

## Week 13: Intelligence and Democracy

### A. Overview

-Since 1975, there has been a dramatic increase in government and public oversight of the IC as a result of exposure of controversial CIA covert and CI actions during the Cold War.

-Some argue that oversight is still insufficient, others that it is excessive, leads to damaging leaks, and hinders effective and necessary espionage. Tension between management and secrecy (Shulsky).

-The 911 and WMD Commissions Recommended further improvements in oversight, but more to improve the efficiency of the IC than to prevent abuses.

-Nevertheless, the war on terror has led to new concerns about potential violations of individual privacy rights and abuses of civil liberties by US authorities against both US citizens and foreign nationals.

-Much of the post-911 and post-Iraq controversies are not really focused on the IC, but on policy actions, executive privilege, and the balance of power between the three branches of government.

-The IC is often caught in the middle, and becomes the whipping boy of the media and partisan politics. Executive Commissions vs Congressional Commissions vs Independent Commissions.

### B. Executive and Judicial Oversight

-Executive oversight of IC mostly done by NSC, PFIAB and internal oversight offices in the various IC agencies (IGs). Presidential Findings for covert action. Critics claim system is self-policing.

-Reform Act of 2004 created a Joint Intelligence Community Council within the NSC to improve executive oversight and a Privacy and Civil Liberties Oversight Board to protect US citizens.

-WMD Commission recommended that JICC function as “customer council” for the IC, and that a strengthened PFIAB with a permanent staff oversee progress on IC reforms. Who is on PFIAB? Historically has been advisory, with issues picked by DCI.

Judicial oversight of IC mostly done by federal judges overseeing FISA requests. (See Marget). Overseas surveillance of US citizens approved by Attorney General. Procedures classified but know by Congress. Patriot Act has raised concerns over potential abuses.

### C. Legislative Oversight

- 911 and WMD Commissions recommended better Congressional oversight, a joint intel committee or combined authorization and appropriation powers. But didn't happen.
- WMD Commission also recommended strategic oversight of programs and missions, not micromanagement of pet budget items. Mission based budget, not programic or project based. Current system has base budget and and new initiatives, no zero basing.
- Secrecy limits open Congressional debate. Rockefeller example. But Congress helped by leaks and whistle blowers. Human resources reform led to direct complaints to Congress.
- Most leaks by retired CIA. Fear of poly and prosecution/dismissal. Who do you complain to? Strengths and weaknesses of internal IG. Helgerson example of 911. Tendency to work within system (Lowenthal and focus on truth telling). Plame example.
- Vickers despairs. 88 committees oversee HSA. Wants open budget under DNI.

### D. Key Issues

- How do you measure IC effectiveness? Does Congressional focus on tradeoffs? Are customers happy? WMD Commissions recommends informal discussions with mid-level IC managers to improve oversight.
- Is oversight sufficient? There will always be abuses in secret environment, but mostly low-level ones. Most others are overblown by media or partisan politics. Also basic philosophical differences in democratic society.