

EXECUTIVE SUMMARY

Our Bush School Capstone team was tasked by CIA's Center for the Study of Intelligence to conduct a study to determine how the Intelligence Reform and Terrorism Prevention Act of 2004 may have impacted key functions of CIA and the Agency's interrelations with others in the Intelligence Community. Through our research and extensive interviews with former Directors and Deputy Directors, we began to have a clearer picture of how the IC has changed. It is clear from our report that there are still problems within the IC, especially in regard to strategic collection and analysis, the overall quality of analysis, intelligence sharing, and training. There is no real support for the removal or dissolution of ODNI, however there is much uncertainty about ODNI's role within the IC and whether it has solved many of the problems identified in IRTPA. While CIA is the gold standard in the IC, it is currently seen as uncooperative and consumed by bureaucratic battles with the DNI. Our study reveals a real opportunity for CIA to solve its image problems while simultaneously protecting its preeminence and undercutting the expansion of ODNI. By proposing improvements in CIA and, at the same time, working with other agencies to improve them as well, CIA has an opportunity to take control of these strategic issues and drive improvements across the IC. Because of its record and reputation for excellence, in both collection and analysis, CIA actions carry weight across the IC as a whole; "CIA, on leadership alone, can make the sorts of improvements that will catch on everywhere else."

By taking on a more active and participatory role in the IC, CIA has an opportunity to emerge the respected leader in the most important aspects of the intelligence process: working with policymakers to better meet their needs, ensuring the value of strategic intelligence and addressing its collection and analysis, and developing the knowledge base of the entire analyst community.

Recommendation: CIA must move away from its insular attitude and embrace the rest of the IC while becoming the driving force within the community to address the deficiencies expressed in IRTPA. CIA can restore its leadership role in the community, enhance its

effectiveness, and strengthen U.S. intelligence while protecting its future and cementing its position in the eyes of policymakers and the rest of the IC.

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COMMISSIONS: POSSIBLE

LESSONS LEARNED FROM THE 9/11 AND WMD COMMISSIONS



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A REPORT ON IMPROVING THE PERFORMANCE OF CIA IN THE FEDERAL COMMISSION PROCESS

A Project
Commissioned by:

The Center for the
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CIA

In Coordination With:

The George H.W. Bush
School of Government
and Public Service

About the Project

This report is the culmination of research undertaken by graduate students at the George Bush School of Government and Public Service at Texas A&M University. The Center for the Study of Intelligence (CSI) at the U.S. Central Intelligence Agency commissioned the Bush School to examine Agency performance during the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) and the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission).

The belief of George H.W. Bush, the 41st President of the United States, in the nobility of public service has been the cornerstone of the school's philosophy since it was founded in 1995. Accordingly, during their final year of study, students have the opportunity to serve their country by engaging in extensive research projects with local, state and federal agencies. These Capstone projects are designed to test the knowledge and abilities that students have developed throughout their curricular experiences. Capstones necessitate strong teamwork, careful research and writing, and a large amount of ingenuity in identifying ways to approach an issue or find a solution.

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The Bush School of Government would also like to extend its deep appreciation to the Center for the Study of Intelligence. Commissioning this study signifies the Agency's sincere commitment to improving its service to our country and protecting her interests at home and abroad.

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Executive Summary of Recommendations

The Center for the Study of Intelligence at CIA commissioned the Bush School of Government to examine the Agency's interaction with the 9/11 and WMD Commissions¹ with the hope of improving the performance of the Central Intelligence Agency during federal commission investigations. To determine what steps must be taken to accurately portray the image of the Agency and prevent the formation of inaccurate, negative impressions, the Bush School interviewed commissioners and staff from both commissions, former Agency administrators, officers and analysts, and examined relevant literature. The fifteen recommendations that follow are the product of that research. While each is examined at length in the ensuing report, these recommendations address four major areas worthy of constant attention: Agency Leadership; Liaison Selection; Access to Information; and Agency Proactivity. Identifying failure allows it to be rectified. Identifying success allows it to be duplicated. Dedicating time and resources to implementing these recommendations will allow for both.

Recommendations for the D/CIA

Conduct a pre-commission, in-house investigation

1. Task a senior staff member to conduct an in-house investigation prior to the federal inquiry to identify and address any problems. Direct staff to begin declassifying relevant documents during the investigation and ensure those documents remain available for the pending commission.
2. Utilize political and organizational contacts to determine the likely consequences of the commission findings and be prepared to aggressively counter recommendations that may be contrary to the national security of the United States.

Engage the commission at the start of the investigation

3. Meet with senior commission members to
 - A. Establish positive rapport
 - B. Clarify the exact process of information exchange and channels of communication
 - C. Ensure mutual agreement on interaction with the media.
4. Inform the commission of the implications for disseminating too much information to the public, noting the potential damage to the objectivity of the commission.

¹ Also known as the National Commission on Terrorist Attacks Against the United States and the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, respectively.

5. Strongly recommend to the commission that a significant number of Intelligence Community veterans, as opposed to political aides, be employed as staff.
 - A. Be mindful that experienced intelligence professionals have a better understanding of Agency culture and protocol and may, as a result, help to accelerate and shorten the investigation.
 - B. Understand that Intelligence Community retirees may display fewer biases than current Agency detailees.
 - C. Reassure detailees that their careers will not be hindered if they serve on a commission by offering career protection and guaranteeing the confidentiality of their recommendations.
 - D. Recommend to the commission that intelligence veterans on the commission staff be intimately involved with all requests for classified materials.
6. Highlight for the commission the benefits of selecting an agency security officer to oversee the classified environment for the investigative process.

Promote an understanding within the Agency

7. Act to mitigate the inevitable bunker mentality by conveying to Agency employees a positive tone of constructive engagement and cooperation with the commission.
 - A. Communicate that the commission and the Agency share the same mission of protecting the interests of the United States.
 - B. Portray the commission as an opportunity for the Agency to obtain more resources and to improve its organizational structure.
 - C. Direct Agency personnel to prepare for specific challenges presented by commission members who lack intelligence experience and familiarity with Intelligence Community culture and procedures.
8. Note that commission staff are operating under stressful conditions and a tight deadline, and convey to Agency personnel that unnecessary delays will only frustrate commission staff and lead to problems.

Select talented liaisons to the commission

9. Select a Point of Contact who has good interpersonal skills, adequate authority, and extensive institutional knowledge.
 - A. Authorize the POC to be available to the commission on a full-time basis.
 - B. Ensure the POC understands the exact mandate of the commission.
 - C. Select a POC who is both patient and competent enough to educate intelligence novices on Agency culture, policies and expectations.
10. Establish a support team for the POC that is composed of members from relevant directorates, including the Office of Legal Council, to
 - A. Manage extensive commission requests
 - B. Control information dissemination

- C. Educate commission personnel as to Intelligence Community guidelines and procedures and the reasons behind specific Agency protocol.

