed.[86] Within the first week of his tenure as DCI, Deutch filled the Agency's third most powerful position--that of Executive Director--with a female colleague from the Pentagon.[87] Deutch remarked of this decision that his goal was "to make the glass ceiling into a glass floor."[88]

Perhaps the most significant, unprecedented, and lasting action Deutch took as DCI was his appointment of several former Congressional staff members to key

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[85]One female plaintiff, a former CIA Chief of Station, was awarded $400,000 after the court found evidence of such behavior. This case was mentioned several times to Deutch during his confirmation hearings.

[86]See John Deutch written response to additional questions submitted to him by the SSCI. Found in Congress, Senate, Select Committee on Intelligence, Nomination of John M. Deutch to be Dirctor of Central Intelligence, 104th Cong., 1st sess., 26 April 1995 and 3 May 1995, 94.

[87]Responsible for all of the Agency's day to day operations as well as the National Reconnaissance Office. See Donna Cassata, "New CIA Staff Chosen To Ease Strained Relations With Hill," Congressional Quarterly Weekly Report, 20 May 1995, 1441.

[88]Ibid.

administrative posts inside the Agency. Less than a week after he was sworn into office, Deutch officially announced several major personnel changes at the senior levels of the Agency.[89] He appointed five former Congressional staff members to fill posts such as director of the community management staff, general counsel, and chief of staff. Further, Deutch successfully encouraged President Clinton to appoint George Tenet to the position of Deputy Director of Central Intelligence--the number two position in the intelligence community.

Tenet was a lifelong Congressional staffer who was picked from relative obscurity--and without regard to seniority--by Senator Boren to be the SSCI Staff Director in the wake of Iran-contra. With these appointments, we see a striking and very new trend emerging which has continued to the time of this writing--namely, staffing of top-level posts traditionally held by career Agency people with individuals who have spent virtually their entire career on Capitol Hill. Deutch explained the rationale for this staffing practice by stating, "This agency...has not had a stunning success in relating to Congress, not because they

[89]Following personnel changes based upon Ibid., 1441.

don't try, but because there hasn't been enough...knowledge about the best way to hook into the system."[90]

The Agency's Inspector General, Frederick Hitz, submitted a report to Deutch in which he found an "institutional predisposition at CIA against sharing information with Congress."[91] Deutch appeared before the SSCI six weeks into his tenure for the purpose of addressing a number of specific issues on which the committee required follow-up. Deutch outlined major personnel changes which had taken place, and he spoke of further changes in regard to replacing the Deputy Directors for Operations and Intelligence.[92]

These appointments represented an even greater extension of the new "DCI culture" that began with Gates and Woolsey: the notion that the DCI should be fully committed to Congressioal oversight (whether for pragmatic or philosophical reasons) and pro-active in being both sensitive and responsive to Congressional concerns.

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[90]Ibid.

[91]Staff Reporting; Section Notes, "CIA Says None of Its People Had Role in Slayings," Congressional Quarterly Weekly Report, 29 July 1995, 2296.

[92]Two core positions, as Operations involves managing human spying and covert operations and Intelligence oversees the Agency's analysis. See John Deutch, "Open Testimony Before the SSCI," Written statement for the record, <http://www.fas.org/irp/congress/1995_hr/s950621d.htr>, Downloaded 10 August 1999,

Deutch's appointment of former Congressional staffers clearly went a step further in the evolution of this "DCI culture: of concern for Congressional good will.

Both of Deutch's post-Cold War predecessors were dubious of these staffing practices. Woolsey pointed out that, during his tenure as DCI, no personnel moved directly from a Congressional position to senior management within the Agency.[93] Gates indicated that current Executive Branch officials have cause to be alarmed. When asked about the institutional impact of moving personnel from Capitol Hill to Langley, Gates responded:

> I would tell you if I were the president, I'd be concerned because who [at the Agency] has an Executive Branch perspective in terms of protecting the president's prerogatives and authorities? I'd be concerned with all those [Congressional] folks out there [at CIA] that on any issue that involved the president's prerogatives...that would be secondary....[94]

Despite his reservations about how presidents and their inner circle might view the trend, Gates stated: "I don't think the career [Agency] folks have a problem with it."[95] While it is plausible to assume that Gates' impression is an accurate reflection of Agency culture, it remains unclear to

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[93]Woolsey interview.
[94]Gates interview.
[95]Ibid.

what extent the attitude of the DCI affects rank and file members of the Agency.[96] It should also be noted that Deutch's attempts to quell Congressional concerns and preempt, quoting Gates again, "ugly" reform efforts were successful only in as much as the seas of the larger political context remained calm. Like Woolsey, Deutch eventually found himself struggling to stay ahead of events.

In September 1995, a story in the Washington Post reported that the National Reconnaissance Office had amassed nearly one billion dollars in unspent funds. It was later determined that the amount was $3.8 billion.[97] This discovery was made a year after several members of Congress asserted that the NRO had concealed huge cost overruns in the construction of a new, $302 million, headquarters (nicknamed "the Taj Mahal") in Virginia.[98] Members were angry when forced to confront the lack of forthcoming they often encounter when attempting to conduct intelligence oversight. Republican Senator John Warner, in whose state the NRO's headquarters is located, expressed this

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[96]Such interview research is important for developing the fullest possible view from the Executive Branch. However, issues of access precluded such a survey being done here.
[97]Jeffrey T. Richelson, The U.S. Intelligence Community (Boulder, CO: Westview Press, 1999), 40.
[98]See Donna Cassata, "Members Fear Fiscal Crackdown May Sap Spy Agency," Congressional Quarterly Weekly Report, 25 November 1995, 3604-3605.

displeasure by saying: "If you didn't ask the precise question, if you asked a near-miss question, they wouldn't volunteer anything."[99] Unspent NRO funds had been discovered in 1992, but the agency assured Congressional overseers that they eliminated the accounts in a timely fashion. When this did not occur, Congress imposed new legal measures which would tighten the NRO's financial management practices.[100] Additionally, Congress eliminated one billion dollars from the NRO's budget. The DCI has joint responsibility with the Secretary of Defense for managing the NRO and Deutch, in an effort to reassure lawmakers, ordered an audit of the NRO as well as changes to the agency's financial management staff.[101]

Soon after this event, Deutch encountered additional fallout from the Ames case. In September 1995, Deutch had asserted that "espionage is the core of the CIA," and that although the Directorate of Operations was still in need of some reform, covert operations were to be strengthened.[102] This assertion haunted Deutch less than two months later

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[99]Quoted in Cassata, "Members Fear Fiscal Crackdown," 3604.
[100]Ibid., 3605.
[101]Donna Cassata, "Spy Agency's $1 Billion Cache Draws Members' Wrath," Congressional Quarterly Weekly Report, 30 September 1995, 3019.
[102]Quoted in Donna Cassata, "CIA: More Covert Actions," Congressional Quarterly Weekly Report, 16 September 1995, 2825.

when the Agency's Inspector General released a report which detailed the impact that the treachery of Ames had made upon the intelligence community. One member of Congress said of Ames' impact: "It's a lot worse than expected. It's like a bad dream. Ames is Walker, Howard, and all our other double agents put together."[103] The chairman of the SSCI stated: "It's just mind-boggling, the scope of what went on here."[104] Annoyed members of Congress informed Deutch that the IG report indicated that substantive change in the culture of the CIA had yet to take place, despite confirmation hearing assurances from two DCI nominees that dramatic differences would be forthcoming.

Additionally, more details surfaced of other alleged Agency wrongdoings. Questions were raised, during Deutch's tenure, about Agency complicity in human rights abuses and murder in Guatemala. One of the Agency's paid informants, Col. Julio Alpirez, was linked to the torture and murder of dissidents in Guatemala--including one American.[105] Further,

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[103]Representative and HPSCI member Bill Richardson (D-NM) quoted in Donna Cassata, "Drive To Reform CIA Intensifies As Ames Case Fallout Worsens," Congressional Quarterly Weekly Report, 4 November 1995, 3392.

[104]Senator Arlen Specter (R-PA) quoted in Cassata, "Drive to Reform CIA," 3392.

[105]For good background on the Guatemalan case and the murder of Michael DeVine, see Pat Towell, "Senators Accuse CIA of Deception," Congressional Quarterly Weekly Report, 8 April 1995, 1033.

the media reported in late 1995 that one of the Agency's officers assigned to penetrate terrorist organizations had sold the terrorists visas to the United States in exchange for prostitutes and money.[106] Deutch's response to these matters was significant when compared to the manner in which his predecessors dealt with Agency crises. For example, unlike Woolsey's response to the Ames disclosures, Deutch fired top personnel for their involvement in the Guatemalan matter. During the tenure of Gates, Agency crises and damage control were typically discussed and handled in concert by the president, DCI, and Congressional intelligence leadership. By contrast, Deutch found himself more alone in responding to escalating Congressional criticism as each allegation emerged. Deutch did not have as active presidential ally as was the case for Robert Gates.[107] This is attributable to the fact that Deutch was not as personally close to key institutional actors as Gates had been.

Other personal factors--most notably Deutch's management style--worked against his attempts to solidify

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[106]Evan Thomas and Gregory Vistica, "Spooking the Director," Newsweek, 6 November 1995, 42.

[107]Circumstantially, Clinton could not have been as powerful a voice due to the newly elected Republican Congressional majorities he was facing during the time of these revelations.

control over his bureaucratic power base inside the intelligence community. Deutch's management style was abrasive long before he arrived at the Agency.[108] Likewise, his management performance, while at the Pentagon, has been described as "decisive" but "sometimes abrasive."[109] In an interview granted one month after being sworn in, Deutch stated that he "never felt any problem asserting control."[110] Colleagues at the Agency noted his willingness to "push his own tray in the cafeteria" and stroll around the halls talking informally with co-workers but to "erupt" whenever crossed by subordinates.[111] The following description of Deutch is worth citing at length.

> Gregarious and backslapping, Deutch can also be a ruthlessly tough manager and highly status conscious. He recently angered seven Senators planning a fact-finding trip to Bosnia by refusing to let them use a plane he had reserved from the Pentagon for a later trip, even though the Pentagon was able to find him an identical substitute. When one of Washington's hot restaurants, The Palm, was slow to put up Deutch's caricature among more than a thousand portraits of the city's political elite, Deutch had aides and relatives pester the manager with phone calls until the picture was hung.[112]

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[108]Constance Holden, "Deutch Bows Out," Science, 2 February 1990, 530. Deutch was opposed for this reason by MIT students and faculty as he sought the MIT presidency.
[109]Staff Reporting, "Second Time, Yes: The CIA," The Economist 334 (7906): A29-30.
[110]Evan Thomas, "Cleaning Up 'The Company'," Newsweek, 12 June 1995, 34-35.
[111]Ibid.
[112]Douglas Waller, "For Your Disinformation," Time, 13 November 1995, 82.

Deutch's attempts to discipline and reshape the Agency--through significant tasking and personnel changes--met with mixed success and, initially, very poor morale. At one point, an audience of Agency employees committed a significant breach of protocol by failing to rise as Deutch entered the auditorium to present an address.[113] Deutch's instructions to fire agents, drop informants, and closely vet potential human intelligence sources drew an unusual response from rank and file case officers--some of whom wore black arm bands in protest of the DCIs actions.[114]

Deutch made a significant, and lasting, impact as DCI. He is credited for improving the public image of the Agency--so much so that a major publication proposed having its cover photo consist of Deutch riding a white horse.[115] However, his reforms were cited by the Center for International Policy as being more cosmetic than substantive.[116] He succeeded in helping to establish the National Imagery and Mapping Agency to reduce redundancy in the use of photographic intelligence--another example of

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[113]Thomas and Vistica, "Spooking the Director," 42.
[114]Ibid.
[115]The Agency turned the request down. Arthur Jones, "Same Old CIA Out to Fix Image," National Catholic Reporter, 26 April 1996, 4-5.
[116]Ibid.

staying ahead of Congressional inclinations. Elements within the Congress had been seeking a way in which the perceived redundency of tasks might be addressed. NIMA combined the efforts of several previously separate intelligence entities. Deutch was a supporter of the NIMA plan. His personnel selections--particularly those with Congressional experiences--were well received by intelligence overseers. However, these successes were offset by other notable developments such as Congressional insistence that he create new offices for the purpose of in-house oversight[117] and the manner in which his management style was received at the Agency. Deutch resigned his position shortly before President Clinton began his second term. With his departure and the eventual ascendancy of his deputy, George Tenet, a new era of intelligence policy making began to emerge.

George J. Tenet

The process to replace John Deutch was not an easy one for the Clinton administration. Clinton had won reelection in 1996, but the Republicans retained control of the Congress and were disappointed by the defeat of their

[117]A measure Deutch was completely against.

presidential candidate. The desire of Republicans to exact political retribution on the administration possibly explains, to some extent, the failed nomination of Clinton's first choice to replace Deutch, Anthony Lake. Given the administration's history of appointment setbacks, the person who immediately emerged as the front-runner, was unsurprising.

George Tenet is one of the most unique DCI appointments in the history of the Agency. He is the first career staffer from Congress to be appointed as DCI. A 1976 graduate of Georgetown, Tenet worked in Washington D.C. his entire life. In the early to mid-1980's, he was a Legislative Assistant (and eventually Legislative Director) for the late Senator John Heinz (R-PA). He served as a staffer on the SSCI (1985-1988) and was picked by then SSCI chairman Senator David Boren to be the Committee Staff Director in the wake of Iran-Contra. Tenet moved to the White House in 1993 to serve as National Security Advisor Lake's deputy for intelligence matters. In 1995 he returned to the Agency to be Deutch's Deputy Director, a post for which he easily obtained Senate confirmation.[118]

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[118]Juliana Gruenwald, "Tenet Given Warm Reception By Intelligence Panel," Congressional Quarterly Weekly Report, 10 May 1997, 1086.

At this time, the Agency was reeling from legislative reform efforts, Congressional fallout from revelations concerning Ames, the NRO funding matter, Guatemala, and the relatively short tenures of its two most recent DCIs. The Clinton administration--still bruised from the Lake nomination affair--needed an overwhelmingly confirmable nominee. That Tenet's DCI confirmation hearing stood in marked contrast to that of Gates and Lake is something of an understatement. A careful reading of the testimony and confirmation proceedings indicate that, of the four individuals who have served as DCI in the post-Cold War era, Tenet experienced the least difficulty during his Senate confirmation hearing. In fact, even Senator Daniel Patrick Moynihan, one the more vocal critics of the intelligence community, pledged his trust and confidence in Tenet.

> It is an honor and pleasure, as you [Chairman Shelby, R-Ala.] and Senator Kerrey have indicated, to introduce to the committee a distinguished son of Queens and of a vibrant Greek community that has added so much to our city, and now to our Nation in the person of Mr. Tenet.[119]
>
> I commend him to you, sir.[120]

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[119]Ibid., 36.
[120]Ibid., 37.

Former SSCI chairman Boren's confirmation hearing testimony in support of Tenet's appointment reflects the former's thoughts concerning Tenet's government service and rapid rise in stature.

> I had not met George Tenet when I first became a member of the Intelligence Committee. Very quickly, after watching him and working with him, I became tremendously impressed. Very early on in my chairmanship with about 5 years left to go, the staff directorship became vacant. I consulted with then Vice-Chair Senator Cohen, and together we reached the conclusion that George Tenet would make an outstanding staff director for this committee.[121]

In many of their opening statements, Committee members from both parties expressed warm familiarity with Tenet and his uniquely nonpartisan, professional disposition.[122] Those on the committee who were the most contentious about Clinton's first pick, Lake, were uniformly impressed by Tenet's SSCI staff leadership experience and personal attributes.[123] Tenet simply did not possess the political baggage that previous nominees had involuntarily towed into

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[121]David L. Boren in Congress, Senate, Select Committee on Intelligence, Nomination of George J. Tenet to be Director of Central Intelligence, 105th Cong., 1st sess., 6 May 1997, 40-41.
[122]Senator Boren stated in confirmation testimony and in an interview with the author that Tenet worked quite hard to keep the minority members of the Committee fully informed. To this day, Boren is unsure of Tenet's political affiliation.
[123]Juliana Gruenwald, "Tenet Brings Strong Credentials To Prospective CIA Post," Congressional Quarterly Weekly Report, 12 April 1997, 857. See also Eric Pooley, "Why the Senate Loves an Understudy," Time, 31 March 1997, 38.

their confirmation hearings. Further, Tenet had occasion to speak prior to the hearing with Committee members who were the most contentious during the Lake appointment, including Republican Senator James Inhofe who stated publicly to Tenet:

> We have talked previously--and we had a long discussion in my office--and I appreciate the opportunity to go into a lot of things with you privately. I think that's an important part of this process. And I know that the time you afforded me, you also gave to others, too.[124]

Aside from a sense of mutual professional respect, Tenet's confirmation testimony reveals an individual with a unique grasp of the intelligence policy relationship between Congress and the president. SSCI Vice Chairman Robert Kerrey pressed Tenet on his feelings about prompt notification of Congress in regard to intelligence matters, including failures like the Ames case. Tenet's response illustrates his longtime commitment to improving intelligence through making positive advancements with respect to institutional relations.

> Acting Director TENET. Senator, my gut instinct is that I don't [feel the need for more notification requirements] because we provide these notifications not on the basis of a statutory requirement but on the basis of comity between us. And that's--

[124]Senator James Inhofe (R-OK) in Nomination of George J. Tenet, 72.

