

# Center for American Progress



## **SPECIAL PRESENTATION:**

**“NO MERE OVERSIGHT: THE ROLE OF CONGRESS IN  
EFFECTIVE INTELLIGENCE.”**

## **MODERATOR:**

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FORMER CHIEF OF STAFF, AND FORMER  
DIRECTOR OF CONGRESSIONAL AFFAIRS,  
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**L. BRITT SNIDER, FORMER INSPECTOR GENERAL OF THE  
CIA; FORMER MINORITY COUNSEL, SENATE SELECT  
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MR. DENIS MCDONOUGH: Okay. Good afternoon everyone. Welcome to the Center for American Progress. Thank you all very much for joining us today. I want to thank especially our panelists, whom I will introduce to you in just one minute. There are a lot of people that have to do a lot of work to make an event like this come off and to go well. I want to just take one minute to thank a handful of them. Antoine Morris, who you will all have seen, I am sure, as you walked into the room today, keeps a national security team running. Alex Pryor and Tyler Hall keep us set up and plugged in, as we like to say around here, so I thank them, too. And Ed Paisley, who I do not see at the moment, but who has spent a considerable amount of time in the last week or so editing our report, deserves a great amount of our appreciation.

I am very proud of the work that we did in the paper. I am especially proud of the people with whom I worked to write the paper. I know many of you know Mara Rudman and Peter Rundlet. One thing you might not know about Peter Rundlet is that he is the proud new father of twins, August and Elise, who were born on May 18<sup>th</sup> a little bit early, but we are all happy to learn that they came home last night. Well, Elise came home last night, so they are both at home now full-time in the care of Peter and Laura, and so Godspeed and congratulations, Peter.

Mara and Peter have a lot of experience on national security matters and they have a lot of very positive attributes that I know you all know. One bit of experience that the three of us share is that we worked for Mr. Lee Hamilton at one time in our careers. An assignment with Mr. Hamilton teaches you many things, but first among them is respect for the balance of powers in the constitution, and with that the congressional responsibility for oversight.

Several months ago, Peter, Mara, and I set out on an effort to assess the status of congressional oversight of intelligence. After countless interviews and document reviews, we have come to a simple yet disheartening conclusion: congressional oversight of intelligence is broken. Unfortunately, and like much else in Washington, it is broken largely as a result of partisanship. The bad news in our view is that this breakdown makes our intelligence less effective than it might otherwise be. It also undermines public confidence in our intelligence capability and it happens to be doing so now at a moment when we are beginning a national debate on the appropriate policy towards Iran.

The good news? Well, the good news is that this is not how things should be or frankly how they have always been. The tools for effective oversight are available to Congress. In fact, as represented by the three people sitting here with me today, oversight has worked in the past and it has worked well. We are confident that good oversight can be brought back and brought back relatively easily.

A fundamental view informs this paper: oversight is an important component of effective Intelligence. The overlapping grants of national security powers and the

constitution underscore the founders' view that difficult decisions regarding our national power need to be debated and reviewed by both the executive and legislative branches. Whether you call this an invitation to struggle, as Senator Fulbright's chief of staff called it, or you call it creative tension, as Mr. Hamilton does, the charge to Congress in the Constitution is clear. But whereas every other executive agency is also subject to very public, media-driven oversight, intelligence, which by its very nature must be hidden from public view, is particularly dependent on Congress' oversight. There is no other independent body to perform this important oversight function – not the president's Foreign Intelligence Advisory Board, not the press. It is up to Congress.

Today, to help us discuss this topic we are joined by three deeply respected and experienced figures in the role of Congress in intelligence. They have conducted oversight from the Hill and experienced it at Langley. They know what it means to oversee and they know what it means to be overseen.

First we will hear from Britt Snider, who has had an extensive career in intelligence. He served as counsel for the Church Committee in 1975 and 1976 and participated in the drafting of Senate Resolution 400, the resolution that created the Senate Intelligence Committee. He served as assistant deputy undersecretary of defense for policy, counterintelligence and security; minority counsel and general counsel for the Select Committee on Intelligence for the U.S. Senate. In 1995, he served as staff director of the Aspin-Brown Commission and then served as special counsel to the CIA director, George Tenet. In 1998, President Clinton nominated Britt to be second inspector general of the CIA; a position he held until 2001. More recently, he was appointed by President Bush to the Public Interest Declassification Board; an assignment he still holds.

Charlie Battaglia has more than 35 years of experience in executive and legislative branches of the federal government. From 1997 to 2000 he served as a staff director of the Senate Committee on Veterans Affairs, where he directed authorization, oversight, and legislative activities for veterans' healthcare and benefits. From the mid-1990s to 1997, Charlie served as senior staff member of the Senate Select Committee on Intelligence where he directed congressional oversight in program and budget reviews of all intelligence agencies. His tenure on the Senate committee included an assignment as staff director of the committee in the 104<sup>th</sup> Congress, a position in which I can assure you he earned the undying loyalty of countless senators and staff colleagues who to a person – we have found in the last several months – speak reverently about Charlie. And to confirm the suspicion that he has had every difficult job in Washington, Charlie recently served as executive director of the Base Realignment and Closure Commission.

Lastly, we will hear from John Moseman. John is currently a principal at Booz Allen Hamilton and has 32 years of experience in all three branches of the federal government. Until recently, he served as chief of staff to CIA Director John McLaughlin and before that as chief of staff to the deputy CIA director. From 1996 to 2001, he served as director of congressional affairs for the CIA. He served with Britt as deputy staff director on the Aspin-Brown Commission. He worked in several senior capacities in the U.S. Senate, where he is remembered by Republicans and Democrats alike as a

consummate professional, including as minority staff director of the Senate Select Committee on Intelligence.

I thank you each for coming here with us today and look forward to your comments. Let us start with Britt.

MR. L. BRITT SNIDER: All right, Denis, thank you very much. Good to be here. Denis has asked me to say a few words about giving you a historical perspective before we turn to some of the issues that are involved in the report itself, so let me do that.

The intelligence committees, as you all may know, were created in the mid 1970s by Congress for several reasons in fact. The first was simply just to improve Congressional awareness of what the intelligence agencies were doing. We had had the Church Committee, we'd had the Pike Committee that had revealed a lot of activities that were going on that were questionable that the Congress knew absolutely nothing about.

The other reason why is to provide a dedicated oversight capability, and I am talking about both members and staff now. Before that point, intelligence was handled by smaller subcommittees on Armed Services, Appropriations Committees, they were – the CIA subcommittees were chaired by the chairmen of the full committees. They also had staff – the people who were staffing the CIA subcommittees were also senior staff on the full committees. These were busy people and in fact had very little time to dedicate to the oversight of intelligence during that period. There just simply was not the capability to do independent enquiries or investigations.

As far as the purpose of this oversight the original focus was really on protecting the rights of Americans, which of course is what the Church Committee had focused on itself. It was on ensuring that intelligence activities were carried out in accordance with laws, regulations, treaty obligations. And over time the focus changed: the early part of the '80s was spent primarily on oversight of covert actions where the interest there was in saying whether these kinds of activities undertaken by the agency primarily were consistent with U.S. foreign policy, consistent with our values as Americans, our notions of sovereignty and so forth. And then over time the focus changed more to the money, to performance. You know, were taxpayers getting their money's worth out of these activities and were they were accomplishing what they were supposed to be accomplishing.

When the committees were created, there were a lot of people who thought this would never work. In other words, how could Congress oversee intelligence activities without revealing them? I mean, this after all is a political institution. Members of Congress are used to making political hay out of virtually anything that comes down the pike, so could they do intelligence oversight without revealing it?