Be proactive during the investigation

11. Recognize that a consistently proactive response to an investigation will improve the Agency's reputation as well as guarantee a more effective and useful investigation.
 - A. Brief the commission at an early stage on Intelligence Community procedures before commission staff unknowingly violate Agency regulations.
 - B. Conduct briefings for the commission staff on key issues in relevant subject areas.
 - C. Identify and/or provide documents and personnel that will provide a complete picture of the subject area under investigation.
 - D. Prepare for interviews and bring calendars, documents and knowledgeable support staff; advise staff to do the same.
12. Advise commissioners when requests from their staff are outside the mandate of the commission.
13. Consider providing highly-sensitive information to commissioners only, with specific restrictions on further dissemination to commission staff.
14. Provide access, if possible, to information that is considered public knowledge.

Make lessons learned a tradition

15. Conduct an immediate after-action-review to identify Agency successes and failures when interacting with the commission.

Introduction

At the request of CIA's Center for the Study of Intelligence (CSI), a team from the Bush School of Government and Public Service at Texas A&M University conducted an inquiry to determine how CIA responded to the investigations of the 9/11 and WMD Commissions. The purpose of this undertaking, in the words of the client, was to determine "how we learn from...commissions and inquiries in order to prepare ourselves for the future." Based on further personal communication with the client, the following questions were ascertained: What actions must be taken by the Director of the Central Intelligence Agency (D/CIA) when confronted with future federal commissions to ensure the most accurate picture of the Agency is presented to investigators? How can the D/CIA prevent the formation of inaccurate, negative impressions created by the manner in which the Agency interacts with the commission? Ultimately, CSI hopes this report can become a "foundation we could take to the Agency's senior leadership" to guide interaction with future commissions.

In attempting to answer these questions, the team conducted forty-seven interviews. The interview pool consisted of

20 9/11 Commission members
17 WMD Commission members
10 Intelligence veterans and academicians.

Most interviews were conducted utilizing team-developed questionnaires, which posed a series of primary and follow-up questions. Primary questions included

- Do you believe the attitude of specific Intelligence Community members toward, and cooperation with, the commission had an effect on the commission's recommendations?
- Do you believe organizational culture or bureaucracy played an adverse role in the ability of specific Intelligence Community members to comply with requests from the commission?
- In the future, what measures do you believe Intelligence Community agencies could take to improve how they interact with federal commissions?

As expected, opinions ran the gamut from accusatory to acquiescent. For the most part, interviewee responses were extremely candid and insightful. Naturally, certain interview results provided greater insight into the inherent problems faced by the commission than others. The amount and quality of information provided from commission staff members who regularly met with agency personnel was far more useful than insight provided by higher ranking commissioners and senior leaders. Perhaps surprising given popular belief, it was determined that the overall perception of the Agency's competence and professionalism was far more

positive than originally anticipated. Many interviewees also recognized there was considerable evidence regarding the Agency's aggressive pursuit of al-Qaeda prior to the terrorist attacks of 9/11. In addition, a majority of interviewees believed that many of the systemic failures that led to the 9/11 disaster were domestic and that incorrect WMD assumptions prior to the invasion of Iraq were not solely attributable to CIA.

Although this report examines problems identified by both commissions' staffs, there were fewer difficulties interacting with the WMD Commission than the 9/11 Commission. This report addresses a significant number of errors in the Agency's response to the 9/11 Commission. It cannot be stated, however, that the problems identified herein directly caused the transfer of certain specific CIA responsibilities to the newly created National Counterterrorism Center (NCTC) or Office of the Director of National Intelligence (ODNI). In a March 2010 speech to the Center for Strategic and International Studies, 9/11 Commission Executive Director Philip Zelikow clearly articulated that the foundation for these organizations was contemplated before 2001 and was accelerated by the domestic-international intelligence divide that was self-evident before the commission began its work.² The difficulties encountered by the 9/11 Commission may have resulted in frustration and distrust of the Agency and ultimately promoted the belief that such a systemic change was necessary; however, the exact causes that led to structural changes within the Intelligence Community are beyond the scope of this report.

The original questions posed by the Agency indicate the need for a shift in the future conduct of the Agency when confronted with investigative commissions. The research team agrees and believes that at the core is the need to modify the conditions of very select variables. We have determined that these variables can be encompassed within four major areas: Leadership, Personnel Selection, Access and Agency Proactivity. The boundaries of these four subject areas are, of course, not rigid. Issues raised within one category are often important to a complete discussion of relevant factors under another.

² Speech by Professor Philip Zelikow, Executive Director of 9/11 Commission, to the Center for Strategic and International Studies on 26 March 2010. Professor Zelikow stated that immediately after 9/11, the President asked the President's Foreign Intelligence Advisory Board (PFIAB) to study the intelligence coordination, domestic-foreign divide and strategic analysis problems. This led to the creation of the Terrorist Threat Integration Center (TTIC), the forerunner to NCTC. In addition, the "DNI-like concept had been basically the lead recommendation in every examination of the Intelligence Community in the last twenty years" including a previous PFIAB study. Everybody "coming into the 9/11 Commission was predisposed that this was the big idea." There is evidence that Congressman Hamilton had also previously advocated the creation of a DNI. The 9/11 Commission recommended reorganization as "the solution" during the run-up to the 2004 election. It was immediately promoted by presidential candidate John Kerry and quickly adopted by President George Bush without extensive public debate.

Leadership

Interviews with staff and commissioners from both the 9/11 Commission and WMD Commission have made one point very clear: nothing is more central to the success of a federal commission or more crucial to the way an agency is perceived and judged than the performance of that agency's leadership. With that in mind, this section's intent is to provide guidance for Agency leaders when engaging future commissions. The most significant facets of leadership that need to be addressed during a federal inquiry include

1. Setting Agency Tone From the Top Down
2. Pre-Commission Planning
3. Pre-Commission Preparation
4. Maintaining an Eye to the Future.

1. Setting the Tone

All interviews conducted for this report revealed the importance of a D/CIA's attitude and outlook toward a commission—its purpose, process and staff. While many responses indicated that Agency leadership was generally adept at managing relations with commissioners, other interviewees repeatedly compared the leadership styles of DCI Tenet and FBI Director Mueller, noting that Director Mueller appeared to launch a “charm offensive” to impress the 9/11 Commission from the very beginning. Responses highlighted that Director Mueller “was very apparent with his desire to impress” and, though the commission recognized his approach and understood his motivation, it was still influential, appreciated and “affected the scrutiny FBI received thereafter.” Everyone “was very impressed with an invitation from Mueller to FBI Headquarters for a dog-and-pony show, to see and hear firsthand the changes already being made for the better—changes that would improve processes, integration, and sharing.” As a result of Director Mueller's approach, the “commission quickly developed a real confidence in his ability and passion to overhaul the Bureau himself and did not feel the need to impose a host of new recommendations, i.e., a U.S. MI-5.” These remarks succinctly convey the benefit of projecting interest in the commission's work, respect for its mission, and cordiality toward its staff regardless of the agencies' motives for doing so.

