

INCIDENTAL PAPER

Seminar on Intelligence, Command, and Control

**Perspectives on National Security in the
Twenty-First Century
Warren B. Rudman**

Guest Presentations, Spring 2002

Robert B. Brannon, Gregory C. Radabaugh, Robert A. Rosenberg, Gary L. Salisbury, Roberta E. Lenczowski, James B. Plehal, Dean W. Cash, Patrick F. Kennedy, Warren B. Rudman, Joseph K. Kellogg, Jr.

June 2003

Program on Information Resources Policy



Center for Information Policy Research



Harvard University

The Program on Information Resources Policy is jointly sponsored by Harvard University and the Center for Information Policy Research.

Chairman
Anthony G. Oettinger

Managing Director
John C. B. LeGates

Copyright © 2002 by the President and Fellows of Harvard College. Not to be reproduced in any form without written consent from the Program on Information Resources Policy, Harvard University, Maxwell Dworkin 125, 33 Oxford Street, Cambridge MA 02138. (617) 495-4114

E-mail: pirp@deas.harvard.edu URL: <http://www.pirp.harvard.edu>
ISBN 1-879716-81-X **I-02-1**

PROGRAM ON INFORMATION RESOURCES POLICY

Harvard University

Center for Information Policy Research

Affiliates

AT&T Corp.
Australian Telecommunications Users Group
BellSouth Corp.
The Boeing Company
Booz Allen Hamilton
Center for Excellence in Education
Commission of the European Communities
Critical Path
CyraCom International
Ellacoya Networks, Inc.
Hanaro Telecom Corp. (Korea)
Hearst Newspapers
Hitachi Research Institute (Japan)
IBM Corp.
Korea Telecom
Lee Enterprises, Inc.
Lexis-Nexis
John and Mary R. Markle Foundation
Microsoft Corp.
MITRE Corp.
Motorola, Inc.
National Security Research, Inc.
NEC Corp. (Japan)
NEST-Boston
Nippon Telegraph & Telephone Corp
(Japan)

PDS Consulting
PetaData Holdings, Ltd.
Samara Associates
Skadden, Arps, Slate, Meagher &
Flom LLP
Strategy Assistance Services
TOR LLC
United States Government:
Department of Commerce
National Telecommunications and
Information Administration
Department of Defense
National Defense University
Department of Health and Human
Services
National Library of Medicine
Department of the Treasury
Office of the Comptroller of the
Currency
Federal Communications Commission
National Security Agency
United States Postal Service
Upoc
Verizon

Perspectives on National Security in the Twenty-First Century

Warren B. Rudman

April 22, 2002

Warren B. Rudman served as a U.S. senator from New Hampshire from 1980 to 1992. In 1985 he coauthored the Gramm–Rudman–Hollings deficit reduction law. In 1986 he was appointed as vice chairman of the Senate Select Committee investigating arms transfers to Iran, and was instrumental in organizing and directing the investigation of the Iran–Contra affair. As chairman and vice chairman of the Senate Ethics Committee, he presided over numerous investigations and hearings, including the Keating Five, and was active in fashioning ethics legislation. He also served on the Appropriations Committee, the Select Committee on Intelligence, the Governmental Affairs Committee, and the Permanent Subcommittee on Investigations. Senator Rudman was appointed to the President’s Foreign Intelligence Advisory Board (PFIAB) in 1993 and chaired it from 1995 until September 2001. He was vice chairman of the Commission on Roles and Capabilities of the U.S. Intelligence Community from 1995–1996. In 1997 he was named a special advisor on the issue of Gulf War Syndrome; he later chaired the Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents. Together with Senator Gary Hart, Senator Rudman co-chaired the U.S. Commission on National Security/21st Century, established in 1998. He was also a member of the Sharm el-Sheikh Fact Finding Committee that examined the Israeli-Palestinian crisis. He is currently a partner in the international law firm Paul, Weiss, Rifkind, Wharton & Garrison. Senator Rudman has received the Presidential Citizens Medal, the National Intelligence Distinguished Service Medal, and the DOD Distinguished Service Medal, the highest award possible for a civilian. His book, COMBAT: Twelve Years in the U.S. Senate, was published by Random House in 1996. He has a B.S. degree from Syracuse University and an LL.B. from Boston College Law School.

Oettinger: We are delighted to welcome our speaker today, Senator Warren Rudman. You have read his biography, and he needs no introduction in any case. He has agreed to be interruptible. Dialogue is preferred, so please do not be shy. I will be rude as usual. And so, without cutting any further into his time, I will turn it over to him. Sir, it’s all yours.

Rudman: Tony, thank you. What I’m going to do today is talk about two totally different subjects. I’m going to talk about the U.S. Commission on National Security/21st Century, which I think will take most of the time. I’m going to spend a little bit of time on my membership in and

chairmanship of the President’s Foreign Intelligence Advisory Board, which I hope will be of some interest. That ought to take up half an hour or forty-five minutes; anything longer than that and you’ll go to sleep. We ought to have a pretty good dialogue, because there is a large number of things we can talk about in those two areas. If there’s anything else in that résumé that is of interest to you, we could talk about that.

Let me start at the beginning, which is a really good place to start anything. Bill Clinton and Newt Gingrich,¹ seemingly two very different people, had enormous similarities when you got to know them, and I got to know them both very well. Number one, they were both very smart. In fact, they both had hair-trigger minds and many megabytes of memory. They were extraordinarily bright people. Number two, they were both visionaries. Number three, they were both historians. Gingrich was a professional historian, with a Ph.D. in history, who taught that subject. It was really extraordinary to listen to Newt Gingrich lecture on the history of Europe and the history of America from about 1600 on, particularly on military campaigns. Clinton was self-educated in that area, and very interested in it. Of course, they both had their unbelievable failings. They both had powerful judgment flaws—personal, not professional.

In 1997, the two of them were in the Oval Office, talking about something they were trying to cut a deal on—some piece of legislation. Gingrich said to Clinton, “You know, I was reading something last evening that reminded me of this. In 1947, Harry Truman and George Catlett Marshall” [in my opinion, probably one of the greatest Americans of the twentieth century, certainly as a military figure, towering right up there with Eisenhower, or maybe even higher in some ways] “were having a discussion, and Truman said to Marshall, ‘You know, we won the war because of our overwhelming might and our industrial strength that we were able to mobilize, but we did it ad hoc. We put together all of these mechanisms to get everything to work. There were a lot of moving parts, but a lot of them didn’t have names. We’ve got another fifty-three years in this century. We ought to try to do something to get ready for it.’ So they said, ‘Let’s get ten or twelve very distinguished Americans who have experience in these areas to look at the whole panoply of the government, and what it would look like,’ and they did.”

You know there was no U.S. Air Force at that point; there was the Army Air Corps. Everybody thought at the beginning of the war that it was just a little thing that would do observation. There were no Joint Chiefs of Staff [JCS]. There was no CIA [Central Intelligence Agency]. There was no NSA [National Security Agency]. There were some intelligence units in the services that were kind of archaic, except, I would say, Naval Intelligence, which was probably the best of all of them during World War II. The Department of Defense [DOD], the Department of the Air Force, CIA, JCS, and so forth, and much of the structure that we all grew up with, resulted from that discussion.

Gingrich said, “You know, Mr. President, we ought to do that for the twenty-first century, because what we have in place was put there for the cold war, and isn’t necessarily what we ought to have in place for the next fifty years—for the first half of the twenty-first century.” They agreed to do that. Gingrich introduced legislation to create the National Security Study Group [NSSG], later renamed the U.S. Commission on National Security/21st Century. It went like a

¹Representative Newt Gingrich [Rep.-Ga.] was at the time speaker of the House of Representatives.

rocket through the House and Senate. Everybody thought it was a great idea. Everybody was behind it.

After it passed, the president called me, and said he wanted to have two former U.S. senators, a Republican and a Democrat, with a lot of military experience, chair it. At the time I was serving on the PFIAB. In my case, I had a lot of personal military experience, as well as experience on all of the right committees in the Senate. David Boren [Dem.-Okla.], the first co-chair, could only do it for a while, so the president got Gary Hart [Dem.-Colo.] to replace him.