At the time, the United States was the only country in the world who had given oversight responsibility to their legislature for their intelligence services, so there was a

lot of worry about whether it would ever work. I think by and large the good news is it has worked. The committees have proved themselves. It took them a little while, but they proved that they were capable of protecting the information that was shared with them. They provided money each year for intelligence activities. They did their oversight enquiries and investigations. They passed legislation that by and large was helpful to the intelligence agencies.

And they also played an important role where the public was concerned: ensuring the public that there was somebody in the government watching these activities apart from the executive branch. I mean, as Denis said a minute ago, the committees really are the only real check – only really substantive check on intelligence activities outside the executive branch. They are the ones who have access to the programs of the intelligence community, to their personnel, to their documents. Nobody else has that – only the intelligence committees.

And so when the intelligence committees choose not to delve into the topics that they should be delving into, the public is left basically with only the assurances of the executive branch to go on. And sometimes we wonder whether we can rely on those assurances or not, which really brings me to the topic today – the issues that we are talking about today.

The NSA surveillance program was made public last December. I think we are still wondering what this program is about. Does it violate our rights? We still are not sure, six months after it has been revealed. Are there detainees in CIA's custody that have been tortured or in the past or are being tortured today? We really do not know. Are we violating international law by carrying out renditions? How are we carrying out renditions? And we all know that we have to do something with the terrorists, al Qaeda that we might take into our custody – capture – but is what we are doing legitimate? I think we really do not know.

And on Iraq, I mean, it is been three years now, but we are still waiting to hear from Congress whether policymakers hyped the intelligence that led us into war. And I think beyond that, did our intelligence agencies accurately predict what the war would be like, what the conduct of the war would be like? Did they accurately predict what the aftermath of the war would be like, the occupation? And are we ready for the next crisis – Iran or wherever? Is the intelligence reform that Congress passed two years ago working or is it causing more problems than it is solving? What about the Counterterrorism Center that was created as part of that law, which is going to be the linchpin of our intelligence efforts insofar as terrorism is concerned? What is it doing? Is it working?

I go through this list because we do not have answers from the intelligence committees to any of these questions. They have not weighed in on any of these questions. And it is not entirely clear to me what the intelligence committees are doing because they do not say very much about what they are doing. They do say, and I have heard the chairman say, how seriously they take their responsibility as surrogates for the

public, but when you look at this list of things that they have not weighed in on, one has to wonder.

And I think when the committees essentially deal themselves out of looking into these issues, it has a lot of other affects. For one thing, others fill the void that is left by the committees. You have other committees asserting jurisdiction, committees who do not have access to the intelligence who really do not know what is going on. They either assert jurisdiction or you have the leadership in each house giving over jurisdiction to other committees, like they did in 2004 with the intelligence Reform Legislation when they took it from the intelligence committees and gave it to the Government Affairs Committee in the Senate. And I think the problem there is you are just not going to get as informed a judgment or product by the committees who do not have the day-to-day oversight of the intelligence community.

People on the outside who do not like what is going on, who have complaints sense they do not have any place to go on the Hill. They do not know how the committees will react to their information, so they go to the press or they go to the courts. I was reading the newspaper there now 29 lawsuits filed in connection with the NSA surveillance program. Unbelievable.

As for the intelligence agencies themselves, when they see partisanship tearing apart their oversight committees, they do not know how to deal with it. They are worried that if they give information to the committees how it will be read, whether it will be distorted for political purposes or whether it might be leaked for political purposes. And so the tendency there on the part of agencies is to draw back within their shells. There is not as much collaboration, consultation, candor, because they are unsure how the committees will treat the information they are providing. Communication suffers, I guess is probably the best way to put it.

Well, the oversight worked during the nine years that I was on the SSCI. This was the tenure of David Boren and into the nineties, and it worked because we operated on a bipartisan basis. It was a pleasure to come to work every day. I don't know that it is a pleasure to come to work every day now, but it was then. We didn't have a majority and minority staff. We had one staff – just the committee staff. There was complete transparency in terms of the majority and minority in terms of how the committee was being run. We didn't play games with each other. Rarely was there a party-line vote. We got things done because of that. If a senator of whatever party wanted help on something, we gave it to him – Democrat, Republican. If they had some sort of particular interest that they wanted to pursue within the committee, they were accommodated. We found a way to accommodate. So you know, it can work, I guess is all I am saying, and it has worked in the past.

We were skeptical of the intelligence agencies we oversaw and I am sure that they thought we were overly critical or overly tough on them. I think we were tough on them, but I do not think it was – I think it was constructive criticism and I think we were able to

push them in directions that they needed to go, that they probably would not have gone had it not been for the congressional committees pushing them in this particular direction.

There was purpose for what we were doing: we were trying to improve the system. And that is something that I have a hard time discerning right now – the purpose behind what is going on today beyond just scoring political points and keeping the other side from getting its way. I don't see much sort of a vision in terms of what they are trying to do.

Having said that, I don't really principally view this as a political problem. I think it is a good government problem, a good government issue. There is plenty of blame to go around on both sides of the aisle here. I just simply think the committees are not holding up their part of the bargain. I just think they are letting politics interfere with them getting the job done. I can say, as one who was involved in the creation and has followed it ever since, it is painful to watch. We never had members attack each other in the press. We never had members attack each other on the floor of the Senate. There were disagreements; we just worked them all out. And to see it reach the levels that we have seen in the last couple of years is really painful for me to watch, but I am hoping that things will change. I have been waiting a long time now for the ship to right itself and maybe it will. I am hoping that it will.

MR. MCDONOUGH: Britt, thank you very much.

Charlie?

MR. CHARLES BATTAGLIA: I am going to give a little bit, maybe, of a comparison and contrast on the committee structure itself to maybe give you a little better understanding of how it was constructed for purposes of trying to establish a bipartisan approach to intelligence oversight. First of all, up until about the passage in October of 2004 of Senate Resolution 445, the committee was a select committee with an eight-year term for its members. It is now, by virtue of that new resolution, a permanent committee and the eight-year term has been eliminated.

And the reason that eight-year term was eliminated is – and we knew this for a long time – is that members would come on board and the intelligence business is so complex that it takes a member that long to really understand what is going on. It is almost like an apprenticeship period. Unfortunately, that individual – that member – then has to leave the committee and move on to something else, but I think that this was a good move in the right direction. For years we have known about on the committee and there had been a number of attempts to change it – to establish it as a permanent committee. I just hope that the membership of the committee here rights itself so that it can in fact operate here with this new background and expertise in a bipartisan manner.

As you know, it is the only committee that has an additional chairman where the ranking minority member is not called a ranking minority: they are called a vice chairman. That was done purposely to signal the bipartisan nature of the committee.

Unfortunately, it is really in some cases even today here not operating in the way it was designed. As a matter of fact, the vice chairman I still think presides at committee hearings when the chairman is gone, that is about maybe the only thing that still comes out of this thing in a bipartisan fashion. All the professional staff on this committee are named by the chairman with a concurrence of members who vote on each staff member.

However, with the passage now of this new resolution here, the chairman names 60 percent of the professional staff and the vice chairman names 40 percent of the staff. I know why that was done. It signals really more the partisan nature that has developed on the committee, it is unfortunate and it is an unfortunate break, in my view, on the design for bipartisanship.