According to a former high-ranking CIA official, the DCI and his senior leaders appeared to take a different approach, believing that “they were too busy...doing real world stuff [to be] preparing for commissions.” This does not mean the DCI abandoned leadership. On the contrary, he made the decision not to resign in 2003 because he knew that “contentious and politically charged 9/11 hearings...were looming on the horizon.”³ He asked two close personal

³ Tenet, George. *Center of the Storm* (New York: Harper Books, 2007), 478.

aides to begin an internal investigation, prepare for 9/11 inquiries, and help him cram for 9/11 Commission interviews. If anything, he crammed too much, or was both overworked and overtired, as his interviews with the commission too often elicited “I don’t remember,” “I don’t recall,” and inaccurate statements that he had not briefed the president at any point in August 2001, when he had, in fact, flown to Texas to conduct a briefing.⁴

Commissioners and staff on the 9/11 Commission emphasized that the DCI and other senior Agency officials did not appear to consistently take affirmative steps during the investigation that would send a message of cooperation to Agency employees and ensure an effective working relationship with the commission. The lack of constructive engagement set a negative tone and was only exacerbated by DCI Tenet's lack of memory and inaccurate statements.

It is understood that organizational and bureaucratic cultures within various agencies differ on account of priorities and purpose; however, many Agency procedures and policies are guided by precedent rather than statute or mission. The bureaucratic climate is often a product of the D/CIA's leadership. Thus, if the Agency's reputation can be enhanced without compromising sources and methods, the D/CIA should employ his authority to adapt specific procedures that better match the needs of the commission.

2. Pre-Commission Planning: In-house Investigation, Commission Staffing and Understanding the Consequences

Apart from setting the tone, a leader can take a number of concrete steps that could lead to a more Agency-favorable outcome when confronted with an investigative commission. These steps include conducting an in-house investigation, encouraging commissioners to maintain a non-public posture, selecting intelligence-savvy staff and identifying the specific implications of the commission's findings. Some of these positive steps were taken by Agency leadership during the 9/11 and WMD Commissions; some were not, while still others were attempted but not completed.

Along with his senior staff, the leader of an agency should quickly recognize when a situation has developed that could lead to the creation of an outside investigation. At this point, while recollection is fresh and documents readily available, the leader needs to direct an in-house investigation to ensure he has a true and clear picture of what has happened so that he is best prepared for the inquiry. Several interviewees suggested that CIA should have done this. It does appear, however, the Agency did conduct such a review after both the terrorist attacks of 9/11 and the invasion of Iraq. The fact that several documents were unavailable when first requested

⁴ Shenon, Philip. *The Commission: The Uncensored History of the 9/11 Investigation* (New York: Twelve, 2008), 77 and 257

by the 9/11 Commission and that previously unknown incriminating facts were later exposed, suggested to certain interviewees, however, that in-house reviews were unfinished, improperly implemented or used later to mitigate the commission's access to select documents and personnel.

Upon learning that a commission is likely to be convened, the D/CIA should encourage the commission to undertake an investigation that is neither public nor open and which includes experienced Intelligence Community personnel. Staff members from both the 9/11 and WMD Commissions indicated that the open hearings of the 9/11 Commission often resulted in political posturing and grandstanding. Conversely, the private work of the 9/11 Commission and the private nature of the WMD Commission allowed for more productive and cooperative interaction. Although it will be discussed at greater length within the *Personnel Selection* section, it is worth noting that commission staff who lack experience or understanding of intelligence culture—and its requisite need to protect sources and methods—can undermine the investigative process. Intelligence Community veterans not only understand the system but also can greatly facilitate cooperation.

The leader must also utilize his political and organizational contacts in the earliest stages of the commission to better understand the exact consequences his Agency may face. If the findings of the commission or personal agendas of commissioners are not in the interest of the Agency or the national security of the U.S., the D/CIA must act to alleviate those consequences. The research group recognizes that the 9/11 Commission was a unique situation, but the facts are instructive. The research team frequently asked: Did the FBI fully understand it was confronted with the introduction of an American MI-5? Did CIA clearly understand it was confronted with the creation of a Director of National Intelligence? What were the differences in how each responded if they did understand? The answers from interviewees were consistent. Those answers may be better summarized by quoting directly from a written response to these basic questions by an influential commission member with a background in national security:

[Early on], it became obvious that the Commission would be considering recommending the consolidation of the FBI's national security mission with that of the other national security intelligence agencies (there was plenty of contemporaneous press and commentary to that effect), so Mueller understood that he had to convince the Commission that he had a plan to modernize the Bureau's approach to intelligence-gathering. It was similarly obvious that the Commission would be considering recommending the establishment of a Director of National Security (after all, Brent Scowcroft ran a study that made such a recommendation to President Bush just after 9/11; there was a big internal battle within the National Security Council and his proposal lost, but he then, very effectively, made the same recommendation before the Commission). If Tenet had been worried about this, he could have made the contrary arguments but I

don't recall him doing so. In fairness to him, I think that he was worried about the factual findings of the Commission more than he was about the policy recommendations, and he might have felt that President Bush would prevent any structural change that would affect the CIA, which the President initially tried to do but changed his mind in the run-up to the election, leaving the CIA with a DNI that it didn't (and doesn't) like. Tenet never reached out to me to express concern about our findings or our recommendations. His deputy, John McLaughlin, did raise an objection regarding our staff's finding that the Agency had not passed on certain information to the FBI, but there was never a broader effort made. I don't know why.

3. Pre-Commission Preparation: Liaison Selection, Advising Staff on Shared Mission, Intelligence Novices, Unnecessary Delays and Initial Meetings

At the start of the investigation, the D/CIA must give priority consideration to the selection of Agency personnel to act as liaisons with the commission. Those who serve as the point of contact (POC), or on the contact team, will often have the first opportunity to translate the commitment of the Agency into action and will have a notable impact on the commission's final judgment of Agency performance. The selection and assignment must be driven by their interpersonal skills, seniority, knowledge of subject matter and Agency protocol. These nuances are examined at length in the section on *Personnel Selection*.

