

**Statement before the Senate Committee on Homeland Security and
Governmental Affairs**

***“THE LESSONS AND IMPLICATIONS OF THE
CHRISTMAS DAY ATTACK: INTELLIGENCE REFORM
AND INTERAGENCY INTEGRATION”***

A Statement by

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Chairman Lieberman, Ranking Member Collins, distinguished members of the committee, thank you for the opportunity to discuss this important topic.

I come to you today as a retired Navy Officer with over twenty years of operational and intelligence experience. I spent most of the last decade focusing on the challenges of combating global terrorism, including assignments at the National Counterterrorism Center (NCTC), the National Security Council (NSC), and the U.S. Special Operations Command. In 2005, I was selected to serve as one of the original planners in NCTC's Directorate of Strategic and Operational Planning and was a lead planner for the nation's inaugural National Implementation Plan for Counterterrorism (NIP), approved by President Bush in June, 2006. During the next few minutes, I plan to discuss NCTC and its legislatively-mandated role to conduct strategic operational planning.

Background:

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) addressed serious weaknesses in our nation's intelligence community and its ability to combat terrorism. In creating the Directorate of National Intelligence (DNI) and NCTC, the landmark legislation sought to improve collaboration among the numerous departments and agencies that deal with threats to our nation's security. Among the Act's most significant contributions was its recognition that the our nation's Cold War national security organization was no longer sufficient to address the complex and myriad transnational threats that we will face in the 21st Century. To these ends, DNI has embarked on its mission to better integrate the Intelligence Community and NCTC represents an unprecedented recognition of the need for the United States government to focus on security beyond the traditional threats posed by nation-states.

As with any innovative idea, achieving the aims of this legislation will come through evolution. Valuable lessons can and should be learned when ideas and concepts meet implementation. Those lessons should be leveraged to improve upon the original ideas and ensure the vision of its creators is being met. This is the case with NCTC and particularly with the Directorate of Strategic Operational Planning (DSOP).

Why do we need a stronger, more effective DSOP? In short, while numerous departments and agencies work aggressively to counter threats as they emerge, the Intelligence Community, and arguably the government as a whole, still lacks a truly "inter-active" process for addressing terrorism. One need look no further than the failure to "connect the dots" prior to the December 25 plot to understand why coordination is so important. Furthermore, because so much effort is channeled toward the immediate exigencies of the day, the government has not devoted sufficient time to long-range thinking about how to develop a common—and ultimately, strategic—framework for dealing with terrorism and other sub-state, transnational threats. The issue will grow more complex as enhanced collaboration with state and local governments—as well as with the private sector—becomes even more necessary in a globalized world that blurs national borders and lines between public and private domains. To ensure our security in the coming decades, then, interagency coordination mechanisms like DSOP must be strengthened. And achieving this goal will require legislative and institutional changes.

To be fair, I last served at NCTC in 2007, but as a “plank holder” and someone committed to the success of DSOP, I have continued to follow the organization through the years. The organization has evolved and its personnel are dedicated individuals with some of the most difficult and grinding jobs in the United States government. After all, coordinating and integrating the nation’s counterterrorism programs across more than 16 departments and agencies is a formidable challenge, particularly with so little margin for error.

DSOP has experienced success in many noteworthy areas. The NIP is a remarkable achievement given the document’s size and complexity, along with the fact that it must navigate between agencies and be signed by the president. And arguably, DSOP remains one of the few places in the government where interagency planning takes place. Most importantly, it has become the de facto incubator for the government’s interagency planners. This is why it must succeed.

Enhancements to DSOP must address three key areas: mission, authorities, and personnel. DSOP’s mission must be refocused to ensure its role in and value to the interagency CT architecture is understood. Specifically, the “strategic operational” planning requirements must be divided into two separate planning functions. DSOP should have distinct strategic and operational roles. In its strategic role it should be the government’s primary force behind CT policy, strategy, and resource allocation. In its operational role it should be leading near-term planning efforts against terrorist groups, serving as the leader, integrator, and arbiter for CT plans. It should build and house the nation’s premiere CT planning capability.

DSOP’s operational authorities should not be increased; however, interagency CT authorities and responsibilities must be clarified. IRTPA gave DSOP the authorities to conduct its specific mission, yet no authorities were taken from any other department or agency in support of DSOP’s creation. Not only did this create overlapping authorities, but it also established no compelling reason for departments and agencies to participate in the DSOP process, as they could continue their counterterrorism efforts under extant powers. These overlapping areas of responsibility must be clarified. Without this, departments and agencies will continue to spend time fighting turf battles when they should be focused solely on the enemy at hand.