Now, like other special and select committees, the Senate Select Committee on Intelligence was not authorized to have subcommittees. Now that is also changed and subcommittees have been authorized with a chairman and a vice chairman for each of those. And in fact, there is even a requirement that they establish an oversight subcommittee responsible for all the reporting to the Senate of all ongoing intelligence activities. None of these have been established yet, even though the resolution was passed in October of 2004, so I do not understand why that has not come about. One of the things that the committee did that I thought was very, very important and was required by Senate Resolution 400, which established the committee back in 1977, was it?

MR. : 1976.

MR. BATTAGLIA: Or 1976 – was that there be an (unintelligible) special report – unclassified – and it was done so from then up until the year 2000 and the 108<sup>th</sup> Congress. I thought that document turned out to be very, very important. It was the one document that reported the – it was sort of the board of directors report to its constituents and voters and citizens of this country here on what activity the committee did in terms of oversight for the past two years, the number of hearings it had, the number of oversight hearings it had, how much time it has spent on working in budget problems, how much time it spent on nominations. It is unfortunate that it has now stopped. I thought that was one of the most important things that we did, although at the time I did not value it as I do even more now.

Now under the new Senate resolution that was passed, as I say, in October, the committee is supposed to be reporting every quarter to the Senate on its oversight activities. It has been a year and a half now and there has been no report yet to the best of my knowledge ever made on this thing.

Another thing that the committee – one thing that other committees do is of course they will report in detail on the budgets that they have authorized, or in the case of appropriation committees, appropriated. And that was very difficult to do in the Intelligence Committee. There has been a lot of debate on that over the years as to whether or not that intelligence figure should be declassified and made available to the

public. In one case here, as John Moseman could tell you better that I, George Tenet when he was the director was forced by a pending court case, as I understood, to disclose the intelligence budget. That was the only time I think it ever happened. Is that right, John? Although the aggregate of the intelligence budget it is probably no great secret. I probably can call Walter Pincus in and he could probably provide it very readily. As you know, Walter Pincus works at the *Washington Post*.

Now, these are the mechanics and some of the processes for intelligence, but I could point out also in my view that the Intelligence Committee probably really never has had a golden age. There is always been some degree of partisanship on the committees. I would say that it has ranged from very little to a great deal. And I am afraid we are into the great deal part right now. I would say probably the periods that Britt Snider pointed out, the period Senator Boren and Senator Murkowski worked, as one of the model periods of a bipartisanship approach to intelligence oversight.

The time I served for Senator Specter, the vice chairman was Bob Kerry and they got along quite well, and when that happens it permeates throughout the entire staff. When they see that the bosses are getting along, they will cooperate as well. When the bosses are not getting along with the chairman and the vice chairman and it becomes a very partisan effort, you can see that permeating throughout the staff and it does not make for a very healthy situation.

And with that I will refer to my colleague here, John Moseman.

MR. JOHN MOSEMAN: It is hard to be the third one in line because so much of what I am going to say is already been said, but let me try to take this – the question of congressional oversight from the perspective of the recipients of oversight. Britt and Charlie talked about their experiences on the Committee – SSCI. I was also on the SSCI and served with Britt. Charlie and I chased each other around the Hill to various committees. If he would go to one, I would leave mine and go to his, and then he would leave his and go to mine. I don't quite know what that – I sort of figured that one out.

A bit of a brief background for myself. I served as director of congressional affairs at CIA from 1996 until March of 2001, when I became the chief of staff to George Tenet and served in that capacity for another four years until George retired.

George and I served together on the Senate Intelligence Committee in the late '80s, early '90s. That is how we established our early relationship. And I actually went out to the agency as the first person from the Hill who headed the Office of Congressional Affairs at CIA. Before that time, the head of Congressional Affairs were a longtime professionals, typically in the CIA Directorate of Operations or on the analytic side, so I was the first one to be brought out from the Hill, actually under John Deutsch, who was then director of CIA.

I think it is safe to say that I brought to that job, and I know George Tenet when he was deputy at CIA and then later became director of CIA – both of us brought a very

healthy respect for the necessity of having oversight. We did it ourselves from the congressional standpoint and we understood and I think appreciated the need to have oversight.

Why is that? The overseers, if they are good, they typically understand better how intelligence works, what needs to be fixed. They can validate to the American public what these secret organizations actually do. They can take some of the mystery out of it. When bad things happen, they hopefully can explain in a better perspective to their colleagues what risks were being taken and what gains were hoped for. The overseers in other words validated our work, if they were good and capable. Therefore, the design of Congressional Affairs at the CIA and most other agencies was to try to develop a trust relationship with those that oversaw us, and I can describe some of those techniques as I go through this brief talk. But I just want to establish the point that rather than resist oversight, at least in my perspective, we recognized the importance of it, and that is what I carried into the job.

Without being too boring, let me briefly describe how the CIA organized its congressional affairs effort because I think it may give some lessons about how we tried to impress on the folks at the agency why oversight was necessary and how to conduct it properly. The staff consisted of about 50 people. They were typically folks that were on rotational assignments. They came from the Directorate of Operations, the Directorate of Intelligence – the group that produces analysis. Sometimes we had folks from the Science and Technology side of the CIA. We also brought in to the agency people from NSA, DIA, and other components of the intelligence community because our office not only represented the CIA's congressional affairs interests, but we also represented the director of central intelligence in his capacity as the leader of the intelligence community. That has obviously changed with the Reform Act of 2004, but in those days we had two roles.

The rotational assignments for the staff I always viewed as quite important because their job was not only to translate the agency to the Hill, but hopefully over time to gain an appreciation for what the Hill does in terms of its oversight capacity and translate that back in to the building, so that you develop a core of a basic understanding about the role of the congressional oversight committees. We had a very active engagement with the Hill, both on the oversight side as well as the non-oversight side. We organized and took probably over 1,100 briefings a year to the Hill.

I found over time, especially as the Hill became much more partisan in the mid to late '90s, particularly with the fights between the White House and the Congress on a variety of issues, I found that a lot of members and staff appreciated the analytic briefings of the CIA analysts gave to the Hill because they typically did not have a policy flavor, nor were they partisan. In fact, one of the techniques I used to keep it on a bipartisan basis was to invite – if a Republican asked us for a briefing, I would try to invite the other side to hear the same briefing. I tell you, that was always not appreciated by some sides, but it was at least my attempt to kind of impress on the Hill the fact that we were not up there for partisan or policy purposes.

We also – staff, the director, and the senior officials of the agency – went to the Hill either informally to meet with members or more formally in committee hearings. That took a great deal of effort, especially as the Senate Intelligence Committee started the practice – we designed what was called the worldwide threat hearings to be delivered in January and February of every year, primarily to our two oversight committees, but those hearings became sort of the foundational briefings for the armed services committees, the Senate appropriations committees, the defense subcommittees. They talked about the threats facing the country around the world. They tended to perhaps influence where some of the money was spent in terms of trying to develop capabilities for intelligence to learn more about these threats. Those briefings took a lot of effort to develop. I think one year we hit the high-water mark of George delivering like 11 of those briefings, both in open and closed sessions, but that was sort of the take-off point for the year in terms of our engagement with the Hill.

One other thing that I will mention. In 1996 under John Deutsch's leadership, the CIA developed a formal program of notifying Congress of significant intelligence activities. It may seem like a rather ordinary thing to do given the oversight responsibilities of the Congress, but up until 1996 there was no formal process whereby people in the CIA, in the various directorates, thought through what activities or events should be notified the congress. Before that it was a bit haphazard. It depended on people thinking about them. It depended on – for example, Bob Gates used to come down to the Hill and brief the chairman and the vice chairman of the Senate Intelligence Committee. He'd have a big, thick notebook with him. He would kind of go through page after page of issues. I am not even sure how that book was put together; probably an all points bulletin call went out to the agency and papers flowed into the director's office.