I don't know if you looked at the commission report and at the people on the commission.² Do you know who they are, and what they did? For instance, you might not know that Harry Train is one of the truly thinking admirals. He was one of the most brilliant guys in the military; he commanded the Atlantic Fleet, and is highly thought of as a defense intellectual. Of course, the same goes for a Massachusetts native named Jack Galvin, who's kind of a quiet, scholarly man who was a great soldier and head of NATO [North Atlantic Treaty Organization]. There's Norm Augustine, head of Lockheed-Martin. I call Jim Schlesinger "secretary of everything." They put together this great incredible of people.

We started in 1998, and assembled a staff. I don't know if we called on you, Tony, for consulting to us. We called on a lot of people from a lot of places—the best and the brightest people in the military, in academe, and in think tanks, people whose names you would recognize in particular areas—and we set out on a mission to decide how we would reorganize America's national security.

The mandate was very broad. When we talked about national security, we weren't just talking about the Pentagon, or the intelligence community. We talked about science education. Without good science education, you'll have no national security. We talked about health. We talked about the economy. We also talked about things military.

We traveled all over the world in small groups. No one was paid for this, except the staff members we recruited. Every member of the commission worked totally pro bono. We spent a huge amount of time. We talked to foreign ministers, civilians, journalists, intelligence officers, university professors, students, ordinary people, presidents, kings, potentates, dictators—you name it.

Then we came back and started to assemble our thinking in a very structured way. Because of your background in computer technology, you might be interested that a systems engineer at CIA suggested a system to us to help us work as a commission. The way it worked was that we all had a personal computer. We would sit down for our meetings, which might last six to eight hours, and the staff prepared many drafts of what we ought to be looking at. They were projected, and we interactively worked off those drafts. I'm sure you've seen that, and that it's fairly simple to do, but it was remarkable to get a group of people with strong views being able to work with

²*Road Map for National Security: Imperative for Change—The Phase III Report of the U.S. Commission on National Security/21st Century*, February 15, 2001, [On-line]. URL: <http://www.nssg.gov> (Accessed on 9 June 2003.) The members of the commission, in addition to the co-chairmen, were Anne Armstrong, Norman R. Augustine, John Dancy, John R. Galvin, Leslie H. Gelb, Newt Gingrich, Lee H. Hamilton, Lionel H. Olmer, Donald B. Rice, James R. Schlesinger, Harry D. Train, and Andrew Young.

the written word instead of the spoken word. Everybody was prompted by the screen to go to *this* paragraph, and asked, “What do you think of this?” or “What do you think of this agenda item?” That’s how we built the structure of what we were going to do. It’s not how we wrote our reports.

We spent three and a half years, and developed three reports. There’s a first report, in which we essentially set forth our assumptions of what the world would be like in the first fifty years of the twenty-first century.³ We did that, obviously, by talking with many people to get a good sense as to where we would be.

The second thing we did was set down a structure of how we thought you might be able to change things to meet those assumptions.⁴ Finally, unanimously, this commission agreed on fifty key recommendations, which are in the Phase III report. You’ll notice each one has a black box around it. That was the final report.

The stunning thing about the final report (and I wrote the executive summary) is that you’ll find in there the following words: “We believe that Americans will be killed in large numbers on American soil in the near future by acts of terrorism.” We wrote that not in the year 2001, but in the year 2000.

The report itself addressed that we have an asymmetric threat here that is absolutely stunning when you look at the amount of money we spend on the armed forces. We have an incredible Navy, a great Air Force, a wonderful Army, smart weapons, and great technology, which are worthless in the defensive sense against terrorism. They don’t work. You can’t deploy an Army division against a cell of Al Qaeda in Rochester, New York, that you don’t know is there.

We also found some glaring deficiencies not only in intelligence, but also in domestic counterintelligence, which means the FBI [Federal Bureau of Investigation]. For anyone here who does not know, the CIA is specifically barred from any intelligence activity in the United States. All of that is done by the FBI. When the hearings start later this month on what went wrong, I think everybody’s going to be rather surprised at what they find out.

What were our recommendations? In the area of terrorism, we recommended that about seven things be done. I’m pleased to say that six have now been done.

I should back up a bit. When the new administration came into office, on the twenty-second of January, two days after the inauguration, I still had my office in the Executive Office Building [EOB], and I had my White House pass, so I called Condi [Condoleezza] Rice, whom I knew very well, and walked over to the White House, and said, “By the way, here are eight copies of this report, one personally addressed to you, one addressed to the president, and you can do what you want with the other six.” She said, “What’s that?” I said, “Look, don’t get all out of joint because this is a Clinton-commissioned study. This was really Newt Gingrich’s idea, and Clinton agreed with it. This is totally nonpartisan. There is not a political word in that document. It is intended to

³*Major Themes and Implications—The Phase I Report of the U.S. Commission on National Security /21st Century*, August 1999, [on-line]. URL: <http://www.nssg.gov>

⁴*Seeking a National Strategy: A Concert for Preserving Security and Promoting Freedom—The Phase II Report of the U.S. Commission on National Security /21st Century*, April 2000, [on-line]. URL: <http://www.nssg.gov>

help you. The mandate of the Congress was that it is to be presented to the president of the United States who takes office in the year 2001. So it's for you."

I got a call from her in a few days, and she said, "It's very interesting, and the president believes that the vice president ought to set up a little task force in the White House and look at it and decide what we can do." That was fair enough. You wouldn't expect a new president to say, "Oh, I love your report! Here, put it into effect." A lot of people were very critical of the White House for not paying attention to it earlier, because of the warnings about the attacks. I don't share that view.

Oettinger: You're raising a question that for me is very interesting prospectively as well as historically. Knowing what you now know, both of the work of the commission and of the nature of the acceptance and so on, do you have any thoughts about what could be done to get earlier acceptance: to engage people in more discussion? After all, when you demonstrated what your commission accomplished, there was a fairly substantial literature. Scholars and others had written on terrorism, et cetera. But even after September 11, nobody paid that much attention to how you engage the attention of your colleagues in the Congress and others in incipient issues before you get the Pearl Harbors and the 9/11s. Or is that a hopeless task in a democracy?

Rudman: That's a great question, and the answer is partially in a wonderful piece written by Harold Evans, the former chairman of Random House and the former managing editor of the *London Times*, in the *Columbia Journalism Review*.⁵ In the article he castigates the media for the way they treated this report.

So, let me back up a bit and talk about what you just asked. It's very instructive. If any of you are ever in the position of having to get something important out in front of the public, how do you do it? We thought we knew how. We had all been in public life and knew something about it. We had enough money, in the funding appropriated by Congress, to hire top-notch public relations consultants to help us get this out. They did all the things they normally do, but, even more important, when the report was finally rolled out officially in February (we gave it to the president in January), it was done in the Mansfield Room of the U.S. Senate. There were four U.S. senators present and eight congressmen; they had advance copies and wanted to show their support for it. We had representatives from every major media outlet, every network: *The New York Times*, *Wall Street Journal*, *Washington Post*, *Boston Globe*, *Los Angeles Times*, et cetera.

That night, one of the three networks, ABC, gave it about eight seconds. The only two newspapers in the country that did a decent job of even reporting it were *The Washington Post* and *The Los Angeles Times*. The others gave it short shrift. The first time anyone in America knew that there was an NSSG in the pages of the newspaper of record of the United States—*The New York Times*—was September 12, 2001. The *New York Times* reporter walked out of that press conference halfway through. Our executive director called him shortly thereafter on his cell phone, and asked, "How come you didn't stay for the end?" He said, "Hell, that's not the kind of story the *Times* reports. That's just one of these government reports that pile up and get thrown in

⁵Harold Evans, "What We Knew: Warning Given... Story Missed. How a Report on Terrorism Flew Under the Radar," *Columbia Journalism Review*, November/December 2001, [On-line]. URL: <http://www.cjr.org/year/01/6/evans.asp> (Accessed on 9 June 2003.)

the dustbin.” Of course, he wasn’t totally wrong. That’s what happens to a lot of reports, and you’ve seen it if you’ve been in the government. You’ve seen thoughtful work done by people, and people don’t pay any attention to it at all. It happens.

In terms of results, the remarkable thing about what we did (remarkable to all of us) was that if anyone had told us in 1998, when we started this study, that at the end of it we would come to the conclusion that the greatest threat to America was international terrorism, we would all have said, collectively, “You’re nuts!” We could have thought of a whole bunch of things that were far more important in our own minds. Bill Cohen wrote an op-ed piece a year before this ever came out, when he was secretary of defense, saying the same thing.

