

TIME

Wednesday, Apr. 12, 2006

Spy Chief: CIA Detainees Will Be Held Indefinitely

Exclusive: John Negroponte says accused Al-Qaeda members will remain in secret prisons as long as 'war on terror continues'

By MICHAEL DUFFY AND TIMOTHY J. BURGER/WASHINGTON

John Negroponte has seen his share of tribal warfare. As the top U.S. official in Baghdad in 2004, Negroponte spent more than a year trying to transform long-standing and often violent resentments between Shi'ites, Sunnis, and Kurds into a shared desire to form a new democratic government in Iraq.

That experience was just one reason Negroponte seemed the right man to take on a just-as-impossible task when he came home last summer: convincing three secretive, self-protecting and hidebound Washington tribes — the FBI, the CIA and the Pentagon — to put aside their differences and work together to avoid the kind of intelligence failures that have beset the U.S. in the last decade. The job came with a new title — Director of National Intelligence — and impressive but hardly unlimited new powers.

Negroponte's first year has been challenging, to say the least. TIME spent several weeks talking to current and former U.S. officials from the intelligence agencies, on Capitol Hill and in the DNI's office itself about the progress made since Negroponte was confirmed as the nation's intelligence czar a year ago. Progress has been made, most experts agree, but it is difficult to measure. Each of the agencies Negroponte is trying to get in harness has at times dragged — or is still dragging — its feet. And few of the reform's original authors are satisfied with the pace of the change. "We have had a bit of a slow start at the DNI," said Rep. Jane Harman, the ranking Democrat on the House Intelligence Agency. "There have been a number of disappointments."

In an exclusive interview, Negroponte, a career diplomat who has been a senior White House official and a U.N. ambassador, told TIME that the intelligence is "improving and we intend to improve it some more. We're off to a good start. But I don't want to make exaggerated claims here because this is a job that's going to take some time."

Nor did Negroponte exaggerate the claims about the quality of U.S. intelligence on Iran, which this week announced that it is accelerating its production of enriched uranium, which Western countries fear is a step on the road to building nuclear weapons. Negroponte told TIME the U.S. had good but not perfect intelligence on the state of Iranian nuclear facilities. "Certainly, we know where the key installations are. Are there others that we're not aware of at all? You don't know what you don't know."

Negroponte also told TIME that three dozen or so of the worst al-Qaeda terrorists held in secret CIA prisons are likely to remain in captivity as long as the "war on terror continues." He added, "These people are being held. And they're bad actors. And as long as this situation continues, this war on terror continues, I'm not sure I can tell you what the ultimate disposition of those detainees will be." Negroponte's comments

appear to be the first open acknowledgement of the secret U.S. detention system and the fact that captives such as Khalid Shaikh Mohammad — involved in Sept. 11 or other major attacks on U.S. interests around the world — may be held indefinitely.

Before Congress created the super spook's job in late 2004, America's intelligence system was verging on dysfunction. Too many agencies were doing too many unrelated missions. Intelligence officers were hostile to the concept of information sharing; each agency had its own procedures for tradecraft, hiring, promotion and discipline. There was far too much overlap in some areas and huge gaps in others. Human intelligence — agents stealing secrets — had fallen into decline while often useful public information was considered unreliable. Most worrisome of all, and perhaps as a consequence, the intelligence itself was often poor; first on the warning signs before 9/11 and then on their assessment in 2002 that Iraq had weapons of mass destruction. Both were massive intelligence failures for which no senior officials were fired, or even punished.

The question now is: What has changed? Negroponte started at the top: U.S. officials point first to a more careful and conditioned and "painstaking" President's Daily Brief, or PDB. "Rather than saying, 'Country X has system Y,' we say, 'A source over whom we have some control who has secondhand knowledge, secondhand access to this information, reports that...' There is a much higher tolerance for ambiguity," explained Deputy Director Michael Hayden. Added Kenneth Brill, director of the DNI's new National Counterproliferation Center: "If there is a disagreement, we flag it."

DNI officials also say a new "open source" center near Reston, Virginia, where analysts sift through information that comes from public sources like websites and chat rooms, is adding value, too. Open source data was available to the spooks before the reform was enacted but was not "terribly valued in the product for the ultimate consumers," Mary Margaret Graham, deputy director of national intelligence for collection, told TIME. U.S. officials say they are gathering more from open sources on counter-proliferation and terror in particular. For example, open source analysts recently detected what Hayden called a "shift in the themes that have been appearing on Jihadist websites." He described the catch as "pretty useful strategic intelligence," though he declined to describe the shift further.

Negroponte says he is trying to boost the number of Chinese-, Arabic- and Farsi-speaking officers and get them into the field; Graham says they are pouring money into computational linguistics, or machine translation, so that the relatively few translators the U.S. has don't waste time translating irrelevant documents. Negroponte has hired an ombudsman to hear complaints from officers when their views are ignored or underemphasized, and officers are now encouraged to start chat rooms to exchange ideas and tips. Another change: when mistakes are made, a review is launched immediately. For example, when the U.S. failed to predict the election of Hamas in the Palestinian territories earlier this year, an after-action team fingered poor sampling assumptions in the opinion polls analysts had relied on.

