



US service members and civilians bow their heads in a moment of silence during the annual 9/11 remembrance at the Pentagon, September 11, 2024. (Photo by Cpl. Christopher Grey, US Army).

From the Defense Department to Liberty Crossing: Perspectives on Standing Up ODNI

Ronald Burgess

Retired LTG Ronald Burgess served twice as the acting principal deputy director of national intelligence and as the 17th director of the Defense Intelligence Agency. He retired from the US Army in 2012 after 38 years of service.

The views of the Department of Defense and the Joint Chiefs of Staff on intelligence reform were generally aligned, but in both cases they were based on the life experience of the principals. Those experiences shaped DOD's view, as well as the JCS's, but each had their own points of view.

Secretary Donald Rumsfeld came to office as an experienced consumer of intelligence produced by the

Intelligence Community. He had previously served as the White House chief of staff and as the secretary of defense (1975–77) under President Gerald Ford. He was knowledgeable of the findings of the Pike Committee, Ballistic Missile Threat Commission, and Space Commission that had come before the 9/11 and WMD Commissions. He had a high regard for the collection efforts of the IC, less so with the analytic products derived from them. His view in 2001 was that

The views, opinions, and findings of the author expressed in this article should not be construed as asserting or implying US government endorsement of its factual statements and interpretations or representing the official positions of any component of the United States government.

From the Defense Department to Liberty Crossing

the IC had two critical missions. First, to provide long-term warning to help the defense secretary prepare the Defense Department, which reacts slowly to address emerging threats. Second, it was to respond to the president's needs, many of which can be shorter term. While I think he recognized that balancing these missions was a challenge, it is my opinion that he believed that the IC had tipped toward the latter of the two. This view persuaded him that DOD would need to improve the performance of the combat support agencies to meet its wartime needs.

The attacks on 9/11, the subsequent global war on terrorism, and the war with Iraq contributed to Rumsfeld's decision to establish the position of under secretary of defense for intelligence. Rumsfeld understood the conundrum posed by a strong DOD position if it challenged the privileged position of the CIA in the larger national security community and its access to the president and the National Security Council. For that reason, he agreed with Director of Central Intelligence George Tenet (1996–2004) that the USD(I) would have authority, direction, and control only on those departmental matters explicitly delegated by the secretary. This differed from other assistant secretaries within the Defense Department to whom were delegated all of the defense

secretary's authorities within the scope of the office. This was to ensure that the tensions created by all of these issues did not damage Rumsfeld's relationship with the CIA director. Rumsfeld believed IRTPA did little constructively to improve the DOD-CIA relationship and would, over time, lead to increased confusion on intelligence roles, missions and responsibilities, duplication of capabilities, increased costs—all without a substantial improvement in performance by either DOD or the IC.

General Richard Myers also had a long record of service and had long been a consumer of intelligence. He also understood the warfighting requirements of the combatant commanders and the requirements, especially those components inside DOD, that the IC had to satisfy. He had served as the assistant to the chairman of the Joint Chiefs of Staff and subsequently had served as the commander of Air Force Space Command. In this latter role he was responsible for defending the United States through space and intercontinental ballistic missile operations. He then became the vice chairman of the Joint Chiefs of Staff, where among his primary duties was to serve as the chairman of the Joint Requirements Oversight Council, vice chairman of the Defense Acquisition Board, and as a member of the National

Security Council Deputies Committee. All of which provided him with even more insight into the strengths and weaknesses of the IC. In October 2001, Myers became the chairman of the Joint Chiefs of Staff, serving as the principal military adviser to the president, the National Security Council, the Homeland Security Council, and the secretary of defense. These backgrounds served as the foundation for DOD and the JCS as Congress began its discussions on IRTPA.

Comply With the Law

Whatever misgivings or concerns Rumsfeld and DOD may have had, Rumsfeld made it clear that DOD would comply with the law. The department advocated for what has been called the “notwithstanding” or “abrogate” clause (Section 1018 in the final bill), which in effect states that the law may not do anything to affect the statutory responsibilities of the secretary of defense. An area of mutual concern between DOD and the JCS centered on the discussion concerning Title 10 and Title 50 authorities, with the agreement being reached that both DOD and the IC would have a seat at the table when both titles were in play.^a Rumsfeld went on to direct his principal official, Stephen Cambone, that all areas of DOD would comply with the law. To ensure a smooth transition, Rumsfeld

a. Title 10 of the United States Code outlines the role of armed forces. Title 50 outlines the role of war and national defense in the United States Code, including elements funded by the National Intelligence Program.

and Cambone would meet privately often enough to evaluate compliance.

