



HEARING OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE

**THE NOMINATION OF MR. DENNIS C. BLAIR
TO BE
DIRECTOR OF NATIONAL INTELLIGENCE**

WITNESS:

MR. DENNIS C. BLAIR

CHAIRER BY: SENATOR DIANNE FEINSTEIN (D-CA)

LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C.

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SENATOR DIANNE FEINSTEIN (D-CA): I am very pleased and honored to convene this first public meeting of the Senate Select Committee on Intelligence in the 111th Congress. I'd like to introduce – at least one new member is here, Tom Coburn, distinguished senator from Oklahoma. We're delighted to have you join the committee. And Senator Risch is also a new member – from Idaho, and he will be coming shortly.

I'd like to proceed this way: I intend to make an opening statement; I will then turn to the vice chairman for any remarks he might have; and the former chairman of the committee, the distinguished Senator Rockefeller, has asked for some time as well. After Admiral Blair gives his opening statement, we'll use the "early bird" rule for five-minute rounds. And, of course, just prior to Admiral Blair making his statement, we'll introduce our good friend, the Senator from Hawaii, Dan Inouye, who will introduce him.

I would like to just make a couple of comments about the functioning of this committee. And perhaps somebody could turn up the microphones.

I understand, I've asked them to turn up the microphones.

Let me begin by saying that I very much look forward to working with this committee and with Vice Chairman Bond. We are trying to get the committee to operate smoothly and with the whole staff – Democratic staff and Republican staff, working together for the entire committee.

It is my major goal to continue the trend of increasing oversight of the intelligence community. As one means of doing it, Admiral Blair and I discussed having monthly sessions where he will come in with the director of the CIA and other key officials to share thoughts on what the intelligence community is doing and how well it is doing it. I really want to acknowledge Senator Rockefeller, the chairman – the former chairman of this committee who has served as both chairman, actually, and vice chairman over the past six years. He has done a terrific job and I hope to do as well.

Finally, I welcome President Obama's nominee to be director of intelligence, Admiral Dennis Blair. Admiral Blair is known to many of us from his years of service as the CINCPAC, the commander in chief of the United States Pacific Command. He served in the national security field all his adult life, attending the Naval Academy and serving in the Navy from 1968 to 2002.

He worked twice in the White House, first as a fellow, then on the National Security Council staff. He worked for two years at the CIA as the associate director for Military Support, and he was named to be the director of the Joint Staff in 1996.

Admiral Blair has been a consumer of intelligence through his career, as well as the manager of Naval and Theater Intelligence Assets. He's had interactions at the top levels with intelligence agencies, including his two years spent on the seventh floor of CIA headquarters, down the hall from the director's office.

I called former secretary of defense, Bill Perry, and asked him about Admiral Blair, and here's what he said. He said, "I appointed him to the Joint Chiefs when he was a two-star, and he was one of those who could think outside of the box." I think that is a real compliment. If confirmed, Admiral Blair will become the nation's third director of intelligence, following Ambassador John Negroponte and Admiral Mike McConnell.

Now, let me just stress this: As one who actually put forward the first DNI legislation, the role of the DNI is to be the leader of the 16 intelligence agencies that make up the intelligence community.

The law creating the position – the Intelligence Reform and Terrorism Prevention Act of 2004, gives the DNI three principal responsibilities: He is the head of the intelligence community; He is the principal adviser to the president, the National Security Council and the Homeland Security Council for intelligence matters related to national security; And he is in charge of

overseeing and directing the implementation of the National Intelligence Program, which means he controls the intelligence budget.

The position of the Director of National Intelligence was created so there would be a single leader of the 16 agencies that make up the community to see that the stovepipes that characterized the pre-9/11 world are done away with. The intent was to create an executive with budget and policy authority. He would assure that the intelligence community provides the president, the Congress and other policy-makers with accurate, actionable intelligence.

That's a substantial challenge that Admiral Blair, if confirmed, will face. There is a need for intelligence on what is going on around the world – a world that has grown more complicated due to the rise of asymmetric warfare and the growth of a rigid fanaticism. To make matters more difficult, the credibility of intelligence analysis was severely damaged by the October, 2002 National Intelligence Estimate on Iraq's weapons of mass destruction. This must never happen again. And it is my main goal to see that all systems are in place to prevent it from ever happening again.

Also, the legality and morality of intelligence operations were thrown into doubt by warrantless wiretapping and the use of coercive interrogation techniques. In my view, the president is taking necessary action today in introducing executive orders to close Guantanamo and end CIA coercive interrogation practices.

I also appreciate the steps the new administration has taken to discuss these matters with me and with the committee. Yesterday, the president's legal counsel came before the committee and briefed us on these prospective executive orders. So, I hope it signals a new day in having an open and cooperative relationship between these branches of government.

From my review of your record, Admiral Blair, I'm hopeful that you will be an effective leader for the intelligence community in meeting these challenges. I trust you will be part of an administration that will restore the partnership of the executive and legislative branches in ensuring the national security and keeping our country safe and strong.

With that, I turned to the vice chairman and then the former chairman for their remarks.

SENATOR KIT BOND (R-MO): Thank you very much, Madame Chairman. "Madame Chairman," I have the honor to be the first one to say that in the first public hearing of this committee in the 111th Congress, and I congratulate you publicly on becoming the first woman in history to chair the Senate Select Committee on Intelligence.

My colleagues and I look forward to your leadership on the committee, and with the strong working relationship that you and I have had over the years in the Senate, I'm confident that we can and will work together on a vast array of issues of intelligence for the benefit of the American people.

My staff director tells me, and I have seen, that the staff relations on the committee have dramatically improved already. There's been tremendous progress made in the day-to-day

operations of the committee. I know that you are responsible for directing these changes, so I thank you, Madame Chair. I think this will – there will be a great benefit – that from our staff, during this Congress, as we work together on a bipartisan basis utilizing all of the talents of all of the great staff people we have.

Madame Chair, I join with you in welcoming Senator Coburn, Senator Risch, who have great reputations and will be excellent members of the committee.