But the real test of the new super spook is whether he can bring the CIA, the FBI and the Pentagon to heel. These three agencies have distrusted one another for decades, hoarding information and dismissing one another's accomplishments. Getting them to work together — much less relinquish control of their both human and technical assets — could take years. Even Hayden admits this is an uphill climb: "Let me tell

you what we've learned. There is no way to get to self-aware, self-synchronizing [intelligence] system without a kickass center because no one plays nice with each other voluntarily."

It is clear that the DNI's office has created something of a culture shock at CIA, an agency accustomed to virtual autonomy and an almost evangelical faith in its own leaders. Negroponte's arrival has made the storied office of CIA Director less important in Washington and around the world; and the DNI has fought and won a series of personnel fights with the agency as well. Negroponte insists he is not yet running operations from his downtown office and says he never will be. His office recently asked for a list of all the CIA's stations and bases worldwide, as well as the rotation schedule for station chiefs. But he told TIME he would not be choosing them. "That's below my level of interest," he said.

If Congress gave Negroponte considerable power over the CIA, a purely intelligence agency, it gave him much more limited clout over the Pentagon. Nonetheless, lawmakers on Capitol Hill have been disappointed by Negroponte's unwillingness to "reach in" to Pentagon matters and direct policy — in part because Defense Secretary Donald Rumsfeld, who opposed the reforms in the first place, doesn't like outside meddling. One example: Negroponte, lawmakers told TIME, too quickly deferred to the Pentagon on the rewriting of the Army interrogation manual over the winter. Both the Army and the CIA have an interest in how that manual is reworded in the wake of abuses at Guantanamo Bay and a Congressional directive to revise the manual. But Negroponte told TIME the revision is in the Pentagon's hands. "That's extremely disappointing," said Sen. Christopher Bond, a member of the intelligence committee, "but it's par for the course." Bond and other lawmakers said Negroponte still lacks the legal authority of a real intelligence czar. Negroponte, said Bond, is a "good man" who "doesn't have a good hand to play."

At the Pentagon, there is an unmistakable feeling of satisfaction that the new director of national intelligence isn't as powerful as some in Congress had hoped. Stephen Cambone, the Pentagon intelligence chief, said it was unrealistic to expect the DNI to get everything right immediately. "I think it does Ambassador Negroponte a grave disservice if he is expected to be clairvoyant in an undertaking which is by any stretch of the imagination one of the most difficult" ever undertaken in government.

There seems to be lingering tension with the FBI as well. Negroponte told TIME that the FBI is "moving toward the idea of having officers writing up reports for their intelligence value, not only to make cases." But he added that the G-men have not been quick to make the leap from law enforcement to intelligence analysts. "They're probably not doing it as much as they could." Asked about FBI complaints that the DNI has underemphasized the bureau in budgetary decisions, Negroponte said, "The FBI has experienced some fairly consistent increases in budget which I think compare very favorably." The joke going around the FBI, meanwhile, is that Negroponte is going to give the bureau one new agent — "but it's going to be a good one."

Negroponte's minders on Capitol Hill, meanwhile, would prefer that he wield a stronger hand in budgetary matters, particularly in shifting funds in Pentagon and CIA operations to more useful purposes. The DNI and his aides say this will emerge over the next year, but point to Negroponte's decision to correct serious management and technical problems in a highly classified Pentagon satellite imagery system.

Negroponte's critics dismiss this feat, however, saying Congress had all but ordered it anyway and add that he is still too tentative. "Negroponte has not been a change agent," said Harman. "The goal we had is that he would use the budget to force change. I don't see him doing that."

And there are complaints from members of both parties on both House and Senate intelligence committees that the DNI's office has slowed the flow of intelligence briefings to Capitol Hill. Republican Bond says it is because the reports have to "go through another bureaucracy on the way to us." For his part Negroponte says he has made more than 100 reports on intelligence matters to Capitol Hill in his first year.

Almost all observers have noted an obvious division of labor between Negroponte and Hayden, the four-star Air Force general. Negroponte, the smooth Yale-trained diplomat who once played grammar-school football against the President's uncle, appears to leave the day-to-day management of the office to Hayden, a trim, energetic Pittsburgh native known for his football analogies.

If Negroponte's start has been too slow for his critics, it's little wonder after a visit to his headquarters. The DNI suite looks nothing like the sleek and spacious workspaces of TV's "24" — the Hollywood version of U.S. terror-hunting headquarters. Instead, it's a warren of pathetic-looking workspaces in a 40-year-old building around the corner from the White House. The rooms are dingy, stuffy and overcrowded. People are working with heavily classified material almost on top of each other; there's hardly space for a visitor to sit and not much more to stand. Next week, the DNI will move all operations across the Anacostia River to an Air Force base — a long way from the White House