> Vice Chairman KERREY. Did you say comedy?
>
> Acting Director TENET. Comity, c-o-m-i-t-y, between us. And we function as partners in many ways. So my sense of it is--of course, you may say it may change in the next regime and the next guy in, but I don't believe that the system of Congressional notification or oversight is moving backward in any way. I mean, I think we've set the standard. So long as we trust each other, I would resist statutory changes.[125]

This exchange highlights the key to good intelligence policy relations between Congress and the Executive Branch. The key is institutional trust, built and maintained through forthright communication. The point would be clearly accentuated by Tenet's tenure as DCI.

Though he testified that he did not seek it,[126] Tenet retained Deutch's cabinet rank status, a fact that curiously seemed to trouble far fewer Committee members in Tenet's case than it had in the instance of Deutch.[127] This may be explained by the fact that Deutch had not been perceived as having utilized his Cabinet status inappropriately. The fact that Tenet was an overwhelmingly familiar figure in the Senate may also have been a factor.

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[125]Ibid., 91.
[126]Ibid., 110.
[127]Only one Commitee member raised the issue.

Access did not present problems for Tenet, as it had for Woolsey. The issue was raised during Tenet's confirmation.

> Senator DEWINE. It seems to me that all of the successful Directors of the CIA have had a couple of things in common. One is they have been strong leaders internally within the CIA itself, and in the intelligence community; but, second, they've all had access--good access--to the President of the United States. I would like you to discuss that a little bit...
>
> Acting Director TENET. ...My relationship with the national security advisor and the national security team is very, very good. I don't have any doubt about my ability to see the President when I need to see the President...I think he is quite keen to hear from me, and quite attentive to our issues, and quite an avid consumer of intelligence. And every time I have engaged him with the previous Director, he has been right on top of our issues...So we don't play golf together, but I will be seeing him often...[128]

Tenet seemed to take lessons from his predecessors' record in explaining the management style he would utilize.

> Well, Senator, my view on how you would lead an agency is to get your hands dirty, get to see people where they work, let them know that you have warm blood in your veins and care about what they write and what they say, and be very, very much of an activist in the day-to-day operations of what they do. I find that's been my style my entire life, and I find when you practice that style you get a response...[129]

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[128]Senator Mike DeWine (R-OH) of Ohio in Nomination of George J. Tenet, 97.
[129]Ibid. 99.

Finally, in terms of the oversight relationship between Congress and the intelligence portion of the Executive Branch, Tenet's unqualified responses during his confirmation hearing lend insights which explain the current state of intelligence relations. For example:

> Chairman SHELBY. Mr. Tenet, is there any circumstances under which you would intentionally deceive or mislead one of the oversight Committees, or direct an official under your control to do so in pursuit of a policy objective or to protect the national security?
>
> Acting Director TENET. No, sir.

Of his former deputy, Deutch commented "I think he will be an excellent leader. I have found him to be a man of incredible loyalty and judgment."[130] By a floor voice vote after receiving a unanimous endorsement from the SSCI earlier in the day, George Tenet was confirmed by the Senate and became the youngest DCI in the Agency's history in July 1997.[131]

As of this writing, Tenet has served as DCI for nearly three years, making him the longest serving post-Cold War DCI by nearly a year's length. As Deputy DCI for two years prior to becoming DCI himself, Tenet oversaw the

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[130]Gruenwald, "Tenet Brings Strong Credentials," 857.
[131]Juliana Gruenwald, "Senate Confirms Tenet As Intelligence Chief," Congressional Quarterly Weekly Report, 12 July 1997, 1644.

implementation of the intelligence reforms instituted during the Deutch era. As DCI, Tenet has kept most of these continuing reform efforts in-house, closely consulting with the Congressional Committees. Not since the Carter administration has a DCI experienced such success in keeping his Agency off of the front page and on good terms with the Congress.

There are several factors which explain the current state of institutional comity and trust with respect to intelligence policy. The foremost factor is George Tenet himself. His personality and professional example have shaped the course of institutional relations. The point is articulated by those who know him personally:

> He's been a major factor [in the good relations with Congress] because he just truly is a very candid person. He comes from the oversight process. Gates came at it as the insider who pragmatically understood that for the agency to survive in the modern world, it had to see oversight as a fact of life. Tenet came at it [the job of DCI] from the outside as an overseer--like a prosecutor can't overnight become a defense attorney without some transition--and I think he still has that [prosecutor] mentality. But that ideally works. That helps build a lot of consensus or trust from the overseers [in Congress] because they have the feeling "he's one of us, not one of them."[132]

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[132]Boren interview.

Boren adds that, Tenet has achieved--again, through force of personality--loyalty and trust from rank and file Agency members:

> On the other hand, he has enough affinity of just really respecting what these guys do at the Agency. They feel the emotional affinity he has. I mean, you need that natural "I'll fight for you," which projects to them like "I'm proud of you--you are a good patriotic American." And George is that to the core.[133]

Consistent with his confirmation hearings and Congressional briefings, Tenet has a commanding presence in interview situations.[134] He is extraordinarily "no-nonsense" in responding to questions concerning Congressional oversight and community management. His DCI oversight philosophy for nearly three years has been a simple one with regard to giving intelligence briefings and acknowledging intelligence failures: tell the truth and tell it as early as possible.

During Tenet's tenure as DCI, the number of intelligence flaps resulting in damage to institutional relations, or to the continuity and low-key approach that he has worked to build within the community, have been

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[133]Ibid.
[134]Interview with DCI, George J. Tenet, in his Agency office, Langley, VA, 1 September 1999.

extraordinarily low. This is the case despite several incidents in which the intelligence community has been accused of an intelligence breakdown. One journalist outlines some of these instances.

> In May 1998, the agency failed to predict that India would test a nuclear weapon. In August, it was caught unawares by North Korea's test flight of a three-stage missile over Japan. Earlier that month, it failed to detect plans for the bombings of the US Embassies in Kenya and Tanzania--even though it had been involved in tracking the bombing's alleged sponsor, Osama Bin Ladin, for several years. And...questions have been raised over the agency's contention that a Sudanese pharmaceutical factory that the United States bombed in retaliation was producing VX nerve gas for use by Bin Ladin.[135]

The question is: Why have these so-called failures not contributed significantly to institutional discord and a DCI vacancy? A more recent incident, and the manner in which it was addressed by Tenet, provides an explanation.

The incident involved the Agency's role in the mistaken US bombing of the Chinese embassy in Belgrade on 7 May 1999. Tenet testified before the HPSCI two months after the incident. He indicated that outdated maps, and a failure to consult both the Agency operative on location and the appropriate military attaché, were to blame for the erroneous targeting data that the Agency supplied to the US

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[135]Nurith C. Aizenman, "Intelligence Test: Can George Tenet Save the CIA?," The New Republic, 22 March 1999, 22.

military. Tenet stated: "It was a major error. The ultimate responsibility for the role of the intelligence in this tragedy is mine."[136] Tenet acted quickly to contain Congressional fallout and, from the standpoint of protecting the intelligence relationship between institutions, it worked.[137] One source said "George immediately came down [to the Capitol] and it was brilliant. [His] pre-emptive criticism helped mute Congressional outrage. He didn't try to sugarcoat it."[138] These actions are consistent with the behavior that Tenet and vowed he would observe during his confirmation hearings. Tenet did not allow elements of the larger context, like revelations, to destroy interbranch trust and cooperation with respect to intelligence policy. Rather, he forthrightly faced each situation head-on.

The relationship only suffered when trust, once again, became an issue. An event for which Tenet received direct Congressional criticism involves the Agency's failure to ensure that former DCI John Deutch was properly scrutinized after it was discovered, in 1998, that he had stored dozens

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[136]Quoted in Wire Report, "CIA Muddled Up in China Embassy Bombing in Belgrade," ITAR/TASS News Agency, 23 July 1999, (Infotrac).
[137]As of this writing, Tenet has dismissed one officer and reprimanded several others. See Wire Report, "CIA Fires Officer Over Chinese Embassy Bombing," United Press International, 10 April 2000, (Infotrac).
[138]Quoted in McCutcheon, "Tenet Gives CIA Credibility," 139.

of classified files on an internet-linked, personal computer.[139] Controversy arose less over the case that Deutch may have broken Agency rules and federal laws than over the fact that the Agency did not report the matter to the Justice Department for more than one year.[140] Still worse, Tenet admitted to the SSCI that Congress had not been informed in a timely fashion.

> That should have been done promptly, certainly by the spring of 1997 when internal reviews had been completed. But my view is that when you have a case involving a director, the notification should have been prompt. And there's no excuse for that.[141]

This admission did not blunt Congressional criticism that followed less than three weeks later when the Agency released a report of its internal investigation of the matter. The report stipulated that Agency officials "hid" the facts surrounding the Deutch matter and, in doing so, jeopardized the nation's security.[142] In response to the

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[139]An unsecured computer such as Deutch's could have been compromised by international 'hackers'. For more background on this incident, see Daniel Klaidman and Gregory L. Vistica, "Was the Spymaster Too Sloppy?," Newsweek, 19 April 1999, 42; Wire Report, "Ex-CIA Chief's Computer Scrutinized," United Press International, 8 February 2000, (Infotrac); Warren P. Strobel, "A Former Spy Chief's Errant Ways," US News and World Report, 14 February 2000, 27.

[140]Wire Report, "Tenet 'Could Have Done Better,'" United Press International, 8 February 2000, (Infotrac). Upon being notified by the Agency's Inspector General, the Justice Department reportedly took an additional year to pursue the matter.

[141]Ibid.

[142]Wire Report, "CIA Placed National Security At Risk," United Press International, 23 February 2000, (Infotrac).

report, and seemingly without regard to Tenet's preemptive efforts, SSCI Chairman Richard Shelby stated: "This, I do not believe, was Mr. Tenet's finest hour. All of this [Agency cover up] happened under his watch."[143] Despite all of the other perceived failures relating to intelligence in the past several years, this particular incident stands out as the only one which jeopardized intelligence policy relations between institutions. It is no coincidence that it is also the only significant incident in which Congress felt the Executive Branch had not been appropriately candid.

George Tenet has no plans to leave the Agency voluntarily.[144] Nevertheless, it remains an open question as to whether or not his strategy for managing the Agency, its and relations with Congress will prove to be successful. He faces another unique situation in possibly being asked to remain DCI regardless of the outcome of the 2000 presidential election.[145] He has been criticized for being lopsidedly attentive to Congress at the expense of articulating a vision for the intelligence community.[146]

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[143]Ibid.
[144]"I love it here. It's the perfect job. They're going to have to blow me out of here." Tenet quoted in Aizenman, "Intelligence Test," 22.
[145]Confidential interview.
[146]Former Agency operations officer Robert D. Steele offers this criticism in McCutcheon, "Tenet Gives CIA Credibility," 141.

However, Tenet has been less concerned with rearranging organizational charts and vast reform efforts than with concentrating on a few important priorities such as rebuilding the Agency's collection assets,[147] monitoring weapons proliferation, and working well with law enforcement agencies to address issues such as narcotics traficking, terrorism, and counterintelligence.

Tenet's personality--his aggressive leadership on the Agency's successful basketball team, his penchant for cigars, and his long history of support for the sometimes risky work of his subordinates--has helped him completely reconstruct the Agency's morale.[148] He has greatly improved the intelligence policy relationship between political actors, without suspicion from either Congress or the president that he has somehow been institutionally co-opted. These events have come to pass despite no significant change in the DCIs statutory authority--budgetary or otherwise.

Managing Intelligence vs. Managing the Context of Intelligence

This chapter has assessed post-Cold War institutional relations over intelligence policy. The level of

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[147]Namely human agents and satellite platforms.
[148]Confidential interview.

institutional comity is important for it results in patterns of institutional policy behavior which require explanations. These include Congressional attitudes towards intelligence oversight (manifesting themselves in such events as muted efforts of Congressional reform), the level of continuity in intelligence community management (five DCIs in four years during the 1990's), and governmental behavior with respect to public accountability (such as responses to the Ames case and the Guatemala affair). In an effort to offer explanations for these events, this chapter outlined research involving DCIs and the relationships they developed with other institutional actors. It has also outlined research involving institutional responses to political events, like intelligence revelations.

Several factors explain intelligence policy relations during the Bush administration. First, there existed between key individuals (if not the nation as a whole) significant degrees of value, procedural, and policy consensus. These levels of agreement among major political actors were as unique as those between President Truman, George Marshall, and Senator Arthur Vandenburg in the era immediately following World War II. The personal

relationship between President Bush, Robert Gates, and SSCI Chairman Boren[149] certainly influenced behaviors like the efforts to reform the intelligence community as well as the tone of Congressional oversight. Second, potential areas of disagreement, such as covert action, dried up rather quickly after 1989 and were replaced by concerns for which there was a high degree of political agreement (e.g. terrorism, narcotics trafficking, and the proliferation of weapons of mass destruction). Third, for much of the Bush administration, the country and its leadership were focused almost exclusively upon defeating Iraq's aggression in the Middle East. American consensus during this period, although nonexistent in terms of an overarching foreign poliy framwork, was strong with respect to aspects of the structure and mechanics of the country's national security apparatus. In short, the prospect of significant numbers of American military personnel in action overseas drew attention away from intelligence reform movements, oversight, and reductions in appropriations. Much greater concern was displayed for intelligence requirements which would help to minimize US losses during the war with Iraq.

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[149]As well as having members of the same party and state delegation chair both Intelligence Committees--i.e. HPSCI Chairman Dave McCurdy.

In addition to personality and personal relationships, the political context of the times affected interbranch relations with respect to intelligence policy.

The significance of these factors increased during the Clinton administration. The absence of personal relationships and presidential access undermined James Woolsey's attempt to fulfill his role as intermediary bewteen the administration and the Congress. Despite a flurry of personal briefing activity on Capitol Hill and attempts to introduce a series of in-house reforms, Woolsey was unable to obtain a positive working relationship with SSCI Chairman DeConcini. Additionally, Woolsey never penetrated Clinton's inner-most circle of advisors. Clinton was too engrossed in the American economy, and too suspicious of the country's national security structures, to afford much clout to his DCI. With no allies in Congress or in the White House, Woolsey was alone in his attempts to deal with crises such as the Ames case and post-Cold War intelligence budget cuts. Years after leaving the Agency, Woolsey reflected on his intelligence policy experience, saying that interbranch trust and successful community

management "all depends on individuals. DeConcini and I didn't agree on a single thing in two years."[150]

John Deutch sought to strengthen the power and influence of his position in hopes of avoiding his predecessor's pitfalls. One account provides a marked contrast to Woolsey's predicament.

> By sheer force of personality, Deutch has become the most well-connected spymaster since Allen Dulles....
>
> Deutch is well on his way to becoming more powerful than Ronald Reagan's notoriously influential spy chief, Bill Casey....
>
> The President relishes Deutch's company, his intensity, yes, even his advice.[151]

Despite his wealth of bureaucratic experience and cabinet-rank presidential access, Deutch was unable to weather political fallout from reported intelligence failures and excesses. Deutch's tenure as DCI was as volatile as Woolsey's and no more successful in terms of improving community management and morale. He was not successful in cultivating his bureaucratic power base as manager of the Agency and, therefore, his reform efforts were diluted by bureaucratic politics. Similar to Gates, Deutch relied on personal connections. However, in the case of Gates, they

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[150]McCutcheon, "Tenet Gives CIA Credibility," 142.
[151]Waller, "Master of the Game," 41.

were built upon personal relationships that Deutch did not fully develop with key Congressional figures. Whatever skills and access Deutch possessed, they were no match for the damaging political realities he faced. He "scarcely concealed his distaste for the job" and left the Agency after a remarkably short term.[152] Deutch did set a course for improved institutional relations with his personnel changes, particularly those involving the placement of longtime Congressional staff in key Agency positions.

This trend was epitomized by the appointment of George Tenet to be Deputy DCI and later DCI. Under Tenet, intelligence policy relations between Congress and the Executive Branch have clearly been harmonious, relative to the past twenty years. This is due to mainly to Tenet's approach to community management and relations with the Congress. Thus far, Tenet has been successful in terms of maintaining a cooperative intelligence policy relationship with the Congress. At the same time, he has maintained his access to, and influence with, the President, particularly in light of President Clinton's increased attention to

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[152]Aizenman, "Intelligence Test," 22.

foreign policy--a typical trend during the course of a presidential administration.[153]

Intelligence policy--ranging from reform proposals and Congressional inquiries to the tenure of senior intelligence officials--can be more fully explained by case study analysis of political behavior. Much of the intelligence rapport that has been constructed between the Executive Branch lies in the fact that recent DCIs, though at variance in their personal relations with the Congress, have all been in word and in deed committed to the oversight process.

If there is to be a more complete explanation for the current state of relations between institutional actors, then qualitative elements of the larger political context must be assessed to discover the reletive weight of important policy variables like consensus, democratic legitimacy, and public accountability. Much of the explanation for the current state of affairs lies within the Executive Branch. However, post-Cold War intelligence policy has also been affected by tendencies which reside

[153]Confidential interview.

within the Congress. The nature and the extent of these tendencies is the focus of the following chapter.