My answer to your question, I guess, is that I just don’t know how you get people to pay attention to important things, because, had you told anyone what was going to happen on September 11, they wouldn’t have believed you anyway. It’s a lot like Pearl Harbor. You know the history of that. Naval intelligence knew the Japanese fleet had left the Inland Sea, and then they lost radio contact with them. Nobody knew where they were going. We found out on December 7, 1941.

The same thing is true of Saddam Hussein. I can tell you now, because it’s long since been declassified. We were up in the intelligence room in the Senate (Tony has probably been there; one of those secure rooms, or SCIFs [special compartmented intelligence facilities], as they call them). The CIA came over and showed us satellite photography superimposed on maps showing Saddam Hussein displacing troops, but nobody knew what he was doing. It’s when he crossed the border of Kuwait that we found out. Intelligence is very good at telling you who, what, why, but not when, and that’s the problem.

Oettinger: I don’t want to leave the class with a sense of futility about this sort of thing. Let me test you on one more concept, because after reading many commission reports and looking at the history, I formed the notion that most of them lie on shelves, and why bother—until something happens. You mentioned the Army Air Corps turning into the U.S. Air Force, which triggered this. One of the alumni of this seminar looked into how strategic bombing came to be in World War II. It turned out that between the wars, there was a plethora of commission reports looking at airpower, all of which were ignored at the time they were written, but when it hit the fan, they opened them.

Rudman: That’s what happened here.

Oettinger: Not only that, but many of the writers of those reports ended up being the civilian and military leaders in World War II. So if you think of it not as a trigger for immediate action, but as a school or preparation for things that could happen, it looks very different.

Rudman: I like that! I never thought of it that way. I think you’re quite right, because the recommendations in the terrorism area have essentially all been adopted. In fact, let me just tell you what happened, and it will kind of make that point.

We recommended a number of things. We recommended that the president set up a National Security Council [NSC] division for terrorism. That’s become Tom Ridge’s office. The president

put it in a different box, but that's okay. I don't care in what box they have it; it was supposed to be a coordinator. We recommended that the secretary of defense create a homeland CINC [commander in chief]. Last Thursday, Don Rumsfeld created U.S. Northern Command, to be headquartered in Colorado Springs, where NORAD [North American Aerospace Defense Command] is located. We recommended that the DOD create an assistant secretary or under secretary of defense for homeland defense. That's going to be done. We recommended that the National Guard, which is forward deployed, if you will, in this country, be dually trained in the response side.

The single most important recommendation (other than Congress getting its act together, getting rid of all these committees, and just having one select committee, like it does with intelligence) was that there be a consolidation of the agencies involved in guarding our borders both physically and technologically. Right now there are forty-three agencies in the government that have responsibility for homeland defense. You can't consolidate all of them, obviously. The FBI, the Pentagon, and the CIA have major responsibilities, and you can't put them in there. But those who guard the border ought to be consolidated. I testified for four-and-a-half hours on the Hill last week between two committees. We recommended that the Customs Service, the Border Patrol, the INS [Immigration and Naturalization Service], and the U.S. Coast Guard be taken out of where they are and put into a homeland security agency.

Now, what does that mean to you in the Coast Guard? Operationally it means nothing. Same uniform, same personnel system, same promotion system, same budget process, same everything. The difference is that you'd be reporting to a secretary of homeland security rather than the secretary of transportation, and there would be coordination between all of these units.

Right now, as you may know, these various agencies cannot talk to each other, and don't share databases. There are real problems. You saw that Mohammed Atta & Co. got their visas six weeks ago. Talk about embarrassment! I'm surprised they didn't get a certificate of some kind! The bottom line is that although that has not happened, the administration has come around to recommending it.

By the way, FEMA [Federal Emergency Management Agency] is also in this new agency. We thought that FEMA, who are the first responders, should be in the same agency with people who are essential to homeland security.

What do I think? I think that all of these recommendations in the terrorism area will have been adopted by the end of next year, not necessarily this year. That's warp speed for the U.S. Congress if they can get it done in that time. Then, of course, we will not be home free. We've only put in place what we can put in place, and what will help us in a variety of areas.

There are three specific issues addressed in that report, as it relates to terrorism. First is prevention, which has to do with intelligence, protecting the borders, and a whole group of things like that. Second is protection, which has to do with protecting critical infrastructure, particularly the cyber networks. One of the things in that report that has not received the attention it should is that one of the great acts of terrorism that can be committed in this country by someone with the right capability will be cyber terrorism against our utilities, our banking system, our aviation control system, or our freight control system. There are so many things. The experts we had told us that this was easy to do.

Oettinger: Easy to provide some protection, or easy to attack?

Rudman: Both.

Oettinger: It takes money.

Rudman: Dick Clarke, who is a very senior NSC person, has been assigned to that job.⁶ We don't think it belongs there. We think critical infrastructure protection belongs in the homeland defense organization.

Let me give you three numbers and tell you what a daunting problem it is just to protect the border. Every day, there are 1.25 million people crossing our borders, by sea, by air, by car, or by train. Some come for the day and go back again to Canada or Mexico. There are 50,000 cargo containers a day coming into this country. Less than one percent are being inspected. Think about that in terms of a major threat! There are roughly 400,000 vehicles a day—meaning aircraft, ships, trucks, and cars—crossing the border, and there is no system whatsoever that gives us any kind of rational control over who they are, what they are, where they are going, and where they came from.

You may or may not be aware that our Coast Guard cutters are now intercepting ships at sea in what is called the Sea Marshal Program and trying to check the containers. There's a former Coast Guard commander, Steven Flynn, a brilliant young man, who worked for us on this for a year or two. He's a senior fellow at the Council on Foreign Relations. He says we ought to do more checking of cargo at the port of embarkation, so you'd have Customs people working in all the ports around the world and being able to see what goes into these containers.

These are all the things that we think have to get done, but they will take a lot of money and reorganization. We're spending all this money on airplanes and airports, and it's absolutely the last place it's going to happen again. They're done with airplanes! The next things they'll move to are trucks, or ships, or cargo containers, or Semtex explosives in tractor-trailers.

As soon as 9/11 happened, we became the most popular people in America. There were 2.5 million hits at the Web site in the first two weeks after September 11. In fact, the Pentagon had to put new services in just to support this little Web site. The Government Printing Office printed another 250,000 copies; they're all gone. You can't get those anymore. Guess what? You can get them at your local bookstore. A very enterprising publisher up in Pennsylvania said, "This is hot!" There's no copyright on anything the government puts out; it's all in the public domain. He printed it and put a beautiful cover on it.⁷ It has all the commissioners' names in it; it even has a few pictures in it. He's getting sixteen bucks for it. I want 10 percent, but he won't give it to me. So all of a sudden it's a hot item. All of a sudden the administration has done most of what we suggested. The Congress is in the process of working to address it.

Where do I think we are, and what do I think is going on, based on my knowledge from this experience and my knowledge from the intelligence community over the last eight years? I think

⁶Richard A. Clarke was appointed as the president's special advisor for cyberspace security on October 9, 2001.

⁷The Phase III report was published by Kallisti Publishers, Wilkes-Barre, Pa., in 2002.

we're in for trouble. I think it's only a matter of time, and not that much, before they lash back at us for what we did to Afghanistan. My guess is that it will be high explosives that will go off in a metropolitan area. I hope I'm right, because I'm terribly concerned (and we say so in this report) about weapons of mass destruction—chemical, biological, and radiological. This is a very easy country to penetrate, and if we don't get on the stick and start checking our cargo containers more carefully than we're checking them now, that's a great way for some of this material to come in. I wouldn't bet against it.

If I were to bet on what it would be, I would not bet on chemical or biological weapons. I'd bet on nuclear, because, once you get your hands on the materials, it's by far the easiest thing to use, either in a chain reaction detonation or in a dirty bomb that could be set off by high explosives. We are totally unprepared for that. The American people are unprepared for it, the response agencies are unprepared for it. The Pentagon is more prepared for it than anybody is. They've got all sorts of contingency plans, because only the U.S. military has the resources to deal with that kind of disaster. No local police or fire department could deal with that, not even in New York. New York was unique in that we had a lot of people killed, but very few injured. It didn't tax the response system, because the people were dead. At that point, it was digging for people who had been long dead. So, everywhere I can, I have told people and I have testified "Take a detailed look at your agency and what you're doing, and start doing things in that area, because we're in it for a long haul."

I think Bush is right about one thing. I think that the only way to stop this threat is to eliminate these people. We can't get along, and we never will. The U.S. military is trying, but they're very hard to deal with.

