

Commentary on “Congress as a User of Intelligence”

James McCullough

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*Editor’s Note: The following is the text of remarks made by a former senior CIA officer, James McCullough, while serving as a panelist at a 20 March 1997 public conference at Georgetown University. The conference was co-sponsored by Georgetown’s Institute for the Study of Diplomacy and CIA’s Center for the Study of Intelligence (CSI). The subject of this event was Congressional acquisition and use of intelligence. The discussions centered around a monograph by L. Britt Snider, from which Mr. Snider subsequently derived his article that appears in this edition of *Studies in Intelligence* (see preceding article).*

I’d like to pick up on something that [former Deputy Director of Central Intelligence] Dick Kerr mentioned at the outset. I want to focus specifically on the phenomenon of the President’s own finished intelligence being used by Congress to question and attack the President’s foreign policy initiatives—something that makes the foreign policy processes of the US Government absolutely unique.

In that respect, I’d like to question one line in Britt’s introduction [to his monograph]. Britt asserts that changes in the political dynamics brought about by expanded intelligence-sharing are now commonly acknowledged. I think it is something of an exaggeration to say that the political dynamics are commonly and widely acknowledged. I would agree that those who are actually engaged in the intersection of policy and analysis, primarily analysts and working-level policymakers, are quite familiar with the consequences of

basically full- and real-time access to intelligence on the part of Congress. But I’m struck by how little understood this phenomenon is by almost everyone else: by the media, by the academic community, and strangely enough by the senior echelons of our own foreign policy structure in the executive branch.

When I was invited to be on this panel, I asked what you wanted from me, and I was told to provide some anecdotes. So let me try to make my point by giving you some personal experiences of my own.

Anecdote #1: Congress, CIA, and Aid to Cambodia

The first one goes back a long time, almost to ground zero on this subject—or even prior to ground zero: that is, to August 1974, almost two years before the oversight system was put into place and the flow of intelligence to Congress was institutionalized. I was then chief of the Indochina Branch in the CIA’s Intelligence Directorate. The Indochina war had entered its depressing final months. I had just drafted a National Intelligence Estimate on Cambodia that said the Lon Nol Government was going to fall to the Khmer Rouge in a matter of months, if not weeks or even days. The situation was hopeless.

It just so happened that at the time this Estimate was produced, a vote was scheduled in the Senate on the next year’s economic assistance package for Cambodia. Everyone in the administration knew the situation was

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hopeless in Cambodia, and nobody needed an Estimate to tell them this. As a matter of fact, everyone knew the Lon Nol Government was not going to survive long enough to see any of this money if Congress were to approve it. But the Ford administration nevertheless was making a full-court press to win this vote in the Senate. Henry Kissinger felt very strongly that the spectacle of the US openly abandoning an ally under these circumstances would be disastrous in terms of our credibility in the region.

While I don't know what transpired between the DCI—Bill Colby—and Congress on Cambodia, or how much pressure Colby felt himself under, what I do know is that the National Intelligence Officer for East Asia, Bill Christison, received a call from Director Colby and was told to take the Estimate right off the presses, carry it downtown, and brief it to the Senate Foreign Relations Committee. That seems so commonplace today. But let me tell you, in 1974 it was a startling idea. [Such briefings] had been given a few times in the past, but always at a time and place of the administration's choosing. And this seemed like a very strange time and place.

I remember Bill Christison puzzling over Colby's order. It wasn't even clear exactly what "briefing the Senate Foreign Relations Committee" meant—this was such a new concept. And his instructions from Colby were very vague. But downtown Bill Christison went. The "briefing" to the Foreign Relations Committee consisted of about a 45-second encounter with two staffers of the committee. Bill opened the Estimate and showed them the Key Judgments. They looked at the first

paragraph, which said something like "it's hopeless in Cambodia," and they said thanks, Bill, this is just what we're looking for. They snatched the document out of his hand and went out of the room. The next day the vote was held on the Senate floor and the administration lost. The Cambodia aid bill went down.

I don't know if that Estimate changed a single vote—maybe not. It certainly didn't affect the outcome. Congress by now was in open revolt on Indochina, and I don't think there was any chance that the vote was going to be won. But the White House wasn't so sure. Nor was Henry Kissinger. In fact, Kissinger was furious, and poor Bill Colby got the full brunt of his wrath. Not only was Kissinger furious; he was utterly dumbfounded, flabbergasted. [His reaction was,] How could this be? This can't happen. This is the President's National Intelligence Estimate. How could this go to Congress? It can't happen.

Looking back, I think this episode may have been the rough prototype for the system in place now, although at the time none of us were smart enough to know that. In fact, I remember discussing Kissinger's reaction with Bill Christison. I distinctly

recall telling Bill I bet this was the last time we ever send a National Estimate down to Congress. So much for my crystal ball.