Chapter 5

Post-Cold War Intelligence and the Congress

> Bureaucracy naturally welcomes a poorly informed and hence a powerless parliament--at least in so far as ignorance somehow agrees with the bureaucracy's interests.
>
> -Max Weber[1]

> The legislative department is everywhere extending its sphere of activity, and drawing all power into its impetuous vortex.
>
> -James Madison[2]

Context and Congressional Involvement in Intelligence Policy

This chapter assesses Congressional activity with respect to post-Cold War intelligence policy. Congress involves itself in intelligence policy mainly through the oversight function. Since the start of the Cold War, both the amount and character of Congressional oversight has changed dramatically. Substantive intelligence oversight was absent until the mid-1970's. Congressional oversight of the intelligence community since that time has been extensive; however, the tone of this oversight has varied. Prior to the end of the Cold War, Congressional oversight, from 1975 on, was more adversarial in character. Since the end of the Cold War, the intelligence oversight relationship between Congress and the Executive Branch has been generally

[1]From Max Weber, Essays in Sociology, trans. and ed. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 233-234.
[2]The Federalist No. 48.

cooperative. The preceding chapters have examined the impact of certain contextual factors in shaping Executive Branch attitudes and actions with respect to intelligence policy. This chapter will extend previous scholarly research in order to elucidate the impact of these factors upon the extent and character of Congressional oversight. The more conventional wisdom which concludes, "If Congress simply knew what the community was doing, there would be more adversarial oversight," can be substantially discounted based upon the findings presented here.

Congress and Intelligence Policy

Intelligence policy is not like other types of policy. It is public policy in the sense that the public helps to staff agencies of the intelligence community and public tax revenues are utilized to keep the community functioning. However, intelligence policy is public policy that is, in large part, crafted, authorized, implemented, and monitored behind closed doors. This fact raises questions regarding democratic procedures and accountability. The technical collection systems purchased and the subterfuge conducted abroad represent some of the most expensive and dangerous

undertakings of the federal government. However, due to paramount concerns of national security, these bureaucratic activities are special with respect to the type of attention they are given by the Congress.

There exists in the National Security Act of 1947, the legal obligation for the president to keep the Congress "fully and currently informed of the intelligence activities of the United States."[3] This entails for Congress a responsibility to monitor every aspect of intelligence policy. For nearly a generation, Congress has possessed the structural mechanisms and procedures to conduct intelligence oversight. Members of the SSCI and HPSCI have virtually unfettered access to the community's products, personnel, and budgetary resources. However, the Committee chairpersons are typically alone in delving into the deepest details. Further, all non-Committee members of Congress are authorized, subject to relatively minor restrictions, to review classified intelligence reports on wide ranging aspects of the community and its activities. Few members exercise this right. Finally, the entire intelligence community was created, maintained, and remains subject to

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[3]As amended by PL 102-88, Intelligence Authorization Act, Fiscal Year 1991.

the legislative inclinations of the Congress. In other words, reform efforts, budget adjustments, and other major changes that the intelligence community faces are a major purview of the Congress. However, Congressional effort with regard to these types of activities has been sporadic and, at times, weak.

Why would the intelligence watchdog--a dog that is more informed than it has ever been and of a party in opposition to president's throughout much of the period examined here--conduct rather benign forms of program monitoring? At a time that has been repeatedly characterized as devoid of consensus on a comprehensive foreign policy, why would interbranch intelligence relations be described as "excellent"?[4] To more fully explain the current state of intelligence policy and inter-branch comity, it is necessary to analyze the post-Cold War intelligence behavior of the Congress. The analysis is facilitated by focusing on an activity which compels interaction between the two branches: oversight.

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[4]Robert M. Gates, interview with author, Texas A & M University, 6 December 1999. See also Robert M. Gates, "Remarks Before the American Bar Association Standing Committee Breakfast," delivered on 18 February 1993, Reprinted in National Security Law Report, 15 (February 1993): 3. Gates stated that "in recent years the relationship between American intelligence and the Congress has improved steadily to reach what I believe is a current excellent state."

Congressional Oversight

Oversight is an activity which, among other functions, serves to keep the Congress involved in the policy process beyond the legislative stage.[5] The Joint Committee report which led to the Legislative Reorganization Act of 1946 states that "without effective legislative oversight of the activities of the vast Executive Branch, the line of democracy wears thin."[6] Thus, oversight has long been recognized as an avenue for Congress to continually bring democratic review to bear upon federal programs, agencies, and personnel.

There are several variations to the activities which constitute oversight. Formal oversight actions have oversight as their primary purpose. An example of formal oversight with respect to intelligence matters would be Committee hearings convened for the express purpose of conducting a particular covert action review. Informal oversight occurs incidental to other official functions. An

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[5]An excellent general work on Congressional oversight is Joel D. Aberbach, Keeping a Watchful Eye: The Politics of Congressional Oversight (Washington D.C.: The Brookings Institute, 1990).
[6]Quoted in Jack C. Plano and Milton Greenburg, The American Political Dictionary (New York: Harcourt Brace College Publishers, 1997), 10th ed., 175.

example of informal oversight would be Congressional inquiries made to intelligence officials incident to routine events like intelligence budgets and world threat assessment hearings.[7]

Additionally, not all oversight activities are readily perceived. This fact tends to impact judgments as to the overall effectiveness of oversight. Morris Ogul states that an

> [A]ssessment of oversight is conditioned also by one's perceptions of what oversight is. If oversight is defined only in terms of formal powers, different conclusions emerge about its adequacy than if informal relationships are taken into account. Those who view oversight as simply an attempt to influence the implementation of legislation through post-statutory investigations will reach different conclusions than will those who are sensitive to oversight performed latently.[8]

In Ogul's sense of the term, Congress displays both manifest and latent types of oversight in dealing with matters of intelligence. Visible oversight comes in many forms. Readily apparent are the impacts that the Intelligence Committees have with respect to confirming Executive appointments, proposing reform legislation, and conducting

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[7]Definitions found in Matthew D. McCubbins and Thomas Schwartz, "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms, American Journal of Political Science 28 (February 1984) 166.
[8]Morris Ogul, Congress Oversees the Bureaucracy: Studies in Legislative Supervision (Pittsburg, PA: University of Pittsburg Press, 1976), 6.

covert action reviews. This type of oversight helps shape the contours of intelligence policy at several levels. However, the Committees have an invisible impact as well. Intelligence community officials have been forced to determine *a priori* whether or not their actions can stand the test of Committee, and ultimately public, scrutiny. "The most important form of oversight goes unseen. The CIA worries that Congress is looking over its shoulder; therefore, it is less reckless. It makes them think before they act."[9] From a social scientific standpoint, such latent forms of oversight are virtually impossible to measure and predict[10]

The HPSCI and the SSCI are unique oversight entities within the Congress in that they were created, and continue to exist, for the sole purpose of overseeing the activities of the intelligence community. This is at variance with other committees of the Congress, many of which have been researched previously.[11] Scholars have asserted that, due to the nature of Congress, these other committees often tend to

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[9]Anonymous senior SSCI staffer quoted in Loch K. Johnson, Secret Agencies: U.S. Intelligence In a Hostile World (New Haven, CT: Yale University Press, 1996), 117.
[10]However, every interview participant in this research indicated that such considerations are prevalent.
[11]See, for example, Richard F. Fenno, Congressmen in Committees (Boston, MA: Little, Brown, & Co., 1972).

conduct "fire alarm" as opposed to "police patrol" oversight.[12] That is, in order to reduce the time consuming and electorally worthless task of constantly policing an agency, members of Congress will construct rules and policies which will automatically alert them to bureaucratic problems and abuses.[13] The House and Senate Intelligence Committees are unique in this respect, given that members form long lines to join them despite a large amount of the Committees' time being devoted to oversight of the more mundane, police patrol variety. Finally, there is scholarly literature which suggests that members of Congress pursue oversight strategies that are not nearly as collegial as they used to be.[14] The main reasons for this phenomenon are a declining interest in public policy and an increased concern with self-promotion on the part of many members.[15] Given that the work of the Intelligence Committees is of such vital importance to the nation, and given that much of their work is conducted behind closed doors, it follows that membership behavior is potentially quite different than that

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[12]McCubbins and Schwartz, "Congressional Oversight Overlooked."
[13]Ibid., 166, 168, 171-2.
[14]James L. Payne, "The Rise of Lone Wolf Questioning in House Committee Hearings," Polity 14 (Summer 1982): 626-640.
[15]Ibid., 626.

of other committees. These factors impact institutional relations and intelligence policy.

Cold War Intelligence Oversight

For nearly the first two decades of its existence, the intelligence community experienced extremely modest levels of Congressional oversight.[16] As amended, the National Security Act of 1947 provides a statutory role for Congress to conduct thorough oversight and evaluation. Nevertheless, the Congress was initially quite reluctant to stray beyond its minimum responsibilities with regard to intelligence appropriations reviews and confirmations of Executive appointments.

Clearly, theories of institutional deference provide explanations for intelligence policy behavior during this "Era of Trust."[17] The overriding perception of the need to roll back and destroy communist infiltration created a belief that the activities of the community--even if they involved the disruption of legitimate governments and abuses of the rights of citizens--were necessary for maintaining American national security. Unbridled intelligence activity

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[16]Loch K. Johnson, Secret Agencies, 4.
[17]Ibid., 4.

was commenced shortly after President Eisenhower received a review prepared by General Jimmie Doolittle which outlined the intelligence needs of the nation.

> It is now clear that we are facing an implacable enemy whose avowed objective is world domination...There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply...We must...learn to subvert, sabotage, and destroy our enemies by more clever, more sophisticated. and more effective methods than those used against us.[18]

Spectacular, US-assisted regime displacements in Iran (1953) and Guatemala (1954) thwarted ostensible communist encroachment and were considered to be model Cold War successes for the intelligence community.[19] The deference of attitude displayed by Congress during this period is best captured by the famous comment of Senator Leverett Saltonstall who said: "It's not a question of reluctance on the part of CIA officials to speak to us. Instead, it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally would rather not have."[20] Similarly, Democratic Senator Frank Church stated: "We don't watch the dog. We don't know what's

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[18]Quoted in Stephen E. Ambrose, Eisenhower: Soldier and President (New York: Simon and Schuster Inc., 1990), 377.
[19] Ibid., 475. This is not to say failure did not occur during this time period--as with Hungary's revolt in 1956.
[20]Quoted in Harry Howe Ransom, The Intelligence Establishment (Cambridge: Harvard University Press, 1970), 169.

going on, and furthermore, we don't want to know."[21] Finally, Senator Carl Hayden stated during this same period that legislative interference with intelligence "would tend to impinge upon the constitutional authority and responsibility of the president in the conduct of foreign affairs."[22] Scholar Gary Schmitt has described the relationship during the period this way:

> Substantively...oversight was de minimis. There were never more than a few members of either house of Congress actually involved in intelligence oversight.
>
> Limited membership on the intelligence subcommittees was matched by an even more limited number of Committee staff members to assist them in their deliberations. Often no more than a clerk or an assistant had access to the subcommittee material. As one might expect, the number of subcommittee hearings held were also limited. Indeed, there were several years when the "joint" Committee of the Senate met only once or twice. According to the CIA, from 1967 to 1972 it averaged twenty-three annual appearances before Congressional committees.

By the early 1970's, perceived successes turned to suspected excesses as the Cold War consensus broke down. Sensational stories emerged in the media about illegal domestic spying activities, assassination attempts made against foreign leaders, and overseas intelligence failures

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[21]Cited in Loch K. Johnson, A Season of Inquiry: Congress And Intelligence (Chicago: Dorsey Press Inc., 1988), 6.
[22]Quoted in Ransom, The Intelligence Establishment, 166.

of the community.[23] A younger Congress--newly invigorated by large classes of liberally-minded freshman--was eager to engage in substantive foreign policy issues and investigative oversight. Widely publicized accounts of presidential deception with respect to the cost and tactics of the Vietnam war, coupled with the ire over Watergate, caused pubic and Congressional trust to evaporate.

As a result of this new and unprecedented era of distrust, both the tone and consistency of Congressional efforts to scrutinize Executive activities were dramatically altered. Consequently, several Congressional inquiries of the intelligence community were undertaken in the mid-1970's, the most notable of which are the Senate's Church Committee and the Pike Committee of the House. The Church-Pike Committees illustrated Congress' growing demand for a role in the conduct of intelligence policy. The establishment in 1976-1977 of permanent Intelligence Committees in both Congressional chambers has institutionalized this sentiment.

The oversight record of the Intelligence Committees between their inception and the end of the Cold War is the

[23]Domestic abuses are illuminated in David Levy, The Debate Over Vietnam (Baltimore, MD: The Johns Hopkins University Press, 1991), 154-155.

subject of existing scholarship. Frank Smist offers perhaps the most extensive historical account of the oversight relationship between Congress and the intelligence community during this time.[24] He argues that there exists two perspectives from which we can view intelligence relations between Congress and the Executive Branch. He labels the perspectives Institutional Oversight and Investigative Oversight. Institutional Oversight is characterized by Congress being deferential to the Executive Branch on matters of intelligence policy. Investigative Oversight was dominant during the era of Congressional reform in the mid-1970's and has reappeared briefly during both times of perceived Executive deception (e.g. Iran-Contra) as well as political battles (e.g. the Gates nomination). Despite these periodic episodes, Smist clearly believes that there has been a significant improvement in the intelligence relationship between the two branches.

During the first part (1991-1993) of the post-Cold War period, the Congress--especially the Senate--functioned at its highest level of effectiveness in terms of interbranch relations. This was due in large part to the effectiveness

[24]Frank Smist, Congress Oversees the United States Intelligence Community 1947-1994 (Knoxville, TN: University of Tennessee Press, 1994).

of Senator David Boren, who chaired the Senate Select Committee on Intelligence during this time period.[25] Boren successfully conducted covert action reviews, established a Committee audit unit, and helped establish an independent Inspector General at the Central Intelligence Agency. Boren's unusually long tenure as chair, his personal relationships with President Bush and Director Robert Gates, and his commitment to work in a truly bipartisan fashion all contributed to an effective interbranch intelligence relationship. A more current analysis is appropriate for determining the extent to which these relationships have changed.

Post Cold War Intelligence Oversight

Before turning to an analysis of recent Intelligence Committee behavior, it is useful to outline the structural and membership characteristics of the post Cold War HPSCI and SSCI. The primary purpose of the House and Senate Intelligence Committees is oversight. The Committees were formed for the expressed purpose of monitoring the intelligence community. This is in significant contrast to other committees of the Congress--most of which were created

[25]Gates interview.

for the purpose of facilitating the legislative function. The Intelligence Committees possess significant legislative duties as well, including authority for the annual budget of the community. Typically the Committees utilize the annual authorization bill as their "primary legislative vehicle" for enacting intelligence related statutes.[26]

The HPSCI is comprised of sixteen members divided by a relatively large margin between the majority and minority parties. The House Speaker appoints both majority and minority members to the Committee, virtually always selecting minority members on the basis of consultations with the House Minority Leader. The political atmosphere of the HPSCI, as with the House of Representatives generally, is more partisan than its Senate counterpart--although ideological polarization has been quite thorough in the SSCI, a trend that has increased dramatically with a wave of retirements by Senate moderates.

The size of the SSCI has ranged from thirteen to nineteen members and was fashioned from its inception to be more bipartisan. The ranking minority member serves as the

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[26]Congress, Senate, Select Committee on Intelligence, Report on Legislative Oversight of Intelligence Activities: The American Experience, 103rd Cong., 2nd sess., October 1994, 17. Examples include the CIA Inspector General Act of 1990, the Intelligence Oversight Act of 1991, and the Intelligence Organization Act of 1992.

Committee Vice-Chairman and is empowered to fully control the Committee in the absence of the Chairman. Further, Senate Resolution 400, the SSCI's charter, grants the majority party a mere one vote margin over the minority. Due to this provision, major intelligence overhauls along budgetary, operational, or organizational lines require that support be enlisted from both parties. Selection for assignment to the SSCI is handled by both the majority and minority leaders independently in order to further remove partisan considerations and replace them with those concerning merit and qualification.

Both Intelligence Committees are constructed to ensure that membership includes individuals who sit on other committees that "have a legitimate interest in intelligence matters"[27]. Members of both the HPSCI and SSCI serve fixed terms of six and eight years, respectively. This provision was imbedded in the Committees' charter legislation to ensure that members would not be co-opted into being intelligence community advocates through long periods of contact with the Executive Branch.

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[27]Ibid., 7.

Throughout the 1990's, the HPSCI and SSCI did not enjoy a great deal of leadership and membership continuity. Senator David Boren chaired the SSCI for the longest period, 1987-1993. However, since his retirement from the Senate in 1994, the SSCI has been chaired by three individuals. Further, the membership turnover has been equally high--exemplified by the fact that, in 1993, nine of the SSCI's (then) seventeen members were new.[28] During this same time year, eleven of the HPSCI's nineteen members were new. Leadership continuity has been even less existent on the HPSCI, as there have been five chairmen since the end of the Cold War.

The phenomenon of Committee turnover has implications. One has been noted by those possessing an insider's perspective. At the 1992 Annual Meeting of the American Political Science Association, HPSCI staff member Paula Scaglini described the relationships between members of the HPSCI, the HPSCI's relations with other committees and with the SSCI, staff agendas, and relations between majority and minority staff. She found that "the proclivities of the

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[28] David Ray, "Intelligence Accountability After the Cold War: Continuity and Change in Congressional Oversight, 1991-1997," paper prepared for presentation at the Southwestern Political Science Association Annual Meeting, Chorpus Christi, TX, March 18-21, 1998, 9.

chairman" are the most important factor in determining the focus and effectiveness of the Committees work.[29]

Another implication of frequent Committee member turnover is that, while turnover may ease fears of co-optation, it reduces the level of Committee experience and intelligence policy expertise. Committee members may be less committed to serious engagement of intelligence policy issues.[30] In fact, in 1993, House Speaker Tom Foley told the HPSCI chairman at the time to "emphasize to Committee members the importance of attending meetings and that their attendance would be a factor in whether they would be reappointed..."[31].