Turning to today's hearing, Admiral Blair, I welcome you before the committee for the hearing on your nomination. I extend a warm welcome to your wife, Diane. We thank you, Diane, for standing by your husband all these years in the military, and now for your willingness to support him in taking on the important position in the service of his country.

Admiral, as you know, your nomination comes at an important time in our nation's history. We face threats of many different kinds – of terrorism and other state actions. Unfortunately, it seems to me that some tend to forget the direct assault on this country on September 11th, over seven years ago. The lessons we learned from that day, and that those who were responsible have vowed to inflict more harm and death upon us.

Those who forget are content maybe to go back to the old way of doing business. They argue that terrorists should be tried as ordinary criminals, not terrorists captured on the battlefield – unlawful combatants. They call for terrorists to be given the same constitutional protections as our citizens. Benefitting from a government that has kept America free from further attack over the past seven years, they forget that our entire way of life is just a few minutes away from annihilation if terrorists were to succeed in obtaining a weapon of mass destruction or carry out an unrecoverable attack on our nation's infrastructure.

In contrast to those who may forget, however: the fine men and women of the intelligence community at large, which you will be leading, I have met with them every – continually throughout the six years I've served on this committee, and they wake up every day remembering the September 11th catastrophe. They understand their mission well. Each day it's the same: To keep our nation and our citizens safe in the face of increasing threats by collecting, analyzing and disseminating critical intelligence for policy-makers and commanders.

It's critical that the next DNI be committed to playing offense against those who threaten our way of life. He must be committed to this task, but he cannot afford to be a one-trick pony who only knows counterterrorism. But you must focus on the myriad of other challenges we face in the 21st century.

Let me pause to say just a word about the man you are succeeding. In many different positions, Admiral Mike McConnell has served this country honorably and with distinction. Three years ago, he returned to government service, answering the president's call to lead the intelligence community. And I think this country and we owe Admiral McConnell a great debt of gratitude.

Chief among them in his yeoman's efforts in working with this committee and the Congress was the passage of much-needed updates to the Foreign Intelligence Surveillance Act, first with the

Protect America Act of 2007 and later with the FISA Act amendments of 2008. Amid strong opposition and oftentimes unfair criticism, he acted with great integrity, was thrown headfirst into one of the most controversial debate we've had in some time.

The updates of FISA have given our dedicated intelligence community professionals the tools and authorities they need to stay ahead of terrorists. And they did so adding things that this committee, on a bipartisan basis, added to ensure and protect constitutional rights and the privacy rights of American citizens.

Collecting information on a good day is an incredibly difficult job. Fortunately, the new authorities, along with significant improvements we made in the USA Patriot Act have made it a more manageable task.

Admiral, I hope that you have spoken with Admiral McConnell about what lies ahead. He said you've had some good conversations. I'm sure he will offer you unique perspectives and sound advice. Only one other person has served in that role, and I will speak for my colleagues when I say that Admiral McConnell's experience, integrity and dedication to the intelligence community were significant, and we will miss him.

Although there have been many improvements under Admiral McConnell's leadership at the DNI, we're still a long way from full and complete reform of the intelligence community. When Congress created the Office of the Director of National Intelligence in 2005, there was a strong sense that the intelligence community lacked clear direction and cohesiveness. IRTPA of 2008 tried to fix that by creating a DNI to lead the community.

I voted against the legislation then and I believe now that the DNI was given a tremendous amount of responsibility without the requisite authority to do the job. In my view, we either should not have created the DNI and just looked to strengthen the community relationship, or we should have given or should now give the DNI the authority commensurate with the responsibility we have landed upon him.

We need to get this balance right and get rid of turf issues that keep popping up. To do this thing, we need two things – action by Congress and a commitment by you, if you are confirmed as the next DNI, to direct the community. And let me stress the word “direct.”

Over the past year, Admiral McConnell started referring to himself as a coordinator rather than a director, in recognition that he did not have the statutory authority to which I refer. And that point is of the utmost importance, Admiral. The House and the Senate oversight committees are divided on this issue. But it's quite clear in comparing the House and Senate intelligence authorization bills – that never became law, I might add – that the Senate generally favors a director and the House favors a coordinator.

We can't keep looking in both directions, though. And your views on this matter will be very important. And I'd like to know your position on this before we leave here today.

Speaking of authorization bills, you may be aware this committee has not had an annual authorization bill signed into law for the last four years. The chair and I are dedicated to breaking that record and getting this committee back to bipartisanship, passing authorizations and hopefully in the very near future.

I realize there are some individuals who haven't minded the absence of an intel bill. But I believe our inability to get a bill signed has been a serious mistake. It made the people's oversight through this committee less relevant, and it supports the notion that congressional oversight is dysfunctional, a charge leveled by many of the commissions and committees that have looked at intelligence.

Authorization of the intelligence programs are important because they foster a good working relationship between this committee and the community. Ideas flow both ways, everyone works together to make sure that the IC can fulfill its ultimate mission of keeping this country straight.

It also gives the committee in its oversight role an opportunity to offer effective solutions when necessary. In the past several years, I have sponsored a number of what I like to call good-government provisions that I hope will soon become law, provisions that attempt to restore accountability and sound fiscal management to the IC.

For example, we would give the DNI authority to conduct accountability reviews on (IC-level?) personnel in relation to a failure or deficiency within the community. Too often, we've seen poor judgment or serious mistakes go uncorrected or even worse. At times, people who exercise poor judgment have been promoted or otherwise rewarded, and I think that's unacceptable. Giving the DNI the authority to step in and conduct these reviews will encourage accountability and good practices.

Admiral, I hope that when you're confirmed as the DNI, you'll use this authority to send the message that poor performance will not be tolerated, let alone rewarded. It's not a matter of micromanaging the agencies or looking over the shoulder of the agencies directors. It's about ensuring that there be a clear standard of accountability throughout the community and regaining the confidence in the community's analysis that has certainly had its share of problems in recent past.