But this notification program that we put in place in 1996 was based on an event that happened that the Hill did not think we had adequately notified them about, and I think the Hill was right in this case. It had to do with an agent of the CIA in a Central American country who may have witnessed or been involved with or somehow had some association with the murder of an American. That matter had not been formally notified to the intelligence oversight committees and it became a rather dramatic public event. Certain careers were derailed at the CIA. There was a great deal of animosity generated on the part of the Senate Intelligence Committee in particular, and Senator Cohen in particular, one of our stalwart overseers who actually thought the agency had misled him directly.

This caused the then head of Congressional Affairs, Joanne Isham, and the then head of the Directorate of Operations, Ted Price, to sort of wonder why this wave of animosity and anger and name-calling was washing over the CIA. And I think they fundamentally came to a very sound decision, and that was the Congress had not been properly informed.

So we put together a program under Joanne's leadership and my deputy's leadership that actually put a requirement in the various offices of the agency to surface items that had to be notified the Congress. There was a senior leadership review of that, we'd put the notifications in writing. We sent them to the Hill under my signature. The Hill then had the opportunity to call us down for additional briefings and learn more about these matters. I think it is important to mention that not because it is the be all and end all of how you deal with oversight, but it was an attempt by us to reestablish a trust relationship with our overseers – a relationship that had obviously been set back by the Guatemala experience.

I generally agree, I think, with the key point of the Center's report, which is that oversight is not working as appropriately as it should. I have my own views as to why that is happening and I will share some of them with you, but one of the key points in the Center's report is that the tools exist right now for proper oversight; they are just simply not being exercised, and I agree with that as well. I think Britt and Charlie have echoed the same sentiment.

I take a bit of a different slide on that however. I think that the tools have to be exercised, but they have to be put in the right hands. Leadership on these two committees matters a lot. I consider the SSCI and the HPSCI to be so-called leadership committees. Some committees can exist just because you have a mass of members that get together that understand the subject matter and they do it pretty well. I think with regard to the intelligence committees, new members coming on to those committees tend to be a little intimidated by the subject matter. They tend to think it is too arcane, too hard to figure out, too mysterious, and so they rely very heavily on the leadership of the committee: the chairman, the vice chairman in the Senate's case; the chairman and the ranking member in the House case; and the senior staffs of those members. So in my mind leadership matters a great deal.

I do hearken back to the Boren era of congressional oversight. It was not perfect, as Charlie has mentioned. We had our moments on that committee, particularly during the '92 election, but I think by and large David Boren as chairman, Bill Cohen as his vice chairman for a while, Frank Murkowski later was his vice chairman. I think those members did set the right tone, as Charlie mentioned, and it permeated the staff. It was a unitary staff. I frankly didn't know people's politics, nor did I particularly care. David Boren used to say that they only two staff members on the committee that should care about politics given their party responsibilities were the staff director and the minority staff director, George Tenet and myself, and we didn't spend too much time on politics either.

But beyond leadership at the top, I think it is also important that the membership of the committees be about as solid and senior and stalwart as you can find in either house. I am not sure that is the case right now either. What do I mean by that? Again, Boren presided over a committee that was quite extraordinary. We had members like Lloyd Bentsen, Sam Nunn, John Chafee, Warren Rudman, Bill Bradley – you could go down the line. It was a committee that was full of senior leaders in the Senate, most of

whom had responsibilities on the national security side of the work of the Senate: men who took the job seriously, men who really did leave their partisan credentials outside the door when we had closed committee hearings, and they did I think really an extraordinary job. So leadership at the top and the core leadership within the committee itself really does matter.

The other thing that matters in my opinion is the strength of the professional staff. In our day, we had members on the staff – this was in the late '80s, early '90s, some of whom had served from the time the committee was established in the '70s. They had a depth and breadth of knowledge about intelligence that I think is sorely lacking today. They were not captive by the agencies they oversaw.

I think the intelligence oversight by the staff over a long stretch of years was basically aimed at trying to understand what the programs and policies of the community were, what the capabilities of the organizations were, what did it matter in terms of going against the hardest targets that the country faced. That was the basic assumption and the basic going-in proposition of all the staff members that I was associated with on the committee. There was not a lot of appetite for the gotcha hearings. When mistakes happened, there wasn't a lot of happiness about that on the committee staff or with the members, but there was not a tendency to have show trials, to do a lot of open hearings, to belittle the men and women of the intelligence community that were taking risks. As I said, there was not happiness, but there was not an appetite to do these kind of gotcha hearings that I have seen more of probably in the last ten years than I think is necessary.

I think just one final point about the staffs and the makeup of the committees. I saw a dramatic change or at least a changing point in the Senate committee after the '94 election. In the '94 election, of course, the House was taken by the Republicans after a 40-plus-year hiatus. In the Senate, there were a number of young Republican senators elected who came from the House. The Senate majority leader at that time put a number of them on the Senate Intelligence Committee. These are thoughtful people by and large, but they came from an environment and they came from a background and they had a natural tendency to think of things in terms of the minority fighting against the majority. That had been their history, that had been their experience, they have had to fight hard for any degree of respect or actually have any sense of power in the House. And in my humble opinion, they brought some of the same characteristics to the Senate Intelligence Committee, which up until that time it had been relatively nonpartisan in its approach.

So I think there was a natural tendency for these young members who came on the committee in '94 to sort of shift the approach of the committee. It did not happen all at once. It happened over a period of years. It happened after some of the more professional staff was cycled off. It frankly happened towards the later part of the '90s when I particularly saw the staff become extremely orientated towards the politics of the members and I saw a number of the folks that I dealt with both on the staff and at the CIA, people like Ed Levine (sp) and other people who had long, distinguished careers on the Senate Intelligence Committee basically being moved off. And I think they made a dramatic shift in the approach that the committee took to oversight.

So what about the future? I think the diagnosis of the problem is probably correct. I think in the future we have to figure out how to put the best, most capable leaders in charge of these committees. We have to make them and other members permanent, but at the same time we have to select only the strongest members in either body to take on these important roles.

We have to figure out how to wring the raw politics out of intelligence oversight, and frankly I do not hold out a lot of immediate prospect for doing that. I think that is probably going to be the hardest part just because of the fact that in Washington today raw politics is the coin of the realm. It is what makes the place tick right now, unfortunately.

We also have to figure out how to re-professionalize the staff. I don't think it is wise or necessary hire disgruntled employees from any of the intelligence agencies. They typically come to the job grinding their own personal axes. I do not think the members who are new to the subject matter get good staff work from people who are basically disgruntled. And I think that the big test will be whether these professional staff people can be hired without even being asked what political affiliation they have. That would be a true mark of change. Will that happen soon? I hope so, but I doubt it.

So I think it will take a rare breed of committee members who don't want to necessarily to spend a lot of time on Sunday talk shows, but who want to roll up their sleeves; have a number of what might be viewed as boring, tedious hearings in the very serious subject matters; don't wait until after an event to learn about it; learn about issues facing the intelligence community and threats facing the country as those threats emerge. I do not know about you, but when I saw the questioning by the Joint Enquiry Committee of the Congress on the 9/11 matter, all of whom by the way were members of the Senate and House intelligence committees, I think most Americans wondered whether they actually were on intelligence committees. They were asking extremely basic questions, some of them appeared to be learning things for the first time. That should really never happen. It should never happen. They should be well versed in what is going on with the intelligence community so that when events do take place they either have a better understanding – a more sophisticated understanding of how all this works, and then they can ask very serious and probing questions. And the responsibility on the part of those being overseen is to answer those truthfully, honestly, and make sure that that partnership between the intelligence community and the oversight process works. It is not working very well right now.