Aside from traits of participation, other Committee characteristics are important. In an effort to update existing research, membership rosters of the House and Senate Intelligence Committees, along with ideological ratings for each member are provided on Tables 1 - 10 in Appendix B. Ideological ratings in this case are calculated by votes on selected Congressional roll calls. The Americans for Democratic Action is a liberal interest group

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[29]Cited in Ray, "Intelligence Accountability," 8.
[30]Ibid., 9
[31]Pamela Fessler, "Secrecy May Be Highest Hurdle As Agencies Face Shifting Hill," Congressional Quarterly Weekly Report, 13 February 1993, 327.

and its scores are listed from 0 (member is most conservative) to 100 (member is most liberal). The American Conservative Union scores are listed as 0 (member is most liberal) to 100 (member is most conservative). Each rating is based upon roll call votes which occurred in the year previous to the date of the rating's publication.

There are two important observations which can be observed in the information compiled here. First, there occurred a dramatic majority shift on both Committees as a result of the 1994 midterm elections. The president has since been faced with Intelligence Committee majorities comprised of the Republican opposition. Logic says that adversarial oversight should increase, in part due to partisan politics, as those generally opposed to the president's policies seek to undermine his agenda and closely monitor his bureaucracy.[32] Second, based upon the interest group ratings provided here, the Committees have become remarkably more ideologically polarized. In the first period of this study, 1991-1992, half of the Democrats on the SSCI were moderates or conservatives. By the final

[32]The Republican majorities in the House, riding into power on the "Contract With America" and a popular wave of anti-Clinton sentiment, should have spurred a great deal of adversarial oversight and reform in both chambers of the Congress.

year, 1999-2000, there were no conservative or moderate Democrats on the SSCI. The loss of moderate and conservative Democrats should affect intelligence oversight, and thus policy, as it has other areas. A more aggressive atmosphere of oversight and reform should manifest itself during encounters between Congress and the Executive Branch. More effective analysis and explanation of the most recent Congressional behavior is possible with these Committee characteristics and history in mind.

Research Design and Data

The following determinations as to the nature of post-Cold War intelligence oversight are based upon a content analysis of Congressional hearings. Assumptions regarding the impact partisanship and ideology have upon the degree of manifest oversight have been tested in the past. Loch Johnson has studied the effects of such factors and noted that ideological indexes are "an especially significant predictor" of aggressive oversight activities.[33] In an effort to build upon this research, a sample of recent oversight hearings is subjected to some of the techniques pioneered by Johnson.

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[33]Loch K. Johnson, Secret Agencies, 104.

Since the end of the Cold War, the Intelligence Committees of the Congress have held hundreds of hearings which involved them in interaction with the Executive Branch. These hearings "provide a significant window into the content and quality of oversight by the committees."[34] All but a relatively select few of these hearings were conducted in a closed format called executive session.[35] Executive sessions are secret hearings. Unlike the open hearings of other committees, SSCI and HPSCI executive sessions are entirely closed to the public and to the press. The Government Printing Office is not provided with a hearing transcript for public distribution. The room in which these sessions are held is of special design and typically "swept" to ensure that it is free of listening devices or other compromises in security. Even the hand-written briefing notes which Committee members make and utilize to ask questions during these meetings are considered classified and cannot be removed from the secure area.

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[34]Loch K. Johnson, "Playing Hardball with the CIA," in The President, the Congress, and the Making of Foreign Policy, ed. Paul E. Peterson Norman, OK: University of Oklahoma Press, 1994), 65.
[35]For example, during the two most recently completed sessions of Congresses--the 2nd session of the 105th and the first session of the 106th, there were a total of 78 SSCI hearings. Of these, 15 were open hearings.

All of this is to say that academic analysis of these proceedings--although important to assessing notions of institutional mechanics and democratic accountability--is extraordinarily limited. Aside from interviewing members, Congressional staff, and Executive Branch officials about the general atmosphere of the closed proceedings, there is little the average researcher can do to report systematically insights into the nature and impact of these meetings. However, as a potential flaw in the research design, the inaccessibility of closed hearings is of less concern. Loch Johnson finds no notable difference between open and closed sessions.

> As a former staff aide on the Senate and House intelligence committees, I have listened to hundreds of hours of closed-door testimony by CIA officials and questioning by legislators. The behavior of committee members showed little variation from the private to the public forum. Those who attended the public hearings were likely to attend the closed hearings; those who were energetic in public hearings were energetic in closed hearings; those who were deferential [to the intelligence community] in public were deferential in private. Moreover, an examination of the four closed SSCI hearings that have been declassified reveals questioning patterns quite similar to those seen in open hearings.[36]

A decade ago, Johnson asked the SSCI Staff Director at the time, George Tenet, what he felt were the most valuable

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[36]Loch K. Johnson, Secret Agencies, 95.

forms of Congressional supervision. Tenet pointed to the Committee's hearing room and said "Down there, with the members."[37] These insights compel researchers to focus upon available hearings in order to more fully explain political behavior. From them, frequencies of hearings, individual patterns of attendance, frequencies of individual questions and responses, and question assertiveness can be evaluated in order to assess both the nature of intelligence oversight and institutional relations with respect to intelligence policy.

Intelligence Committee hearings may be divided into several main types. First, there are confirmation hearings--the only type unique to the SSCI. The SSCI is charged with the responsibility for reviewing major presidential appointments within the intelligence community, including the DCI, the Deputy DCI, the CIA Inspector General, and the top official of the National Reconnaissance Office. The second type of hearings are those of the factual type. These hearings include an extremely wide range of topics including threats to US national security interests, nation-specific briefings (intelligence on Iraq, China, etc.), and

[37]Ibid., 109.

issue-specific briefings (economic intelligence, intelligence hiring/pension practices, etc.). Third, there are hearings which address a particular revelation. These hearings tend to be investigations into an alleged wrongdoing or abuses of power on the part of the intelligence community. Examples of these include hearings on suspected CIA complicity in Third World human rights violations, secret caches of appropriations by a particular intelligence agency, and intelligence failures such as the Ames case. Fourth, there are hearings which are convened to discuss legislative reforms of the intelligence community. Examples of this type would include sessions which discuss reorganizing community elements, passing "whistle-blower" legislation to limit fraud, waste, and abuse, and the disclosure of classified information to the Congress and to the public. The final type of hearing are those convened for the purpose of approving the annual intelligence authorization bill. Often, provisions that result from the other types of hearings are tacked onto the authorization bill in an effort to have legislative concerns addressed.

The following analysis focuses exclusively upon the SSCI. There are differences between the HPSCI and SSCI--the

most notable of which is a proclivity for House members on average to be more attentive to their committee assignment on the HPSCI.[38] Nonetheless, SSCI hearings have been selected for study for two reasons: (1) studying the SSCI allows the research to include confirmation hearings which have been recognized by members as a vital aspect of oversight,[39] (2) for the period under study, the most complete sample of open hearings is offered by the SSCI.[40]

The entire SSCI hearing listing was utilized in an analysis of both the frequency of SSCI hearings and the attendance patterns of individual members. The frequency, type, and tone of the questions and remarks of individual SSCI members is evaluated on the basis of a sample of the entire listing. The 102nd Congress represents the unique Boren-Gates-Bush era of cooperation in intelligence policy. The 106th Congress is currently still in session and, thus, is not entirely appropriate for use in this analysis. Therefore, a sample of one hearing per type was selected

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[38]Interviews of staff, members, and relevant Executive Branch personnel indicated this across the board.

[39]At the outset of the most recent DCI confirmation, Senator John Glenn stated that "the lengthy Gates confirmation process is one of the most significant oversight events in the Committee's history." See Congress, Senate, Select Committee on Intelligence, Nomination of George J. Tenet to be Director of Central Intelligence, 105th Cong., 1st sess., 6 May 1997, 49.

[40]Open HPSCI hearings in the Congresses of the 1990's did not always include those from every type--factual, revelations, and reforms.

from the 103rd, 104th, and 105th Congresses. There were no open hearings of the revelation variety in the 105th Congress. The findings are thus based upon an examination of eleven open oversight hearings highlighted in Appendix B.

The methodology of content analysis was utilized for this research.[41] Steven Del Sesto and Loch Johnson offer a solid rationale for credibly conducting this type of research.[42] The data analyzed in this chapter are the questions and remarks of SSCI members in the aforementioned set of open hearings. Similar to Del Sesto, the recording unit was the "intent or posture" of what each member said.[43] The dependent variable in this analysis was the degree of aggressiveness displayed by the individual members in the questions and remarks they directed towards hearing witnesses. Similar to Johnson, this analysis places member questions and remarks into one of four categories: deferential, factual, probing, adversarial.[44]

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[41]A discussion of the methodologies employed in this dissertation may be found in Appendix A.
[42]See Steven L. Del Sesto, "Nuclear Reactor Safety and the Role of the Congressman: A Content Analysis of Congressional Hearings," The Journal of Politics 42 (February 1980): 227-241; Johnson, Secret Agencies; Johnson, "Playing Hardball."
[43]Del Sesto, "Nuclear Reactor Safety," 231.
[44]Johnson, "Playing Hardball," 51-53.

Deferential utterances typically take the form of rapport building with the witness, support for the Executive Branch and its actions, or even criticism of the Congress for being overzealous in its oversight efforts. For example, from the research conducted for this dissertation:

> Never once has one of my constituents come up to me and said, "Congressman or Senator, we have got a real problem in this country, we're not disclosing the bottom line...number on what we're spending on intelligence. We've really got to do something about that." The American public doesn't want to know that number. In fact, if there is a problem in this country, in terms of the American public's perception of our Intelligence Community, it's that we are giving out too much information, that we can't control our national secrets...[45]

> ...I hope that the number of open hearings this Committee holds is very limited. I think this threat assessment hearing and the confirmation of DCIs are about the limit of what we ought to discuss in an open hearing.[46]

Factual questions and remarks include the "marshaling of basic information about the agency's activities."[47] For this research, it also includes chronological clarifications and basic questions about intelligence policies and topics. Examples of factual utterances in this research include:

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[45]Senator John Kyl (R-AZ) in Congress, Senate, Select Committe on Intelligence, Renewal and Reform: US Intelligence in a Changing World, 104th Cong., 2nd sess., 24 April 1996, 240.
[46]Senator Charles Robb (D-VA) in Congress, Senate, Select Committee on Intelligence, Current and Projected National Security Threats to the United States, 105th Cong., 2nd sess., 28 January 1998, 96.
[47]Johnson, "Playing Hardball," 52.

> If you find a US company is the victim of economic espionage, do you pass that information on to the company?[48]
>
> ...both during the audit staff's exit briefing to the Director and Deputy Director of the NRO and during the project manager's recent briefings to the Committee Chairman, it has been stated consistently that from the beginning of this project, the NRO planned on constructing office space of approximately one million square feet. Is that true?[49]

The probing category is characterized by questions which "take a more prickly line of inquiry into past performance, anticipated operations, and even charges of malfeasance."[50] Examples of probing questions and remarks found in the hearing sample of this dissertation include:

> As we get further into the Ames case, and presumably in the debriefing learn more about his modus operandi, perhaps we should revisit this provision. Because my inclination is to believe that he did violate a lot of the existing procedures established by the Agency in collecting information which otherwise would not have been given to him in his position. Would that not be right, Mr. Director?[51]
>
> ...on page 11 of your testimony you indicated that the CIA made some management procedural mistakes: "First,

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[48]Senator Arlen Specter (R-PA) in Congress, Senate, Select Committee on Intelligence, Current and Projected National Security Threats to the United States and its Interests Abroad, 104th Cong., 2nd sess., 22 February 1996, 42.

[49]Senator Max Baucus (D-MT) in Congress, Senate, Select Committee on Intelligence, NRO Headquarters Project, 103rd Cong., 2nd sess., 10 August 1994, 28.

[50]Johnson, "Playing Hardball," 52.

[51]Senator John Warner (R-VA) in Congress, Senate, Select Committee on Intelligence, Counterintelligence, 103rd Cong., 2nd sess., 3 May 1994, 53.

> as already noted, we did not brief the Oversight Committees on important 1991 information related to DeVine in the same way we had briefed the Department of Justice. We regret we did not do so." Question: Who made the decision not to brief this Committee and why was that decision made?[52]

Lastly, the adversarial category consists of those questions and remarks which exhibit "more explicit skepticism, sometimes even hostility, toward the Agency's programs or witnesses."[53] The following is an example of an adversarial utterance derived from this research.

> I read Mr. Faga's statement, you know, where he says, oh, we told congress. That's bunk. That's distortion; we were told the least possible. It certainly lacked candor. Even his statement as reported in the media would have you think they came up here and said, this is the cost, this is what we're doing, et cetera, et cetera. This was a sneak, a little scam; a little sneak here, a little bite there. It leads me to say I just believe that we're going to have to look at this agency in far greater detail. We cannot take at face value those statements that are put forth to this Committee. I think that's a shame...[54]

Another example of the adversarial type is the following exchange.

> Acting Director TENET. I see no evidence to this point, Senator, and I would be astounded if someone was trying to conceal information on an issue like this.

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[52]Senator John Glenn (D-OH) in Congress, Senate, Select Committee on Intelligence, Hearing on Guatemala, 104th Cong., 1st sess., 5 April 1995, 46.

[53]Johnson, "Playing Hardball," 53.

[54]Senator Alfonse D'Amato (R-NY) in Congress, Senate, Select Committee on Intelligence, *NRO* Headquarters Project, 103rd Cong., 2nd sess., 10 August 1994, 32.

> Senator LEVIN. Well, there have been a number of astounding things in this saga.
>
> Acting Director TENET. Yes, sir.
>
> Senator LEVIN. So the fact that we would be astounded by learning some information, it seems to me should not astound us. And so I just want to be sure on this point that you have not concluded your investigation in this respect as to whether or not there was any sloppy or improper staff work relative to the issues...[55]

In assessing the overall character of intelligence oversight, Johnson collapses the first two categories--deference and fact-finding--into a single category which he labels "softball" and the last two categories--probing and adversarial--into a category he calls "hardball." In brief, Johnson found that during the period between 1975 and 1990--with the exceptions being high profile committee meetings such as Church-Pike and Iran-Contra--member attendance was low, with only one third of the hearings witnessing a majority of members present.[56] The frequency of public hearings was also low.[57]

Johnson also found that the CIA faced an average of 23 questions annually from each member of the HPSCI and SSCI--

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[55]Senator Carl Levin (D-MI) in DCI nominee George Tenet in Congress, Senate, Select Committee on Intelligence, Nomination of George J. Tenet to be Director of Central Intelligence, 105th Congress, 1st sess., 6 May 1997, 82.
[56]Johnson, "Playing Hardball," 55.
[57]Ibid., 54.

"not exactly a withering barrage."[58] The tone of questioning--softball or hardball--was driven by one particular contextual element--namely, by individual events involving intelligence scandals.[59] When context served to convene an investigative hearing, Johnson's research indicates that member ideology was a significant independent variable for explaining the tone of member question and remarks. Johnson concluded that Congress is clearly an "actor in the conduct of strategic intelligence policy"[60] and that "most participants in both branches now acknowledge the value of participation by legislators."[61] What can be said about the post Cold War Congresses?

Research Findings

Frequency of Hearings

One basic measure of intelligence accountability and Congressional will is the number of hearings convened. The frequency of public intelligence oversight hearings in the 103rd, 104th, and 105th Congresses is displayed in Table 5.1.

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[58]Ibid., 56.
[59]Ibid., 57-58.
[60]Ibid., 69.
[61]Ibid., 70-71.

Table 5.1 Number of Open Hearings Convened

103rd Congress 1993 - 1994		104th Congress 1995 - 1996		105th Congress 1997 - 1998	
House	Senate	House	Senate	House	Senate
15	9	4	22	0	9

Source: Figures have been compiled from hearings reported in CIS Abstracts.

In examining the hearings listed in the Congressional Information Service for the six years of 1993 through 1998, the HPSCI averaged 3.2 hearings per year.[62] Interestingly, the Congress with the highest number of public intelligence oversight hearings is the 103rd and not the Republican-controlled 104th or 105th. In fact, the CIS lists only four hearings for the 104th and no House hearings for the 105th Congress. Of the 15 hearings held in the 103rd Congress, only one hearing is of the revelation variety. The others are split between post Cold War intelligence reform-legislation efforts and simple fact-finding sessions.

This same time period saw the SSCI average 6.5 public intelligence oversight hearings per year. The overwhelming majority of these were conducted in the 104th Congress--which one would expect in the aftermath of the so-called

[62]Johnson examined public hearings as well and found that the House and Senate combined to average only 1.6 per year for the period between 1975 and 1990. See Johnson, "Playing Hardball," 54.

Republican Revolution which occurred when the Democrats lost both chambers of Congress in the 1994 midterm elections. The hearing category dominant in the 104th SSCI' activities was fact-finding. Hearings purely devoted to investigating revelations were limited to three out of a total of 23 sessions.