You'll be responsible for this and the committee will hold you responsible for it.

We'll require the DNI to conduct annual personnel-level assessments. We want to make sure that we have enough fine men and women to do the job. But growing the IC without a clear plan could create an unnecessary bureaucracy and waste hard-earned taxpayer dollars. Third, I've sponsored a number of related provisions designed to get a handle on an acquisition and budget process that has grown out of control. At a time when taxpayers of this country are struggling to pay their bills, they do not want to see their hard-earned tax dollars squandered on programs that do not work. They want to see the intelligence community spending the taxpayer's money wisely.

Now, I'm not suggesting severe budget cuts at the conclusion of the Cold War that gutted our intelligence capabilities should be reenacted. Rather, the DNI must make sure that the money is being spent in the right place to address the threats we face now and expect in the future.

(Inaudible) – and I have sponsored a solution that this committee has recommended to address our nation's overhead architecture system, that promises to save the taxpayers, we believe, potentially, billions of dollars. We can talk more about that in another setting. It's my hope, Admiral Blair, that all these provisions will be signed into law soon and that this committee will be on track with its authorization process. If you are confirmed – when you are confirmed – I look forward to working with you on these.

Additionally, the committee will work with you and look to you to get a handle on the agency's budget and personnel levels. We expect you will find innovative ways to create career paths and opportunities that are attractive to employees so the IC can not only recruit but retain the best.

Additionally, the IC needs a strong leader who can stand on equal footing with the secretary of defense and other Cabinet officials. There may be occasions when the interests of the secretary of defense are not compatible with the intelligence community interests. I expect that, if necessary, you'll be assertive in these pieces and not back down. The intelligence community deserves no less from you.

I also expect you to exert the appropriate authority over the CIA. When Congress created the DNI, we intended the director of the CIA to be subordinate to the DNI. It's the DNI, not the CIA director, who's the leader of the IC. It follows then that the DNI should answer to and have access to the president.

I understand, in practice, this may not always be easy. No one likes to rock the boat. Quite simply, the CIA director nominee is fortunate to have a good relationship with the president. That should not be a deterrent. I'm confident that years of command experience will help you navigate this situation and be the leader that Congress intends.

Admiral, if you do not believe that you have the full authority to direct the IC as Congress intends, I expect and hope that you will tell this committee exactly what authorities you need to do this job right.

Today I'm also interested in hearing your thoughts on the CIA's interrogation and detention program, particularly in light of past comments about the benefits of aggressively arresting and interrogating terrorists and the president's stated intention to close the detention facility at Guantanamo. Obviously, closing that facility raises a host of problems, as evidenced by the recent decision in the case of the 20th hijacker.

For example, do we transfer detainees here to the United States for trial? I don't know of any city or town around this country that would be thrilled to have Khalid Sheikh Mohammed or Abu Zubaydah living down the street. And under what evidence rules should they be tried? These are not ordinary bank robbers. They are terrorists apprehended overseas, sometimes through intelligence means that could not and must not be disclosed in court.

Another option that isn't much better is releasing them overseas. The Pentagon's recent report found that 61 released detainees from Guantanamo have returned to the battlefield to attack and kill our soldiers and other innocent civilians.

Additionally, we read in the newspapers today that the president will be issuing an executive order to implement the Army Field Manual. This will apply to all agencies, unless of course, the president issues another executive order on enhanced techniques that other agencies could use.

If confirmed as the DNI, you will be the intelligence community's voice on these important matters. So I hope we can have a vigorous and candid discussion today and that you will share ideas on possible solutions to these concerns.

I also have concerns, based on the testimony of the attorney general nominee last week – and my conversation with him in my office yesterday. He was asked whether he would honor the certifications filed by the former attorney general that would allow the dismissal of lawsuits against communication providers who assisted with the president's terrorist surveillance program. Regrettably, instead of a "yes" or "no", he said he would not revoke that unless circumstances change. I find it troubling. He hasn't really explained what he means by that. The circumstances have already occurred. There's no change to be had. Ensuring that the IC has the cooperation of third parties is essential to intelligence collection. If the lawsuits are not dismissed, we jeopardize future cooperation.

Now, the FISA Act received 70 votes in the Senate, a strong majority in the House and constitutionally – and the constitutionality of its predecessor, the Protect America Act, was just reaffirmed by the FISA Appellate Court, which is the court of review so the legislative and judicial bodies have spoken on this matter.

I will be interested in hearing your thoughts on whether these patriotic companies should be protected from frivolous lawsuits, and what your recommendation to the new attorney general would be.

Finally, I have some concerns raised by the inspector general's report finding you violated conflict of interest standards and we will have questions about that in the hearing.

At this point, I look forward to entering into a discussion with you and this committee.

Madame Chair, the intelligence community cannot afford to be without a strong commander. I hope that this committee can act on the nomination quickly, get it to the floor for a positive vote. Admiral, I look forward to hearing your views on the direction of the DNI and your efforts to keep our nation and families safe from attack. You have a long and distinguished service career for this nation. I congratulate you on your nomination. I thank you for being willing to take on the headache and we look forward to be hearing from you. Thank you, Madame Chair.

SEN. FEINSTEIN: Thank you very much, Vice Chairman Bond. Senator Rockefeller.

SENATOR JOHN D. ROCKEFELLER (D-WV): Thank you, Madame Chair. And I congratulate you, from the bottom of my heart, for your ascendency to the chair. It's a remarkable position. You, yourself, will be in a position to make major changes in the attitudes, the de-politization and the availability of intelligence to our committee as a whole – things that we've been fighting for, for a long time against great odds.

SEN. FEINSTEIN: Thank you.

SEN. ROCKEFELLER: So I congratulate you on taking the gavel and I thank you for giving me the opportunity to speak. And I welcome the – I'm going to speak briefly, I might add – the admiral and my distinguished chairperson on many committees, Senator Inouye from Iowa (sic).