Thank you.

MR. MCDONOUGH: John, thank you very much. Charlie and Britt, thank you as well. There is a remarkable concurrence in your remarks on a number of the challenges that we face in this area. I want to explore one issue with you which we have heard more and more from. We've heard from a lot of the people we spoke to – Lee Hamilton, for one, obviously wrote it in the 9/11 Commission report; Bob Kerry,

obviously on the 9/11 Commission, seconded this idea. But it is not limited to them; it is many, many others. That is to say, their belief that the committees as authorizing committees – that is to say, the HPSCI and the Senate Select Committee on Intelligence – they lack sufficient power, sufficient clout, particularly as it relates to their competition with appropriators or with the Armed Services Committee. And in fact that is exacerbated now given our continued reliance on supplemental appropriation bills, so that the intelligence committees start from a walking start when the appropriators really have a running start since they have the money.

So at the risk of getting a little bit inside baseball here, I wonder if – how you would react to this idea that maybe what should happen is just a wholesale change of how the committees are set up in the Senate and the House and give, for example, the authorizing committees the right to appropriate money so that they have the kind of clout that will generate attention and reaction in the intelligence agencies.

But, Britt, can you start with the reaction to that idea?

MR. SNIDER: Well, I will try to. I don't think it is a good idea to vest the appropriations power along with the authorization power. I mean, the appropriators need to have the whole view of the budget and federal appropriations. You can't just have one committee sitting off out here just saying what their appropriations for intelligence will be in a vacuum. You've got to look at it in terms of the entire budget. And I think it is a complete nonstarter for the Congress. They are just simply never going to adopt that.

In terms of the competition with the appropriators, I guess when I was there, again, it was not that bad. We had the appropriators – their staff participating in our hearings and our briefings. They basically left oversight to the intelligence committees, although they would obviously have their own action to take on the budget at times, but they relied on what the intelligence agencies were doing.

I would agree with you that when it comes to supplemental appropriations that the authorizing committees probably play a reduced role; at least their role is not as great as it is in the normal authorization-appropriation process. I am sure they are being consulted by the appropriators; I would be shocked if they weren't in terms of supplementals, but my guess is the committees are not doing quite the job of analysis that they would do in the normal process.

MR. BATTAGLIA: I would depart from that a little bit here and it would be nice if the intelligence committee or if any committee of the Congress was able to bypass the appropriations process and have it all concluded in the authorization process. That would give one efficiency, but as Britt pointed out someone has got to be counting. You could have a situation here where every committee was independent and spending as if there was no tomorrow.

The problem I found came when you were dealing with the appropriations committee and the appropriations were going ahead and approving projects that the

authorization committee has never authorized: spending money on programs that it liked and wanted to see in there and violating a basic rule, but it happens quite a bit. We had a term for it. It was called A and A – appropriated but not authorized – and we constantly fought with the appropriators. You couldn't fight too hard because the harder you fought, the tougher they would get on your own appropriation. So it was a catch-22 type of situation here. There have been plenty of instances that I could cite here where money has just been poured into intelligence programs without the authorizing committee even knowing about it and then when it found out about it couldn't do much about it at all.

I could point out on that one the Afghan covert action program, particularly on the House side, where money was pouring in primarily through the House Appropriations Committee here and then working its way in for approval with the appropriations committee on the Senate side. I was part of all of that project; both from the CIA side and also from up in the Hill side in there and we were in the dark for quite a long time. We realized this was all coming from particularly one congressman, as you all know, and Charlie Wilson who has just had his way and this love affair going on with the Afghan war. And if you haven't read that book about Charlie Wilson's war, you ought to read it. It outdoes any Tom Clancy book I've ever read.

MR. MCDONOUGH: John?

MR. MOSEMAN: I tend to agree with Britt: I think it is a nonstarter to vest both authorizations and appropriations in the same committee. Let me take this from a bit of a different angle. As you may guess from some of my earlier remarks, I think relationships really matter, both in the overseers as well as those that are overseen. That is very true on the Hill as well. When I was on the SSCI, I know that Senator Boren had very strong and cooperative relationships with Sam Nunn and the Senate Armed Services Committee, which had a piece of the intelligence authorization process, as well as with the appropriators. At a staff level, we had the same good, positive relationships. There was never much of a disconnect. Again, I saw those relationships breaking down on a personal level through the mid to late '90s. I will not go in to all the reasons, but they were not as solid as we had hoped for.

What does that do in terms of our perspective? We were the recipients of both the authorization and the appropriations process and the more disconnected this process became; the harder it was to continue sustaining important programs. You would have fits and starts in funding; you had pet projects being funded by one committee and not the other. It affected at some point certain capabilities of the intelligence community. It was hard to keep impressing on the Hill how dysfunctional that process was and what serious impact it had in terms of development of sustained intelligence capabilities.

In fact, the last few years I was at the agency – I retired in April of 2004, but the last few years we were even wondering whether it was going to be an authorization bill; things had broken down so badly. Quite frankly, we established over many, many years strong relationships with our appropriators. We did that because they were senior men and women that we wanted to have those relationships with for obvious reasons, but they

also seemed to be the people that kind of could rise above the bickering that would take place between the authorizers and the appropriators and advance the ball in terms of intelligence funding.

So I think there has to be a better relationship-building among and between the committee chairmen and the staff. That is point one. And point two, I think they have to understand the real impact that that dysfunctionality has in terms of sustaining serious intelligence programs.

MR. MCDONOUGH: I think this is an interesting line of enquiry a little bit here because I think that it right that so much that gets done in the Senate is done by consent and as a matter of fact for the first time in nearly 30 years the FY-06 authorization bill has not enacted as a result of some of that lack of productive relationships I think.

I also want to explore with Charlie and Britt what John was saying, which is that certainly the impression we are left with, too, in talking to the people we interviewed that although in the mid-1970s I think there was some suspicion in the intelligence community of a role of oversight and whether you could trust politicians with this kind of sensitive data, it seemed to be a pretty cooperative relationship whereby the agency saw the need for help and for oversight and for a constituency on the Hill. John seemed to suggest that as much in his comments, but is that consistent with your experience that it was really a cooperative relationship with your committees and the agencies?

MR. BATTAGLIA: Well, my sense was there an evolving type of situation here. You had that first period here when – the first couple of years here where we were not quite sure just how well it would be handled, and I came in working for the DCI, then Admiral Turner, at that point in '77-'78, when the Intelligence Committee had just been formed here, and it was unclear just how well they would handle all the information. But Admiral Turner decided that he had no choice and they had a mandate and we were going to tell them what we could on things and as much as we could.

There were couple of instances on covert action where we had some problems. There was the question in the committee was very upset at one point when they sent in the hostage rescue operation that failed in 1980 I guess it was. And we hadn't told the committee in advance and they were upset by that, but Admiral Turner felt as though that was something so sensitive that he could not take a chance on letting any of that word out. But I thought it evolved and there were instances where the White House made accusations that the committee could not keep the information; threatened to withhold further information until they could get it straightened out, but all in all I think it has worked out pretty well here. I think Bob Gates did a study at one time on this thing when he was the DCI and said most of the leaks he found did not come from off the Hill, they came off the National Security Council, and so I think you have to take that into consideration too.