Hearing Attendance

Another measure of attention to intelligence policy is the rates at which Committee members attend hearings. It is necessary to view member turnout percentages with several facts in mind. First, service on the Intelligence Committees results in comparatively little dividends for reelection. Second, as staffers like Johnson emphatically state, there is little difference between public hearings with cameras and microphones and those hearings conducted in executive session.[63] Finally, the majority of the hearings are of the factual type and not the more visible types of confirmations and revelations. Given these facts, the basic patterns of participation are a credible indicator of a more serious commitment to intelligence policy.

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[63]An assertion also indicated by HPSCI and SSCI staff interviewed confidentially for this study.

Political affiliation made a modest difference in attendance rates. Table 5.2 displays overall attendance rates by party. Data derived from individual hearings do not support the assertion that Republicans tend to be less attentive to intelligence oversight than Democrats. For

Table 5.2 Hearing Attendance Percentage By Party*

103rd Congress 1993 - 1994		**104th Congress** 1995 - 1996		**105th Congress** 1997 - 1998	
House	**Senate**	**House**	**Senate**	**House**	**Senate**
R = 48	R = 31	R = 48	R = 39	R = 45	R = 43
D = 50	D = 52	D = 47	D = 40	D = 79	D = 40

*R = Republican; D = Democrat

Source: Figures have been compiled from individual hearing transcripts.

example, a series of reform-legislation SSCI hearings held during the 104th Congress reveals that Republicans achieved an attendance performance that was, for the most part, equal to their Democratic opponents. Of the six days of hearings which comprise Senate Hearing 104-781, *Renewal and Reform: US Intelligence in a Changing World*, Republican attendance was an average of 12% higher than that of the Democrats during three of the six days. On the three days when Democratic attendance was greater, it exceeded Republican attendance only by approximately the same amount--11%.

A similar example exists in the House. During 104th Congress, the HPSCI conducted six days of hearings which comprise the House's *Intelligence Community in the 21st Century* inquiry. Republicans again averaged a 17% greater attendance rate than the Democrats in three of the six days, although, for the three days on which Democratic attendance was greater, the average was somewhat higher--21%.

It is also worth noting that for the Republican controlled 105th Congress--the most recently completed Congress and the one during which the most damaging personal charges were leveled against President Clinton--the CIS reports *no* public hearings being held in the House.[64]

Table 5.3 displays attendance rate percentages by hearing type. Revelation hearings did not produce greater attendance by one party over another--regardless of which party held the majority during the Clinton administration. For example, during the Democratically controlled 103rd Congress, Republicans in the Senate achieved only a 25% turnout for Senate Hearing 103-997, *NRO Headquarters Project*, a revelation hearing over the accounting practices

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[64]A transcript of one hearing, The Record of Proceedings on H.R. 3829, The Intelligence Community Whistleblower Protection Act, May 20 and June 10, 1998, was finally published by the GPO in 1999, during the 106th Congress.

Table 5.3 Attendance Percentages By Hearing Type

	Confirmation	Reforms and Legislation	Factual	Revelation
103rd Congress	100	46	31	52
House	-	51	37	74
Republican	-	43	36	86
Democrat	-	53	38	67
Senate	100	29	28	41
Republican	100	13	17	25
Democrat	100	44	37	56
104th Congress	74	42	41	35
House	-	43	47	NA*
Republican	-	46	56	-
Democrat	-	50	36	-
Senate	74	36	40	35
Republican	83	34	40	27
Democrat	63	38	39	39
105th Congress	55	45	32	NA*
House	-	62	NA*	-
Republican	-	45	-	-
Democrat	-		-	-
Senate	55	16	32	-
Republican	57	15	33	-
Democrat	52	16	30	-

*NA = No open hearings available for this type

Source: Figures have been compiled from individual hearing transcripts.

of the National Reconnaissance Office. This is compared to a Democratic turnout rate of 67%. However, House Republicans surpassed their Democratic opponents at a hearing on the same topic by achieving a turnout rate of 86% compared to 67% for the Democrats. Save for the consistently higher turnouts for confirmation hearings, there is relatively little consistency in hearing attendance. This is true for both chambers, for any type of hearing, and for each of the three Congresses examined. It should be noted that, in the case of every hearing under scrutiny, save for one in each chamber, the Chairman (and Vice Chairman in the SSCI) had perfect attendance records. General member attendance to meetings which shape thecontours and mechanics of post-Cold War US intelligence policy is relatively low.

Consistent with Johnson's findings, the hearings in which DCI nominees were being confirmed tended to produce the highest attendance. James Woolsey entertained 100% of the SSCI's members with John Deutch and George Tenet close behind at 88% and 90%, respectively. The lowest attendance tended to be that afforded to factual types of hearings, with the 104th Congress reaching a peak of 44% attendance to

this type for both chambers combined and the 103rd and 105th achieving factual attendance rates of 35% and 32%, respectively.[65] Exceptions to this pattern are worth noting. For instance, for the SSCI fact-finding hearing on the intelligence activities and findings with regard to Iraq, 65% of the Committee's members showed up.[66] The tabled data illustrate several other exceptions to the general attendance trends.

Hearing Participation

Showing up to an hearing is one thing but being energetically involved in substantive oversight--or simply being minimally engaged--is altogether different. Table 5.4 displays data concerning member participation for the subset of SSCI hearings examined. The totals represent thecumulative number of complete oversight utterances made by every Senator who participated during the Congresses examined.[67] The only comments which were coded were those

[65]The CIS Abstracts lists no HPSCI factual types of public hearings held during the 105th Congress, 1997-1998.
[66]See Congress, Senate, Select Committee on Intelligence, Iraq, 104th Cong., 2nd sess., 19 September 1996.
[67]These numbers do not include the following types of remarks: Procedural remarks such as "I thank the Chairman and yield back the balance of my time." or "We will be following this session with an executive session." Remarks other than those which build rapport with witnesses such as "Good morning." or "Move the microphone so we can hear you." Remarks that are incomplete and not able to by analyzed for content such as when a member is interrupted.

which were complete questions or remarks (Q & R's). Long introductory statements and editorials were generally coded singularly as opposed to sentence by sentence.[68] The

Table 5.4 Number of Questions and Remarks per Member[69]

Republicans	Total	Democrats	Total
1. Warner*	324	1. Kerrey*	395
2. Specter*	302	2. DeConcini*	351
3. Shelby*	211	3. Robb	47
4. Cohen	77	4. Kerry (MA)	45
5. DeWine	62	5. Baucus	42
6. Kyl	41	6. Metzenbaum	42
7. Hutchison	40	7. Bryan	39
8. Inhofe	31	8. Graham(FL)	26
9. Allard	25	9. Levin	25
10. Hatch	15	10. Glenn	24
11. Roberts	14	11. Johnston	1
12. Lugar	12	12.Lautenberg	0
13. Mack	12		
14. D'Amato	7		
15. Chafee	4		
16. Coats	1		
17. Danforth	1		
18. Gorton	1		
19. Stevens	1		
20. Wallop	1		

*Served as Chair or Vice Chair

Source: Figures have been compiled individual hearing transcripts.

[68]In some instances such passages contained more than one intent. A member may in one instance be deferentially building rapport by welcoming a witness and then in the next moment be criticizing the agency that the witness works for. These ideas were coded separately.

[69]Sample from which data are compiled may be found emboldened in Appendix C. Some members' 8-year Committee terms ended or began during the period of this study. Naturally their total will be lower due to the fact that a great deal of their activity may not be accounted for here.

frequencies of individual utterances are completely congruent with the findings on attendance in one respect: the individuals running the Committees were unambiguously at the forefront of interaction with Executive Branch.

Table 5.5 displays, in more detail, the specific workload of the Chairmen and Vice Chairmen for the sample scutinized. The data here indicate that the Committee leadership undertake a staggering load of work, no doubt involving considerable amounts of time devoted to preparation and post-hearing reports. This finding confirms the aforementioned assertion by staffer Paula Scaglini that the Committee chairs have the biggest impact upon oversight.

Table 5.5 Committee Leadership Workload

	Total Number of Q & R's	Total posed by Chair and Vice Chair	Percentage
103rd Congress	853	675	79
104th Congress	950	566	60
105th Congress	417	220	53

Source: Figures have been compiled from individual hearing transcripts.

No SSCI members in this sample came even remotely close to the efforts of the Committee leadership. This was the case

regardless of their degree of partisanship or ideology. In fact, the attendance rates and levels of participation of the other members are comparatively so sporadic and low as to virtually warrant no comment.

Hearing type is in one respect a significant determinant of the total numbers of questions and remarks posed. Table 5.6 displays the total question and remark activity, per Congress, per hearing type. Not surprisingly, revelation hearings generated significant member involvement--accounting for 38% (683/1803) of the total number of questions and remarks posed during the 103rd and 104th Congresses.[70] Confirmation hearings achieved a distant second place of 26% (574/2220) of all questions and remarks. Reform-legislation and factual hearings achieved participation rates of 24% (521/2220) and 20% (442/2220), respectively. These data are consistent with Johnson's findings concerning the relative levels of member participation per hearing type. They also support the assertion that the contextual factor of individual events like high profile confirmations and revelations generate

[70]The 105th Congress did not publish a revelation hearing, as indicated by the Congressional Information Service. Thus, the divisor is adjusted accordingly for this category.

greater intelligence policy interaction with the Executive Branch.

Table 5.6 Activity Per Hearing Type

	Confirmation	Reform	Factual	Revelation	Total
103rd Congress	137 (16.1)	92 (10.8)	193 (22.6)	431 (50.5)	853 (100)
104th Congress	191 (20.11)	366 (38.53)	141 (14.84)	252 (26.52)	950 (100)
105th Congress	246 (59)	63 (15.11)	108 (25.89)	NA*	417 (100)

Note: Figures in parentheses are percentages.
*NA = There were no open hearings available for this type.

Source: Figures have been compiled from individual hearing transcripts.

Political affiliation was an interesting indicator of member participation. Table 5.7 expands the previous table's breakdown in order to display the effects of party affiliation on the number of questions and remarks for each type of hearing. During the single party government of the 103rd Congress, Republicans offered only 40% of the total number of questions and remarks put to witnesses (343/853). However, the percentages jumped to 61 (575/950) and 63 (264/417), respectively for the Republican controlled 104th and 105th Congresses. Party also displayed a notable pattern when examined with regard to category of hearing. Republicans posed an average of 20% more questions and

Table 5.7 Number of Questions and Remarks for Each Hearing Type Based Upon Party

	Confirm.	Reform	Factual	Revelation	Total
103rd	137	92	193	431	853
Republican	67	28	101	147	343
Democrat	70	64	92	284	510
104th	191	366	141	252	950
Republican	143	230	82	120	575
Democrat	48	136	59	132	375
105th	246	63	108	NA*	417
Republican	133	46	85	-	264
Democrat	113	17	23	-	153
Total	574	521	442	683	2220
Republican	343	304	268	267	1182
Democrat	231	217	174	416	1038

*NA = No open hearings found available for this type.

Source: Figures have been compiled from individual hearing transcripts

remarks than their Democratic counterparts for reform (58% or 304/521), confirmation (60% or 343/574), and factual (61% or 268/442) hearings. However, Democrats reversed this trend during revelation hearings, out-speaking the Republicans by slightly over 20% (416/683). Thus, it does not appear to be the case that one party will be stereotypically more or less inclined to be highly participatory in intelligence oversight. Attendance and participation are, as is often the case for the convening of a hearing in the first place, driven by contextual factors--

be they relating to a member's schedule, level of outrage, or personal policy interests. When an oversight hearing is convened, and members attend, what is the character of the interaction? To examine Congressional oversight to an even greater extent, it is useful to assess the types of questions and remarks they offer when interacting with the intelligence community.

Tone of Member Questions and Remarks

Not only were the oral comments and questions coded to reveal institutional, party, and individual levels of oversight activity, they were also coded according to their tone and posture. This is the qualitative aspect of the research which allows for conclusions to be drawn in regard to the nature of recent intelligence oversight. Utilizing the aforementioned categorical research design of Johnson, individual member questions and remarks were coded as being deferential, factual, probing, or adversarial.

Tables 5.8 - 5.10 display by Congress the question and remark totals and percentages listed by degree of aggressiveness for each category of hearings. The results are consistent with what Johnson found prior to the end of the Cold War. For the post Cold War sample analyzed, the

Table 5.8 Total Questions and Remarks Listed By Tone and Hearing Type - 103rd Congress

103rd Congress	Tone of Questions and Remarks				
	Softball		Hardball		Total
	Deference	Fact-finding	Probing	Adversarial	
Hearing Type					
Reforms & Laws	11 (12)	42 (45.7)	38 (41.3)	1 (1)	92 (100)
	53 (57.7)		39 (42.3)		
Confirmation	19 (13.9)	12 (8.8)	101 (73.7)	5 (3.6)	137 (100)
	31 (22.7)		106 (77.3)		
Factual	29 (15)	64 (33.2)	97 (50.3)	3 (1.5)	193 (100)
	93 (48.2)		100 (51.8)		
Revelation	17 (3.9)	267 (62)	75 (17.4)	72 (16.7)	431 (100)
	284 (65.9)		147 (34.1)		
Total	76 (8.9)	385 (45.1)	311 (36.5)	81 (9.5)	853 (100)
	461 (54)		392 (46)		

Note: Figures in parentheses are percentages.

Source: Compiled from individual hearing transcripts

Table 5.9 Total Questions and Remarks Listed By Tone and Hearing Type - 104th Congress

104th Congress	Tone of Questions and Remarks				
	Softball		Hardball		Total
	Deference	Fact-finding	Probing	Adversarial	
Hearing Type					
Reforms & Laws	52 (14.2)	179 (48.9)	116 (31.7)	19 (5.2)	366 (100)
	231 (63.1)		135 (36.9)		
Confirmation	24 (12.6)	143 (74.9)	20 (10.5)	4 (2)	191 (100)
	167 (87.5)		24 (12.5)		
Factual	9 (6.4)	71 (50.3)	47 (33.3)	14 (10)	141 (100)
	80 (56.7)		61 (43.3)		
Revelation	16 (6.3)	142 (56.4)	65 (25.8)	29 (11.5)	252 (100)
	158 (62.7)		94 (37.3)		
Total	101 (10.6)	535 (56.3)	248 (26.1)	66 (7)	950 (100)
	636 (66.9)		314 (33.1)		

Note: Figures in parentheses are percentages.

Source: Figures have been compiled from individual hearing transcripts.

Table 5.10 Total Questions and Remarks Listed By Tone and Hearing Type - 105th Congress

105th Congress	Tone of Questions and Remarks				
	Softball		Hardball		Total
	Deference	Fact-finding	Probing	Adversarial	
Hearing Type					
Reforms & Laws	6 (9.5)	22 (34.9)	18 (28.6)	17 (27)	63 (100)
	28 (44.4)		35 (55.6)		
Confirmation	25 (10.2)	211 (85.8)	3 (1.2)	7 (2.8)	246 (100)
	236 (96)		10 (4)		
Factual	13 (12.03)	93 (86.11)	1 (.93)	1 (.93)	108 (100)
	106 (98.14)		2 (1.86)		
Revelation	NA*	-	-	-	-
	-		-		
Total	44 (10.5)	326 (78.2)	22 (5.3)	25 (6)	417 (100)
	370 (88.7)		47 (11.3)		

*NA = No open hearings found available for this type.
Note: Figures in parentheses are percentages.

Source: Compiled from individual hearing transcripts

overall tendency of SSCI Committee members was to ask softball questions--deferential and factual--with factual being the most prevalent of the two. In fact, this sample revealed that, during the most recently completed Congress, almost 9 out of every 10 questions and remarks were of the softball variety.[71] Confirmations produced high levels (77% or 106/137) of hardball questions and remarks--i.e. probing and adversarial--during James Woolsey's 103rd Congress confirmation but dropped off to a mere 13% (24/191) for John Deutch in the 104th Congress and a remarkably low 4% (10/246) for George Tenet during the 105th.

Another notable trend was the tendency for Committee members to ask consistently high percentages of hardball questions during lower profile, factual hearings during the 103rd (52% or 100/193) and 104th (43% or 61/141) Congresses. The 105th Congress saw this trend dramatically drop-off, but the overall percentage of hardball questions was greater for factual hearings than it was for confirmation hearings. Aggressive oversight in the form of probing and adversarial types of questions and remarks

[71]The caveat to this being the fact that no open revelation hearings were held during this time period.

naturally occurred during hearings that scrutinized intelligence failures.

Table 5.11 displays, by participating Committee member, the question and remark totals and listed by degree of comment tone. The data support the observation that Committee leadership share a heavy, bipartisan workload. They also display the relatively low levels of participation and aggressiveness of rank and file members. While it is true that not all of the members listed here served on the SSCI in each of the three Congresses examined, none in that category seemed on track to either establish, or leave the Committee with, a reputation for aggressive intelligence oversight.