Let me say a few words why I think this a very promising time for our intelligence community and for our national security. We have an opportunity, Admiral Blair, to make a very sharp turn towards new intelligence policies that I believe will bolster our counterterrorism efforts and threaten – and strengthen our national security in general.

Intelligence must be accurate. It must be accurate; it must be politically neutral. There must be no spin and it must be collected with methods that enjoy a bipartisan consensus and both be legal and effective. To ensure this, secret intelligence activities must be subject to rigorous congressional oversight. We've discussed that. I feel very strongly about that. All of us on this committee have. We have not come to terms with that in recent years. We're beginning to and I feel a new day coming with your ascendency.

We're the only independent reviewers of secret intelligence activities that exist and we are the only outside check on activities that are not legal or are not effective – the two intelligence committees: the House and the Senate. That's all there is. We're the only ones who can do this oversight so we have to have the information.

Oversight should not be adversarial. It's silly when it is, harmful when it is. It causes distractions from the realities when it is and it need not be that way. It is a necessary partnership between the executive branch and the Congress.

I fought hard to remove politics from intelligence and to restore Congress' oversight role since I joined the committee in 2001. And the chair and I have done that, together with others, and I'm going to keep fighting for it now. I don't want to get into who was at fault for this cycle that we were caught in over the past several years, because that serves no purpose. Instead, I want to look ahead to what is possible now.

I think there's a real chance that in this new year we can have a new start. We can and should debate about how we go about collecting and analyzing intelligence – for example, on interrogation policies – but we can do so without the stain of political considerations. We really can! It's hard with all the media and everybody else trying to pick a fight here and there, but we can do that and we need to do that in the nation's interest, which is all we care about.

Between the executive and legislative branches we can and we should engage and debate these policies, but we can do that in partnership. We can do that by being in touch with each other much more often than we are – informally as well as formally – with the knowledge that more information exchanges and deliberations give rise to better intelligence collection and intelligence analysis. In short, we can recognize that we’re all on the same team. It’s not sort of been that. It’s against the national interest if it isn’t that way.

So with this in mind, I congratulate Admiral Denny Blair on his nomination to be our Director of National Intelligence. We’ve had a chance to talk. I spent a lot of time looking back over your history, learning about you, talking. We talked about that. And I found it very, very constructive. These conversations that we’ve had give me confidence that you will follow in the footsteps of Mike McConnell as an excellent leader of our intelligence community.

The Director of National Intelligence is one of the most important and demanding jobs in Washington. I tend to say it’s one or the two or three most important jobs in the country – that includes the presidency. I put it at that level. You are responsible for protecting this nation under the leadership of the president. It requires somebody with tremendous leadership and management skills.

The next DNI will take this task at a time when we are fighting two wars, as well as global fight against terrorism networks – the reach of which we do not know even now – not to mention the enormous, long-term strategic challenges.

Admiral Blair brings a wealth of valuable experience to the job, which I think will be apparent in the hearing today as we ask questions.

I congratulate you on your nominations. I congratulate you on your capacity for leadership and decision making – that’s one of the things we talked about. When somebody has been, you know, commanding battleships and four star and CINPAC and the rest of it, you’ve come into a very difficult position, because you’re both – you’ve been accustomed to making policy, and you will be, but you’ll be doing it under the leadership of the president of the United States and in combination of working with us – something which admirals generally don’t have to do, to work with congressional committees. But this is the way our Constitution and our forefathers have fated our relationship and I think it’s a very good one and one that I look forward, and one that you look forward to. I know that, because we’ve talked about it.

I ask you to work closely with us to ensure that our nation always has accurate, reliable information and that it’s collected in a way that makes this country proud and is analyzed without the taint of political influence. We cannot have that anymore. We cannot have that!

With that, Madame Chairman, I thank you again, congratulate you again and wish you well in your – what will be very strong leadership in this committee.

SEN. FEINSTEIN: Thank you very much Senator Rockefeller and now we will go to the distinguished senator from Hawaii and the new chairman of the Appropriations Committee, Senator Daniel Inouye for an introduction. Welcome, senator.

SENATOR DANIEL INOUE (D-HI): Madame Chair and distinguished members of the committee, I'm deeply honored and pleased to present to you for your consideration –

SEN. FEINSTEIN: Senator, that microphone – if you could pull it a little bit closer and up and – these mikes, for some reason, are lower today.

SEN. INOUE: I think this is tapped. (Laughter.) If I may – is this loud enough?

SEN. FEINSTEIN: That's much better, thank you.

SEN. INOUE: I'm pleased and honored to appear before you to present the president's nominee for Director of National Intelligence, Admiral Dennis Blair. I've known the admiral for over 10 years. I've come to know him rather well from my work as chairman of the defense appropriations subcommittee as one who is deeply involved in Asia-Pacific security issues and through his service as the commander of the Pacific forces – he was in command of all forces in the Pacific. Throughout these experiences, I quickly learned that Admiral Blair is a man of brilliance and – (inaudible) – intelligence. For example, very few Americans realize this, but he is very fluent in Russian. And there are not too many of us in the Congress or in the Senate who can speak anything besides English. He is a creative thinker. He has a wealth of knowledge of history, global affairs and national security.

Having commanded the United States forces in a region that stretches from the West Coast of the United States to the western part of India and from Antarctica to the North Pole, he knows how to manage and integrate a diverse and widespread organization. That skill, I believe, will serve him well as the nation's third Director of National Intelligence overseeing 16 different agencies and organizations that make up our intelligence community.

I have no doubt that, in Admiral Blair's heart and mind, service to our country will always come first. Admiral Blair has another quality that impresses me very much: He's not afraid to stand up and speak out to his commander if he believes a policy is misguided or if something is being done wrong. That sort of candor and truth-telling, many believe, is the reason why he was passed over for the chairmanship of the Joint Chiefs by the outgoing administration.

It's painful to bring this up, but I think we should know. The new administration, I believe, wants that sort of frankness and critical thinking that Admiral Blair will bring to this job. Admiral Blair has earned our unhesitating support, and I'm confident that a full and fair consideration of his record will be most impressive to my colleagues. I thank you very much, Madame Chair.