That was anecdote number one. Kissinger's reaction was one of utter surprise and consternation—an understandable reaction, because this was essentially the first time that [Congressional use of executive-branch finished intelligence to attack an important Presidential foreign policy initiative] had occurred.

Anecdote #2: Congress, CIA, and Operations in the Gulf

By now I had become the Associate Deputy Director for Intelligence, working for [then-Deputy Director for Intelligence] Dick Kerr, who told me not to screw things up—which I immediately proceeded to do. The first dominating international event after I moved into this job and got my instructions from Kerr was a decision to reflag Kuwaiti tankers and provide them with naval escorts in and out of the Gulf. This immediately set off a classic squabble between the White House and Congress over the War Powers Act, with Congress saying, By God, you didn't consult us, you've sent American troops in harm's way, we're going to invoke the War Powers Act, and the White House saying Oh, no, no, there's no danger here, what we've done doesn't change anything and the Persian Gulf is as safe as it can be.

Who stumbles into this nasty little argument but the good old CIA, doing what any proper premonitory analytic service would do: it self-initiated a memo examining likely foreign reactions to this US course of action.

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And the memo turned out to be absolutely prophetic. It concluded that the Iranians would feel obliged to react to this US intervention. It worried about the threat from Iranian mines, it worried about the threat from Silkworm cruise missiles the Iranians had recently installed, and it concluded that the US was indeed moving into a dangerous situation and that sooner or later there was going to be trouble.

I don't quite remember the exact mechanics of how this [CIA analysis] reached the Hill, but reach it it did, where it was greeted with howls of glee. The phone rang back in the DDI suite. I don't know where Kerr was, and I am sure the phone call was intended for him, but I had to answer it. It was a very angry National Security Adviser—Colin Powell. As Yogi Berra said, it was *deja vu* all over again. The circumstances of my first anecdote immediately sprang into mind as I sat there and envisioned sparks flying out of the receiver. It was the Henry Kissinger of the 1974 episode, without the German accent. Not only was Colin mad as hell; he was flabbergasted. He said, tell me I'm dreaming. This can't happen. This is impossible. How in the world could this happen? Unacceptable. This is impossible, I must be in a nightmare. Wake me up.

The Need for Wider Awareness

I don't know exactly why, folks, but I think it's quite clear that when this [blowback against executive-branch policy stemming from intelligence-sharing with Congress] does occur, senior policymakers are never quite ready for it, can't accept it, and don't quite understand why it happened. I do not think this has sunk in; I do

not think it has been incorporated into everyone's consciousness. And our senior policymakers are by no means alone. I think the media do a miserable job of understanding this. When something like this happens and it surfaces dramatically into public view, they typically misunderstand it and misrepresent it.

Britt uses the example of the Haitian estimate of 1993, which was a rather blatant instance of some people on the Hill making selective use of material in a National Estimate to ambush an administration's foreign policy position. How was it portrayed by the media? Was it portrayed as a good example of historic changes and events and decisions made in the mid-1970s that altered the American foreign policy process in a very important way, giving the Congress a lot more traction in foreign policy and making the President's job of managing foreign policy a lot more complicated? No. How was it presented by the media? How did it resonate around the country for a couple of months or more? It was "there they go again, those rogues at CIA are undermining their own president in the field of foreign policy." Well, whatever mistakes may have been made in

the way that Estimate was presented on the Hill, this was a completely bogus interpretation, and the media completely missed the larger, profoundly important point about how the American foreign policy process had evolved in the past 15 years.

The media aren't alone. The academic community in some ways is even more remiss, from my point of view. During my brief fledgling career as a novice academic, I've come to the conclusion that most university-level courses on the American foreign policy process are absolutely mute on this subject [intelligence-sharing with Congress, and the repercussions thereof, as a major change in the US foreign policy process]. It's as if time was frozen in the 1960s. I think the current scholarly literature on foreign policy processes has very little discussion of this—almost none. I'm not aware of any Ph.D. theses being done in this area, although I can think of some wonderful case studies that could be the basis for doctoral dissertations.

The media don't quite get it and the academic community doesn't quite get it. I think Britt Snider's paper is very important because it may be the first step for raising general public awareness of how our processes have evolved and the constitutional implications. So I really welcomed Britt's study.

Like Dick Kerr, I was a little skeptical, Britt, when you said this morning you thought agreement could be reached on not using intelligence in political settings for political purposes. You were kidding about that, weren't you? That's a rhetorical question.

I would be satisfied if we could just get people from the Hill, the Executive

Branch, and the Intelligence Community together in the same room and agree on a description of the American foreign policy process and of how the intelligence-sharing system with Congress fits in. If everyone could reach a mutual agreement on what happens, I think it would do a lot toward taking some of the tensions and shock out of the relationship when this very unique aspect of our system works its way through. Maybe national security advisers wouldn't be so angry and shocked when the inevitable consequences of sharing intelligence with Congress surface. I think and hope, Britt, that your paper is going to be a very important first step in educating senior policymakers and the public at large.