Oettinger: Since you mentioned cyber attack and protection only as a sort of parenthesis, I first want to remind the class that they have read Greg Rattray's *Strategic Information Warfare*,⁸ and they should take it more seriously in light of Senator Rudman's comments. Second, if you have not read the report of the President's Commission on Critical Infrastructure Protection [PCCIP],⁹ you should. It deals with that aspect.

Rudman: Which is why we didn't, because by the time our report came out, we figured that these people did a terrific job, so why not just refer to their reports?

Student: On that note, speaking of Richard Clarke being appointed to work on infrastructure protection, he actually did just move into homeland security from the NSC.

Rudman: Right. He's on Ridge's staff, but I still don't think it belongs in the White House. I don't think the White House ought to have operational units within it. I think it should do planning and coordinating. Historically, every time there's been a White House-controlled operation, such as Iran–Contra (I also was vice chairman of that committee), it gets screwed up to

⁸Gregory J. Rattray, *Strategic Information Warfare* (Cambridge, Mass.: MIT Press, 2001).

⁹President's Commission on Critical Infrastructure Protection, *Critical Foundations: Protecting America's Infrastructures* (Washington, D.C.: The White House, October 1997), [on-line]. URL: http://www.ciao.gov/resource/pccip/report_index.htm

a fare-thee-well. I don't think the White House ought to do that. I think the White House ought to plan, direct, and set policy, but you shouldn't have somebody in there who is operational. In the first place, you don't have budget authority. How can you be operational if you don't have budget authority? You cannot tell people what to do unless you issue their paycheck.

Student: They may be creating the Department of Homeland Security.

Rudman: We think that's where Dick Clarke's operation should be.

Student: Realistically, where do you think this is going to end up, given that the White House wants to keep it there? Will it be a separate cabinet-level department, or an independent agency?

Rudman: The White House really wasn't against it, once they understood it. We're not saying "Take Tom Ridge out of the White House," any more than we're saying Condoleeza Rice should come out of the White House. Condi Rice is the national security advisor. She coordinates the DOD, State, CIA, NSA, Coast Guard, and all those people who have something to do with national security. Tom Ridge can do that, but he doesn't have to run the agencies that do it, any more than Condi Rice runs Donald Rumsfeld or Colin Powell or whomever. So he can stay there. We're talking about a homeland security agency that does not have a planning function, other than its inherent planning function. That should stay in the White House. We have no problem with that. What we say is that the homeland security agency, which could be either a department or an independent agency, should be controlled by an individual who has budget authority for all of the budgets of all the organizations contained therein. By the way, they have now come around on that. Last week, Mitch Daniels [Mitchell E. Daniels, Jr.], the head of OMB [Office of Management and Budget], testified at the same hearing I testified at. He said, "The president is now looking at this and we will have comments on your proposal."

Student: What is the timeframe on that? Next year?

Rudman: I would hope this year, but I don't think so.

Oettinger: A caution on that score. A number of you at the beginning of the semester had difficulty in distinguishing between the director of the CIA and the director of central intelligence [DCI]. It's the same person, but one hat is real and the other hat, since the National Security Act of 1947, has not been real for precisely the reason you just mentioned.

Rudman: Another long report by a commission known as Aspin–Brown–Rudman (it started as Aspin–Rudman, but Les Aspin died, so Harold Brown came in) also deals with intelligence. It makes the very same point: how can you expect the director of the CIA also to be the DCI when he doesn't have budget authority? Brent Scowcroft, by the way, is about to report on his commission on intelligence reform and say that you should give the DCI that authority, and Rumsfeld will go right into orbit, around the moon, before he gives one penny of the Defense Intelligence Agency [DIA] budget over to George Tenet,¹⁰ even in a consultative role. This is what is damn' wrong with the intelligence community.

¹⁰George Tenet is the director of central intelligence.

Student: I actually agree with you, but just to play devil's advocate on the reorganization, the proponents of keeping it as it is say that Tom Ridge has such a good relationship with the president that he can get anything he wants, including money from OMB.

Rudman: I wonder how many times in the last two-and-a-half weeks, while Israel has been coming apart, Tom Ridge has been able to get in to see the president. That's my answer. That's B.S. Nobody has access to the president, except the vice president, the national security advisor, and the chief of staff. When the balloon goes up, as they used to say, and the wind is up, the president doesn't want to be bothered.

I still don't think you quite get where I'm coming from. We want a homeland security agency to consolidate the border security function. That's got nothing to do with Tom Ridge's job. Tom Ridge will be another Condi Rice. She's the national security advisor; he's the national homeland defense security advisor. They're parallel. Neither one has control over those agencies that do the actual work, but they do have strong authority. If they say, "The president said to tell you that..." it will happen.

Student: Let me take you back a little bit to your recommendation for the obligation authority of the agencies involved. Have you pulsed them, and how willing are they to abrogate their authority for the greater security?

Rudman: You mean the cabinet? Not at all. You can ask the secretary of transportation to give up the U.S. Coast Guard. What's he going to use for aircraft when he wants to travel?

Student: How do you overcome that?

Rudman: A year ago, Norm Mineta knew as much about transportation as I know about neurosurgery. You get all these newly appointed cabinet secretary who suddenly hug themselves and are very protective. Tom Ridge said, "The only turf that counts is the turf we're standing on," and I muttered to myself, "Bull." I was right. It's not his fault; it's these bureaucrats. I don't understand Bush. He's got so much popularity, and if he lays it out it will happen. If something happens six to eight months from now, and it's not very good, there's going to be hell to pay, because now these recommendations are known to everybody. They do it at their own peril, as I told the House and the Senate Appropriations Committees the other day.

Oettinger: Would you expand a little bit on the role of the Congress and the special committees on this?

Rudman: There's too much oversight. You've got the Appropriations Committee and the Budget Committee. You're probably going to be stuck with those. But then you've got a whole bunch of other committees. The Justice Department has the Judiciary Committee; Treasury has Banking, so before you're done you've got eight or nine committees in the House and their counterparts in the Senate. That comes to sixteen or eighteen committees. One of the recommendations that I'm sure you saw in there was Recommendation #6, which is for the Congress to reorganize itself.

Student: Along those lines, I was at the Treasury last week. They are dead set against turning over Treasury's enforcement functions, such as the Customs Service, to a homeland security department. How is that going to be overcome?

Rudman: If the Congress and the president want to do it, last time I checked it gets done. The bureaucrats still don't run the government, even though they think they do.

Student: Would you add intelligence to the responsibilities of the committees you're recommending?

Rudman: No, I would not. I think you have to keep the intelligence special committees where they are. It is really the non-defense, non-intelligence aspects of homeland security that ought to be consolidated.

Student: So a separate committee would exercise oversight for homeland security?

Rudman: Yes, a select committee, like the House and Senate committees on intelligence.

Student: I'm trying to draw an analogy between Desert One,¹¹ the rise of special operations, and the eventual organizational development of Special Operations Command.

Rudman: You know who wrote that bill? Senator Cohen and I did, ten years ago, and we had a terrible fight with the Army, the Air Force, and the Navy until they suddenly saw what it does.

Student: That's exactly my question. Drawing on that, can you not use some of those same strategies in developing this?

Rudman: At the time I did that I was a sitting U.S. senator. If I were sitting in the Senate right now, I'd know exactly what to do, but I'm not. It takes people who are in positions of authority to get it done. You can cajole and you can show them the technique, but it's very hard. We've got several allies in the House and the Senate who really believe in what we're doing. If they follow through on some of the techniques we used for the Special Operations Command, it will happen.

Are there any other questions on Hart–Rudman? How many of you have had the chance to read the executive summary? You will recall that there was a major reorganization of the State Department and everything except the Pentagon, and everybody thought that's where the major reorganization would take place. We did not think it was necessary. We thought the structure was okay, but some of the strategies weren't so good.

Student: In my research paper, I'm trying to work on small, networked terrorist organizations and how to turn our specialties toward countering that, as your recommendations suggest. The biggest problem I've run into is that your recommendations took the whole basic national security system and turned it upside down to counter a threat that might be only two or five people. That's billions of dollars and years and years of manpower to counter something where you could blink and you'd miss it. I'm trying to find a way to make those things fit together, because you could do

¹¹Desert One was the failed attempt to rescue American hostages from Iran in April 1980.

everything that your report suggests and throw as much money as you want at it, and you still might blink just a little bit and have another 9/11.