Myers also had concerns as IRTPA moved forward. He had worked hard to establish relations with the chairs and ranking members of the Senate and House Armed Services Committees. His insight and professional judgment were often sought as good governance would dictate. He had discussed some of his thoughts on the legislation with me as it progressed through its various forms. So, it came as no surprise when I received a call from him on a Saturday in October 2004. He had received a call from Representative Duncan Hunter, chair of the HASC. The joint Senate-House Armed Services conference committee was discussing the current version of the bill, and there was a proposal to remove the defense secretary from the budget process for the combat support agencies that resided inside DOD (DIA, NIMA, and NSA). The law would require these agencies to forward their budgets directly to the DNI.

Working directly with Myers, I crafted a letter outlining our thoughts that if the defense secretary were to properly oversee the combat support agencies (CSAs), he should also have the budget authority. That, combined with the criticality of these agencies to DOD's warfighting capabilities, made it imperative for the secretary to have that authority. Our letter

was provided that evening to Rep. Hunter. A few days later, Myers told me that he had received a call from the White House telling him that he had just cost the president his chance at reelection. We both knew that we had been asked our opinion and had provided it as requested. The chairman had a legal obligation to provide his best advice, and I had a moral obligation to do the same. His guidance to the JCS was to comply with law and I would meet with him and his successor in my early days at ODNI to report how the JCS was doing in meeting that guidance.

Standing Up ODNI

IRTPA provided a framework and structure for the newly created Office of the Director of National Intelligence. The law established the positions of the director and the principal deputy director and authorized the creation of up to four additional deputy directors. IRTPA and a subsequent White House directive on intelligence reform specified dozens of tasks that, taken together, were intended to enhance the performance of the national security enterprise by fixing real and imagined defects in the Intelligence Community. John Negroponte, the first DNI, and his principal deputy Michael Hayden established four deputy director positions focused on specific clusters of intelligence tasks. This structure was designed to implement mandated changes and

better integrate the intelligence community.

Creating separate directorates for collection and analysis was intended to ensure implementation of mandated changes and enhance the performance in each of these critical arenas of intelligence activity. This decision was criticized by some who argued that locating both functions in a single organizational unit was necessary to ensure that collection activities were driven by analytical requirements. Negroponte and Hayden determined that this goal could be achieved by other means and that separate units and deputies would better achieve mandated and other improvements in both arenas. Mary Margaret Graham, from CIA, and Tom Fingar, from State's Bureau of Intelligence and Research, were recruited to head the collection and analysis directorates. They were selected primarily because of their experience and professional reputations, but also to build representation of multiple producer and consumer components into the structure of the ODNI.

The requirements of standing up and administering a new cabinet level organization with responsibilities and personnel spanning four departments and 16 agencies, and assuming responsibility for numerous tasks and functions previously assigned to the director of central intelligence entailed Herculean managerial challenges.

From the Defense Department to Liberty Crossing

A third directorate (management) was established to ensure a seamless transition to the new bureaucratic structure. Patrick Kennedy from the State Department was selected to head it.

The fourth deputy director position was used to establish a critical catch-all directorate with the awkward name of customer outcomes. The 9/11 and WMD commissions highlighted their finding that policymakers across government believed that their intelligence requirements received inadequate attention and that their organizations had information and insights that could contribute to the overall intelligence picture. I was selected to be the first deputy director for customer outcomes. I had been serving as the director of intelligence (J-2), for the Joint Chiefs of Staff and like Michael Hayden (who had been the director of the National Security Agency) had come out of DOD.

The structure we adopted was logical and we believed appropriate to the assigned tasks, but it was also controversial. Criticism of how we had decided to implement IRTPA compounded the challenges of implementing changes that many in the IC and on the Hill wanted to fail. To say there was resistance across the IC and from some of the departments would be an understatement. If we were to succeed, it would not be because we had built a perfect organizational structure or picked

exceptionally talented people. It would be—and was—because we shared common objectives and understood that we would all succeed or fail together. We had to function as a team.

The standup of the ODNI was marked by a remarkable degree of camaraderie and collaboration. Each of the deputy directors struggled to comprehend and operationalize what we had been asked to do and what authority we had or needed to do it. From the beginning, we met daily with the ODNI Chief of Staff David Shedd and Deputy COS Mike Leiter to ensure we knew what each other was doing. Lacking a permanent “home,” we met in David’s small temporary office in the New Executive Office Building in Washington, DC. The tiny office had room for only four chairs. The last deputy to show up had to sit outside the doorway.

