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Why the Intelligence Community Needs GAO Oversight

As the recent series revealed, America is spending a lot of money on intelligence gathering, with no way of measuring its success.

by [Julian Sanchez](#) July 29, 2010



Simon D. Warren / Corbis

Last week, *The Washington Post* unveiled [a long investigative series](#) on “Top Secret America”—the sprawling, often dysfunctional surveillance-industrial complex that has ballooned into a \$75 billion cash cow for private contractors since the 9/11 attacks. It was a disturbing portrait of chaos and inefficiency in the sector tasked with protecting Americans from terror—the kind of journalism one would expect to spur demands for more vigorous oversight.

Yet even as the first installment in the *Post* series was rolling off the presses, the Senate Select Committee on Intelligence [announced](#) that it had rejected an almost embarrassingly modest reform aimed at improving intel oversight. Under the threat of a veto by President Obama, the committee stripped from [its version of the 2010 Intelligence Authorization Act a provision](#) that would have clarified the authority of the Government Accountability Office (GAO) to review U.S. intelligence agencies. If Congress and the Obama administration cannot manage even this small step—which should be a no-brainer, given GAO’s proven record of both expertise and discretion—there is little hope of fixing the portrait of dysfunction painted by the *Post*.

The shroud of secrecy that necessarily shields intelligence work has always made robust internal oversight especially vital, even while rendering it exponentially more difficult. As the *Post* notes, even the handful of Defense Department “Super Users” meant to have a bird’s-eye view of all classified intelligence programs can’t keep track of the sprawl, or as one put it, “I’m not going to live long enough to be briefed on everything.”

Harried legislators on oversight committees are in an even more hopeless position. The most sensitive programs—such as the warrantless wiretapping that President George W. Bush authorized the NSA to carry out in the wake of 9/11—may be disclosed only to a “Gang of Eight” senior legislators, barred from taking notes or seeking expert advice. Even when full committees are briefed, the intelligence agencies are often delinquent with statutorily mandatory reporting, and in any event members of Congress have scant incentive to commit scarce time and staff to cracking down on intelligence waste or inefficiency. You can’t rally public outrage behind the cause of reforming wasteful secret intelligence programs, and if you do manage to fix a problem, you don’t get to issue a self-congratulatory press release. The result is a pattern scholars have dubbed the “fire alarm” model of oversight: a spike of intense scrutiny following a major intelligence scandal, followed by long stretches of relative congressional apathy.



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As intelligence scholar Jennifer Kibbe [notes in a recent paper](#), fragmented jurisdiction compounds the problem. During the '90s, Congress failed to review the FBI's attempts at counterterrorism reform because the intelligence and judiciary committees each considered it the other's authority. In theory, the intelligence committees have primary oversight authority. But when they don't manage to pass a formal intelligence authorization bill, as they failed to do from 2006–09, budgetary control effectively falls to the appropriations subcommittees, which have only a tiny fraction of the cleared staff needed to do serious scrutiny of intelligence budgets.

Meanwhile, those exploding budgets increasingly line the coffers of private firms who provide not only an arsenal of spy gadgets, but some 30 percent of the staff at the intelligence agencies. Assuming that private contracts continue to account for [about 70 percent of the intelligence budget](#), the firms in the secret sector are competing for some \$50 billion annually in tax money. (By way of comparison, the global movie industry pulled in a hair under \$30 billion in 2009.)

In a few cases—such as the [scandal that brought down disgraced Rep. Randy “Duke” Cunningham](#)—that cash has found its way directly back to government in the form of bribes. More often it greases the perfectly legal revolving door between senior intelligence positions and executive suites. Lt. Gen. James Clapper, President Obama's nominee for director of

national intelligence (DNI), is a former chairman of the largest intel contractors' trade association, the Intelligence and National Security Alliance. So was his Bush-era predecessor Mike McConnell, who has since rejoined many of his old governmental colleagues at behemoth contractor Booz Allen Hamilton.

Combine thick bankrolls and thick secrecy with thin walls between the public and for-profit sides of the intel world, and you've got a perfect incubator for bloat and waste, a sector "so massive," the *Post* concluded, "that its effectiveness is impossible to determine."

In the rest of the federal government, responsibility for checking such excesses falls primarily to the watchdog GAO. And it's a natural fit for the job of holding intelligence to account as well.

The GAO has the capacity Congress lacks: as of last year, the office had 199 staffers cleared at the top-secret level, with 96 holding still more rarefied "sensitive compartmented information" clearances. And those cleared staff have a proven record of working to oversee highly classified Defense Department programs without generating leaks. Gen. Clapper, the prospective DNI, has [testified that the GAO](#) "held our feet to the fire" at the Pentagon with thorough analysis and constructive criticism.

Unlike the inspectors general at the various agencies—which also do vital oversight work—the GAO is directly answerable to Congress, not to the executive branch. And while it's in a position to take a broad, pangovernmental view, the GAO also hosts analysts with highly specialized economic and management expertise the IG offices lack. Unleashing GAO would be the first step in discovering what the *Post* couldn't: whether the billions we're pouring into building a surveillance and national security state are really making us safer.

It seems like an obvious move. And yet the Obama administration has [threatened to veto](#) any intelligence bill that clarifies GAO's authority to oversee the intelligence community, even within well-defined limits. (The sunlight-averse CIA is purported to be the loudest objector.)

House Speaker Nancy Pelosi has been [holding her ground](#) and insisting on more robust oversight measures—including the GAO provision—approved by the House. But with the capitulation of the Senate's intelligence committee, meaningful intelligence reform may need to begin with oversight by voters, who should insist that Obama prove his campaign commitment to transparency and accountability was more than pretty talk.

Sanchez is a research fellow at the Cato Institute and a contributing editor for Reason magazine.