Rudman: I agree with you. During one of the Sunday morning talk shows a couple of weeks ago somebody asked me a question kind of like that, but on intelligence: Can't we put more money into intelligence and won't it fix the problem if we get more money, more computers, more satellites, et cetera? I said, "Look, in baseball, if you bat .750 in your first season, you're in the Hall of Fame. In this business, if you bat .750, you're a hell of a loser, because 25 percent of those threats happen." It is my belief that, no matter how good we get, we'll be very lucky indeed to nail 60 or 70 percent of the threats over the next couple of years, until we start invalidating some of these organizations.

Oettinger: It sounds heartless, but perhaps you can pursue that a little bit further. As a country, as a republic, as people, we get used to 40,000 deaths on the highway each year. We try to remedy them, and for a while people obey speed limits, and then it's back to everybody doing seventy-five or eighty on the roads, knowing full well what might happen to them. Why is it so hard to get the public to understand that there are limits to what can be done? That doesn't mean that you don't do what you can, but that perfection is not of this world.

Rudman: Politically, I don't think the country is sophisticated enough to get the message I just gave you, which I'll put another way. Statistically—and this has been done—you have a five times greater chance of getting hit by lightning in America than you do of being affected by a terrorist attack, based on what the CIA thinks of the probability of that happening. They took the number of people struck by lightning in the United States, divided it by the population, developed a formula, and came up with that number. I happen to believe that's probably true. If you're the one who has a family that was in the building when it collapsed, that statistic doesn't help you very much.

I think, Tony, the answer to your question is that Americans read about an accident in Boston today that killed four, one in Indiana that killed three, and one in Texas that killed three, but if you read about 3,500 people dying at the same instant, there's an impact that is hard to measure. I don't think the country is politically ready to hear anyone say, "We can't stop it all." The fact is that the smart people who are talking to each other are saying, "There's no way we can stop it all. It's going to happen. We hope it's not going to happen to you."

Oettinger: In your judgment, would that realization alter the tactics or the strategy that you use? If you could have said that explicitly in your report, would it have altered your recommendations? Are there things you would do differently?

Rudman: No. We get pretty close to that in one part of the report. I know more than I can say here, but I am encouraged that we have identified a number of terrorist organizations, not only in Afghanistan and in the Middle East, but also in Europe, Canada, Mexico, and, frankly, in this country. We are now holding out to try to do something about that. They were totally free to do anything they wanted to do up until September 11. Nobody was doing anything, so now we're in a position where we're doing a lot of things to try to control them. As I said, we won't do it all, but we'll do a lot.

Student: One of the problems with that is that within the domestic United States, the FBI's position has always been that they wait for the crime to happen, they move on the crime, and they try to solve it and put people in jail. But that's the wrong side of the equation. You look at the other agencies—CIA, NSA, and so on—and you ask how you can apply those pre-emptive measures in the framework of our democracy and the Constitution. It's especially hard when you realize that, prior to September 11, the largest terrorist act in this country was home-grown: Oklahoma City. Now you have a position where the CIA is mandated to project overseas and is forbidden to do work within this country. Where do you see us five years from now? Do you see the intelligence community doing more within the country?

Rudman: No. I know exactly what's happening, because I'm involved in it. The FBI is doing a major makeover of its counterintelligence and counterterrorism operations. A year from now, they will look nothing at all like the way they looked on September 11. They'll be totally changed.

I know this will surprise you, but an FBI office in Boston cannot share its information in the way that we send information to each other. They don't have the capacity. Do you know that all of their files are on three-by-five-inch cards? Their files are all manual, all paper.

Student: I was working on the counternarcotics side in the Coast Guard, and it's the exact same deal. You've got border protection, you've got counterintelligence. I used to get frustrated with Customs keeping score on whom they busted and how they did stuff, and the Coast Guard keeping score on how they did it, and the DEA [Drug Enforcement Agency] keeping score, and none of us actually ever talked to each other. I'd be in a Third World country and a Customs plane would land next to my plane, and I'd ask, "What are they doing here?" They'd be working the same case. That all has to be fixed and, knowing the border situation, I don't see how you'll do it. I hope the FBI's got the answer.

Rudman: The FBI is under a very strict mandate, and is now reorganizing totally, because some information is going to come out in these hearings that is not going to make them look very good. There were seven or eight things known that were very similar, and they never got back to where they should have gone.

Oettinger: This is to me a bit curious. I don't doubt what you just described as your situation between your Coast Guard outfit and Customs, but over the years, rightly or wrongly, my observation of the world of intelligence, leaving out the FBI, is that on paper it won't work at all. What makes it work in practice is precisely the contrary of what you described, which is that people in the ranks are willing to talk with one another and share information and collaborate, even though the organization chart says no. You're saying there are areas where that doesn't happen. First of all, is that observation correct? Second, can you shed some light on why it happens in some places and not in others?

Rudman: In the area of controlling the borders, which is what I'm essentially talking about here, you've got three or four different groups involved. You've got the Coast Guard, the Border Patrol, the Customs Service, and the INS. They are small, but sizable organizations. They are far-flung. They are organized differently; some have regional headquarters, some don't. I'm not sure this is right, but it's like this: the Coast Guard would have its regional headquarters in Boston, which I

think you do for this area, and the Customs Service might have it in Hartford, Connecticut. The computers don't talk to each other, so it's an unholy mess.

The FBI is even worse. They're one organization, and they can't even talk between Boston and New York in electronic form if it has to be secure and with the right kind of information. The other problem is that the FBI, as you pointed out, for years has been interested in discovering crime and convicting people. That's not the issue anymore, not when what we're talking about is intelligence to prevent terrorism.

I am heartened. I had a long meeting with Bob Mueller, the new head of the FBI. He's from Boston, and he's got quite a program going. He wanted some of my views, based on what we had recommended, and I think they are doing a very good job of getting moving, but I'm very concerned that people such as Norman Mineta and Paul O'Neill, the secretary of the treasury, and so on, say, "Customs has been here since the Revolution, so we can't change that." That's exactly the point! Customs has been there since the Revolution. It hasn't moved.

Student: If I may change gears for a little bit, with Northern Command and the homeland security office, I have a sense that we're really building "Fortress America." We're reinforcing our borders. Even some of your own recommendations on prevention and protection centered on America. Can you talk about your view of how well we're doing in global engagement on more cultural, less defense oriented issues?

Rudman: That's a very good question. We are very critical in this report of the State Department and how it's organized, particularly in the area of public influence. I was part of the group that traveled in Syria, Oman, Egypt, Qatar, the United Arab Emirates, and so on, because I'd been there a lot. We are not very well liked over there.

Oettinger: More because of our support of Israel, or just in general?

Rudman: That's part of it, but not all of it. Our support of the state of Israel is a problem in these Arab countries, but a larger problem is that the fundamentalists within the world of Islam have done a pretty effective job of making us out to a large part of the population as being the great American ogre. It's our culture, our movies, our television, and our troops being over there. In all of these places there is really a hatred of us. Even some of our friends in Europe are a little unhappy with us for a lot of things. We're the big guy on the block, and we're kind of overbearing sometimes. You've got to be careful when you're the big guy on the block if you want all the little kids to come out and play with you. You ought to be a little more introspective in how you deal with them. When the president says, "If we can't get any help we'll go it alone," that doesn't go over very well around the world. You have to be careful what you say.

I think we've got an opportunity for a bit of public diplomacy. We need more Voice of America. I'm a great believer in the Peace Corps. All these things we do are great, but we do a lot of things that make it difficult. In addition to that, realistically, if you've got people in Egypt who are preaching hatred of America and Americans in the mosques and in the religious schools, it's pretty hard to offset.

Israel, of course, is another issue, but I'll point out to you that everybody says, "We support Israel because there's a strong American Jewish lobby." Well, hell, there was no strong American Jewish lobby in 1946 or 1947, when Harry Truman recognized the state of Israel. He did it for the same reason then that we have our policy now. Take a look at the Arab Summit. Will somebody name to me the leaders at the Arab Summit who were popularly elected? There's not one. That's been our problem in the Middle East: we support the only democracy in the Middle East. That's the way it is. We've got problems on our hands right now, because I think [Prime Minister Ariel] Sharon has made it very difficult for us to continue the policy that we're continuing.