And last, DSOP should be given the personnel to conduct its mission. This does not necessarily mean more people; it means the right people. If NCTC is going to lead the government’s CT efforts, it must possess the nation’s best and brightest CT minds from across the government. Currently, the organization faces a dilemma where an ambiguous mission and unclear authorities keep DSOP from attracting and retaining the requisite personnel; this lack of appropriate personnel keeps it from executing a clear, well-defined mission. Much of this cycle is driven by the lack of interagency support for DSOP and it remains a significant impediment to DSOP’s success.

Below, I outline in greater detail the three most important factors in determining DSOP’s success: mission, authorities, and personnel.

Mission:

DSOP's IRTPA-mandated mission is clear in theory, but convoluted in practice. DSOP was given the broad guidance to "conduct strategic operational planning for counterterrorism activities integrating all instruments of national power" and to "assign roles and responsibilities" for CT activities. The intent was for DSOP to fill the void in counterterrorism planning between strategic level policymaking and tactical level operational activities. This chartered DSOP to not only fill the vertical gap between the strategic and tactical, but also to bridge the horizontal planning gap in the interagency between departments and agencies.

In an attempt to close this gap, the term "strategic operational" planning was created and tasked to DSOP. The conflating of the terms "strategic" and "operational" has hindered DSOP since its inception and remains a significant problem. These are terms of art and those with background in planning understand clearly that they are separate and unique requirements. By merging these terms, DSOP is stranded in a "planning no man's land" between high-level policy and strategy development and operational and tactical level planning. The impact of DSOP's planning efforts is uncertain to many in the interagency as plans are developed and then followed-up with little implementation or assessment oversight. As a result, DSOP's function and relevance remain unclear to many, and the organization continues to experience difficulty in defining a planning output and an attendant review process that are acceptable to the interagency.

We have a chance to refocus DSOP's mission before the status quo becomes ingrained and irreversible. To do so DSOP should split into two distinct sub-sections: a branch that focuses on strategic plans and one that focuses on operational plans. This would immediately clarify NCTC's role. It also helps determine the required personnel resources, as strategic and tactical planners will possess vastly different backgrounds and skill sets.

The strategic part of DSOP should focus on high level CT policy, strategy, and resource allocation. It should lead the interagency policy- and strategy-making efforts, including those that require White House approval. In this capacity, it would not only guide and develop policies required to posture the government for terrorist threats, but also serve as an arbiter between departments and agencies. This element also would have an enhanced and more assertive role in resource allocation and drive the primary input to the Office of Management and Budget (OMB) for resource CT prioritization and investments. While this mandate currently exists, DSOP's role should be strengthened and enhanced to ensure that requirements are tied to strategic outcomes.

The lowest ranking entity that should have veto authority over NCTC strategic level efforts is the National Security Council or an NSC Principals Committee. Of course, such a role will require a uniquely skilled cadre of planners that currently is not fully present at NCTC. But by clearly defining this requirement, a requirement clearer than "strategic operational planner," the capability can be more easily filled and developed. Such a clear strategic role will empower NCTC as the lead government strategic CT

planning element. And its role in resource allocation will encourage interagency participation in its processes.

A second part of DSOP should focus on operational plans against terrorist groups. Such a construct provides attainable goals—defeat of a group—and allows for ease of implementation. The functional approach of the NIP should be amended so that it can be executed geographically against identified groups. Whether justifiable or not, the Cold War-based national security infrastructure executes geographically, not functionally. U.S. efforts against these groups should be prioritized within the DSOP interagency process, with NCTC serving as the interagency arbiter, in close coordination with the National Security Council.

And finally, to be effective, NCTC and DSOP must be able to credibly measure the results of the plans that the organizations formulate and help to implement. Evaluation and assessment are imperative for DSOP and the government writ large. Policies cannot be readjusted, plans cannot be updated, and resources cannot be reallocated, unless one knows what does and does not work.

Authorities:

The question of authorities is raised regularly in discussions regarding DSOP. The recent Project on National Security Reform (PNSR) study on DSOP offers a comprehensive assessment of this issue. Its comparison of authorities between the Office of National Drug Control Policy (ONDCP), DNI, and DSOP—three similarly chartered organizations—highlights the disadvantage from which DSOP operates and notes that DSOP is the only entity of the three “without authority over people or money.”

Many cite DSOP’s explicit prohibition from directing operations as a key reason for its struggles, with some calling for empowering DSOP with additional operational authorities. This should not be done, as DSOP lacks the capability and capacity to assume such a role and would fall short of expectations. Any changes to operational authorities must be made in conjunction with wholesale revisions to the entire United States CT apparatus.

With no authority over personnel, resources or operations, DSOP has a limited ability to compel interagency participation and thus remains a relatively powerless organization. There is no “penalty” to interagency entities that decide not to participate in NCTC planning processes. This ultimately hinders DSOP’s ability to develop effective CT policy, implement plans, influence operations, and assess progress. It also relegates DSOP to the unenviable role of leading process-orientated approaches to substantive problems. Departments and agencies that actually control operations, personnel and resources address substantive CT problems under their own authorities and well beyond the control of NCTC. This fundamental disconnect marginalizes DSOP’s role in the CT community.