Political party and ideology had only a modest impact on the degree of aggressive oversight. Party in particular was a rather weak explanatory variable for determining who might be most committed to engaging the Executive Branch on these matters. For example, Democrat Dennis DeConcini and Republican John Warner made nearly identical amounts of questions and remarks in each category. Democrat Bob Kerrey and Republican Arlen Specter have fairly congruent numbers as well, with Kerrey only significantly outpacing Specter in

Table 5.11 Question and Remark Totals By Tone

Republicans	ADA/ACU*	Deferent	Factual	Probing	Adversary	Total
1. Warner**	20/74	27	153	123	21	324
2. Specter**	55/46	40	149	86	27	302
3. Shelby**	18/73	15	142	26	28	211
4. Cohen	40/45	7	40	22	8	77
5. DeWine	16/84	2	48	12	0	62
6. Kyl	5/95	3	32	3	3	41
7. Hutchison	10/96	3	15	22	0	40
8. Inhofe	0/100	4	27	0	0	31
9. Allard	10/100	1	24	0	0	25
10. Hatch	5/100	2	12	0	1	15
11. Roberts	5/95	3	11	0	0	14
12. Lugar	8/95	3	5	4	0	12
13. Mack	10/96	1	11	0	0	12
14. D'Amato	30/52	2	0	3	2	7
15. Chafee	40/52	2	0	2	0	4
16. Coats	10/100	0	1	0	0	1
17. Danforth	25/74	1	0	0	0	1
18. Gorton	25/72	0	1	0	0	1
19. Stevens	20/74	1	0	0	0	1
20. Wallop	10/100	1	0	0	0	1
Republican Total		104	563	288	83	1038

Democrats	ADA/ACU*	Deferent	Factual	Probing	Adversary	Total
1. Kerrey**	85/10	40	242	101	12	395
2. DeConcini**	75/20	25	179	122	25	351
3. Robb	70/16	7	26	14	0	47
4. Kerry (MA)	97/2	9	14	14	8	45
5. Baucus	88/8	3	31	6	3	42
6. Metzenbaum	90/0	4	3	16	19	42
7. Bryan	80/13	6	9	14	10	39
8. Graham (FL)	78/9	3	23	0	0	26
9. Levin	85/5	1	19	0	5	25
10. Glenn	85/8	5	17	1	1	24
11. Johnston	63/23	1	0	0	0	1
12. Lautenberg	95/10	0	0	0	0	0
Democrat Total		118	671	303	90	1182

Overall Total		222	1234	591	173	2220

*For members serving during more than one Congress, an average ADA/ACU[72] rating for the period was utilized.
**Served as Chair or Vice Chair during study time period.

Source: Figures have been compiled from individual hearing transcripts.

[72]Source of ADA/ACU scores: Congressional Quarterly's Politics in America volumes for the years 1994-1998 (Washington D.C.: CQ Press).

the factual category. This can be explained for the most part by the fact that, for the Congresses examined in this study, Kerrey remained on the SSCI longer than did Specter.

The total number of questions and remarks for the sample examined was 2220. Of this amount, 47% (1038) were offered by Republicans, with the remaining 53% (1182) coming from Democrats. The amount of each type of question and remark were comparable between the parties. Democrats only outpaced Republicans by an average of 12 questions and remarks for the categories of deferential, probing, and adversarial. Democrats offered 108 more factual questions and remarks than Republicans but these remain in the softball category.

Conclusions

The SSCI activities examined here offer a glimpse into the nature of post-Cold War intelligence oversight. Important contextual factors which determine the tone of interbranch interaction and policy efforts are illuminated. Congress does more than simply monitor policy, although this research shows that, for the most part, the more serious efforts are undertaken by the Committee leadership, with the

participation of other members sporadically driven by the contextual element of high profile political events.

A thorough reading of even the most mundane, factual types of hearings shows a committed level of policy engagement on the part of several members throughout the post-Cold War time period. This level of activity is not confined to one political party. The realtively weak role of ideology in determining the tone of a member's engagement is a departure from the findings of Johnson, who found that ideology was a significant factor.

The SSCI displayed extraordinary cohesion in one institutional respect: none of its members take kindly to the prospect of Executive Branch dishonesty. Revelations such as the NRO funding matter and secret Agency activities in Guatemala tend to elicit bipartisan ire because of human context and the tendency to become cohesive in dealing with a common problem--in this case defending the Congress against the perceived excesses of the Executive Branch.

Members on both sides of the aisle complained bitterly in public about the frustration they often face. SSCI Vice Chairman John Warner stated it this way:

> We simply do not have, nor should we have, the institutional infrastructure in the Congress to go over

> every single item in the detail that is necessary. That detail must be forthcoming from the Executive Branch. It is incumbent upon the Executive Branch to be forthcoming in providing these budget details.[73]

Members who wanted to make an impact upon policy, and thus achieve some degree of democratic accountability, felt hamstrung by secrecy and a lack of candor. Agency critic Howard Metzenbaum said that "we still have to ask the right questions in order to get the right answers or the full answers, but that's the way it is."[74] Senator Richard Bryan similarly complained that "if you don't frame the question with absolute precision, there seems to be kind of a game going on. It's extremely difficult for our Committee staff to get answers that we're entitled to under the category of being forthright."[75] John Warner stated that when his staff asked a specific narrow question they "got back a specific narrow answer" but "were never given the broad confines of the picture."[76] In many cases, members indicated that they would have been more supportive of the Executive Branch had the intelligence community been more forthcoming at an

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[73]Congress, Senate, Select Committee on Intelligence, NRO Headquarters Project, 103rd Cong., 2nd sess., 10 August 1994, 7.
[74]Ibid., 11.
[75]Ibid., 26.
[76]Ibid., 38.

earlier time. The comments made by Senator Max Baucus' during one hearing exemplifies this attitude.

> I know you know this already, Mr. Director, but I want to follow up on the point that both the Chairman and the Vice Chairman have made. You know, it's a paradox of human nature. The more you inform this Committee in advance, probably the more support you're going to get. The less you inform this Committee in advance, the more contentious, the more difficult, and the more suspicious this Committee is going to be. And I'd just urge you to remember that aspect of human nature, that you can generally do better by going the extra mile and taking the first step in informing this Committee too much--you know, too much in advance, too far in advance, too specifically...you'd probably do a lot better.[77]

For their part, Executive Branch officials express difficulties in attempting to comply with mandated Congressional oversight. To further utilize the NRO funding revelation, one intelligence official responded to Committee member criticisms by noting that the NRO had scheduled an oversight visit for the SSCI Staff Director on eight separate occasions, only to have that individual cancel on them each time.[78] The rarity and inconsistency of serious intelligence oversight was also evidenced in the last speech Robert Gates presented as DCI.

> My first and foremost concern is that very few Members of the Intelligence Oversight Committees appear to devote much effort or time to their intelligence

[77]Ibid., 30.
[78]Ibid., 72.

> oversight responsibilities. Only a handful of Members in both Houses have take the time to visit the intelligence agencies and to make the effort required to gain some knowledge and understanding of what is a very complicated and sophisticated undertaking. This places an enormous burden on the Chairmen and Ranking Minority Members. Individual Members from time to time will develop an interest in one or another aspect of our work and acquire some knowledge of that, but the number of those with broad understanding and real knowledge in my judgment can be counted on the fingers of one hand--and that is after 15 years of continuous oversight.[79]

It is less surprising that non-Committee members of Congress fail to spend the time required to inform themselves on intelligence matters. They take their cues on matters of intelligence from colleagues serving on the Committees and, thus, are able to devote more attention to their own assignments and electoral concerns.[80] However, it is more alarming to consider Gates' remarks.

Gates' assertions concerning the low levels of attention to intelligence policy displayed by members of Congress are clearly evident in the data compiled in this chapter. Many members who showed up to hearings asked no questions or merely welcomed a nominee and then left the hearing in rather short order. One example of this lack of Congressional perseverance is the Woolsey confirmation--a

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[79]Robert M. Gates, "Remarks before The World Affairs Council of Boston," address delivered 15 January 1993, Boston, MA.
[80]Confidential interview.

hearing that began with 100% member attendance. Upon return from a lunch recess, Chairman DeConcini and Senator Metzenbaum were the only two members present out of a total of 17.[81] Gates noted a similar trend while he was DCI.

> We had a single budget hearing for FY 1993 in the Senate Intelligence Committee last spring, almost a year ago. The heads of all the intelligence agencies were present. Of the fifteen members of the Committee, the Chairman and a handful of members, perhaps three or four, showed up. A half hour or so into the hearing it was recessed for a vote, and when the hearing resumed, the Chairman and only two or three members returned. All but the Chairman were gone within twenty minutes. The result is that for the single most important hearing of the year, on the budget of the entire intelligence community at a time of great change, only Chairman Boren was present throughout.[82]

Committee members are astonishingly busy people and this fact of Congressional life certainly goes far to explain some of the patterns outlined in this chapter. Nevertheless, they seem to involve themselves to a much larger extent when the context is ripe.

Confirmation hearing attendance was certainly a clear indicator of this fact as attendance to these hearings averaged 92%. Often this type of hearing was utilized as a forum for member to air personal political views on the

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[81]Congress, Senate, Select Committee on Intelligence, Nomination of R. James Woolsey to be Director of Central Intelligence, 103rd Cong., 1st sess., 23 February 1993, 98. Other members floated in and out of the afternoon session.
[82]Gates, "Remarks Before the American Bar Association," 3.

subject of intelligence and President Clinton's foreign policy performance. Reviewed, but not coded for content here, the aborted DCI nomination of Anthony Lake is perhaps the most extreme manifestation of this tendency. The commentary of Gates again lends insights:

> The irony is, if you want to have a non-controversial confirmation process, go out and get somebody whose never had anything to do with intelligence or has not been associated with the Executive Branch. And, of course you know, when anybody wants a safe confirmation process they go get somebody from the Hill as the nominee.[83]

Gates' comments certainly help explain recent political behavior with respect to aspects of interbranch comity in intelligence policy. In the wake of his own extremely rocky confirmation process, all of his DCI successors to date fit the above characterization. This fact is less surprising in light of President Clinton's consistent trouble with the appointment process, but more significant in terms of how intelligence policy and the community is affected by the appointment of an outsider. James Woolsey and John Deutch both came to the position of DCI with close ties to Capitol Hill relatively no inside intelligence experience.[84] George

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[83]Gates interview.

[84]See Pamela Fessler, "Woolsey Gets Senate Approval; Budget Cuts, Overhaul Await," Congressional Quarterly Weekly Report, 6 February 1993, 277; Donna Cassata, "Choice of Deutch To Head CIA Wins

Tenet has spent virtually his entire career working for Congress. Other national security appointments of the Clinton administration, such as Senator Bill Cohen as Secretary of Defense, likewise involved individuals who were known, trusted quantities to the Senate. No modeling is necessary to explain this phenomenon. Context matters in this aspect of intelligence policy interaction between institutions.

Overall, Congressional attention to intelligence policy seems low. One survey of lawmakers completed on the eve of the collapse of the Soviet Union found lawmakers "overwhelmingly disinterested" in intelligence.[85] More recently a former Congressional staffer said, "It's really irrelevant what kind of published intelligence is sent to the Hill. Nobody has time to read it anyway."[86] This anecdotal evidence exists during, and is possibly a product of, a time when the intelligence community has been the most sensitive to Congressional demands. Electoral factors, a lack of revelations, former Hill personnel working in key

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Qualified Praise," Congressional Quarterly Weekly Report, 18 March 1995, 825.

[85]CIA History Staff, unpublished draft, quoted in L. Britt Snider, "Sharing Secrets With Lawmakers: Congress as a User of Intelligence," Monograph published by The Center for the Study of Intelligence, February 1997, 54.

[86]Ibid., 26.

Agency positions[87], and the personal efforts of the most recent DCIs are all factors which assist in explaining the current situation.[88]

This brief survey confirms much of what Loch Johnson observed taking place with respect to oversight between 1975 and 1990. Contextual impact upon the human behavior of groups and individuals, and the level of trust and comity between governmental institutions, are revealed to be of rather significant import. These factors, while less easily measured, do help to explain institutional behavior and policy outputs. Explaining institutional relations and the impact they make upon policy requires a clear recognition of these complex factors.

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[87]Currently, the DCI, his Chief of Staff, the Agency's Inspector General, and the Agency's Congressional Liaison are among the positions held by those with significant staff experience on Capitol Hill.

[88]For another recent assessment see Pat M. Holt, "Who's Watching the Store? Executive-Branch and Congressional Surveillance," in National Insecurity: U.S. Intelligence After the Cold War, ed. Craig Eisendrath (Philadelphia, PA: Temple University Press, 2000) 190-211.

Chapter 6

Findings and Conclusions

Context is everything.

-Former SSCI Chairman David L. Boren[1]

General Findings

This study has found that Congressional-Executive Branch relationships concerning the intelligence community have taken on strikingly new forms in the post-Cold War era. There are two major aspects to this change: (1) Congressional influence over the community has increased even beyond the level manifested in the period of intense interbranch conflict from 1975 through 1990. As we have seen, the increase in Congressional influence has been brought about by many factors, not simply by increased Congressional assertiveness. Congressional influence has increased in part because of the pro-active and purposeful decisions of the post-Cold War DCIs, and in part because of the cooperation (Bush) and acquiescence (Clinton) of the post-Cold War presidents; (2) The post-Cold War era has seen an unprecedented type of Congressional oversight of intelligence policy. Oversight of the intelligence

[1]Interview with the author, 25 February, 2000 University of Oklahoma.

community has been extensive and thorough, probably more so than in any earlier period, but the character of this oversight has been primarily cooperative. While "trigger-events" like the Ames case and the NRO budget episode brought Congressional scrutiny and criticism, and even contributed to the early departure of DCI James Woolsey and the withdrawn nomination of DCI-designate Anthony Lake, the more striking point is that these events did not "poison the well" or reduce the primarily harmonious tone of extensive Congressional oversight.

Context and the Study of Intelligence Policy: Conclusions

This study has examined various types of contextual factors which help to explain the two major ways in which the post-Cold War era has been different. Intelligence policy involves lawmakers and administrators in a special set of circumstances. In virtually no other realm of public policy is there so comparatively little direct accountability to the electorate. However, intelligence policy is similar to other types of policy in that it is driven to a significant extent by contextual factors. To say that contexts are propelling forces which help to explain why a particular event has occurred is to perhaps

say that human beings breathe because of the oxygen around them. It is something of a given that context possesses explanatory weight. However, this project has identified contextual elements that significantly shaped interbranch relations and policy outputs in specifiable ways with respect to matters of intelligence. This research has elucidated the impact of these contextual factors, and shown how they contribute to interbranch relationships on intelligence, especially as these have taken on new forms in the post-Cold War era.

First, there is the contextual element of institutional dispositions. The origins of this element were outlined in Chapter 2. In the course of its history, the United States has possessed an Executive dominance with respect to matters of national security. To be sure, the Congress has asserted itself periodically, but a general degree of latitude was incorporated by the Framers into the Executive Branch. Certainly in times of crisis or emergency, dominance with respect to these powers clearly remains in the hands of presidents. Periodic Executive abuses aside, this fact seldom offends the Congress as it has been generally more disposed to take on the president with respect to matters of

domestic import. Institutionally, Congress can still be characterized as relatively deferential on national security matters.[2] In the contemporary era of politics, it is easier--and more electorally advantageous--for individual members and the collective body to support a president on defense-related and foreign policy issues initially--when in many cases there exists a rally effect--and then to gain public approval later by criticizing presidential policies gone-wrong.[3] The roots of these modern day dispositions are thus in the institutional structures that were constructed by the Framers and subsequently developed by crisis, precedent, and evolving political conditions[4].

Second, there are the contextual elements of personality and personal relationships. Chapter 3 explored the relationships which existed between DCIs and presidents during the Cold War. For much of this period, intelligence policy could be explained simply by examining Executive

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[2]Stephen R. Weissman, A Culture of Deference: Congress's Failure of Leadership in Foreign Policy (New York: Basic Books, 1995).

[3]For further examination of this point see Phillip R. Trimble, "The President's Foreign Affairs Power," American Journal of International Law 83 (October 1989): 752-754; Nicholas Katzenbach, "Foreign Policy, Public Opinion, and Secrecy," Foreign Affairs 52 (October 1973):1-19; Arthur Schlesigner Jr., "Congress and the Making of American Foreign Policy," Foreign Affairs 51 (October 1972): 78-113.

[4]For example, the feverish pursuit of reelections and the independence members of Congress have achieved by raising their own campaign money.

prerogative and preferences. Some presidents such as Truman, Eisenhower, and Johnson placed a higher premium upon the latest intelligence and consistent personal contact with their intelligence leadership than other presidents such as Nixon and Carter. It generally depended upon the personal dispositions of the presidents and their DCIs. Understanding intelligence policy during the first half of the Cold War requires attention to these relationships.

Clearly, personal relationships became even more important to the intelligence community with the advent of serious oversight. Chapter 4 of this project indicates the growing importance of these personal factors in the post-Cold War era. The intelligence community leadership has increasingly been in contact with and sensitive to the Congress. The DCI view of Congressional oversight, and of the desirability of pro-active sensitivity to Congressional concerns completely shifted during the 1990's. The shift has been so complete that it is reasonable to speak of a new "DCI culture." Robert Gates noted the permanence of Congressional oversight and pragmatically embraced a relationship with the Congress which reflected this fact. The extraordinarily good personal relations he enjoyed with

SSCI Chairman David Boren and President George Bush Sr. were paramount in explaining policies, reforms, and interbranch relations during his DCI tenure. Indeed, it is this unique three-way relationship of friendship and mutual trust which initiated the new direction of interbranch relationships concerning intelligence policy.