Oettinger: I bring that back to your comments right at the start, taking us back to World War II and 1947. The situation you just described in the Middle East is not unlike what we faced in Europe in 1947 with regard to communism and indoctrination and hatred of the United States. We countered it with the artistry of the CIA and other operations of governmental and nongovernmental organizations over fifty years. Have we shot ourselves in the foot by dismantling all of this after the Church Committee and so forth?¹²

Rudman: I think that the Church Committee did a lot of things that were very good, but I think they also did a lot of things that were very bad. I served on the Senate Intelligence Committee for almost my entire time in the Senate. I chaired the PFIAB for a lot of years. Not during my term, but prior to that, we gave up a lot of important assets that we never should have given up, because of the mania in the Congress about some things that the CIA did that were wrong.

It's very interesting. I'm on the board of the Kennedy School Institute of Politics. That's why I happen to be here this afternoon and could do all this together. We had our board meeting today, and we met with students—incredibly bright young kids who work voluntarily for the Institute—and then we had a luncheon to honor Senator David Pryor [Dem.-Ark.], who's leaving as their director. I sat at a table with six students, two young women and four young men. Three of them are seriously thinking about careers in the CIA. Things are changing. There was a time when you would never have expected to have that on this campus.

Oettinger: A military officer who was wearing his uniform on campus told me that somebody stopped him and thanked him. It's remarkable.

Rudman: The fact is that things are changing, and September 11 caused some changes that were positive. They were mostly negative, obviously, but some things happened that I think give Americans a different perspective on their country.

Student: Senator, I'm doing a paper for this course on biodefense. The whole problem of loose bugs parallels the problem of loose nukes, and is almost a biological counterpart to our concerns about the former Soviet Union. It seems as though when you talk about trying to control the borders you're talking about the holes in the sieve changing, but it seems that the stuff coming through the sieve has also changed a great deal. To get a biological agent through a border you can infect yourself and be the biological counterpart to a suicide bomber. If you're talking about a

¹²The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, which reported in 1976, was known as the Church Committee, for its chairman, Senator Frank Church [Dem.-Id.].

highly contagious disease, there's really nothing we can do to protect ourselves. How do these changes translate to changes in biodefense?

Rudman: I don't consider myself an expert on that. I'll tell you who I think is: Joshua Lederberg, a professor at Rockefeller University. You can find out about him on the Web. He came down and talked to us. Have you seen any of his books? If you haven't, you should.¹³ He is one of the foremost experts in the world on bioterrorism and biodefense. I didn't hear enough to be able to write about it very much, and I didn't. We said something has to be done; we didn't say how to do it. I came to the conclusion that of all three, that was the toughest to deal with. There are technological ways to deal with incoming nuclear and incoming chemical weapons. This was the tough one. I don't know the answer.

Student: It seems that you're really focusing on tangible things coming across the border. Even a biological weapon is something tangible. What about information? Ash Carter makes the point in an article he wrote recently that you should be looking at the information on the Net.¹⁴ How do you protect that?

Rudman: I'm not sure exactly what his point was. I read the article, and I know Ashton. He consulted for us and gave us some advice. Was he saying that information that comes in or goes out is somehow a part of terrorism, or that the information technology that we have will be impaired in a way that constitutes terrorism?

Student: I couldn't speak for him, but I guess I'll ask you to address the point that you need information to carry out terrorism. As an example, he asked if you should be looking at every Arab male who comes into the country or at the information that people need to carry out terrorist acts, and trying to secure that and trying to track where it's going?

Rudman: I know where you're coming from now, but that's a different article. He's written several lately. I have not seen that one.

I don't think there's enough technology or that there are enough people or enough eyes to screen the kind of material we'd have to screen to catch all or even most of it. I'll tell you this: we are checking mail from certain parts of the world. We can't check it all. What information do they need? If they want to make a statement, how about a semi packed with a thousand pounds of Semtex in the Callahan Tunnel at six o'clock tonight? All you need is a map to know where the Callahan Tunnel is. I'd prefer the Callahan Tunnel to the Williams Tunnel, because the Williams Tunnel is newer and cost more. That's what they're going to do. How can you protect yourself from that?

¹³Joshua Lederberg, who won the Nobel Prize for medicine in 1958, has edited various books and reports on bioterrorism, including *Biological Weapons: Limiting the Threat* (Cambridge, Mass.: MIT Press, 1999), *Public Health Systems and Emerging Infections: Assessing the Capabilities of the Public and Private Sectors* (Washington, D.C.: National Academy Press, 2000), and *Emerging Infectious Diseases from the Global to the Local Perspective: A Summary of a Workshop of the Forum on Emerging Infections* (Washington, D.C.: National Academy Press, 2001).

¹⁴Ashton B. Carter is Ford Foundation professor of science and international affairs at the John F. Kennedy School of Government, Harvard University. Together with John Deutch and others, he wrote "Catastrophic Terrorism: Imagining the Transforming Event," *Foreign Affairs*, 77, 6, November/December 1998.

Student: You go back to the source, and wherever they can find the explosives. Instead of looking for the person or the drugs, you look for where they get their materials.

Rudman: We're doing it. We've got the darnedest program in this country right now on tracking explosives and manufacturers. The ATF [Bureau of Alcohol, Tobacco, and Firearms] is checking every licensee. There are big businesses around the country that sell all kinds of explosives for highway construction and whatnot. Those people are being watched very carefully, and the borders are being watched. But, as I said, if you bat .750 in baseball you're a hero, but in this business you're a bum if you bat .750.

Student: Can you say that for information warfare issues?

Rudman: The government is working to try to put in place ways to protect cyberspace and deny attacks, both for government and, much more important right now, for the commercial sector. I guess Tony recommended that you read the PCCIP report. It's a very good report, done under the aegis of the Clinton administration.¹⁵

Oettinger: Are we at a break point where we should move on to the PFIAB? I think your insights into the operation of the executive office of the White House from that vantage point would be very stimulating to the class.

Rudman: I hope so. I had a great seat.

Again, we'll start at the beginning. I'm sure you must know the history of the PFIAB. In 1953, Dwight Eisenhower became president of the United States after having been commander of U.S. forces in Europe, and really the great military leader of World War II. Shortly thereafter, he created something called the President's Foreign Intelligence Advisory Board. The PFIAB, according to the executive order, is to advise the president of the United States on the quality of U.S. foreign intelligence operations. If you go back and read the true background on it, which is in the Eisenhower archives, the reason is that as a military commander in those days he had very little faith in intelligence operations. He didn't believe what they were telling him half the time. He thought they were B.S. artists. He thought that Wild Bill Donovan, who ran the OSS [Office of Strategic Services] did some great things, but there was a lot of bum information. The best information he got was from the Brits, because of their breaking of Enigma, as the Navy did in the Pacific with Ultra, or Magic. He didn't think much of what they were getting in terms of views and analysis and so forth, aside from the cryptology, which he had a high regard for. So he decided that he would get a group of civilians who were experienced in government, intelligence, or science to advise him on the quality of U.S. intelligence. He didn't have a national security advisor.

Since that time, every president of the United States, save one, has had a PFIAB. To show you how misguided Jimmy Carter was, he did not renew the executive order. Every other president has had it, and it's done some enormously important things, of which virtually none is known to the public. It is the most sought-after appointment in Washington. (I didn't seek it; I just

¹⁵See note 9.

was asked to do it.) All the rich political givers want to be on the PFIAB, and none of them is qualified. They want to go to a fancy cocktail party at “21” in New York and tell their friends, “I know things you don’t know” That’s important to some of those people. Every president has put on three or four heavy-hitting political types and eight or nine people who really know what’s going on.

I will tell you about the first PFIAB, because it’s a fascinating story. The very first chairman of the PFIAB was James Killian, president of MIT [Massachusetts Institute of Technology]. On that first PFIAB were people such as Edward Land, from Polaroid; I forget the man’s name who later became head of the Jet Propulsion Laboratory in California. There was a Harvard professor who was a physicist. It was interesting that Eisenhower, or his staff, seemed to see that technology and intelligence were going to have to merge, if you will: that you would have to have better technology if you were going to have better intelligence. This was an incredible group of people, two-thirds of whom had scientific backgrounds.

There’s a purpose to this story. This is not just an anecdote. One day there was a briefing with the director of the new CIA, whose name was Allen Dulles (he was the younger brother of John Foster Dulles, the secretary of state). The president wanted some information on Soviet activity in terms of nuclear weapons construction, and as hard as they tried they couldn’t get it. Eisenhower told Dulles, “You give Killian a call, and tell him about it. I’d like to know what they think.” Out of that conversation came the U.S. satellite program.

