



Defense Secretary Robert Gates (left) shakes hands with DNI James R. Clapper after Gates received the National Intelligence Distinguished Public Service Medal at the DNI headquarters in McLean, Virginia, May 25, 2011. (Photo: Cherie Cullen/Department of Defense)

## Reorganizations: Fun for Some, Misery for Most

### James Clapper

Retired Lt Gen James Clapper served as the director of national intelligence (2010–17). He previously served as under secretary of defense for intelligence, director of the National Geospatial-Intelligence Agency, and director of the Defense Intelligence Agency.

Most reorganizations have unanticipated and unintended consequences—particularly those in the federal government—and even more so those shaped through bureaucratic compromise. Dreaded and endured by rank-and-file employees, reorganizations are inevitably championed by the true believers and those who seemingly benefit from them, and persistently resisted by those who come to believe their lot in bureaucratic life is diminished. The Intelligence Reform and Terrorism Prevention Act was no exception. Its creation was complicated, but its impact on the US intelligence

enterprise in 2004 was as profound and far-reaching as the National Security Act of 1947 was for the Defense Department. IRTPA was as much a rethinking of intelligence as it was a reorganization.

I've had some unique experiences with IRTPA: first, as NGA director in the aftermath of 9/11 and as IRTPA was created and enacted; as under secretary of defense for intelligence a few years later, and finally as DNI. From those vantage points, I got to see how near-fatal flaws were inserted into the law by those

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looking to protect their interests and how those flaws were overcome by those looking to work as partners, rather than competitors.

When I became director of NGA (at the time the National Imagery and Mapping Agency) director two days after the 9/11 attacks, the Department of Defense's oversight for intelligence fell to an assistant secretary who was also tasked with oversight and supervision of the disparate functions of command, control, and communications across the department. So, while four of the five large intelligence agencies (DIA, NGA, NRO, and NSA) and eight total defense intelligence components of the IC (now nine with the addition of Space Force) were in DOD, the authoritative voice for intelligence matters on the defense secretary's staff was, comparatively, pretty far down the bureaucratic totem pole.

Knowing that, Defense Department leaders concluded that the imminent creation of the DNI by IRTPA posed a threat to DOD's authorities, and they decided they needed more bureaucratic clout to be on roughly the same level as the DNI. Defense Secretary Donald Rumsfeld—a shrewd bureaucratic infighter—was bound and determined not to be outdone by a DNI. He was quite sensitive about any potential jeopardy to his “authority, direction, and control,” particularly over

the four national intelligence agencies embedded in DOD. As the IRTPA legislation was being finalized, DOD and its Armed Services Committee proponents in the Congress inserted Section 1018, which, to paraphrase, states that nothing in the act would “abrogate” or compromise the authorities of the respective cabinet departments which had components in the IC—effectively neutering the rest of the act, at least as it pertains to intelligence.<sup>a</sup>

Even before IRTPA was signed by President George W. Bush on December 17, 2004, Sec. Rumsfeld had taken steps to secure DOD's position by creating the position of under secretary of defense for intelligence [now USD(I&S) with the addition of “and Security”]. This position was not mentioned in the law. Rumsfeld appointed Stephen Cambone to this new, elevated position, leading the food fight with the new DNI. Meanwhile, ODNI was flexing its new muscle by exerting its purported authorities, which in the time-honored Washington game of zero-sum, elicited consistent push-back from the department. It was the battle of the general counsel bands in each organization.

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### Second Hat: USD(I)

After Rumsfeld left DOD, I was appointed as the second

USD(I) in April 2007. It was immediately obvious to me that there was a good bit of friction between the two staffs—ODNI and USD(I). As just one specific issue that consumed a lot of staff time, energy, and emotion centered on just who could grant waivers for joint duty credit. This seemingly innocuous administrative authority was important because IRTPA had provisions in it which mandated that IC employees were required to serve some period of “joint” duty to progress to the senior executive ranks. This was patterned after analogous stipulations in the Goldwater-Nichols Act of 1986 for military officers to progress to flag officer rank. Many employees scrambled to get credit for past joint duty, and who could approve such requests for DOD personnel became a matter of serious contention between the two camps.

The new Secretary of Defense Robert Gates, a former Director of Central Intelligence and longtime friend, colleague, and mentor, remarked that if he, Michael Hayden at CIA, Mike McConnell as DNI, and I as USD(I) couldn't solve some of these bureaucratic impasses, then nobody could. I took that as direction, and using the disagreement about joint duty as an opportunity, set about to produce a compromise arrangement whereby the USD(I) would have a “second hat” as the Director of Defense Intelligence on the DNI's

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a. See in this issue Senator Susan Collins's discussion of the evolution of the IRTPA.