SEN. FEINSTEIN: Thank you very much, Senator Inouye. And now, Admiral, we will turn to you.

MR. BLAIR: Thank you very much, Madame Chairman, Mr. Vice Chairman, members of the committee. It is an honor to appear before you today, and if confirmed, I will seek your counsel and your advice and seek it frequently. Nothing is more important to national security than the

making and the conduct of good security policies and timely, accurate, objective and relevant intelligence. President Obama has made it clear – made it clear to me; made it clear to the American people – that he expects independent analysis.

He wants the facts. He wants all points of view. And if confirmed, I will strive to meet his expectations. The United States, right now, is engaged in three campaigns with immediate threats to American lives and interests: a global struggle against anti-American terrorists who have global reach, a campaign in Iraq, a campaign in Afghanistan. And these three campaigns, right now, absorb the bulk of our intelligence resources. And we have to provide intelligence at all levels to prosecute those campaigns successfully.

But there are many additional near-term issues that are of concern to us. They include North Korea, Iran, decent progress in South Asia, and of course, the Israeli-Palestinian violence, which flared up recently. The intelligence community also needs to address longer-term challenges: the growing power and influence of China, India and other developing countries, as well as both threats and opportunities that come with failing states.

But threats to America's national security go well beyond the nation-state-based threats of the past; in addition to anti-American terrorists with global reach, there are weapons proliferators, drug traffickers, cyber-attackers – all of whom don't recognize borders and pose threats to us. And we also cannot lose sight of the new issues that may pose grave dangers, such as global warming, energy supplies, food prices, endemic diseases.

I also believe it's important to identify opportunities as well as threats, and this is an extremely important dimension of the work of intelligence agencies. For example, the United States must hunt down those fanatic, Muslim terrorists who are seeking to do us harm; at the same time, the intelligence community also needs to support policy-makers who are trying to engage and work with influential Muslim leaders who believe and who are working for a progressive and peaceful future for their religion and for their nations.

The 2004 Intelligence Reform and Terrorist Protection Act spells out the responsibilities of the DNI, as I've been reminded, and if confirmed, I will work to carry out the intent of that legislation. The DNI must keep the intelligence committee on the cutting edge of innovation. Developing a high-quality workforce is also the DNI's responsibility. He should give intelligence professionals the right missions, clear away obstacles that keep them from doing the job, and then he has the pleasure and the privilege of watching them produce amazing results.

All officers of the intelligence community, especially the most senior officers, must conduct themselves in a manner that earns and maintains the public trust. I strongly believe in transparency and accountability in the mission whose work must necessarily take place, largely, out of public view. Before closing these brief remarks, let me make a few points and make them clearly.

I do not and I will not support any surveillance activities that circumvent established processes or their lawful authorization. I believe in the importance of review and regulation. I believe in the

importance of independent monitoring, including that of this committee and the Congress, to prevent abuses and to protect the privacy and civil liberties of Americans.

Torture is not moral, not legal, not effective. The U.S. government will have a clear and consistent standard for the treatment of detainees. The Guantanamo detention center will be closed. It's become a damaging symbol. Madame Chairman, Mr. Vice Chairman, and members of the committee, if confirmed, I will work closely with you and with the Congress. The leadership of the intelligence committee must earn the support and trust of this committee if it is to earn the support and trust of the American people.

When President Obama first called me about this job, I wasn't expecting it. But in those weeks since, I've had a chance to talk with you, I've had a chance to think about the job – I had to learn about the job – and it seems to me that much of my background, experience and ambitions point me towards that job. And I very much would like it and I would like to be confirmed for that job. I think we have extremely important work to do together, and I hope that I can be confirmed in order to undertake that work. Thank you very much.

SEN. FEINSTEIN: Thank you very much. We will now proceed to activate the time clocks and go to five-minute rounds. My understanding is, there is going to be a vote, probably within the half-hour, and we will try to keep the hearing going. I will go vote immediately and you will preside, if you will, Mr. Vice Chairman.

SEN. BOND: I'd be honored.

SEN. FEINSTEIN: (Chuckles.) And then the reverse will take place. I'd like to just read the "early bird" list quickly. After myself and the vice chairman, it is Senators Coburn, Wyden, Levin, Rockefeller, Chambliss, Feingold, Risch, Whitehouse, Hatch, Bayh, Snowe. And that will be the order. I'd like to say that Senator, in a way, I know you have a better – a busy day with much coming up next week. So if you'd like to be excused, we'd love to have you here. But if you'd like to be excused, that would be just fine.

SEN. BOND: (Inaudible.)

SEN. FEINSTEIN: Thank you. Thank you very much.

SEN. BOND: Thank you, Senator.

SEN. FEINSTEIN: I'd like to announce that written questions and answers that the admiral has responded to will appear on the Web site of the committee. So for those that would like to read the written questions and his answers to them, they are available. Admiral Blair, before we begin the individual questions, there are questions that we traditionally ask and a yes or no answer will suffice. And I'll go quickly.

Do you agree to appear before the committee here or in other venues when invited?

MR. BLAIR: Yes.

SEN. FEINSTEIN: Do you agree to send officials from the Office of the Director of National Intelligence and elsewhere in the intelligence community to appear before the committee and designated staff, when requested?

MR. BLAIR: Yes.

SEN. FEINSTEIN: Do you agree to provide documents or any other material requested by the committee in order for it to carry out its oversight and legislative responsibilities?

MR. BLAIR: Yes.

SEN. FEINSTEIN: Will you ensure that the Office of the Director of National Intelligence and elsewhere in the intelligence community provide such material to the committee when requested? And a new question, that I hope will become part of the tradition, do you agree to inform and fully brief, to the fullest extent possible, all members of the Committee of Intelligence Activities and Covert Actions, rather than only the chairman and vice chairman?

MR. BLAIR: Yes.