Oettinger: It was also Land who pushed for it.

Rudman: It was never designed to do that. These guys had the collective scientific knowledge to be able to say that you can design a rocket that will carry a payload: a camera that can take pictures with high resolution from high altitudes, totally impervious to defensive measures. You can drop the film in the ocean or over land, pick it up, take it back, and develop it. That was the original satellite program.

Oettinger: That was the Corona program, now declassified.

Rudman: That came out of the PFIAB.

Now, what does the PFIAB normally do? The only project the PFIAB ever did that was made public in forty-eight years (other than Corona, which has been declassified) was under my watch. It was very interesting politically how it came about. You remember that Wen Ho Lee was arrested and locked up in 1999 and accused of selling the design of the WD-88 warhead, the warhead that goes on surface small missiles, to the Chinese.¹⁶ You may also recall that two years later the case was not only dismissed, but the federal judge also excoriated the FBI, embarrassed the hell out of them, and the U.S. attorney just took them apart. It came as no surprise to me and to the PFIAB. As soon as it happened, and things started becoming public, Clinton wasn’t sure whom to trust, so he asked us to see if we could figure out what happened and to make recommendations so it would never happen again.

¹⁶Taiwan-born Wen Ho Lee was a nuclear scientist at the Los Alamos National Laboratory.

Whether Wen Ho Lee was guilty or not, what we did know was that the security of those weapons labs was putrid. So, when we finished our report, he directed it be made public, so we rewrote it to take some classified stuff out of it. That report was titled *Science at Its Best, Security at Its Worst*.¹⁷ Among other things, it recommended a reorganization of the Department of Energy, which the Congress did sixty days after the report came out; again, when there's a problem they can act with alacrity. Second, we essentially, in our report, in careful language because the case was still pending, raised serious doubts about Wen Ho Lee and whether or not he was guilty of anything other than stupidity in the way he cleaned some of his disks. That was the only thing that was ever made public. That was unusual. That is not what the PFIAB normally does.

It's called "*the* PFIAB," because it stands for "*the* President's Foreign Intelligence Advisory Board." It is located in an incredible suite of offices on the third floor of the Old EOB. It's totally secure; it's on the national security floor of the EOB, with secure links worldwide to all intelligence agencies, et cetera. The EOB, by the way, is now called the Eisenhower Building. It was renamed this year.

Student: Who initiated that? That's interesting.

Rudman: I think it was Clinton.

What does the PFIAB do? I'll give you a hypothetical that is probably illustrative without unleashing anything I shouldn't. Let's assume you have a situation where the CIA is involved in a covert operation in Venezuela against a duly elected democratic government. The United States supports democracy, although for years we supported a bunch of banana republics with a bunch of military dictators. Anyway, we ought to be supporting that government, but unfortunately some of them are a little bit tinged with the Left, like Castro, so we don't like them. So let's assume that the president gets a report from his ambassador down there that the CIA is involved in overthrowing that president, who by the way two days later gets back into office, and then cuts off relations with the United States for interfering with the sovereign powers of the country of Venezuela. It could happen. It happened in Chile; it has happened all over Latin America. The PFIAB would be tasked to report to the president on exactly what happened, how it happened, who ordered it to happen, what the results were, and how to fix it so that it doesn't happen again. We did an enormous number of those things over a couple of years, not just in that type of situation, but in many situations.

I was vice chairman for three-and-a-half years and chairman for four-and-a-half years. The PFIAB has a small staff that is augmented any time you want to augment it. You pick up the phone and call any agency in the city, and they'll give us what we want. You can get four FBI agents, three Secret Service officers, two special investigators from Navy intelligence, two cryptographers from the NSA, whatever you want. During the period from 1993 until 2001, we met as a board an average of once every six weeks. I usually spent a small part of every day looking at intelligence reports. Over that time we produced eighty-five intensive reports that were tasked to the PFIAB by the president or the national security advisor.

¹⁷President's Foreign Intelligence Advisory Board, *Science at Its Best, Security at Its Worst: A Report on Security Problems at the U.S. Department of Energy*, June 1999, [On-line]. URL: <http://www.fas.org/sgp/library/pfiab/index.html>

I might tell you that if you're in the executive branch of the government, getting a call from the PFIAB is like a chief financial officer in private industry getting a call from the Internal Revenue Service saying "We want to come over and talk to you." It's a very feared organization. That was kind of fun, actually, because you'd really find out what the hell was going on. People realized that if they lied to you—and some people did—the stakes were very high. There were very severe consequences.

I got to know Clinton very well. I got to know [National Security Advisor] Sandy Berger very well, I got to know most of the NSC staff very well. They were very competent people. But Berger, for a guy who did not have an intelligence background, was a very quick study. Tony Lake had a lot of that background. Clinton's mistake was that I don't think he was much interested in intelligence and things of that sort, and he kind of delegated it to other people. But the PFIAB is of great value to a president who knows how to use it right, because there are lots of people who potentially can do some pretty dumb things, not only in the intelligence community but also in government in general and in life in general. We were able to issue some reports that nipped in the bud some things that, had they been completed, would have been very embarrassing to this country internationally.

I will give you an idea of whom I had on my PFIAB, because I was blessed. A man who unfortunately died during his last year on the PFIAB was a legend to most people in the Navy: Admiral Bud [Elmo] Zumwalt, former chief of naval operations [CNO]. He set an example for everybody who went to sea. General Lew Allen was head of the NSA, and went on to be chief of staff of the U.S. Air Force. He was a bomber pilot, and later became president of Caltech. He has a Ph.D. in physics. I had a guy named Bob Herrmann, whom you probably know; he was head of the National Reconnaissance Office [NRO], which essentially runs the satellite programs. I had a couple of guys who had served a number of years in the CIA and gone on to great success in business, retired in their fifties, and understood intelligence. I had one other pretty high-visibility person in there: Stephen Friedman, former chairman of Goldman Sachs. That gives you a flavor.

What I would do when I got a task was assign it to a task force of two or three members of the PFIAB, staff it for them, and then sit on it ex officio. It was a very effective PFIAB that did a lot of good things. Fifty years from now, they can open up the archives and see what we did.

Oettinger: I had a couple of things to check with you. I think that what Senator Rudman is describing is quite accurate, but it depends in part on your own personal relationship with the president. As a consultant to the PFIAB, I sat through periods when the chairman or the members were more of the crony type and then the president didn't necessarily have any time for them.

Rudman: That's a mistake.

Oettinger: The worst situation was the one in the Carter administration, when there were a couple of secretaries to save the records so there would be some continuity and the history wouldn't have been totally buried. But so much depends on the personal relationship.

Rudman: In the history of the PFIAB I was the first person to serve as chairman who was of the party opposite to that of the president. The way that came about was that I got a call from the chief of staff of the White House early in Clinton's first term, and he said, "The president is

looking for a Republican whom he knows and respects, and who would play it straight. Would you do this for us?" I said, "Yes, it's for national security." Admiral Bill Crowe, who had just been CNO and became the chairman of the JCS, went off to Europe and became ambassador to the Court of St. James, and I was acting chairman for seven months. Then we got Les Aspin. He died the year afterwards, and I became acting chairman. Then we got Tom Foley, and he became ambassador to Japan, so I became acting chairman.

So Clinton called me up one day, late in the first term. He said, "You know, I've been talking with a few people about the PFIAB, and I need to find a new chairman." I said, "That's right, Mr. President, you do." He said, "I'm told that there's never been a chairman of the party opposite to that of the president." I said, "Well, I expect that whoever told you probably knew what he or she was talking about. I never knew of one." He said, "Well, let me ask you something. Do you want to be the first one?" I said, "I'd be delighted. If you're comfortable with it, I'm comfortable with it." He said, "Done." That whole conversation took forty-five seconds. He announced my nomination. It's not confirmed by the Senate; it just has to be cleared by the FBI.

I chaired the PFIAB for four-and-a-half years. I got to know him very well. I had total access to him. If I thought something in the intelligence community was screwed up, I would pick up the phone and I would call Sandy Berger, or if he was traveling I'd call Betty Curry, the president's secretary, and simply say, "I've got something." "How much time do you need?" I'd say, "Ten minutes," or "Fifteen minutes," or "Four minutes," or whatever, and within twenty-four hours, if the president was in the country, I saw him.