When an agency's prior work is being investigated by any outside body, a "bunker mentality" may naturally develop. Interviewees reported that this mentality occurred at CIA during both investigative processes, though far more so during the 9/11 Commission, but there were also reports that leaders of more than one agency reacted to the inquiries positively, which seemed to benefit those agencies.

When confronted with an investigation, many believe the D/CIA should meet with his liaison staff and acknowledge the commission also shares the mission of protecting U.S. interests. Although the interests of the commission and the Agency may appear to be at odds during the course of the investigative process, both organizations are ultimately seeking to improve the safety and security of the American people. Administrative guidance must also be underwritten by personal adoption of sincere interest, respect and even cordiality by the top tiers of Agency leadership. This approach is the pinnacle of leading by example and will convey respect for the commission's purpose while promoting a similar mindset within the Agency's liaison team.

Members of the 9/11 Commission noted that Agency points-of-contact had "wrongly trusted their intuition, believing the commission was out to get them." Select commissioners on the WMD Commission also corroborated the importance of not passing judgment on each

commission prior to interaction, regardless of historical patterns. Interviewees from the 9/11 Commission repeatedly remarked that they were “more impressed on the whole with CIA during the investigation...given the knowledge, quality of work, commitment and competence” exhibited by Agency staff. Trusting that subsequent commissions will also recognize these virtues at the onset of an investigation helps suppress unwarranted dislike for commission staff during initial stages.

In addition to the broad instructions on shared mission, the interviews clearly indicated that it would be advantageous if the D/CIA would provide concrete guidance on dealing with commission staff. Specifically, it was apparent that many commission members lacked experience in intelligence. Some of these intelligence novices inherently distrusted the Agency, made overly broad requests for intelligence material, and lacked understanding of Agency procedures and guidelines. It would, therefore, behoove the D/CIA to remind his staff that inexperienced commission members will likely present the Agency with challenges throughout the investigation, but especially in the initial stages. Agency employees will have to work patiently with these members, guide them and explain the reasoning behind important Intelligence Community practices.

The goal must be to increase the commission members’ understanding of the Intelligence Community environment and gain their trust. Furthermore, Agency employees must understand that a commission will always have a deadline to meet, and its members will always feel the pressure of that deadline. Accordingly, any unnecessary delays, slowdowns, or resistance will only frustrate the staff members and may, in the end, be counterproductive.

The D/CIA should also consider instructing his staff—as FBI and NSA leaders did during the 9/11 Commission—that it is advisable for CIA to view a federal investigation as an opportunity to improve the public image of the Agency. It is also potentially an opportunity to obtain more resources and create a better organization. Given the inherently defensive and aggrieved emotions that arise from being investigated, this attitude is both counterintuitive and challenging. However, viewing the investigation as an opportunity rather than a prosecution will create an Agency-wide disposition that will be reflected by management and staff at all levels. Embracing the commission as an opportunity will also convey to staff the trust and confidence of Agency leadership in the operations and analysis under scrutiny.

Several members of each commission who regularly interacted with CIA emphasized the importance of initial executive meetings between Agency and commission leadership to establish a productive, cooperative climate and to “lay the parameters of information exchange.” Initial meetings during the 9/11 Commission, however, were remembered as being “a little too casual and needing more structure from the very beginning to get things moving straight away.” It quickly became clear that the D/CIA’s initial contact with the commission needed to better

project the Agency's interest and willingness to cooperate. Such high-level meetings can be used to clarify the exact process and boundaries for information exchange with the commission and ensure mutual agreement on interaction with the media. History has proven that instruction alone to participate and cooperate fully with commissioners and staff will not suffice.

4. Maintaining an Eye to the Future

The potential for an investigative commission remains an omnipresent fact of life for the Agency. Several former Agency administrators consulted for this report indicated that CIA leadership habitually struggles during investigations due to a lack of institutional memory and the impulse to reinvent the wheel. To address these challenges, leadership should strive to embrace an after-action-review mentality. This process will allow the Agency to solidify a framework for interacting with commissions in the future.

An after-action review ensures that both successes and failures are brought to the forefront. Identifying failure allows it to be rectified. Identifying success allows it to be duplicated. Dedicating time and resources to assess the Agency's interaction with the commission would be a valuable investment. A review of this kind is necessary to develop lessons that can be drawn upon for future federal commissions.

The need for institutional memory, however, comes with a caveat: every investigative commission needs to be treated as though it were the first one. A prominent factor in the rocky relations between CIA and the 9/11 Commission was the "bunker mentality" that some Agency members brought to the process. This attitude was due in large part to the antagonistic and unfriendly atmosphere created by the Congressional Joint Inquiry, which immediately preceded the 9/11 Commission. If the Agency can create an atmosphere that is informed and helpful, rather than overly and overtly protective of its personnel and processes, a great deal of progress will be made in regard to credibility and trust.

Personnel Selection

Staff members from both commissions routinely praised the competence and cooperativeness of Agency personnel. Commission members often remarked that Agency personnel were very professional, forthright and responsive. However, not all comments were positive. Some 9/11 Commission members criticized specific individuals for their behavior and remarked that Agency personnel seldom articulated guidelines and procedures. Aside from these issues, commission members were generally more impressed with Agency personnel than with representatives from other intelligence agencies, commenting that Agency personnel were “the gold standard.” Members of both commissions also suggested methods that would help Agency personnel interact more effectively with future federal investigators. The research team incorporated these suggestions into five categories:

1. Selecting Effective Points of Contact (POC)
2. Establishing a POC Support Team and Infrastructure
3. Managing the Initial Investigative Phase
4. Choosing Agency Personnel for the Commission Staff
5. Providing Security to Commission

1. Selecting Effective Points of Contact: Interpersonal Skills, Seniority and a Patient Willingness to Educate

Agency leadership must recognize that the reputation of the Agency is at stake during every investigation, even if CIA is not the primary agency under investigation. Selecting an appropriate POC will be essential to a productive Agency-commission relationship and will set the tone for the entire commission investigation. The POC serves as the public relations liaison to the commission and daily represents the face of the Agency. The individual selected as POC must have interpersonal skills, seniority, knowledge of Agency-wide protocol and willingness to educate commission members inexperienced with intelligence matters.

Several interviewees indicated that one Agency POC for the 9/11 Commission had primarily negative reviews while the Agency’s POCs for the WMD Commission received mostly positive comments. Negative remarks concerning the Agency’s POC to the 9/11 Commission stemmed from the personality of the liaison. Multiple staff members from both commissions commented on the POC’s complaining about procedural violations, which irritated commission members throughout the entire process. Others believed the liaison’s attitude “inflamed” tension with commission staff members and resulted in the deterioration of clearly established protocol and channels of communication. Commission members stated that they often elected to

circumvent the liaison and back-channel with other Agency personnel to acquire necessary information.