SEN. FEINSTEIN: Thank you very much. I would like to take on something that's going to come up. Both Senator Rockefeller and I have read the inspector general's report concerning – and I've talked with you informally – and I think we should put it on the record. When you were president of the Institute for Defense Analysis, you were involved in two reports on the F-22 program of the United States Air Force.

On November 30th, 2006, the IG for the Department of Defense concluded that a report found that Admiral Blair violated IDA's conflict of interest standards because he failed to disqualify himself from all matters related to IDA's work concerning the F-22 program. However, they also found that you did not, in any way, utilize any action. And of course, you were on the board, at the time, of two corporations, EDO and Tyco, Ltd. and serving its members to the board of directors.

And the IG found that your failure to disqualify yourself had no impact on IDA's consideration of the F-22. Now, you've provided responses in your pre-hearing questions on this matter. But please explain, for the record, and for the committee, why you did not recuse yourself, how you view that decision in retrospect, and how you would intend to handle potential future conflicts in the future.

MR. BLAIR: Now, Madame Chairman, that was a mistake not to have recused myself from –

SEN. FEINSTEIN: You speak directly into the mike, please.

MR. BLAIR: It was a mistake not to have recused myself from those two studies when I was president of IDA. The – I've thought a great deal about the incident since and the greatest damage was the damage to my own reputation for integrity caused by that decision and of

course, the reputation of the Institute for Defense Analysis. I should have recused myself and I didn't. As you pointed out – as the inspector general's report said, I did not, in fact, try to influence the study nor did I do so.

There were not good procedures for the president of IDA to review and recuse himself when appropriate and I instituted those procedures before I left. I think the lesson of that is that you can be absolutely sure that if confirmed, I will not take any action that is remotely – that can remotely cause that kind of a situation to happen again. I will comply fully, in consultation with my consul, with all regulations and ensure that any decisions that I make as DNI will be completely free of any suspicion that there's – (inaudible) – influence.

SEN. FEINSTEIN: Thank you very much. And quickly, in response to the pre-hearing questions, you've stressed the role of DNI as integrating the activities across the intelligence community and making the agencies work better together. And of course, that's fine. But as the vice chairman stated – and I think virtually all of us agree – the DNI needs to be a very strong leader, someone who will take action to force agencies to achieve their missions, step in when things aren't going well, and really be an agent for change. In what ways are you prepared to go beyond integration and coordination to get the results that are necessary?

MR. BLAIR: I think the goal is quite clear, Madame Chairman. The intelligence community needs to be greater than the sum of its parts, not less than the – not less than the sum of its parts. I think that a large part of what's required to do that is to get the rewards and the penalties lined up with the mission of the organization, all the way down the line from the very heads of the organization down to individual reports, writers, analysts, and other officers.

And if we can build those structural procedures that incentivize people taking initiative working across the agencies and penalizes those who retreat into their stovepipes and fake behavior which may make sense from their small perspective but hurts the agency, we will go a long way to doing that. That can only take you to a certain extent and there are times, as your question implies, that the Director of National Intelligence simply has to step in and say this is the way it's going to be because this is the right thing for the community.

I'm extremely encouraged because the team that is now in place among the different agencies – not only as Mr. Panetta been nominated to be director of central intelligence, a key job and he's got the savvy and he's a pro. And we've talked about these issues and we see them the same way and you will find out when you talk to him next week. But we have General Keith Alexander, the National Security Agency, General Ron Burgess going to the Defense Intelligence Agency, Admiral Bob Moretti running National Geo-Spatial Intelligence Agency.

I've worked at many of these offices in the past. They're team players. They understand that we all have to work together in order to do the nation's business. So I think the combination of this team attitude at the top, getting the incentives down through the structure, and then making the tough calls that are in the benefit of the nation, not to the benefit of an individual agency, are the keys to having the best intelligence for the president and everyone.

SEN. FEINSTEIN: Thank you, Admiral. My time is up. The vice chairman?

SEN. BOND: Thank you, Madame Chair. As the chair and I have said, we want to work on a bipartisan basis and I believe you've made a commitment to work with both Republican and Democratic members of this committee and their staffs and I believe that's correct, is it not sir?

MR. BLAIR: Yes, sir.

SEN. BOND: I thank you for that. But in addition, there's another matter that's very important to me and to the chair and to Senator Mikulski. We're also members of the Senate appropriations defense subcommittee. There have been occasions when we have been briefed on a matter that our intelligence committee has shut out. The excuse is always the same. It's a Title X issue, not a Title L issue. And I understand there may be different operation requirements between defense and intelligence.

But they're in areas where there's considerable overlap. We need greater access to information on both sides of the fence. Our staff, with appropriate clearances and expertise in these matters sit on this meeting, not on SAC-D. The committee has almost 50 staff members with expertise in almost every area of intelligence. SAC-D has very, very few, often consumed with matters – they juggle a portfolio more than n-times the size of ours. Thus, we have to rely on our committee staff.

I recently delivered a message to one four-star general – if we keep getting stonewalled by DOD in matters where we can be briefed but our staffs will not because of a committee jurisdiction, then I, personally, will not vote for appropriations for that program. And I will – I've shared my views with the chair and Senator Mikulski. If you're confirmed as the DNI, will you work with the secretary of defense to ensure that the intelligence committee – committees are fully briefed on matters that pertain to this committee's oversight to include areas that straddle Title L and Title X?

MR. BLAIR: Senator, I happen to have some familiarity with that issue, although it's somewhat dated. When I was the associate director of Central Intelligence for Military Support, I stood on that seam between the armed forces and the intelligence committee with the job of making that seam work for the country, not having issues fall between it so that we were badly served in many areas. And my experience from that time is I really think we need a Title LX. I think we need to get rid of this artificial division in this global campaign against terrorists when the tools that are available in the Department of Defense and the intelligence agency are both applicable and both need to be put together to get the job done.

And I find that operational effectiveness is, in fact, distorted by the way the authorities, which are written for a different era, come down. So I very much think we need to fix that problem, but I think that in the meantime, given what we have, we should not use different titles as a shell game to try to keep information from the Congress, who has the oversight responsibility and the funding responsibility for these programs.