On one occasion, I called Betty Curry directly. Sandy was out of town and I didn't want to talk to his deputy, because I didn't want anyone to know about what I was calling about. I said, "I must see the president as early as possible. This is urgent." I was over there in forty-five minutes. He had a lot of ceremonial stuff going on in the Oval Office, so we just went off in a little side office. I had a great relationship with him. I think in many ways that's because this was national security. I was a Republican, and he knew I didn't support most of his domestic agenda, but we didn't have to talk about that.

I'll tell you a great story. This is an anecdote that has nothing to do with what we're talking about. Some of you may know that I was John McCain's national campaign chairman. In my book, there's nobody better than John McCain in terms of doing the right thing. Would he be a great president? Who the hell knows, but I think he would be. Of course, I'm also from New Hampshire, which has the first primary in the nation. You may recall, going back two years, that we weren't given a chance. We were going to get wiped out. We didn't have enough money, or enough organization. You also may recall that we beat George Bush in New Hampshire by nineteen points. John McCain won the New Hampshire primary. In fact, had the second primary not been in South Carolina, John McCain would be president of the United States, because he won the three after that. It was South Carolina that threw him a curve.

I forget the exact date, but let's say that the primary was on March 3, 2000. It was an incredible upset. Clinton was first and foremost a politician. He lived, breathed, consumed politics. So Sandy Berger called me the day after the primary, when I had just gotten back to Washington, and said, "The president wants to see you about something. Come over to my office and I'll tell you what it is. Can you do it this afternoon?" So I went over to see the president. I

walked over and saw Sandy and the chief of staff, and it was on a fairly sensitive matter that I had reported on the month before. They were going to make a decision on it, so they wanted to talk to me about it.

I don't know how many of you have ever visited the White House, or been to the Oval Office. There's kind of a reception area off to the left of it, and you go in one way and take a sharp right and go into the door. Out there was a mob of people who were all backed up for appointments to see the president. I don't think Clinton owned a wristwatch, or if he did, he never looked at it. He didn't give a damn about the time. I've seen him an hour late for a public appointment. So we went into the Oval Office, and he asked me what I thought about that issue, and I told him exactly what I had told him a month or so before. He asked me if I had changed my mind on it, and I said "I certainly have not." "Why haven't you?" "Because of such-and-such." He finally got the drift and decided to do what we had recommended.

This was supposed to be a ten-minute meeting, and we were now up to fifteen. Betty Curry stuck her head in and said, "Mr. President, we're running late." He said, "I'll let you know," so she went out and closed the door. I was wondering why I was still there. I was done. I was sitting on a sofa, and the president was sitting in a wing chair, and I was right next to him. He leaned over, put his hand on my arm, and said, "I want to hear how in hell you managed to beat up George Bush in New Hampshire." I said, "That would take a while." He said, "I want to hear it." I went chapter and verse on the strategy we employed to win that election. It was no accident. It was a very careful strategy, and it worked. It had to do with independent voters and all that. Anyway, Betty came back in again and he looked at her rather crossly and said, "Betty, when I'm ready, I'll ring the bell." He wanted to hear the whole story, because he liked McCain. You can't help but like McCain, unless you're George Bush. But that's another story.

I'm talked out. I'll take any questions you have until four o'clock, and then I'm heading up north.

Student: Who's on George Bush's PFIAB?

Rudman: Interesting. The chairman is someone who's a friend of mine, Brent Scowcroft. He didn't want to do it at all, but he is a wonderful guy and took it. Admiral David Jeremiah, former vice chairman of the JCS, is the vice chair. They are two very good people.¹⁸ What kind of a layout do they have in terms of people? I really don't know. I know who they are, but I just don't know what kind of a PFIAB they have.

I'll tell you one thing: you now know more about that than 99.999 percent of the American people. Most of them don't even know what it is.

Oettinger: One interesting thing is that Scowcroft dates back to earlier administrations.

¹⁸Other members include Crescencio Arcos, Jim Barksdale, Robert Addison Day, Stephen Friedman, Rita Hauser, Arnold Lee Kanter, James Calhoun Langdon, Jr., Alfred Lerner, Ray Lee, Marie Elizabeth Pate-Cornell, John Harrison Streicker, Peter Barton Wilson, and Phillip David Zelikow.

Rudman: I'm sure that George the First told his son, "Listen, you put somebody on that PFIAB whom you trust. Brent will do it for you." Brent didn't want to do it, but he can't say no to the Bushes. He's a good guy.

Student: So he tried to find expertise that's out there, rather than cronyism.

Rudman: That's what I hope he did.

Student: In analyzing what has happened, how much did you and the PFIAB look out five, ten, or fifteen years?

Rudman: We did, particularly at areas of nuclear arms proliferation. We had one guy on the PFIAB who is one of the greatest Americans ever, a physicist from Stanford named Sidney Drell, just an incredible man.

Oettinger: He was instrumental in creating the Advanced Technology Panel.

Rudman: I'm a lawyer. I happen to have an engineering degree, but I never practiced engineering, and I don't know anything about nuclear armaments. He was my strong right arm for technology. I would turn to him for help on anything technical.

Oettinger: There were a lot of outstanding technical people on the PFIAB. Land comes to mind. He was a towering figure because of the whole U-2 and the aerial and space programs. William O. Baker, the head of research at Bell Labs, was there for many years, and was a very influential figure on the technical side. So there was a great deal of innovation that was instigated by the PFIAB in the years when there was a chairman who had rapport with the president. In the years when there was a chairman who didn't have access, you might as well be whistling Dixie.

Student: You said that the only report that was officially released was the one on the national labs. Since there are occasionally political appointees, did you ever run into problems of information essentially being leaked?

Rudman: Never! Here's a statement that I thought I could never make about anything going. The PFIAB has not had a leak in fifty-eight years. It's amazing, but it's no wonder. Even these civilians take it seriously when they get briefings so that they have the crown jewels of the country in their heads if they want them. I'll tell you something, though: not everybody knew everything. There were certain things going on that I made sure were only shared with three or four of the members, because I didn't want to burden people with something they had no need whatsoever to know.

I enjoyed it. It was a very interesting experience, because my military service was totally different. Doing this type of work was really thrilling.

Student: You mentioned very early on some of the possible terrorist attacks or things that could be stopped. Considering what you said about the PFIAB, would the public in general be told about terrorist actions that were stopped?

Rudman: No, because you'd probably disclose sources and methods, and maybe their controllers didn't even know they'd been stopped.

Student: I know we received information about the Millennium Bomber. That became public. I gather that there are others that have already been stopped that were not made public.

Rudman: Quite a few. We've had a lot of success. Unfortunately, we can't talk about them. Isn't that a great business to be in?! All you ever do is read about your failures, and you can't ever talk about your successes. I wouldn't want to do that for a living!

Student: I wouldn't want Tom Ridge's job for the world. The best he can hope for is that nobody knows he's there.

Rudman: Yes. Somebody asked me the other day what I thought of his six color codes. You know what I said? I said, "Not much; I'm color blind." That's true.

Oettinger: Sir, we are very, very grateful to you.

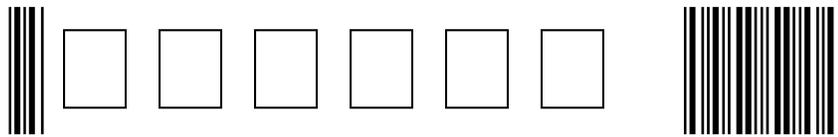
Rudman: I don't know that you learned a hell of a lot.

Oettinger: It's a viewpoint that we've not had, and we really appreciate it. I have for you a very small token of our large appreciation.

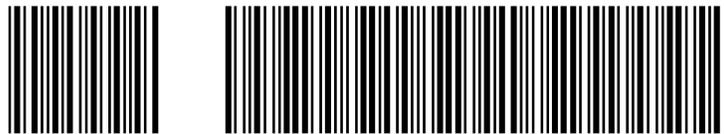
Rudman: I appreciate it. That's great.

Acronyms

CIA	Central Intelligence Agency
CNO	chief of naval operations
DCI	director of central intelligence
DOD	Department of Defense
EOB	Executive Office Building
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
INS	Immigration and Naturalization Service
JCS	Joint Chiefs of Staff
NSA	National Security Agency
NSC	National Security Council
NSSG	National Security Study Group
OMB	Office of Management and Budget
PCCIP	President's Commission on Critical Infrastructure Protection
PFIAB	President's Foreign Intelligence Advisory Board



Seminar 2002



ISBN 1-879716-81-X