The absence of these good personal relations among subsequent DCIs, presidents, and Intelligence Committee chairmen had parallel degrees of impact upon policy and interbranch relations. For instance, commenting on the ill-fated nomination of Anthony Lake to be DCI, one individual with a long association with the SSCI said

> Lake never bonded with Congress at all. He didn't spend very much time with members of Congress. He didn't form any friendships with members of Congress. He's a very nice person. A very decent person and smart. But in any political environment, you have to build personal relationships. Personal relationships are more important than anything for getting things done. Or in surviving when you come under attack.[5]

The DCI tenure of George Tenet also lends support to the assertion that these factors matter. When asked about his style of working with Congress on intelligence policy he stated, "There's no secret to this--you just have to be straight. There's no Kabuki dance. You get on the phone,

[5]Confidential interview.

and you establish a relationship. That works; nothing else does."[6] Such relationships assist in explaining the recent absence of high profile open oversight hearings of the revelation variety--despite intelligence flaps involving the US bombing of the Chinese embassy in Kosovo and the information flap involving Deutch's secret clearances. Clearly in an age of substantive oversight, personality and personal relationships are a permanent contextual factor that impacts interbranch relations and, consequently, policy.

Third, there is the contextual factor of consensus or its absence. The degree of consensus directly influences interbranch relations and policy outputs.[7] From 1947 to the early 1970's, there existed a value consensus among the electorate and between the branches of government that the overriding threat to the United States was the existence and influence of communism. The Executive Branch was dominant during the first generation of the Cold War with the Congress clearly playing a subordinate role in issuing blank checks to presidents. The abuses of power revealed in the

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[6]Chuck McCutcheon, "Tenet Gives CIA Credibility on the Hill," Congressional Quarterly Weekly Report, 22 January 2000, 141.
[7]See David J. Vogler and Sidney R. Waldmen, Congress and Democracy (Washington D.C.: CQ Press, 1985), Chapter 7, "Foreign Policy and the Search for Consensus," 123-144.

early 1970's compelled the Congress to cancel its checks and to attempt to assert its own authority in matters of national security. This resulted in contested control over, among other things, intelligence policy.[8] The contest for control did not end with the passing of the Cold War; however, its character has changed from one of suspicion and conflict between branches to one of cooperation.

Fourth, there are the contextual elements of idiosyncratic political events. Chapter 5 examined one aspect of interaction between the intelligence community and the Congress--oversight--and confirmed previous scholarly research that this contextual factor determines the posture and tone of interaction between the two branches. This, in turn, affects intelligence policy. The impact of this factor is exemplified by the remarks of one SSCI member:

> If this Committee were holding a hearing on some scandal within the CIA, this room would be filled, there would be active press coverage. Now we are talking about the future of the Intelligence Community for the next quarter century, that's not a very exciting subject, but it is exactly the kind of subject that we ought to be devoting the thrust of our attention to.

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[8]Examples of the institutional behaviors that were products of this contest may be found in Kenneth E. Sharpe, "The Post-Vietnam Formula under Siege: The Imperial Presidency and Central America," Political Science Quarterly 102 (Winter 1987-1988): 549-569.

Political events such as intelligence revelations do help determine, for example, the type of inquiry convened, the types of questions posed, and the extent of any corrective efforts undertaken. Individual political views and ideology also help to forecast the nature of these events--with the most extreme ideologues making the most pointed challenges to existing policy and personnel. Election years, the existence of rogue-state threats or aggression, and, no doubt, other political circumstances not systematically examined here may also be important. Clearly, the contextual element of external political events is an important factor for helping to explain specific relationships and behaviors.

Finally, this study has clarified the impact of certain medium-term trends in organizational behavior and the political environment. Most importantly it documents the emergence of a new conception of the role of DCI vis-a-vis the Congress. This new "DCI culture" fully accepted Congressional oversight, perhaps initially for pragmatic reasons, but presently for philosophical ones as well. This culture is characterized by ever-greater sensitivity to Congressional concerns, as both presidential access and

presidential support for funding evaporated. It is evidenced in Woolsey's unprecedented personal effort of nearly one Hill briefing per day--and in the personnel changes made by Deutch, who perhaps more than any other DCI, changed the Agency's leadership culture and personal relations with Congress by placing former Intelligence Committee staffers in key Agency positions. DCI George Tenet, with his philosophical--as opposed to politically pragmatic--embrace of legislative oversight, represents the culmination of this shift in DCI culture.

As presidential priorities changed, the behavior and policies of the intelligence community responded accordingly. Thus, medium term trends--in this case shifts in presidential attentiveness to intelligence matters and the response of DCIs--helps to explain the state of interbranch relations today and their resulting policy outputs.

The five contextual factors studied in the course of this project--institutional dispositions, personality and personal relationships, the degree of consensus, idiosyncratic political events, and medium-term trends--all help to assess the dependent variables of this study: post-

Cold War interbranch relations and policy with respect to intelligence.

This is not to assert that human beings are merely reactive in the sense that they have no control over their contextual environment. It is an environment that is in large part created, sustained, and altered by people. In fact, a wide constellation of forces--very often not acting in concert with one another--works to create and affect the context in which individuals, organizations, and governments operate. A systematic account of all of these forces is elusive. The goal here has been to identify the most important of those forces in order to better explain specific aspects of human behavior. The explanation necessarily involves paying more scholarly attention to the role played by a wide range of important contextual factors in influencing events. This study has attempted to provide attention to these factors

The Quest for Democratic National Security

There exists no formulaic solution to the more fundamental governmental problems illuminated by this research. The American political psyche includes an inherently schizophrenic view of centralized, national

authority. On the one hand, the Framers of the Constitution were mindful of potential abuses of power and yet clearly they drew from Locke and their own political experience under the Articles of Confederation to create an Executive which would utilize secrecy and dispatch to preserve and protect the nation.

Despite a well-ingrained foundation of Executive dominance in national security affairs, there remains a pervasive desire in America for such power and the actions which manifest it to be fully accountable to and fundamentally controlled by the people. Thus, Congressional checks such as the purse strings were built into the original system and Congressional authorities such as oversight have been developed along the way.

As ingenious as the product of the Framers has been, it cannot provide for one of democracy's most important ingredients--political will. As the research in Chapter 5 suggests, solutions to the problems of Executive Branch excesses and low levels of Congressional fortitude do not appear to be self-starting in the sense that an institution suddenly begins to change its level of activity because of an innate desire to be more Constitutionally responsible.

Solutions originate with the general citizenry and exhibit themselves in the overwhelming electoral will displayed during times of grave national crisis, outrage, or international moralism.

To what extent can aspects of national security policy such as intelligence policy be democratic? In the latest era of national security affairs, the intelligence community has been faced with the task of justifying its operations, and even its very existence.[9] Intelligence budgets remain classified, as do most of activities of the intelligence community and yet the community has been responsive--and in the post-Cold War era even deferential--to the Congress. Past revelations and the experience of legislative ire has clearly conditioned the behavior of the community. Yet it still must serve the president, both as a source of information and, at times, a primary policy tool. This set of circumstances makes the relationship between the American intelligence community and the other institutions of government the most unique oversight relationship in the

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[9]See critical assessements provided by Roger Hilsman, "After the Cold War: The Need for Intelligence," in National Insecurity: U.S. Intelligence After the Cold War, ed. Craig Eisendrath (Philadelphia, PA: Temple University Press, 2000), 8-22; Robert E. White, "Too Many Spies, Too Littel Intelligence," in National Insecurity: U.S. Intelligence After the Cold War, ed. Craig Eisendrath (Philadelphia, PA: Temple University Press, 2000), 45-60.

world. Gates is indeed correct when he asserts the community finds itself "involuntarily poised nearly equidistant between the Executive and Legislative Branches."[10] The context surrounding interaction between these political actors assists in explaining resulting behaviors. Context may not be only set of forces at work--human volition and divine guidance are certainly possibilities--but it is clearly an important one that requires further attention and elucidation.

The Study of Context in Political Science

There are a modest number of social scientists who approach the study of politics with an appreciation of--indeed a scholarly interest in--the effects of a broadly defined, multi-dimensional context. In an article which appeared in a 1986 issue of the American Political Science Review, Richard Fenno asserted the rationale for research of this kind.

> Observation is at the heart of political analysis... All students of politics are, perforce, students of politicians...The relevance of context becomes increasingly evident as you move from the observation of one politician to another...You face an individual who is pursuing certain goals, holding certain personal

[10]Robert M. Gates, "The CIA and American Foreign Policy," Foreign Affairs 66 (Winter 1987-1988) 225.

> attitudes and values, carrying a residue of personal experience. But you also face an individual who is perceiving, interpreting, and acting in a complex set of circumstances. And you cannot know what you want to know about that individual until you have knowledge of these circumstances, or this situation, or, this context.[11]

Why are so many in the social sciences who seek to explain behavior gun-shy about researching the effects of a broadly defined, multi-dimensional context on political outcomes? Could a regression model which examined party identification, ideology, and district location be considered a complete explanation of why members of Congress or their constituents vote the way they do? Would, to paraphrase Edward Banfield, anyone maintain that the Framers of the Constitution would have reached a better result with the help of a staff of formal model-builders?

The study of context is complex. It does not possesses the virtues of finiteness or parsimony that are exalted by those who are inclined to more positivist approaches. Nor does it readily offer the generalizable conclusions that are feverishly sought by social science. The products of contextual research are certainly complex, elusively comprehensive, and seldom the last word on the subject.

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[11]Richard F. Fenno, "Observation, Context, and Sequence in the Study of Politics," American Political Science Review 80 (March 1986): 3-15.

This study is certainly proof enough of that. However, the study of context provides at least as much insight and explanatory power as does research which utilizes empirical means to focus on a limited number of factors. These factors are often selected, at least in part, because they are "measurable." Understanding and accounting for the impact of contextual factors provides more realistic and complete explanations of human behavior--and that should be the true goal of social science.

Appendix A

Methodology

Description of Methodology

Three primary methodologies were employed for the research: a secondary source review, interviews of elite intelligence policy officials, and a formal content analysis.

First, a thorough review of a massive secondary literature was conducted. Intelligence studies is a relatively new area of scholarly interest. There are relatively few works of research which offer comprehensive case studies on interbranch relations with respect to intelligence policy. Only a fraction of these present serious attention to elements of the larger context in which political phenomena unfold.

One of the more thorough, yet time consuming, ways in which secondary literature may be used to flesh out explanatory factors is to review the published historical and personal accounts of those who have been involved with intelligence policy.

Chapter 2 utilizes this type of review extensively in order to make determinations about the intended roles and evolving dispositions of the Presidency and Congress. Source documents, including the Federalist Papers and

Locke's Second Treatise were instrumental in this work. The excellent work of Constitutional historians was also helpful.

Chapter 3 assesses the role of contextual factors, like personal relationships and personality on intelligence policy during the Cold War. The use of biographical works and the professional memoirs of senior intelligence officials and presidents helped to assess the extent of presidential interaction with DCIs.

Interviewing was another method used to gather data for this research. Two rather formidable obstacles present themselves when one attempts to conduct interview research of the type utilized in this dissertation. First, there is the task of achieving access to the subjects one wishes interview. The intelligence community, due to the nature of its work, is not easy for researchers to penetrate. However, it can be just as difficult to interview members of Congress. Included in this Appendix is a list of individuals who were interviewed for this project.

The second formidable obstacle to this type of research is availability of resources. The sample is limited by the resources at hand, as virtually all traveling and

accommodation expenses were paid for by the author. As with the case of Richard Fenno's research, "each person added to this list represented a heavy commitment of my time, energy, and money, so no decision was made lightly."[1]

Interviews were conducted with twenty individuals. A list of the research interviews is included in this Appendix. One observation which may be made is the relative absence of Congressional Intelligence Committee members. This was not due to a lack of effort, as each member was contacted a minimum of three times. A sample contact letter has been included in this Appendix.

The sample of those individual actually interviewed includes Congressional Intelligence Committee staff and Executive Branch officials. Three of the four individuals who have served as DCI since the end of the Cold War were interviewed, in person, for this study. John Deutch personally declined to be interviewed. Questions involving research interview sampling typically arise in social science work. The philosophy for choosing the sample for this project was simple: interview any willing, relevant

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[1]Richard F. Fenno, Homestyle: House Members in Their Districts (Boston, MA: Little, Brown, & Co., 1978), 254.

individual, provided there existed the necessary resources to do so.

Most of the interviews took place in Washington D.C. between September 1, 1999 and November 1, 1999. The twenty interviews conducted for this research averaged nearly an hour in length. The shortest lasted about 25 minutes and the longest nearly two hours. Interviews, for the most part, were open-ended. Respondents were not limited in the length of time they could spend addressing a question or an issue and, for purposes of building rapport with the subject, interviews were left unstructured and conversational.

Few of the interviews were taped. Restrictions on recording devices in and around CIA Headquarters are not negotiable. As taping almost inevitably inhibits candor, the main method for gathering interview data was note-taking. Notes were expanded immediately upon conclusion of the interview due to the perishability of such conversations if simply left to memory.

The original set of questions are provided in this Appendix. The impact of certain contextual elements on institutional and individual behavior surfaced as the

research progressed. As Fenno states, research of a more qualitative design:

> is likely to have an exploratory emphasis. Someone doing this kind of research is quite likely to have no crystallized idea of what he or she is looking for or what questions to ask when he or she starts. Researchers typically become interested in some observable set of activities and decide to go have a firsthand look at them.
>
> Only after a prolong, unstructured soaking is the problem formulated. Indeed, the reformulation of a problem or a question may be the end product of the research.[2]

Clearly the "emergent" nature of such a qualitative approach manifests itself in this dissertation. Still, scholarly access to individuals such as those interviewed for this project is rare and offers a "street-level" view to social scientist who, more often than not, study politics and governance from a more removed vantage point.

The final methodology employed for this study was a formal content analysis of Congressional hearings. The sample of hearings was derived from the "universe" of hearings presented in Appendix C (note italics). These were formally convened, public intelligence oversight hearings which took place during the 103rd, 104th, and 105th Congresses (1993 - 1998).

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[2]Ibid., 250.

The questions and remarks made by SSCI members were the units of analysis. These questions and remarks were coded in a manner consistent with the methodology and classification schemes first constructed by Loch Johnson. Long editorial comments, salutations, and procedural comments such as "I yield back." were not coded. Individual Committee members comments were tallied by degree of aggressiveness. The coding consisted of the time consuming task of carefully reading hundreds of hours of testimony and coding more than 2200 utterances. The results were consistent with earlier studies, in most respects.

Interview Questions

1. In your experience, to what extent has the end of the Cold War changed the role(s) of the CIA, and how have changes affected intelligence oversight?

2. How much time per week did you personally spend preparing for and presenting Congressional oversight testimony? What did this typically entail?

3. In your experience, to what extent is there informal contact with Congressional members?

4. Rep. Lee Hamilton said that the job of intelligence officials is to come before Congress and persuade that body that it should grant approval to an operation. Describe your feelings towards this assertion.

5. To what extent do political concerns explain Congressional actions with respect to oversight?

6. What do you feel is the impact that political ideology has on the oversight conducted by Congressional members?

7. From your perspective, what characteristics do you see the SSCI and the HPSCI displaying?

8. Are there patterns of behavior on the SSCI and HPSCI despite turnover of members?

9. Selection for service on the SSCI and HPSCI has been described as competitive. In your view, why might this be the case?

10. In your experience, are members of the committee's truly engaged by intelligence matters? Do they think strategically, "over the horizon"?

11. What is the specific impact you have noticed concerning Congressional oversight of the intelligence budget?

12. Which forms of Congressional supervision do you consider to be the most valuable?

13. There seems to be a notable and to a large extent post Cold War, trend of Congressional staff earning appointment to key CIA positions. To what degree do you estimate this to be taking place in the intelligence community at large?

14. How would you explain this trend? An attempt to take oversight to Langley?

15. What is your estimation of the impact of this trend?

16. In your estimation, to what extent has this trend affected the behavior of Congress?

17. In you view, how has this trend been viewed by those inside the CIA?

18. What impact do you think Hill <u>staff</u> has on oversight?

19. There has been much discussion of intelligence reform since the end of the Cold War. There have been many reform studies and intelligence reform proposals. To what extent have these efforts made an impact on the CIA and the intelligence community at large?

20. Describe those reform suggestions (and laws) which you feel have made the most significant impact on the intelligence community.

21. Does the end of the Cold War require additional reforms which deal with the manner in which oversight is conducted?

22. In a written statement submitted to the SSCI during your confirmation process, you indicated that your experience as a Congressional staff member contributes to your believe that "Congress should be treated as a partner" in intelligence matters. To what extent has this been the case?

23. What reform measures were carried through during your time as DCI? (were they self-imposed?)

24. To what extent do you feel bureaucratic inertia has affected efforts to reform the community?

25. Describe what you feel to be the most effective <u>means</u> of reform. (executive orders, laws, etc.)

26. To what extent does the source of the reform effort affect its degree of success?

27. To what extent has the IG made an impact on intelligence reform?

28. To what extent is there a tendency for the Agency to anticipate reform and move to self-impose something to preempt an outside mandate?

29. What are your views on specific reform proposals such as combining the Congressional oversight committee's of the House and Senate, creation of an intelligence "czar," strengthening the hand of the DCI, wider latitudes to conduct surveillance of potential domestic threats, etc.?

30. Scholars note the debate over whether or not intelligence objectivity and integrity should be preserved at the cost of losing influence in the policy process. Describe your views on this matter.

31. What improvements can be made to oversight process?

32. We hear about leaks, co-optation, and other potential oversight dangers but what other things should concern us?

33. What is your view of the role of CIA and the DCI? To what extent did you find yourself being a defender of Agency interests?

34. In an interview dated 29 May 1997 entitled "The Changing Game of Cloak and Dagger: An Interview with James Woolsey," it was stated that, in regards to (Congressional) accountability, there is "accountability in spades." Please discuss this statement.