Our discussions centered on the challenges of what we were trying to do, what problems and possibilities each had discovered, and what each needed from the others or the DNI or PDDNI. In those early days I always came to the meetings or walked the hallways with a copy of the law to ensure that we were on terra firma as it related to our authorities. We would meet as required with the DNI and PDDNI to discuss items that we felt needed their attention and guidance. In retrospect, individually and collectively, we had extraordinary

latitude to define and pursue our objectives. It was noted at one of these early meetings that we, the four deputy directors, were being referred to as the four horsemen. I don’t remember who noted that the four horsemen were actually referred to as the four horsemen of the apocalypse, but I do remember that we agreed among ourselves that we were all committed to making changes that would improve our community and better protect the United States. It should be noted that when the ODNI was established there were 15 intelligence agencies and one of those—Coast Guard Intelligence—was brand new. Another, the FBI, had long been a nominal—budgetary—member of the IC, but before IRTPA it had minimal interaction with other IC components except on counterintelligence. Its law enforcement authorities and policy restrictions prevented it from being fully functional as an intelligence agency.

The FBI was an area of early focus for the ODNI. The access to law enforcement information was deemed critical to assessing and developing a complete intelligence picture especially as it related to terrorism. The ODNI provided funds for the FBI’s National Security Branch but most of the FBI’s budget came from the Justice Department. FBI Director Bob Mueller understood the intricacies of Washington and determined that the National Intelligence Program might be a solution to his

Perspectives on Standing Up ODNI

getting the nascent NSB off the ground, so he never lost an opportunity to point out that he was a rounding error for the NIP budget and to ask if we would throw him a few bones. We tried, but he never let up. He was always advocating for his organization. It was proposed and accepted that an intelligence professional would head up the NSB, and Phillip Mudd was detailed to the FBI from CIA to lead this effort. In the United States, collecting and sharing intelligence on US persons are complicated from a civil rights perspective when compared to criminal cases.

The IC budget was one of the tools—authorities—given to the ODNI by IRTPA, but using that tool required continuous discussion and negotiation across the IC and departments. The DNI shared authorities, responsibilities, and budget decisions with the defense secretary, who was not a fan of the new ODNI organization. The legislation mandated that DOD share some authorities, particularly regarding the IC budget. This led to weekly meetings with the under secretary of defense for intelligence to decide how best to implement the law so that we could resolve differences and keep moving ahead without having to call a meeting of the Joint Intelligence Community Council (established by IRTPA and made up of some of the executive-branch department chairs). This council was intended to advise the DNI on all matters that required senior interdepartmental

coordination. The challenges of shared responsibility became clearer shortly after the establishment of the ODNI. DOD had a requirement for which ODNI was the sole funding source. The development and acquisition of this new and technically advanced system was not going well and was significantly over budget. The DNI, after extensive program reviews and conversations with DOD officials, canceled the acquisition because existing systems could cover the intelligence needs and requirements. As no good deed in Washington ever goes unpunished, part of the aftermath of this decision resulted in a challenge for the ODNI in Congress. The House of Representatives oversight bodies were strong advocates for the canceled program while the Senate oversight bodies were strongly in favor of our decision. The resulting negative and positive views of the ODNI in both chambers affected some of our future engagements on the Hill.

One of the areas overlooked by many who have commented on the standup of the ODNI was the requirement to rebuild policymaker confidence in the IC while at the same time restoring the confidence of a demoralized analytic community. The first and most important requirement, at least in Tom Fingar's mind and supported by many other IC professionals, was to rebuild confidence in the quality and utility of analytic support. The IC's failure to predict and prevent

the attacks on 9/11 and its badly flawed judgments about Iraq's WMD programs were construed to be indicative of the quality of work done by all IC analytic components on all issues affecting national security.

Tarring all analysts with the brush of incompetence and disparaging intelligence assessments on all subjects was unfair. It was also dangerous. Rebuilding and restoring confidence required making real and observable improvements in the products that were prepared for decisionmakers and policymakers. Our approach to doing this was to improve the quality of IC support by improving the work of all analytic components and to improve the quality of agency products by implementing new or strengthened tradecraft standards and enabling every analyst to produce better work. Analysis 101 became the required course for every analyst paid for by the NIP. This building-block strategy focused on analysts and analytic products, not on organizational changes or the reassignment of people. The focus was on producing better quality support with minimal disruption.

We also developed procedures to ensure that analysis drove collection. The requirement for analysis to drive collection reflected the findings and recommendations of the WMD Commission. The basic idea is that when a decisionmaker or policy maker has a question or other intelligence requirement, it is

From the Defense Department to Liberty Crossing

communicated to the IC through an analyst. If IC analysts cannot answer without additional information, they refine the request to highlight as precisely as possible the information they need, when it is needed, and where to look for it to IC collectors. Collectors then determine the best way to seek that information. As an example, the collection staff worked with the National Intelligence Council's national intelligence officers on one of the hardest collection problems that we had and asked them to provide questions, that, if answered would solve one of our most difficult problems against one of our hardest targets. One answer that came back in this case from the NIOs, analysts, and policymakers was a need for more linguists who could translate material. Another example was the new direction taken on the National Intelligence Priorities Framework. Feedback from collectors, analysts, and decision/policymakers drove a new process that ensured that all intelligence requirements were captured and prioritized. The NIPF allows decisionmakers at the ODNI and across the executive and legislative branches to see what the requirements have been levied and how they have been prioritized.