Conversely, the Agency's POCs to the WMD Commission received mostly positive comments because of the quality professional and personal relationships established with commission staff. The CIA liaison for the Directorate of Intelligence had worked with the 9/11 Commission, and the liaison for the Directorate of Operations (DO) was seen as "cheerful and upbeat"—someone who could and would solve problems. Additionally, because the primary liaisons from both the Agency and WMD Commission were lawyers, the cooperation and understanding between the two came about more naturally and resulted in a productive and enduring professional relationship throughout the commission.

The liaison's actions and personality must give the impression that he is trying to help the commission perform its task; it should not appear that he is devoting his energy to protecting the Agency or looking to incite conflict. If genuinely unworkable personality conflicts do occur, the role of liaison should be transferred to someone else. Multiple members of the 9/11 Commission staff commented on the benefits derived from new Agency personnel taking over select roles. These new personnel were known for their congeniality and competence and were well-respected throughout the Intelligence Community.

The liaison must also be someone with enough knowledge and seniority to get the commission what it needs to complete its mission. The POC will be ineffective if he must constantly refer to others for permission or guidance. The experience of both commissions indicates that all parties would be best served if the POC had subject matter expertise and sufficient experience with Agency-wide protocol. The commission, in turn, would have more confidence in the POC if he had relevant background knowledge in the area the commission was investigating. Good interpersonal skills inspire a productive relationship with the commission, while vast knowledge of protocol and the authority to affect that protocol helps the POC facilitate an efficient exchange of information with the commission. WMD Commission staff cited that it was frustrating in the beginning that "the Agency had to keep transferring your calls to 'someone who could help,' and sixteen calls later you still hadn't gotten anywhere." Appointing a person with enough authority and knowledge to pull strings would build credibility with the commission and "show that the Agency is taking the commission process seriously."

As noted previously, not all commission staff will have intelligence experience. These individuals typically lack familiarity with the Intelligence Community's culture and may not understand the importance of protecting intelligence sources and methods. Without requisite knowledge, commission staff may request documents or other material that could compromise sensitive intelligence information; transcribe notes that include the names of sources and operations—not understanding why Agency personnel refuse to permit those actions; and accuse

Agency personnel of stonewalling or interfering when requests for information are denied. At the same time, Agency personnel may accuse the commission of asking for information that lies beyond the purview of the investigation. In these situations, simple misunderstandings can lead to acrimony. Agency POCs must be cognizant of these realities before interacting with commission staff and possess the ability to remain patient throughout the process. The Agency should expect, and prepare for, inexperienced commission members by selecting a POC who is both patient and competent enough to educate the commission on Agency culture, policies and expectations.

2. Establishing POC Support Team and Infrastructure

One way to enhance the accessibility of the Agency POC and establish a better working relationship with the commission is to create a stand-alone POC team. The sole duties of this team would be to assist the primary POC for the Agency and interact with the commission to facilitate document and personnel requests. The FBI adopted this approach during the 9/11 Commission, regardless of finite time and resources following the attacks in 2001, by designating a specific team to help the commission discern its needs and numerous commission members remarked on its success. Interviewees noted that an autonomous team would maximize efficiency and productivity for both parties. The team would achieve this end by managing the onslaught of commission requests while maintaining quality control of information released to the commission; working with representatives from relevant directorates at the Agency to cover all informational bases; and including lawyers on the team to direct information dissemination more efficiently. A more effective POC process would accelerate and shorten the investigation for the Agency and help to avoid the back-channeling that created so much tension during the 9/11 Commission.

3. Managing the Initial Investigative Phase: Establishing Guidelines, Responding Early and Maintaining Availability

Few moments during the entire investigation will be as important as the liaison's initial fulfillment of commission requests. It will, therefore, be crucial for the POC team to reiterate the D/CIA's commitment to cooperate and to ensure that all parties understand the protocol and channels of communication to be used throughout the investigation.

A staff member on the WMD Commission underscored that agencies should avoid depleting their "patience capital" with the commission too early in the investigation by arguing over trivial issues. Otherwise, the staff member noted, the commitment of the Agency will be immediately undermined and difficult to repair. The WMD Commission staff member also noted that if delays naturally occur while fulfilling document requests or negotiating access to personnel, it may then come across as an attempt to obstruct or deceive the commission. Agency

personnel must be responsive and well-organized early in the investigation to ensure the initial weeks convey a sincere commitment to cooperate.

Agency liaisons should also articulate up front the relevant guidelines, procedures, and channels of communication to be followed by commission representatives. For example, a 9/11 Commission staff member, who had little prior intelligence experience, was unaware of the Agency's note-taking policies. The individual spent a great deal of time writing notes that Agency personnel considered too detailed. In response, Agency personnel prohibited the staff representative from taking the notes to an off-site SCIF without significant redactions. For the staff member, it was a frustrating learning experience. Staff further remarked that many Agency procedures were never verbalized in the beginning or throughout the process and had to be sensed or deduced. These initial misunderstandings led to delays as commission members had to expend valuable time guessing how to perform their duties correctly within the parameters of Agency regulations. Had CIA leadership and liaisons disseminated guidelines at the start, there may have been less tension early on. As previously cited, Agency personnel should remain mindful that commission representatives are operating under short deadlines and that initial delays in completing research tasks will foster animosity.

Finally, the POC or liaison team must also be completely available to the commission from day one. Additional duties or requirements from other departments will complicate the POC's ability to assist the commission. The White House POC to the 9/11 Commission was quickly termed the "PO Box POC," an acknowledgment that the liaison was out of touch with staff members and was generally unresponsive to requests. Thus, interacting with the commission must be their primary responsibility for the duration of the process.

4. Selecting Agency Personnel for the Commission Staff: Problems with Using Current Employees and Benefits of Intelligence Community Retirees

As mentioned above in the *Leadership* section and recommended throughout this report, the D/CIA should attempt to ensure that commission staff include a number of intelligence professionals. Interviewees indicated that intelligence professionals on the commissions' staffs encouraged agencies to cooperate. Because these professionals have fluency in Community protocol and possess the proper security clearances, they are more equipped to interact with Agency representatives than intelligence neophytes. For example, a team leader on the 9/11 Commission knew the Agency individuals scheduled for interviews. Since the team leader and interviewees knew each other, the interviewees felt more comfortable answering questions fully, allowing the investigation to unfold more smoothly. One WMD Commission member stated that his experience in the intelligence field served him well because it enabled him to ask the right questions. Others who lacked this understanding had more difficulty acquiring information.

If CIA is permitted to select intelligence professionals to serve on the commission, the Agency must consider nominating exceptional people. When designating a candidate for commission duty, the Agency should consider, “Is this the person we want designing our agency’s role in the future IC?” With that in mind, the Agency can nominate two types of representatives: current or retired personnel.