MR. SNIDER: I would just add, I think by and large the intelligence agency managers find oversight helpful. It is helpful in the sense that it requires people to think

through what they are doing. I remember talking about this with one of the directors, I think it was Judge Webster, but he told me the need to explain thing to Congress figured into all of his calculation in terms of his approving operations. It was just something that I can explain. If you can do that, then the chances are – if you can't do that, then you have got a problem. So I think they have looked at it in a sense of bringing some discipline to the system, making sure that bad ideas do not get acted upon – that sort of thing – because they know Congress is waiting in the wings.

MR. MCDONOUGH: That is helpful. In a minute I will open the floor to questions, but on your point, Charlie, on the question of how you would have these politicians handle this kind of data, I am always surprised by the fact that one of the more sensitive SCIFs in the capital is right in shouting distance from the Rotunda, the most open building in our country. So I think we have done a pretty good job of balancing various needs to date, which is a real credit I think to you and your careers and to a lot of the professionals on the intelligence committees now.

But why do we not open the floor to questions, and I just ask that you wait for a microphone and identify yourself before you ask your question. And Antoine will bring a microphone to you in one second. Let me go right back in front of the camera there. Antoine.

Q: Shaun Waterman from United Press International. This is for all of the panelists. You spoke about the importance of leadership and I wonder if any of you would care to concretize those comments in regard to the current staff director who is leaving now, Bill Duhnke. So would any of you care to reflect on his – on how he's dealt with those challenges – the leadership challenges as far as you're aware?

MR. BATTAGLIA: I'll venture a little bit in there by pointing out as I pointed out previously here. The staff, particularly staff directors, will react to and reflect the views of their bosses, and in this case the chairmen on the committee here, and so I think Bill Dahnke was reflecting and acting the way his boss wanted him to act on this thing here.

MR. MCDONOUGH: Next question. Why don't we go right here on the aisle?

Q: I'm Marty Gensler. I'm a retired CIA analyst and I'm former aide to Senator Wellstone. Somehow the subject of Iraq hasn't come up, but maybe I was sleeping, and I wonder whether the issue in terms of keeping the Congress informed really should be the issue of whether Congress wanted to be informed. Let's look specifically at the question of phase II of the inquiry the SSCI was supposed to undertake – that Senator Roberts, the SSCI chairman, has pledged several times to do – the last time after the election. Well, the election is over; there has been no oversight. The committee is largely – both committees during the Iraq war have been guilty of undersight. I don't think I'm saying anything unusual about this. Most people who've looked at it will tell you that.

So the question is, when will we have oversight of what occurred in the build-up to the war? And it wasn't that Congress wasn't trying. There were two bills: one in the Senate; one in the House. The one in the House, sponsored by Congressman Waxman, called for an independent commission to look at prewar intelligence on Iraq. It got about 150 cosponsors, but it lost on the floor. On the Senate side, Senator Corzine had his own bill – got about 20 cosponsors; also went down.

MR. MCDONOUGH: Well, we didn't –

Q: The singular lack of curiosity that exists still today: there has been no independent commission looking at prewar intelligence on Iraq –

(Cross talk.)

MR. MCDONOUGH: Fair enough. We –

Q: – particularly the administration manipulation of intelligence.

MR. MCDONOUGH: We didn't – we didn't jump into Iraq and a number of issues because we knew that cogent questioners like you will bring it up, so John?

MR. MOSEMAN: Actually, I don't have a – I haven't really formed a great answer to that particular question, or any answer for that matter, but I've been struggling with Iraq WMD for a number of years now and I've given – I was at the agency during that time when the NIE was produced and the briefings were taken to Congress and so forth.

And I don't want to seem horribly naïve here, but I think Iraq WMD might represent the kind of matter that I was trying to address earlier in my remarks, and that is, if there had been a sustained interest and involvement on the part of the overseers on the subject matter of Iraq in general – not necessarily Iraq WMD or other aspects of Iraq, but on that subject matter in general; if they've had a staff that concentrated on Iraq, Iran, the Mid-East in general; if they had had a long-term engagement on that subject matter, which would have included briefings, hearings, staff coming out to the agency for briefings, staff establishing relationships with some of the key analysts, for example, on that subject matter.

I'm not saying things would have been wholly different in terms of the country going to war against Iraq. I have my personal view that the country would have – that this administration was trying to go to war with Iraq for a lot of different reasons, but we gave them Iraq WMD as the key reason. I'm not saying it would have made it a major difference, perhaps, but in terms of the intelligence problems on Iraq WMD – and they were significant. They were significant on the collection side. We did poor collection on the subject matter. There also were significant on the analytic side, where our tradecraft broke down badly in terms of Iraq WMD.

If there had been more sustained oversight of our collection and analytic work over a period of years on that subject matter, we might have done a better job. We might have done a better job. We didn't have people pressing us on this subject of Iraq WMD, despite what (you will read?). We weren't asking ourselves the questions that perhaps we should have been asking, challenging our own assumptions.

Frankly, I think it would have been helpful if others had been challenging our work on that subject matter and not waited – not waited – till after the event to do the kind of retrospective reviews that are now going on. Frankly, it's too late.

MR. MCDONOUGH: Britt?

MR. SNIDER: Well, I would point out that the Senate Intelligence Committee did, in fact, do a very hard-hitting, thorough analysis of the WMD analysis before the war looking at all of the underlying intelligence supporting the judgments that were in the national intelligence estimate that was principally of concern. It was a very good piece of work. I mean, I think anyone that dug into it would agree to that. In terms of before the war, I think the biggest problem was the timing and the rush to – the rush to war that was taking place at that point.

I think the real place that I would have wondered about – it was after the UN inspectors returned to Iraq and didn't find anything, as you remember, in December or January, 2003. At that point, I think the committees might well have gone back and asked, well, how good is our information? And of course at that point we were pretty well on the road to war, but it seems to me the committees could have done that. And in fact it was interesting than the British – if you look at the British Oversight Report that they did on their performance, they fault their intelligence – the Joint Intelligence Committee which does their analysis for not going back at that point and doing another look of the underlying evidence. So it seems to me that would have been the point where the U.S. could have done it, but we didn't.

MR. BATTAGLIA: I would like to point out one other thing on this here. You talk – Marty Gensler just raised concerns about the fact of the phase II report has not been completed. I understand they are going to try and do that by this summer or some summer. (Laughter.) What disturbs me more is there's an opportunity here to not make the same mistake twice in regard to Iran, and I found it a bit incredulous that the – Chairman Roberts stated that he cannot get to look at Iran and because of the fact he's still working so hard on phase II. Shame on us if we make the same mistake twice and we do something in Iran here that for which we have insufficient intelligence and have not really taken a hard look at.

MR. MCDONOUGH: Why don't we go in the back – back by the door there.

Q: Hi, Mary DeRosa, CSIS. I want to ask a question about Gang of Eight briefings. This is a limited briefing of leadership only, no staff, and I was a lawyer in the NSC in an earlier administration and viewed Gang of Eight briefings as actually an

important tool to be used in very limited circumstances; my experience being covert action only. Recently, my impression is certainly that this type of briefing was used for NSA surveillance program and that maybe it has been – the use of these kinds of briefings have been stretched and abused and that the result has been to confound oversight and I have a grave concern about that.

I also have a secondary concern that if there is a correction in oversight that the importance of this kind of accommodation under some circumstances will be lost and I just wanted to get your reaction both on the importance of Gang of Eight briefings and their – and their use and whether you have any concerns?