Restrictions on sharing intelligence across the enterprise were long recognized as a major impediment to collaboration and delivery

of the best possible intelligence support. It should be obvious that producing high-quality analysis informed by the expertise and experience of analysts requires efficient sharing of information across bureaucratic boundaries. We tackled this problem by broadening the definition of analyst to include "all" IC professionals with requisite clearances regardless of current assignment and making it easier to identify them and easier to exchange information and ideas with all IC analysts. Specific steps toward achieving this goal include the expansion and re-purposing of the ARC and establishing A-Space (now i-Space) to facilitate discovery and access to all reporting by all analysts with the required security clearances.^a

A-Space was an information-sharing environment within which all analysts could share intelligence and ideas. Who had access to certain intelligence was a concern to some of the intelligence agencies due to its sensitivity and the single threaded access some had to collection. We adopted many important tools such as 100-percent monitoring of who looked at what pieces of intelligence and we also added "single INT" analysts (for example, at NSA or NGA) to the ARC. An area where we did not succeed was trying to reduce ORCON restrictions, but we did get a

"responsibility to provide" directive that shifted decisions on who needed access to certain intelligence information from collectors to analysts. Across the board, all four deputy directors pushed along with the ODNI for a more collaborative environment to take advantage of the strengths of the enterprise.

Collaboration was central to everything the ODNI tried to push forward. IRTPA created a new category—national intelligence—to facilitate sharing of foreign intelligence and law enforcement information to achieve end-to-end coverage of terrorist threats, proliferation activities, and other threats that originated abroad (foreign intelligence), entered the United States (border security), and became a problem inside the country (law enforcement). To achieve this goal required interaction with and support of state, local, tribal, and territorial law enforcement agencies. My office became the focal point for much of that effort. To better understand the support needed and requirements of these elements, especially at the state and local level, ODNI recruited Mike Tiffany to join the team. Mike was a New York City police officer of long standing and was well respected by his peers in local and state law enforcement, although we often heard from him about adapting to the federal

a. The Analytic Resources Catalog was a database of expertise across the IC. It was disestablished in 2013. i-Space was established that same year.

Perspectives on Standing Up ODNI

government and the idiosyncrasies of Washington, DC.

As the deputy director, I felt it important to ensure that each of the executive departments understood that it was no longer business as usual and that the ODNI was serious about implementing not only the letter but also the spirit and intent of the law. With this in mind I set up meetings with each Cabinet secretary to introduce myself and to establish an operating tempo with them that would establish the foundation for the way ahead. Based on those initial meetings, I established a regular routine with each department that fit the needs of the secretary, met at the level the secretary desired, and established the appropriate lines of communication between the department and the ODNI. In the early days, this level was either the secretary or the deputy secretary. These interactions went a long way in establishing a rapport and trust as the ODNI was establishing itself. As necessary I involved the DNI or PDDNI.

In the early years only one substantial change was made to the original organizational structure. DNI Mike McConnell decided to take advantage of a personnel move to organize the ODNI in a manner he believed would better serve the organization and the IC. I had been serving as the acting PDDNI since the departure of Mike Hayden to the CIA. McConnell thought the JCS model with a director of the Joint Staff to oversee and help coordinate all activities within the ODNI would better serve all. The position of the director of the intelligence staff was created and I was confirmed by the senate into this new position with the arrival of Don Kerr as the new PDDNI. It was a seamless transition because I had already been serving in this capacity while also serving as the acting PDDNI.

Report Card

I believe we accomplished much, but our ambitions exceeded what we were able to achieve. While the law does give the ODNI certain

authorities, especially as it relates to the NIP and as the ultimate arbiter on intelligence declassification, the ODNI has to accomplish much of what it does through collaboration. The law also told the ODNI that it could do nothing to abrogate or impinge upon the statutory authorities of any cabinet-level official. We were able to mitigate most of the confrontations through our direct collaborative efforts, and we attempted to use organizational mechanisms like the JICC, executive committee, and the deputies' committee. Much like the military uses "hot washes" and after-action reviews to evaluate itself, the time has come to step back and evaluate the ODNI. What did we get right, where didn't we go far enough and what did we get wrong? Mechanisms could be utilized or created to do this by the executive branch in concert with the legislative branch. The ODNI could be charged by the White House to lead such a review; a commission could be established to execute the review and make recommendations to the White House or the President's Intelligence Advisory Board. ■