35. Describe to what extent it became your sense that Congress wants the president to have a covert action capability.

36. How much contact did you have with the President and how much prep time does this entail?

37. In your experience, to what extent has the original purpose of the CIA and the DCI been achieved?

38. Aspects of oversight that this study needs to examine further.

39. In a February 1993 breakfast address to the ABA, Robert Gates stated that the relationship between the intelligence community and Congress has improved steadily to reach a state of "excellence." To what extent can this be explained? Is there a policy consensus or has the trust been built back up in the years since Iran-Contra?

40. In this same address it was clearly indicated that staff have enormous impacts on oversight. Please describe these effects as you see them.

41. The Congressional Record indicates that yearly authorizations are approved in a strongly bipartisan vote. To what extent can this be explained? What about your confirmation in 1987 and 1991 as well as the abortive Lake nomination in 1997--what makes these forms of oversight seem so much more partisan than the yearly approval and funding of intelligence activities?

Interview Request Letter (Congress)

Dear Senator/Representative _____,

David Boren is co-chair of my Ph.D. dissertation committee and has suggested that my research include discussion with you on the subject of intelligence oversight.

I would like to speak with you on this matter so I that I may gain the perspective of Capitol Hill. Time, place, and format of the research interview are at your discretion. Please contact me at your earliest convenience with a response to this request (please see FAX below).

To date, I have interviewed Director Tenet, members of his staff, and James Woolsey. Robert Gates has agreed to speak with me as well. A view from Capitol Hill is indispensable.

I will very much be grateful for your help.

Sincerely,

Charles M. Korb

Interview Request Letter (Executive Branch)

Dear _____,

David Boren co-chair's my Ph.D. dissertation committee and has encouraged me to interview individuals who have served as DCI since the end of the Cold War. I am writing you to see if you would be willing to grant me a research interview.

The dissertation deals mainly with Congressional-Executive relations. Specifically, I am interested in outlining the impact of DCI-Congressional relations on the intelligence policy.

Oversight is an area in which Congress has shaped intelligence policy. Reform measures, operation reviews, and confirmation of executive appointments make up three chapters of the project. You offer a unique perspective as the first truly post-Cold War DCI. To help me construct a broad picture, President Boren indicated in correspondence to me that he has contacted Director Tenet and several former SSCI staff who are now at Langley.

My preference is for an in-person interview. Time, place, and format are totally at your discretion and I certainly would be willing to provide you a list of questions. My upcoming Air Force service has provided me with an initial clearance of Secret. Please contact me at your earliest convenience with a response to this request (FAX and email below). We can then proceed with the details.

I will very much be grateful for your help.

Sincerely,

Charles M. Korb

List of Key Interviews

DCI's and Nominees		**Interview Date**[3]
Robert M. Gates	DCI (1991-1993)	12/6/99
Anthony Lake	National Security Advisor (1993-1996)	9/27/99
George Tenet	Current DCI	9/1/99
R. James Woolsey	DCI (1993-1995)	9/1/99
Congress		
David L. Boren	Former SSCI Chairman	2/25/00
Norm Dicks (D-WA)	Former HPSCI Member	10/18/99
James Inhofe (R-OK)	Current SSCI Member	10/18/99
Dave McCurdy	Former HPSCI Chairman	10/18/99
Warren Rudman	Current Head of the PFIAB (former SSCI member)	10/18/99
Executive Branch Staff		
John H. Moseman	Current CIA Director of Congressional Affairs	9/1/99
John F. Nelson	Current DCI Chief of Staff	9/1/99
L. Britt Snider	Current CIA Inspector General	9/1/99
Congressional Staff		
Lorenzo Goco	Current SSCI Staff Member	10/18/99
Arthur Grant	Current SSCI Minority Staff Director	10/81/99
Greg McCarthy	Military Legislative Assistant to Senator James Inhofe	10/18/99
Thomas M. Newcomb	Current HPSCI Staff Director and Counsel	10/18/99
Nick Rostow	Current SSCI Majority Staff Director	10/18/99

[3]All interviews took place in Washington D.C. except: Robert M. Gates, who was interviewed at Texas A & M University; Anthony Lake, who was interviewed over the phone.

Appendix B

Ideological Indexes

TABLE 1

SENATE SELECT COMMITTEE ON INTELLIGENCE
102ND CONGRESS (1991-1992)

	ADA	ACU
DEMOCRATS		
David Boren, OK (Chairman)	45	45
Sam Nunn, GA	50	48
Ernest Hollings, SC	55	62
Bill Bradley, NJ	90	10
Alan Cranston, CA	85	0
Dennis DeConcini, AZ	50	45
Howard Metzenbaum, OH	100	0
John Glenn, OH	90	10
REPUBLICANS		
Frank Murkoski, AK	5	86
John Warner, VA	20	76
Alfonse D'Amato, NY	15	86
John Danforth, MO	30	60
Warren Rudman, NH	20	60
Slade Gorton, WA	30	67
John Chafee, RI	60	24

Source: Congressional Quarterly's *Politics in America, 1992, The 102nd Congress*, (Washington DC: CQ Press, 1991).

TABLE 2

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
102ND CONGRESS (1991-1992)

	ADA	ACU
DEMOCRATS		
Dave McCurdy, OK (chairmen)	30	26
Charles Wilson, TX	25	30
Barbara Kennelly, CT	80	0
Dan Glickman, KS	50	32
Nicholas Mavrolus, MA	85	10
Bill Richardson, NM	50	20
Stephen Solarz, NY	75	10
Norm Dicks, WA	70	5
Ronald Dellums, CA	90	0
David Bonior, MI	95	0
Martin Olav Savo, MN	90	0
Wayne Owens, UT	70	11
REPUBLICANS		
Bud Shuster, PA	15	95
Larry Combest, TX	0	95
Doug Bereuter, NE	10	85
Robert Dornan, CA	10	95
C.W. Bill Young, FL	30	85
David O'B. Martin, NY	5	76
George Gekas, PA	5	90

SOURCE: Congressional Quarterly's *Politics In America, 1992, The 102nd Congress*, (Washington DC: CQ Press, 1991).

TABLE 3

SENATE SELECT COMMITTEE ON INTELLIGENCE
103RD CONGRESS (1993-1994)

	ADA	ACU
DEMOCRATS		
Dennis DeConcini, AZ (Chairman)	75	20
Howard Metzenbaum, OH	90	0
John Glenn, OH	80	11
Bob Kerrey, NE	90	0
Richard Bryan, NV	80	19
Bob Graham, FL	75	15
John Kerry, MA	100	0
Max Baucus, MT	95	4
J. Bennet Johnston, LA	70	23
REPUBLICANS		
John W. Warner, VA	20	74
Alfonse D'Amato, NY	30	52
John Danforth, MO	25	74
Slade Gorton, WA	25	72
John Chafee, RI	40	44
Ted Stevens, AK	20	74
Richard Lugar, IN	10	85
Malcolm Wallop, WA	10	100

SOURCE: Congressional Quarterly's *Politics In America, 1994, The 103rd Congress*, (Washington DC: CQ Press, 1993).

TABLE 4

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
103RD CONGRESS (1993-1994)

	ADA	ACU
DEMOCRATS		
Dan Glickman, KS (Chairman)	75	32
Norm Dicks, WA	75	33
Julian Dixon, CA	80	8
Robert Torricelli, NJ	85	16
Ronald Coleman, TX	85	13
David Skaggs, CO	90	8
James Bilbray, NV	70	33
Nancy Pelosi, CA	90	0
Greg Laughlin, TX	45	52
Robert "Bud" Cramer, AL	55	44
Jack Reed, RI	90	4
REPUBLICANS		
Larry Combest, TX	10	100
Doug Bereuter, NE	20	79
Robert Dornan, CA	5	100
C.W. Bill Young, FL	15	78
George Gekas, PA	15	88
James Hansen, UT	5	100
Jerry Lewis, CA	10	83

SOURCE: Congressional Quarterly's *Politics In America, 1994, The 103rd Congress*, (Washington DC: CQ Press, 1993).

TABLE 5

SENATE SELECT COMMITTEE ON INTELLIGENCE
104TH CONGRESS (1995-1996)

	ADA	ACU
REPUBLICANS		
Arlen Specter, PA (Chairman)	55	46
Richard Lugar, IN	10	76
Richard Shelby, AL	30	55
Mike DeWine, OH*	17	83
John Kyl, AZ	5	90
James Inhofe, OK*	0	100
Kaye Bailey Hutchison, TX	10	96
Connie Mack, FL	10	96
William S. Cohen, ME	40	45
DEMOCRATS		
Bob Kerrey, NE	80	24
John Glenn, OH	80	4
Richard Bryan, NV	75	12
Bob Graham, FL	75	8
John Kerry, MA	95	0
Max Baucus, MT	85	0
J. Bennett Johnston, LA	55	22
Charles Robb, VA	60	12

*Based on voting record in House of Representatives

SOURCE: Congressional Quarterly's *Politics in America, 1996, The 104th Congress*, (Washington DC: CQ Press, 1995).

TABLE 6

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
104TH CONGRESS (1995-1996)

	ADA	ACU
REPUBLICANS		
Larry Combest, TX (Chairman)	0	100
Robert Dornan, CA	0	100
C.W. Bill Young, FL	25	81
James Hansen, UT	0	95
Porter Goss, FL	10	86
Bud Shuster, PA	0	100
Bill McCollum, FL	0	95
Michael Castle, DL		
DEMOCRATS		
Norm Dicks, WA	65	14
Bill Richardson, NM	55	26
Julian Dixon, CA	75	10
Robert Torricelli, NJ	65	6
Ronald Coleman, TX	80	19
Nancy Pelosi, CA	90	0
Greg Laughlin, TX	50	60

SOURCE: Congressional Quarterly's *Politics in America, 1996, The 104th Congress*, (Washington DC: CQ Press, 1995).

Table 7

SENATE SELECT COMMITTEE ON INTELLIGENCE
105TH CONGRESS (1997-1998)

	ADA	ACU
REPUBLICANS		
Richard Shelby, AL (Chairman)	5	90
John Chafee, RI	40	60
Richard Lugar, IN	5	95
Mike DeWine, OH	15	85
Jon Kyl, AZ	5	100
James Inhofe, OK	0	100
Orrin Hatch, UT	5	100
Pat Roberts, KS*	5	95
Wayne Allard, CO*	10	100
Daniel Coats, IN	10	100
DEMOCRATS		
Bob Kerrey, NE	85	5
John Glenn, OH	95	10
Richard Bryan, NV	85	10
Bob Graham, FL	85	15
John Kerry, MA	95	5
Max Baucus, MT	85	20
Charles Robb, VA	80	20
Frank Lautenberg, NJ	95	0
Carl Levin, MI	85	5

*Based on voting record in House of Representatives

SOURCE: Congressional Quarterly's *Politics in America, 1998, The 105th Congress*, (Washington DC: CQ Press, 1997).

Table 8

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
105TH CONGRESS (1997-1998)

	ADA	ACU
REPUBLICANS		
Porter Goss, FL (Chairman)	10	95
C.W. Bill Young, FL	5	88
Jerry Lewis, CA	5	83
Bud Shuster, PA	0	100
Bill McCollum, FL	0	95
Michael Castle, DE	25	60
Sherwood Boehlert, NY	50	50
Charles Bass, NH	0	100
Jim Gibbons, NV	-	-
DEMOCRATS		
Norm Dicks, WA	65	0
Julian Dixon, CA	90	0
David Skaggs, CO	90	0
Nancy Pelosi, CA	90	0
Jane Harman, CA	60	26
Ike Skelton, MO	40	50
Sanford Bishop, GA	60	30

SOURCE: Congressional Quarterly's *Politics In America, 1998, The 105th Congress*, (Washington DC: CQ Press, 1997).

Table 9

SENATE SELECT COMMITTEE ON INTELLIGENCE
106TH CONGRESS (1999-2000)

	ADA	ACU
REPUBLICANS		
Richard Shelby, AL (Chairman)	5	92
John Chafee, RI	45	32
Richard Lugar, IN	0	68
Mike DeWine, OH	10	64
Jon Kyl, AZ	0	96
James Inhofe, OK	5	100
Orrin Hatch, UT	5	80
Pat Roberts, KS	0	84
Wayne Allard, CO	5	100
DEMOCRATS		
Bob Kerrey, NE	95	0
Richard Bryan, NV	95	8
Bob Graham, FL	85	4
John Kerry, MA	95	4
Max Baucus, MT	80	5
Charles Robb, VA	80	12
Frank Lautenberg, NJ	95	4
Carl Levin, MI	90	0

SOURCE: Congressional Quarterly's *Politics In America, 2000, The 106th Congress*, (Washington DC: CQ Press, 1999).

Table 10

HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE
106TH CONGRESS (1999-2000)

	ADA	ACU
REPUBLICANS		
Porter Goss, FL (Chairman)	5	91
Jerry Lewis, CA	10	75
Bill McCollum, FL	5	84
Michael Castle, DE	30	42
Sherwood Boehlert, NY	60	24
Charles Bass, NH	10	63
Jim Gibbons, NV	20	92
Ray LaHood, IL	20	60
Heather Wilson, NM	0	83
DEMOCRATS		
Julian Dixon, CA	100	0
Nancy Pelosi, CA	95	12
Sanford Bishop, GA	70	44
Norman Sisisky, VA	65	28
Gary Condit, CA	60	56
Tim Roemer, IN	65	44
Alcee Hastings, FL	80	5

SOURCE: Congressional Quarterly's *Politics In America, 2000, The 106th Congress*, (Washington DC: CQ Press, 1999).

Appendix C

List of Congressional Hearings

103rd Congress[1]

House

Director Woolsey--The Future of the Intelligence Community March 9, 1993

Central Intelligence Agency, Defense Intelligence Agency, and National Security Agency: Minority Hire, Retentions, and Promotions October 28, 1993

The Current and Future State of Intelligence February 24 1994

A Statutory Basis for Classifying Information March 16 1994

NRO Headquarters Facility August 11, 1994

Hiring, Promotion, Retention, and Overall Representation of Minorities, Women, and Disabled Persons within the Intelligence Community September 20, 1994

Senate

Nomination of R. James Woolsey February 23, 1993

Economic Intelligence August 5, 1993

NAFTA November 4, 1993

Commercial Imagery November 17, 1993

Joint Security Commission March 3, 1994

Counterintelligence May 3, 1994

NRO Headquarters Project August 10, 1994

104th Congress

House

Intelligence Support to the United Nations Open Session January 19, 1995

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[1]Note: Bold-face type indicates use of hearing in content analysis.

104th Congress, House, (cont'd)

IC21: The Intelligence Community in the 21st Century May 22, 1995; July 13, 1995; July 27, 1995; October 18 1995; November 16, 1995; December 19, 1995

Human Resource and Diversity September 20, 1996

Senate

Worldwide Intelligence Review January 10, 1995

Hearing on Guatemala April 5, 1995

Nomination of John M. Deutch to be Director of Central Intelligence April 26, 1995; May 3, 1995

Hearing on the Nomination of George J. Tenet to be Deputy Director of Central Intelligence June 14, 1995

Director of Central Intelligence 30 Day Report June 21, 1995

War Crimes in the Balkans August 9, 1995

Renewal and Reform: U.S. Intelligence in a Changing World September 20, 1995; October 25, 1995; March 6, 1996; March 19, 1996; March 27, 1996; April 24, 1996

Current and Projected National Security Threats to the U.S. and Its Interests Abroad February 22, 1996

Economic Espionage February 28, 1996

Hearings on U.S. Actions Regarding Iranian Arms Shipments into Bosnia May 21, 1996; May 23, 1996

Vietnamese Commandos June 19, 1996

Assessing the Regional Security in the Middle East and Saudi Arabia; Looking into the Future in Combating Terrorism; Executive Oversight July 10, 1996

CIA's Use of Journalists and Clergy in Intelligence Operations July 17, 1996

The Dayton Accords July 24, 1996

International Terrorism August 1, 1996

Congressional Notification September 15, 1996

104th Congress, Senate, (cont'd)

Iraq September 19, 1996

Intelligence Assessments of the Exposure of U.S. Military Personnel to Chemical Agents During Operation Desert Storm September 25, 1996

Allegations of a CIA Connection to Crack Cocaine Epidemic October 23, 1996; November 26, 1996

Intelligence Analysis of the Long Range Missile Threat to the U.S. December 4, 1996

DCI Wrap-Up December 11, 1996

105th Congress

House

Record of Proceedings on HR 3829, The Intelligence Community Whistleblower Protection Act May 20, 1998 June 10, 1998

Senate

Nomination of Anthony Lake to be Director of Central Intelligence March 11, 1997, March 12; 1997; March 13, 1997

Nomination of George J. Tenet to be Director of Central Intelligence May 6, 1997

1985 Zona Rosa Terrorist Attack; San Salvador, El Salvador May 20, 1997; July 30, 1997

People's Republic of China September 18, 1997

Nomination of Lt. General John Gordon, USAF, to be Deputy Director of Central Intelligence October 1, 1997

Current and Projected National Security Threats to the United States January 28, 1998

Disclosure of Classified Information to Congress February 4, 1998; February 11, 1998

105th Congress, Senate, (cont'd)

Nomination of Joan A. Dempsey to be Deputy Director of Central Intelligence for Community Management May 21, 1998; May 22, 1998

Nomination of L. Britt Snider to be Inspector General, Central Intelligence Agency July 8, 1998; July 14, 1998

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[1]Full listing of all government hearings utilized for this study may be found in Appendix C.

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