And I can undertake to you that I will make sure that we don't use a different title to hide something that people who have knowledge and responsibility and oversight responsibility to carry out are kept in the dark.

SEN. BOND: I sincerely thank you, heartily congratulate you and I will explain to you in a different situation what we're talking about. You said that you believe that surveillance must only be done with lawful authorization. Do you believe that the president has the authority under Article II of the Constitution to conduct and authorize intelligence collection?

MR. BLAIR: That the president has that authority?

SEN. BOND: Does the president have the authority under Article II?

MR. BLAIR: Yes, sir.

SEN. BOND: So he can authorize collection.

MR. BLAIR: I'm not sure what your questions – (chuckles) – are leading me, Senator.

SEN. BOND: Well, no –

MR. BLAIR: That he's the leader of the –

SEN. BOND: (Inaudible) – question, it's a basic question that has been resolved by the FISA court and others. There is disagreement on it, but I used to be a lawyer and I studied constitutional law and when the president has constitutional authority Congress cannot eliminate it. And there are some people who think they can. I believe that is an essential part of his ability to conduct foreign policy and I'll be happy to talk to you about it more. Madame Chair, my time is expired; I will pass to the next.

SEN. FEINSTEIN: Thank you very much. Senator Coburn, you're next. Senator Coburn is not here; Senator Wyden, you are next.

SENATOR RON WYDEN (D-OR): Thank you, Madame Chair. Admiral, I very much enjoyed our meeting and I want to get into question you and I discussed in my office. There's this great debate about the role of the DNI and is it big enough and it's authority. To me, it's not whether there's a big office or small office, it's whether there's an accountable office, because whenever there's a concern people come to that table and we have six people essentially looking at each other and you don't get a sense that there's adequate accountability.

So I want to ask you this question and I'd like you start with a yes or no answer before you get into the context. Do you believe that the position of director of national intelligence currently comes with the authority and the resources so that you can be held accountable?

MR. BLAIR: I think it's an incomplete authority, Senator Wyden.

SEN. WYDEN: So I will interpret that as a no because if you had sufficient authority you would say yes. Why in your view is it an incomplete authority – an insufficient authority to be held with respect to the director being held accountable?

MR. BLAIR: Senator, it says right in the first paragraph of the Intelligence Reform and Terrorist Protection (sic) Act that the director of national intelligence is the leader of the intelligence community. So when you're looking for one throat to choke, this is the one you should come to. And I accept that responsibility – I should, I'm the leader, I'm responsible for what goes on there. But as you know, the intelligence business is inherently enmeshed with many other departments of government – defense, primarily, but also many others. And intelligence, of course, is a support function for policy; it is not a policy-maker.

So the reason that I talk about the incomplete authority is because this new law that was established in 2004 is a work in progress; I'm only the third director. And as we work through unprecedented situations I think we will find areas in which we have to do some clarifying. But as a general principle I certainly accept responsibility for intelligence and I will act in – if confirmed – I will act in that manner.

SEN. WYDEN: I appreciate you're stepping up, but the point is the authority in your view – you have said it's incomplete, you've said it needs to be clarified. We're going to have to stay with it until your position is one where you can be held accountable. The second area I need to talk to you about is human rights, where we also talked. This is obviously a critical component of our foreign policy; an essential element of America's claim to moral leadership.

And I think it's important that you clear up for the public record your response to the murder of thousands of innocent people in East Timor. These killings were committed by paramilitary groups supported by the Indonesian military. Some observers have alleged that our government turned a blind eye to the slaughter. You at that time were the head of the Pacific command during the time of these murders.

So right after August of 1999 period, when the people of East Timor declared their independence, there was a period of non-stop violence. Please describe for the record specifically your interactions with the Indonesian government during that period – that period right after independence – and what specifically you did to end the slaughter of what eventually become 200,00 people.

MR. BLAIR: Senator, I'm very glad to have a forum like this and the chance to talk about those allegations because they came up after I left active duty in 2002. And I want to say at the outset that those accusations, which I've read, are flat wrong. At the time that we're talking about, the objective of the United States government was to ensure that East Timor gained its freedom. That was the best thing that we could do for the human rights and the future of the East Timorese and that was the focus of our policy.

I and many other leaders of government carried out the American government's policy at that time and our conversations with leaders of Indonesia, both military and civilian. We decried and said that the torture and killing that was being conducted by paramilitary groups and some

military groups in East Timor had to stop; that unless it stopped there would be heavier penalties paid by Indonesia, but that if it did stop then the relationship between the United States and Indonesia could get better.

That was my consistent message in several meetings, many phone calls with Indonesian leaders. All of those meetings and all of those phone calls were attended by our ambassador in the country, they were the subject of reporting cables and they were consistent with the government policy. So those who say that I was somehow carrying out my own policy or saying things that were not in accordance with American policy are just flat wrong. And East Timor is now free and I think it was a successful policy and I'm proud of it.

SEN. WYDEN: Madame Chair, my time has expired. Two points: First, I would like to see those cables that attest to the various communications you had. And then Madame Chair, for the record, depending on how many rounds we have, Congresswoman Eshoo raises a very important issue. She is of course a senior member of the other body and I'd like to talk to Admiral Blair about that as well.

SEN. FEINSTEIN: Thank you, Senator Wyden. Senator Levin, you're up next.

SENATOR CARL LEVIN (D-MI): Thank you, Madame Chairman.

SEN. FEINSTEIN: And then if Senator Rockefeller can't get back from a vote in the finance committee, Senator Chambliss is – and he's not here – Senator Feingold is next, Senator Risch is next and Whitehouse after that.

SEN. LEVIN: Thank you, Madame Chairman. Admiral, first I want to talk to you about the statements that you've made about the necessity of speaking truth to power and telling the policy-makers that your judgment, assessment is of the facts even though they may not want to hear those facts. George Tenet wrote a book and he acknowledged that in fact he failed to tell the policy-makers in the Bush administration that what they were saying publicly was wrong.