Current employees, or “detailees,” may have some difficulty reconciling their loyalties. On the one hand, these employees are expected to be faithful to the commission but, on the other, they may likely favor their home agency to the detriment of the commission, especially if they continue to receive pay and benefits from the home agency. For example, an FBI liaison violated the WMD Commission’s trust by passing sensitive commission information to the Bureau. This resulted in the individual’s dismissal and damage to the FBI’s credibility. Several members serving on the WMD Commission also remarked that detailees from several agencies had obvious biases and “axes to grind.”

Another difficulty encountered with the use of current employees is that Agency leadership may volunteer substandard employees for the commission. This practice contradicts the standard echoed above—the D/CIA should select a liaison who can best help design the Agency’s role for the future. Furthermore, employees are naturally concerned that their careers will be damaged if the commission’s final report negatively impacts CIA. To prevent this from occurring and to encourage talented people to work on a commission, the Agency will have to direct its human resources division to implement rules that ensure that adverse actions are not taken against employees because of their service.

Because of these problems, many commission members indicated that intelligence retirees performed better than current personnel. Retirees have a trusted clearance, a need to know, a fluency in the intelligence culture and, since they no longer work for the Agency, are not concerned with their performance on the commission and how it may affect their careers. A WMD Commissioner noted that the biases displayed by retirees were significantly less than biases exhibited by current intelligence personnel. Intelligence Community veterans can also work with commission staff to help avoid overly broad document requests. While retirees may provide an advantage over detailees in certain respects, this should not be interpreted as a categorical recommendation. In the words of one staff member, “Pick out people who know the home office, have a good relationship with the leadership, will interact well, and be brutally honest.”

5. Providing Security to the Commission

For both the 9/11 and WMD Commissions, a CIA security officer was placed in charge of the classified environment. Many interviewees commented favorably on the selection of a seasoned CIA security officer to secure the SCIF during the commission's investigation. Members of the 9/11 Commission were impressed with the CIA security person, stating that he was "excellent" and a "problem fixer." Additionally, most stated that other agencies in the Intelligence Community were more willing to send documents to the commission knowing the CIA was in charge of the classified environment. Other interviewees commented that having good security led to openness and trust in the commission. Having CIA personnel in charge of security could preempt other access and security protocol issues and allow Agency personnel to focus on more important duties. A security officer who takes initiative and works with the commission staff will reflect positively on the Agency.

Access

Federal commissions must have access to information to complete their investigations. While this information can lead to an assignment of blame, it can also lead to additional funding and improved agency effectiveness. Accessing documents and detainees was a source of much frustration between CIA and the 9/11 Commission, with far fewer complaints from members of the WMD Commission. Access issues for the 9/11 Commission investigators began almost immediately with security clearance difficulties and multiplied throughout the course of the investigation. These issues can be categorized under

1. Security Clearances
2. Document Requests
3. Overclassification
4. Guantanamo Bay Detainee Interviews.

1. Security Clearances for Commission Staff

Each agency in the Intelligence Community has different security clearance adjudication procedures. Like most federal commissions, the 9/11 and WMD Commissions needed staff members that could access classified material so these commissions drew from pools of personnel already cleared by different agencies. However, not all security clearances are created equal, and from the Agency's perspective, investigative commissions are "counterintelligence nightmares" because they do not possess CIA-specific security training that Agency employees possess. Throughout the initial stages of the 9/11 Commission, members complained the Agency denied them access even if they had necessary security clearances.

Reading these commission members into highly-classified programs was a major challenge given that members were on a tight schedule and the time lost due to security procedures, in their opinion, hindered the investigation. From the interviews conducted, it was unclear whether or not commission members understood that this protocol was, for intelligence purposes, non-negotiable. The commission members viewed the "extra" security clearance requirements as stonewalling, believing they had adequate security clearances and should have had more access. Utilizing initial executive meetings between CIA and commission leadership to discuss the necessity of these processes may assuage suspicion and concern.

2. Document Requests

9/11 Commission members quickly found if they “didn’t explicitly ask for a document or piece of information by name or in great detail, it was not just offered to them as relevant.” Commission members did not necessarily know which documents to request or how they were labeled; therefore, they simply asked for everything on a general topic and often expected everything sooner than the Agency delivered it. Multiple interviewees from the 9/11 Commission stressed that the Agency did not help the investigators ask the right questions. This attitude was not conducive for an efficient exchange of information and was seen by one senior staff member as “the second biggest cooperation issue during the 9/11 Commission.”

The issues of extraordinary rendition, enhanced interrogation techniques, Curveball and electronic surveillance outside of FISA also came up during interviews with commission members and staff. These were cited as specific examples of CIA not providing all relevant information to the commissions. Many interviewees felt that CIA had the responsibility to provide information to the commission on these matters without being explicitly asked. One 9/11 Commission member stated that CIA violated 18 USC 1001 by not disclosing the electronic surveillance programs after the commission sent a letter to all agency heads requesting confirmation that they had provided all information relevant to the commission’s investigation.

There appeared to be a significant change of attitude with the WMD Commission. Many WMD Commission interviewees commended CIA for cooperation and professionalism in providing access to materials. One interviewee said CIA would gather and clear information requests the same day. Several interviewees stated CIA representatives would tell investigators “these are the things you ought to be asking for.” Additionally, when commission staff requested access to several highly-classified reports from CIA’s Office of the Inspector General, the Agency’s POC not only provided them but also allowed for hours of review and note-taking. Given this access, WMD Commission staff perceived CIA as forthright and cooperative. Only one WMD Commission interviewee recalled a few times when stonewalling and apprehension from the Agency were apparent during the entire investigation. He was conciliatory, stating there would probably never be a case where that does not occur given the nature of the information requested and the work the Agency does.

One WMD Commission staff member differentiated between the performance of the Directorate of Intelligence (DI) and the DO within CIA. This member complimented the helpfulness of the DI’s contact, noting the contact ensured that commission members received access to documents and personnel as well as other sources to investigate—including the Presidential Daily Briefs. The DO, on the other hand, would only provide the bare minimum of information requested. 9/11 Commission members also stated that DI analysts provided much

greater help in the investigation than did operations officers. The research team understands the very logical reasons for this different approach between divisions but, notwithstanding, believes the D/CIA should be alerted to the complaints of prior commissions to assist with future planning.