What interagency power DSOP does possess comes directly from its relationship with the National Security Council staff and, ultimately, the president. This relationship, codified in IRTPA, remains DSOP’s primary source of authority and has been critical in preserving its role in the counterterrorism

enterprise. However, the definition of this relationship is personality dependent. And DSOP's ability to drive interagency planning is based on the ebb and flow of guidance from the NSC. As a result, some view DSOP's de facto role as a simple staff extension of the NSC. This role is useful, but limiting, as it keeps NCTC from truly becoming the leading national counterterrorism planning entity. It also subjects DSOP to the exigencies of the day and weakens NCTC independence.

To solve this problem the authorities issue must be addressed across the entire government CT enterprise. As recommended in the PNSR report, the president and Congress should both undertake efforts to evaluate the full scope of the CT enterprise and codify roles and missions across the interagency community. Part of this effort would include clarifying DSOP's mission and authorities.

Specific to DSOP, it should be given authority to influence both resources and personnel. I will discuss personnel in a few moments. Regarding resources, DSOP should be given some authority to control and allocate funds to the various departments and agencies involved in counterterrorism. This would not mean, for instance, that DSOP would fully control federal allocations to these entities. But it would give DSOP a powerful lever by which to incentivize interagency cooperation; quite simply, the departments and agencies that took an active, productive role in the interagency planning process would have a greater say in budget allocations. This authority also would provide DSOP with a dynamic process to adapt both strategic and operational plans to the ever evolving terrorist threat.

Personnel:

The issue of personnel remains a significant factor limiting the evolution and ultimate effectiveness of DSOP. To succeed NCTC must have the right talent. A clear mission with ample authority rings hollow if the appropriate personnel are not brought together to execute what is required.

DSOP has been hindered by the lack of planning talent since in its inception. Unlike its analytic and knowledge management counterparts in NCTC, no standing cadre of interagency counterterrorism planners existed from which a terrorism specific capability could be created. When NCTC's Directorate of Intelligence was created, it was able to pull from a large collection of trained personnel skilled and experienced in basic analytic techniques and, to a lesser degree, interagency collaboration under the legacy Intelligence Community rubric. The same held true for the knowledge management personnel whose technology and data basing skills were directly transferrable to NCTC's mission. This was not the case for DSOP. Few departments and agencies conducted strategic or operational planning and those that did utilized very different models. This made it even more difficult for NCTC to design its planning products. Not only did they lack planners internally who understood plan design, but also the interagency as a whole did not understand or embrace the need for comprehensive planning efforts. This problem—the lack of an interagency planning model or culture—still exists today.

While the process of building this capacity has begun, it has been slowed by two key factors—lack of interagency participation and high personnel turnover.

First, the interagency must become fully invested in NCTC and the DSOP concept. Being fully invested includes not only recognizing and embracing DSOP's missions and authorities but also, and most importantly, detailing the appropriate number and type of personnel to DSOP, and ensuring robust participation in DSOP planning efforts. The old adage that "plans are nothing; planning is everything" is only valid when those that are conducting the planning are actually involved in the execution of those plans. Since DSOP does not execute plans, it is imperative that its efforts include robust participation by those departments and agencies that have CT implementation authorities. This has not been the case to date and is very problematic.

To address this issue, the interagency must be compelled to participate. While the Goldwater-Nichols Act is a sometimes over-used example, it demonstrates the effect legislation can have in mandating coordination across disparate departments. Congress must pursue legislation that compels the interagency to participate fully in DSOP's process, including obligating personnel resources. Such a commitment to interagency planning is required if the government is going to be equipped to address the proliferation of transnational threats.

Participation in interagency planning entities such as DSOP must be made a part of both the government's and Intelligence Community's human capital system. Personnel, particularly those with operational experience, must be rewarded through pay and promotion incentives to serve in such entities as DSOP. As with Goldwater-Nichols, only radical legislative reform will break down bureaucratic resistance and change the government's approach to these issues.

Second, personnel turnover at DSOP must be limited. This will occur in part by changing the perceptions regarding the value and credibility of DSOP through mission and authority refinement. Beyond this, the government in general and DNI/NCTC specifically must design a standing career pipeline for interagency CT planners. This will incentivize talent to pursue careers in interagency planning and assignment to interagency organizations such as DSOP. A true and credible planning element would in turn produce better strategies and draft and implement more effective plans. This level and culture of interagency planning is required to drive and ensure operational cooperation. As the December 25 plot demonstrated, the global terrorist threat demands this type of collaboration.

I would be happy to elaborate on this and other issues during questions. Thank you, again, for inviting me to speak today, and I look forward to your questions.