MR. MCDONOUGH: Does anyone want to take the –

MR. SNIDER: Well, the Gang of Eight procedure was put into the law basically at the insistence of the executive branch, who anticipated that there would be times when the information was so sensitive, that they didn't want to share it with the two – the full committees, which would be about, I think it was 20, 30 people – something like that. It wasn't written in the law to be only utilized for covert actions, and what was really contemplated were covert actions where people's lives may be in jeopardy if the activity lead. But over time – and this has, I think, always been true of the committees – the executive branch has always felt free to come in and first raise an issue with the chairman and vice chairman – the chairman and ranking – usually involving the staff directors when there is something particularly sensitive that the executive branch has a concern about in terms of briefing the full committees. And they would leave it to the chairman in writing basically to decide when and how the full committees would be briefed, and that has been going on forever. I mean, that's been going on since the time the committees were created.

So we've had this kind of ad hoc system alongside the formal, Gang of Eight notice that – I think the problem with it is from a congressional standpoint it doesn't get you there. It doesn't get the members there. I don't think it's good from the standpoint of oversight, particularly if it's misused. It puts the members in a very difficult position. They are not going to have staff to advise them. They don't know the background of what they've been briefed on and, yes, there are ways that they can find out, but the fact of the matter is they're just so damn busy that they can't – you know, it's hard to expect them to take the time to go and really try to learn about this.

I remember one case when I was counsel for the intelligence community where Senator Boren had been briefed on a Gang of Eight notice and he had a problem with it and he came to me and said I can't tell you what this is about, but I think I've got a problem with it. What do I do? And he said – well, I told him, I said, "Call Brent, the national security adviser. Call Brent Scowcroft. Tell him you've got a problem and see if he will do something about your concern, whatever that happens to be," and I said, "By the way, have them tell you what you do about your concern. Don't just leave it that you have a concern. Ask them to come back." I don't know whether he ever did it or not, but

that was about the best we could come up with in terms of how to help a senator under these circumstances.

I think personally they need staff involvement in order to make sure they understand what the issues are, what the background is. I think a way needs to be found to at least bring in a few knowledgeable staff into these circumstances because once these members sign up to it, they are behind it. I mean, once they have indicated they don't have a problem, they're part of it. And I think it's unfair to them to put them in that position without really realizing what they're putting – what sort of position they're putting themselves into.

MR. BATTAGLIA: I agree. (Laughter.)

MR. MOSEMAN: Let me just add one point. I can't talk in specific terms about the major program that has been in the press, but as Mary knows, we did a number of limited notifications involving counterterrorism in the mid – through the mid to late '90s specifically related to bin Laden. Those were, as Britt's described, very operationally specific and very operationally sensitive. It was not seeking permission; it was notifying the membership that the president had signed a modification of the covert action finding.

I think there's one slant that you might want to think about when it comes to limited notifications of members of Congress. They're not sitting there as sort of passive recipients. They can engage in dialogue. As Senator Boren had some suspicions or questions about a program he was briefed on, he took some action to either involve others or to have his concerns satisfied.

So I think the impression that we have eight members sit there like stumps listening to important information and sort of don't know what to do about it – I think they have a bit more of an active role to play in these kinds of briefings. For example, if a limited notification goes on for a long time, maybe through a period of years, at some point a member might say, "I want other people briefed. I want my counsel briefed. I want the chairman of another committee briefed. I want other members of my committee to be briefed," and that's a negotiable item. That's something that the White House would have to respond to. So I think there's an impression here that members are just passive recipients and I think they have to be more actively engaged when this takes place.

MR. MCDONOUGH: You know we had several conversations with former counsel on the House and a former chairman in the House who – the chairman's policy was that whenever the director at the time, who happened to be Bill Casey, came to him and told him there was something he wanted to limit, he said – insofar as it was something other than covert action, his policy was to say, "Look, come on back when you can tell my whole committee." So different members have reacted in different ways to the use of this tool, which as Britt points out in a statute does not envision a specific limitation to covert action.

That said, the counsel whom we spoke with also said that several members tried to call the national security adviser and to no avail, but maybe they didn't ask for their report back on exactly how they took care of that concern.

But why don't we take another question? Can we go right here.

Q: Joe Onek, Open Society Institute. Would it make matters better or worse to require that the members of the committee, and perhaps the staff as well, be chosen on a unanimous basis; i.e., that the majority leader or minority leader could veto picks, and the same on the House, and presumably the same with the staff? Would that make things better or worse?

MR. MOSEMAN: It might stalemate things for a long time. (Laughter.) You know, one thought I had – Charlie mentioned that the makeup of the Senate committee was intentionally designed to have only a one-vote margin, sort of forcing people to think about getting votes from the other side. I mean, one of the things I thought about coming down to this having a no-vote margin, making it absolutely even right down the line. That would be unusual, but it might be a bit more practical than the suggestion you have, given today's politics, but I really do think there has to be an attempt.

Let me make one other comment. I know that the 9/11 Commission, as well as I think the Center's report, suggested that there be a subcommittee created in each committee only dealing with oversight and that point actually is lost on me. I mean, I think the entire committee membership needs to be involved in as many aspects of intelligence as they can tolerate. Only to focus on a few members that do, quote, "oversight" gives me the impression that what you're really suggesting is on the kind of "gotcha" stuff, on the kind of misfeasance, malfeasance, inappropriate behavior kind of things. That subcommittee would be charged with that responsibility. I think that's way too narrow. I think oversight has to have a much broader aperture, so –

MR. MCDONOUGH: Fair enough. Can we go back here?

Q: Mel Goodman from the Center for International Policy and a former CIA. I think we underestimate the problem if we look at the 1980s as a golden age of oversight. It wasn't. There were analysts, including myself, who tried to take politicization stories to the staff in the Senate Intelligence Committee, and with the exception of Senator Bradley and his staff there was really no interest. There was a committee vote on the nomination of Bob Gates in '91 who had to pull out his nomination in '87 because he couldn't (be believed?) on Watergate, but every Republican voted for in 1991. And those who spent time with the staff, I think it was very easy to figure out the politics and position of various staff members.

My question, however, deals with the current period. It's clear what the game is. Senator Pat Roberts is not going to permit any criticism of the administration or any intelligence issue, whether it's 9/11 or torture and abuse or rendering or the secret prisons. Aren't there any strategies or tactics that are available to the Democratic

minority? Senator Jay Rockefeller has been particular weak in this area and actually silent over the past six or seven months.

And I think for an example of what can be done, the excellent report that Senator Carl Levin did on the Office of Special Plans at the Pentagon, which documented the politicization of intelligence on the Iraq war – can't there be more of that? Are the Democrats without any tools or weapons whatsoever?

MR. BATTAGLIA: Well, I don't know if you were at the whole beginning this thing, Mel, but we did talk about that the phase 2 report here is something that the Democrats have really been harping on here. That goes into a great deal of what I think you're trying to address. By the way, I think you should also point out that when the Gates vote came in, there're a number of Democrats who voted for Bob Gates as well, too, at that point, so that it wants strictly a partisan vote completely at that particular point.

Now, I was down there on the committee when a number of people beside yourself would come down and try and give us information by – of politicization of intelligence, and we did act on a number of that. As a matter of fact, you got a great hearing on the Gates thing. I never saw something where that particular subject of politicization was more fairly aired than during that whole Gates process. I think you had eight hearings, a number of them were open hearings. I thought the American public had a great insight into that whole subject there. Whether it came out to your liking or not remains to be seen here.