3. Overclassification and Document Security

Several interviewees reported few problems with the declassification process, saying the process went quickly and that delays were “typical” considering the types of intelligence requested. Other commission members explicitly criticized the Intelligence Community’s classification process. One WMD Commission interviewee stated that the Intelligence Community’s position on declassifying materials was that it is “easier to say no to X, Y and Z rather than [look] at it carefully and determine what exactly needs to be classified.” A 9/11 Commission staff member remarked bluntly, “Declassification drove me nuts.” She gave an example of having to go through multiple levels of security at CIA offices to view documents that were at the lowest level of classification. She argued the process would have been more efficient if she could have viewed the documents at her offices in the SCIF, since she had the appropriate security clearance. She blamed the difficulties to access the classified document on the “self-protective culture of the CIA” rather than the classification process itself.

These statements, however, are not representative of a major problem worth addressing for future investigations, as it is recognized that complaints about overclassification are perennial in the Intelligence Community. It should be noted that, after lengthy delays, several documents were declassified for the commission report and this does raise the question whether the process might have been expedited at an earlier date to provide access.

4. Guantanamo Bay Detainee Interviews and Interrogation Tapes

As noted previously, commission staff members were rarely denied access to Agency personnel; in fact, a primary commission liaison to the Agency noted there were “no denials for anyone we asked to interview—that was real good and impressive!” However, the largest source of frustration mentioned by multiple interviewees from the 9/11 Commission was the denial of access to Guantanamo detainees and additional detainee information. The Agency denied the commission access to certain documents and CIA reports-of-interview from detainee interrogations ~~were apparently questionable~~ ^{Per} with regard to 9/11 terrorist attack planning; therefore, the commission requested in-person access to the detainees. This request was denied. When CIA recommended the commission submit written interview questions for the detainees, commission members were concerned that the answers would be “too redacted to be useful” and that CIA investigators would not ask follow-up questions pertinent to the commission’s investigation.

Staff members on the 9/11 Commission were outraged by the revelation that interrogation tapes from detainee interviews were never disclosed during the investigation.⁵ While commission staff asked about intelligence obtained during these interrogations, investigators “never thought to ask for videos, so they didn’t, and didn’t get them.” Because investigators “had only a vague understanding of what to seek,” this revelation “infuriated” commissioners and staff about the cooperation and forthrightness of the Agency following the commission.

To the extent the information gleaned from the interrogations was relevant to reconstructing the 9/11 plot, it should have been, and apparently was, eventually provided. CIA spokesman Mark Mansfield noted that CIA assistance is what enabled the commission to reconstruct the attacks.⁶ The knowledge of these details was directly relevant to the commission’s basic mandate to “investigate the facts and causes...and circumstances related to the terrorist attacks of 9/11.”⁷ It is debatable, however, that knowledge of the exact methods of interrogation utilized by CIA to obtain this information was outside the mandate of the commission and may, in the end, have caused highly non-productive distractions. While access may need to be provided to important individuals, departments and documents, it need not be granted to sensitive non-relevant information.

5. Access in the Future

Members of the research team feel that questions surrounding access are perhaps the most difficult because the competing interests of finding the truth versus protecting intelligence sources and methods present a difficult balance for the Agency. Effort should nonetheless be made to specifically highlight ways to avoid unwarranted accusations, unnecessary delays and unprovoked subpoenas.

Commission investigators often have the same clearance as Agency personnel and have a need-to-know to fulfill their duties. Under current law, commission investigators can be prosecuted, just as Agency employees can, if they were to divulge classified information. If commission staff is granted access to the same databases as Agency employees, the burden is placed directly on the investigators and diffuses the potential for unwarranted accusations when select documents or information are later found to be relevant. The FBI adopted this strategy during the 9/11 Commission and, as a result, appeared open and forthright—although ironically investigators found this access more time consuming given the FBI’s “electronic incompetence.” The best solution to facilitate access is for the D/CIA to ensure Intelligence Community veterans are placed on staff rosters because commission clearances may not have been granted by the Agency, commission staff are often not fluent in Intelligence Community culture and commission staff are not vested in sensitive operations as are case officers.

⁵ Warrick, Joby. “Agency Declares Full Cooperation,” *The Washington Post*, 24 December 2007.

⁶ Ibid.

⁷ Section 602, Public Law 107-306, 11-27-2002.

It is possible to reduce the complaint of overclassification and expedite the investigation by instructing Agency employees in charge of the pre-commission in-house investigation to evaluate whether documents uncovered would be applicable to a later commission. This method is highly proactive and involves extra work, but if the documents may eventually be declassified for a commission, there is no reason to avoid the process at an earlier date when it will surely be inevitable.

In Agency files, there are documents that are common public knowledge but remain inaccessible to commission staff. The denial of these documents will be considered by many on a commission as an attempt to hide evidence. Recognizing that a continued denial of information already in print will elicit judgments of “absurdity,” the Agency should strive to improve access protocols prior to another federal inquiry.

There are documents in Agency files that even current Agency employees may not view and denial of these documents will be considered by many on a commission as an attempt to hide evidence. When this occurs, a commission may decide to issue a subpoena for the information. When a subpoena is issued, the process can become highly adversarial and there are, of course, potential negative consequences for Agency employees if they do not fully comply. Accordingly, every practical step must be taken to prevent the issuance of subpoenas by finding a way to provide access. As a last resort, sensitive documents should be offered only to trusted commissioners with the restriction that they provide the information in private to fellow commissioners.

Agency Proactivity

The Agency's lack of proactivity, sometimes referred to as client initiative, was heavily emphasized in interviews conducted by the research team. Proactivity was an issue for the Agency in all previously discussed sections: leadership, personnel selection, and access. Commission members frequently noted concerns regarding the Agency's ability to anticipate challenges and address obstacles before they became troublesome for the investigation. When taking the initiative to act, the Agency appeared cooperative and showed a willingness to assist the commission in its investigation. If the Agency exceeded expectations of the commission in terms of initiative, the commission developed a positive perception of the Agency. Proactive behaviors, when taken, improved the Agency's reputation and assisted the investigation by focusing the process on the most important issues from the beginning. Some of the problem areas mentioned in relation to proactivity included providing contextual information in response to requests, offering suggestions of additional avenues for investigation, and preparing Agency interviewees. Recommendations for achieving greater Agency initiative include the following:

1. Meet Ahead of Time to Convey Agency Procedures and Protocols
2. Make the Agency POC Available to the Commission
3. Brief the Commission on Relevant Subjects
4. Identify Documents and Personnel that may Assist in the Investigation
5. Prepare CIA Employees for Interviews by the Investigating Commission

1. Providing Contextual Information in Response to Requests and Offering Additional Avenues for Investigation

When a commission is assembled, new staff members should be assisted by a proactive Agency that provides pertinent information and suggests key avenues to explore, thus, streamlining the process. It is beneficial for the Agency to prepare the commission with proposals on how to organize the investigation. A 9/11 Commission staff member noted the frustration felt by her team because of Agency resistance to offering additional suggestions of pertinent items or individuals to investigate: "They never threw us a bone; and they certainly understood we were up against a time crunch." Commission staff spent much time back-reading a multitude of sources to find relevant information, from which they made requests for or identified individuals to interview within the Agency. Commission members consistently reflected a deep appreciation for agencies that took proactive measures to reach out to the commission, rather than waited for information or actions to be requested. If an agency takes the

initiative to identify documents or personnel of interest to the commission, it provides a more accurate and complete picture of a particular issue. Thereby, a more effective investigation can occur.