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senior staff. Then, the DDI could be authorized to grant waivers for joint duty credit for DOD people, drawing on the DNI's authority for governing joint duty. All the principals quickly agreed to this proposal, which we memorialized in a memorandum of understanding in May 2007. The MOU was signed, sealed, and delivered in 45 days, which in the government is break-neck speed.

Today, the process for achieving joint duty credit has been honed so it is smooth, routine, and unremarkable. While that accomplishment is noteworthy, the more significant positive impact of the creation of the "second hat" of DDI worn by the USD(I) was that it created a mechanism that could be used in other contexts that work to the benefit of both DOD and ODNI, and for that matter, the IC as a whole.

Retired ADM Dennis Blair, who succeeded McConnell as DNI, further solidified the DDI position by simply including me in his weekly staff meetings. At first this caused consternation among some ODNI staff members, who were concerned that welcoming the USD(I) into ODNI headquarters as DDI really meant they were cozying up to a wolf in sheep's clothing. They were concerned that inviting the secretary of defense's most senior intelligence officer into the DNI's inner circle would somehow compromise his position

and preempt staff actions designed to establish DNI's authorities.

I did what I could to demonstrate to the skeptics on the ODNI staff that there was genuine value-added in having a DOD senior official not merely present to observe the meetings, but to be an active contributor. Eventually, I was able to win over most of the ODNI staff, and communication improved across many areas where the lines of responsibility between the IC and DOD crossed. This evolved into a functional—if messy—arrangement that promoted inter-staff communication and fostered integration. After I became DNI in 2010, my successors as USD(I)—Michael Vickers and Marcel Lettre—continued using the DDI "hat," and, of course, I certainly supported their doing so. I think this arrangement still has value and utility today, even though it appears to be dormant.

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### The NIP: Leverage for the DNI

Although the IRTPA has many flaws, all exacerbated by Section 1018, the one way it does bolster the DNI's authority is to designate the DNI as the manager of the strategic National Intelligence Program, which represents the aggregation of money and manpower for the bulk of the IC—to include the lion's share of funding for the four intelligence agencies in DOD.

Similarly, the USD(I) has responsibility for the Military Intelligence Program within the department, which funds tactical intelligence activities. I always felt it was important that the two staffs work very closely to synchronize these two programs, since doing so made it much easier to defend them before the Congress.

In response, we developed NIP/MIP rules of the road to promulgate some policy tenets governing what would be justified, and hopefully funded, in each program, and, importantly, what we would fund jointly. In both positions, I tried to promote the soundness of consistently following the "that's our story and we're sticking to it" philosophy—both internally across the IC, as well as with the Congress.

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### Integration: The DNI's Forte

During my six-and-a-half years as DNI, my primary focus for the community was on intelligence mission integration. Particularly among the big intelligence agencies—six including the FBI—it's easy for intelligent, high-performing people with different experiences and perspectives to fall prey to distrust and toxic competition.

Coordination, collaboration, and integration are not natural bureaucratic acts. However, when

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each agency remains the steward of its unique tradecraft, bringing those distinct but complementary capabilities together to meet a common mission, the IC has accomplished astounding things. I thought the DNI needed to be the champion to advocate and foster intelligence mission integration.

On an even larger scale, both DOD and the IC are massive, sprawling, complex global enterprises. Overlap and duplication of authorities, which were not cleanly defined in IRTPA, are virtually inevitable. Nevertheless, it is possible for reasonable people to come up with sensible compromises that work and that obviate these conflicts. Similar to the way the agencies relate to each other, these two enterprises bring unique

and valuable perspectives to the national security mission.

I always thought the primary focus of the Defense Department in an intelligence context should be support to military operations. Three of the four DOD intelligence agencies are formally designated as combat support agencies. The fourth—the National Reconnaissance Organization—although not formally designated, has always operated as though it were a CSA. Tactical combat support is an area that the ODNI staff is really not positioned to oversee or supervise, and the USD(I&S) staff is better able by virtue of the DOD mission ethos to insure the agencies and service intelligence components robustly support military operations.

In contrast, these agencies are also critical components of the national IC, serving many customers outside DOD. ODNI is, by virtue of its legacy, history, and orientation, much better suited to oversee and supervise these national missions. What all this begs is integration: as much as the two staffs can operate synchronously and on an integrated basis, the better—for DOD, its intelligence components, ODNI, and the nation. The arrangement we have is inelegant and wouldn't pass muster at the Harvard Business School, but it works well because dedicated people have figured out how to make a flawed piece of legislation functional. ■