But getting back to the question of the – to what the Democrats can do in this case here, I think they're trying – and you should probably be aware and you may be not, that – you pointed out Senator Rockefeller has been inactive on this thing. You're probably aware he's been out because of medical reasons for the last several months, so he has not been able to operate. He hasn't been at the Senate for four or five months now because of a severe back operation.

MR. MCDONOUGH: I think it's worth noting, too, that – I don't know if you've seen the outcome of the recent debate on the FY-07 Intelligence Authorization, but there's a number of very interesting amendments that were agreed to that go to many of the issues that have been raised in the context of our conversation, and certainly addressed many of the concerns that you just raised your remarks.

Why don't we go right here?

Q: My name is Dick Meltzer (ph) and I'm a staff to a couple of House Select Committees that – the intelligence gathering. And I have maybe a somewhat different question: I wonder what your reaction would be to giving Congress the authority to compel testimony under carefully prescribed circumstances from the press. My experience was that – well, simultaneously with insufficient oversight taking place, that the intelligence agencies and often even just individuals within the intelligence agencies

were using – had agendas and were able to get their agendas out through the press because the press felt that it had a wonderful source for a bigger story, but in fact, in my view, were being manipulated by individuals and sometimes by the agency in writing their stories. And obviously there are a lot of risks involved with compelling the press, but I wondered if you had any reaction to that. And of course, we've seen very recently an example of manipulation of intelligence (in ways?).

MR. MCDONOUGH: Anybody want to take on the First Amendment here?  
(Laughter.)

MR. MOSEMAN: I mean, I think that's what it boils down to. I think that would be extraordinary. I'm not sure it would be appropriate, quite frankly. I find leaks, especially the most recent number of large stories that have come out – the Dana Priest article and Jim Riser's article and so forth – to be very troubling for a lot of reasons. One fundamental reason is that there is an avenue right now for people who have security clearances in government to declare themselves under a whistle-blower statute that was passed by the Senate and the House in the late '90s. There was a part of the report here, too – the Center's report here. Again, I question that there is no sort of effective whistle-blower mechanism; there really is. Whether people choose to take advantage of it is another question, but it does exist. And the dispiriting thing that I think about when the leaks occur is that there is an avenue; it's just simply not exercised. And I'm constrained – I won't talk about the programs themselves, but I do think avenues are not being exercised. I think it puts, frankly, reporters in a difficult position when people come to them.

We have – in my time at the agency, we spent a fair amount of time talking with reporters and their editors. We were successful in either shaping stories to take out most of the sensitive material or to convince – in a couple of cases – publishers not to publish stories because it would do significant harm to our ability, for example, against the war on terror or against targets of weapons of mass destruction. There were a number of instances where we had to do that, and responsible journalists sometimes agreed with us.

But I think it is very troubling right now given the political environment we live in, the fact that people have to use that avenue and then basically detract from our capabilities as a country. That's the net effect of leaks, I think.

MR. MCDONOUGH: I think we'll go right back here. I think it's Brett. Go ahead.

Q: Scott Armstrong, Information Trust. I have a question particularly for Mr. Battaglia. As I recall in 1994 – I think it was the 104<sup>th</sup> Congress – there was an attempt by the Clinton administration to move the aerial reconnaissance programs all into the TIARA budget – the Tactical Intelligence and Related Activities budget – and that time it was said that that should be reserved for tactical-only programs.

It looks to me from the recent base closure pattern that a lot of – one following that wiring diagram and the consolidation of programs, that a lot of TIARA programs are being linked up that are simply larger than tactical-only programs, and I'm curious about the – for all of you to answer the question of what jurisdiction over TIARA is now? How it is – whether it's changed or how it might better be consolidated in a different way with the national foreign intelligence program because it seems that the bifurcation, particularly on the Senate side, leaves some people with less information and control and appropriate oversight than they might otherwise have.

MR. SNIDER: Well, only in Washington could a question like that be asked.

MR. BATTAGLIA: Yeah, I'm going to use George Tenet's quote that he uses often here, and he says, "I'm damned if I know." (Laughter.) I really – honest, to gosh, I don't know. I did appreciate you asking a BRAC question though. (Laughter.)

MR. MCDONOUGH: Yeah, why don't we take one more question from the floor and we'll leave a couple of minutes for closing remarks.

Q: Brett O'Brien with the Glover Park Group. John, at the end of your comments, you mentioned – you touched on the issue of revolving door mainly from the administration, intelligence community to the Hill. I was wondering what the others on the panel thought about this sort of revolving-door issue, the fact that the intelligence community is broadly defined as relatively small in Washington and how you address clientitis (ph) – some of those other issues – axes to grind, as John mentioned, in this context?

MR. SNIDER: Well, I mean, obviously you have to watch who you're hiring and satisfy yourself that whoever you're hiring for the staff – if his coming from intelligence community can make that leap – I mean, to understand he's now working for a new boss. But, frankly, over the years I have not seen this as large problem. I mean, even with the people that we've brought in from the intelligence community; they often turned out to be the toughest overseers. I mean, they knew where the bodies were buried, so to speak. But you do have to watch who you're – you'd have to ensure that when you hire someone they can make that leap. I think you're right.

Charlie, you want to add to that?

MR. BATTAGLIA: Well, I think that the vetting process has been pretty good on the committee on weeding out these people. There are a lot of people who have not been hired in the past because of their – because they came with an agenda that was a personal one and didn't necessarily reflect the direction the committee wanted to go. There are people who came on with personal problems – drug use and all – that the committee didn't deal with. And some of them – we had one particular case comes to mind – we had someone who it became apparent after he was on board that he had a drug problem and we dismissed him immediately.

There are people who were – even one case here, an individual here who in his waning days on the committee thought it was going to be a good thing to work with the Russians at the time where the Soviet empire had fallen apart and he decided it was a good opportunity for him to work with them and try and do some things, such as getting some of their submarines sold here to the United States and it was going to be a good commercial effort for him as he left the committee, but he was dismissed with one day left on the committee. (Laughter.) So the vetting process has been pretty good in the past.

MR. MCDONOUGH: Well, I want to thank each of you and I want to just give you – for anybody who'd like to take a minute for closing remarks here before we wrap up. And why don't we just start with John, if you're interested in your minute of closing remarks here?

MR. MOSEMAN: Well, I guess I just appreciate the opportunity of talking about a subject that I care deeply about, having been on both sides of it. As I stated in my remarks earlier today, it is an extremely important process. Oversight in a democracy with secret intelligence agencies is about as important as it gets, and it's a subject matter that ought to be treated that way on the Hill. Members ought not to look at it as a political exercise; they ought to look at it as a substantive and important part of their role in this government and so the – I admire the Center for producing the report, stimulating a debate, and I hope it has some impact.

MR. MCDONOUGH: Charles?

MR. BATTAGLIA: We are trying to reconcile how we work in a democracy with secrecy and I think we have an American model this here and that model is embedded in the oversight committees. They are to be the guardians of the gate here to assure the American public that what we are doing is not only interests of the national security, but also in the interest of the American public and their civil rights. There needs to be a balance there and I think it's up to the committees to exercise that and to assure the public on this regard. And right now it is – I think there is much to be desired.

MR. SNIDER: I would just like to compliment the Center for producing this report and focusing the spotlight on this issue. This is an issue that has great public importance, but there're very few channels, there are very few avenues for the public to express itself, and this is one and it's – you don't find many of them. So I compliment the Center.

MR. MCDONOUGH: Well, with that I want to thank you each for coming. Thank you for your wonderful patriotic service to the country and we look forward to staying in touch with each of you. Thanks a lot.

(Applause.)

(END)