Perhaps the most frequent complaint was directed at Agency employees who would provide only what was specifically requested and ignore extremely helpful documents of equal classification unknown to investigators that fully explained a key issue being explored. One 9/11 Commission member found that “if the commission did not explicitly ask for a document or piece of information by name or in great detail, it was not offered to them as relevant.” In select instances during the 9/11 Commission investigation, the Agency did not seem to appear to “bend over backwards to provide information.” Another 9/11 Commission staff member expressed that during research, she felt the Agency “knew what [the commission] was looking for but would never volunteer anything. They would never say ‘you should look at these documents,’ so if you did not find out about the resource, you were unable to request it.” Later in the 9/11 Commission investigation, members discovered Michael Scheuer’s binder—a “goldmine of terrorist information” and a “no brainer to examine.” Because the commission did not specifically make a request to see the binder, the Agency did not relinquish the binder to the commission in a timely manner. This frustrated the interviewee because the Agency did not voluntarily disclose the binder’s existence.

Many interviewees from the 9/11 Commission stressed that the Agency did not help the investigators ask the right questions. 9/11 Commission staff members also complained that CIA, with some important exceptions, would not provide information that was not specifically requested or that getting information was like “pulling teeth.” Conversely, several WMD Commission members expressed that CIA representatives would tell investigators “these are the things you ought to be asking for.” The initiative taken by the Agency during the WMD Commission to provide additional information—beyond requested material—is a significant change from the attitude and lack of proactivity of the Agency during the 9/11 Commission investigation.

2. Preparing Agency Interviewees

It remains imperative that CIA personnel scheduled for an interview by an investigating commission prepare thoroughly before conducting the interview. One commission member noted that if interviewees “do not have their ducks in a row when first asked questions, it looks like they are lying because the commission staff is distrustful at first.” If an interviewee has prepared but still does not know the answer offhand, informing the commission that they will find an answer and promptly reply to the investigators will exude merit and cooperation rather than create doubt, as was the case during some of the interviews of DCI Tenet and other senior leaders. During the 9/11 Commission investigation, senior leaders of the CIA were unable to

answer key questions at a commission inquiry; the investigators stated they “began to distrust the leaders and the Agency.”

In addition, supervisors would occasionally appear for interviews on subjects within their bureaucratic line of authority, but for which they did not know or understand the details. Senior leaders felt compelled to arrive at a commission inquiry to represent the Agency but when they could not answer key questions, the investigators stated that CIA leadership began to lose credibility.

3. Affirmative Steps

Meeting early in the investigative process to discuss Agency interaction procedures and protocols establishes rapport between the Agency and commission and clarifies parameters of communication. If the Agency takes the initiative to establish initial meetings with the commission, it reflects well upon its reputation. In accomplishing this task early in the process, the Agency can address potential conflicts that may occur in the investigation. The Agency must note difficulties up front and offer working solutions to counter anticipated problems in early meetings with the commission; thereby, the commission will likely acknowledge efforts on the Agency’s part to be proactive. A WMD Commission member mentioned in an interview with the research team that the WMD Commission and the Agency made a concerted effort to keep the investigation out of the media realm as much as possible; this decision was made near the beginning of the investigative process. Especially with regard to communication with the press, procedures must be defined early—once a comment is published or an individual is quoted as stating relevant material about an investigation, there is no going back.

Establishing a positive rapport from the beginning of the investigation remains imperative. If created, this cooperative relationship between the commission and agency will thwart skepticism and doubt that are innate to the nature of investigations. By forward-deploying a point of contact to the commission, the agency portrays that they respect the importance of the investigation and are ready to accept the onslaught of requests. It became clear in interviews that CIA’s initiative to place their primary WMD Commission POC with the commission was much appreciated by commissioners and staff. The impression left on commission staff members enhanced the Agency’s reputation and was reflected in their relationship for the remainder of the investigation.

In offering briefings to commission members, the Agency should introduce relevant topics to the investigation in a comprehensive manner. An effective Q&A session with informed Agency briefers allows the commission to ask pertinent questions and assists them with their research. A member of the WMD Commission stated that the State Department’s Bureau of Intelligence and Research offered “background briefings and people to interview” without being asked; this was cited as beneficial to establishing rapport between the agency and the

commission. An active Agency role in the inquiry process facilitates an open dialogue and provides a better understanding for the context of the investigation.

An active Agency role in the investigation process facilitates an open dialogue to understand what went wrong and how best to fix it. If the Agency chooses only to meet the minimum requirements as demanded during the investigation by simply responding to commission requests and showing little effort to retrieve contextual information for those requests, the Agency cannot clearly articulate its unique viewpoint on how to best resolve problems. Many times, simply identifying personnel or documents provides a complete picture. Sometimes these requests will include very sensitive information—what one staff member referred to as the “unknown unknowns.” Interviewees expressed that Agency programs such as TSP and SWIFT were initially “hidden from the commission.” These programs were disclosed by the Agency only after the commission found out about their existence through other sources. Here, the Agency possibly could have been more proactive in disclosing the programs and thereby mitigated future tensions. We conclude that the Agency need not volunteer select sensitive information that is outside the written mandate of the commission which will lead to distractions.

CIA employees scheduled for an interview must, of course, prepare by re-examining relevant materials and correspondence regarding the topics to be discussed. This is a crucial element in demonstrating proactivity and initiative.

The Agency must also go out of its way to ensure the commission has access up front to employees who are well-versed in the day-to-day facts and decisions. It is understood in bureaucracies that higher level supervisors are attuned to the big picture, but do not know the answers to the detailed questions an investigator will likely ask. Senior leaders should participate, but must be accompanied by staff members who know answers to detailed inquiries. At the same time, senior leaders must assure staff that truthful answers are expected and honesty will not warrant punishment.

Concluding Remarks

The CIA's cooperation with the 9/11 and WMD Commissions was neither the most difficult nor the most unproductive of the participating Intelligence Community member agencies, but there is certainly room for improvement. Both failures and successes have been identified in this report. This report offers concrete steps which, if implemented, would greatly improve the Agency's interaction with future investigative commissions and help ensure that a more accurate picture of the Agency is presented to investigators.

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