MR. BLAIR: I'm sorry, sir, who wrote the book?

SEN. LEVIN: George Tenet.

MR. BLAIR: Oh, sorry

SEN. LEVIN: Wrote a book and he acknowledged that he had an obligation to do a better job – I'm reading his – quoting his book now – “of making sure that they knew where we differed and why I should have told the vice-president that his VFW speech had gone too far.” Are you committed to speak truth to power and committed that when your factual assessments, your intelligence assessments say one thing and public say another thing and don't delineate between your own personal views and what the intelligence community has informed them that you will speak to them about that?

MR. BLAIR: Yes, sir. I think that's the only way to proceed.

SEN. LEVIN: Now there's – you've made a statement in your answers for the record about interrogation and the damage, which has been done by excessive or abusive interrogation – not excessive but abusive interrogation techniques and the president is going to sign an order today – apparently today – which will prohibit the intelligence community from using – and the CIA – from using coercive interrogation methods, requiring the agency to follow the same rules used by the military in interrogating terrorism suspects. You're all going to be under the same rules: intelligence community and the Defense Department, everybody, the FBI, everyone's under the same interrogation rules. And the Army Manual is going to be the key to that. Do you agree with that decision of the president?

MR. BLAIR: Senator, the executive order, which will be released here soon, provides that there will be a review of the Army Field Manual as the basis for interrogation by the military and intelligence services. The interrogations done under the criminal prosecution responsibilities of the FBI will be – are different and will not be affected.

SEN. LEVIN: Forgive that reference, but in terms of intelligence community and the DOD, you're going to be governed by the same rules. They will be uniform when it comes to interrogation of detainees. Is that correct?

MR. BLAIR: Yes, sir. And if it has my way, it won't be called the Army Field Manual anymore, it will be called the Manual for Government Interrogations. So I think this review is very important and I'm very aware of – Senator Bond, for example, made a strong point that I agree with, that the Army Field Manual should not become the training manual for resistance training for adversaries. And so we need to be very careful about how we do this, but we need to get it right.

SEN. LEVIN: Do you agree they should be uniform?

MR. BLAIR: I agree they should be uniform.

SEN. LEVIN: Now, let me talk to you about the use of aggressive techniques and the harm that that can do to our country. You made a reference in your statement, in your answers to the record about the necessity to close Guantanamo because "it's a rallying cry for terrorists and harmful to our international reputation, and so closing it is important for our national security." Do you believe that that is also true when it comes to the interrogation methods on detainees, that how we deal with detainees, the methods that we use in interrogation are important methods and that if we use abusive methods and our reputation internationally suffers, that that has a negative impact on our national security?

MR. BLAIR: Yes sir. The president said it so eloquently on his inauguration – "we reject the false choice between our safety and our ideals." I think we can do both.

SEN. LEVIN: My final question is that some people say that the use of aggressive, abusive techniques can save lives. Is it not also true, Admiral, that the use of inhumane or abusive tactics can cost us lives in the following ways? Number one, that some prisoners that are subjected to

abusive treatment will simply tell us what they think we want to hear, whether true or not in order to end the use of those abusive techniques against them, so that it can produce false information to use abusive techniques.

Secondly, that abusing prisoners can also strengthen their resolve to resist and deceive because they expect us to torture them and we confirmed their worst expectations, so that with some prisoners, abusing them strengthens their resolve to resist. Thirdly, would you – that mistreatment of prisoners in U.S. custody provides an excuse for other nations to abuse our captured servicemen and women. Fourth, that gaining the reputation as a nation that engages in abusive tactics weakens us strategically in terms of prestige and leadership, which works against our interests and costs us allies in common causes, to work together in common causes.

And that finally, abusing detainees can deprive us of the ability to prosecute a terrorist or an alleged terrorist, as shown by Judge Crawford's conclusions in the al Qahtani case. Would you agree that, in other words, the use of abusive techniques can cost us and harm our security in those ways?

MR. BLAIR: I agree with points four and five, based on what I know right now, Senator Levin, that it causes great damage. Points one, two, three and six are what we have to look into in this review that's going on, but the dangers that you cite in them I'm sure have validity, and we need to look at the entire basis of them.

SEN. LEVIN: And will you get back to this committee after you've made that review and answered those questions?

MR. BLAIR: Yes, sir.

SEN. LEVIN: Thank you. Thank you, Madame Chairman.

SEN. FEINSTEIN: Senator Levin, Senator Rockefeller is next. He is not here at the time because he's in Finance. Senator Chambliss is next, he is not here. Senator Feingold, Senator Reid. All right, Senator Whitehouse, I know you will not task.

SENATOR SHELDON WHITEHOUSE (R-RI): Never been known to. Thank you, Madame Chair, and I join my colleagues in congratulating you on becoming –

SEN. FEINSTEIN: Thank you.

SEN. WHITEHOUSE: – chairman of this committee in the time that we've spent together. I've been on the committee now for two years, we've seen your intense devotion and dedication to this and I think we're all very confident in your leadership, as we were in Senator Rockefeller's. It's a wonderful – it's been a wonderful thing.

Couple of quick questions, Admiral, and first of all, both thank you and congratulations, and to your wife in particular, thank you, because I think she's going to find that she sees a lot less of

you in coming months and years and she's become a constant. Although, I think given your background, she's probably gotten used to that.

MR. : They've done some of that.

SEN. WHITEHOUSE: Yeah, it's been done before him. You talked earlier about conflict of interest. I would like to suggest to you that there may be areas within the intelligence community where the discrepancy in pay between contractors and career folks and the complexity of the underlying task may have created a situation in which the contractors know so much more about the program than the career officers. That tipping point has been reached where it's really now controlled by those contractors and to a significant degree, could well be controlled by them for their own financial benefit than for real national security purposes.

Now, I think if you're going to solve that problem, it requires a resurgence of the career infrastructure so the people – the weight of knowledge, the weight of authority, the weight of expertise remains in public hands and doesn't become part of President Eisenhower's military industrial complex with all the weight on the industrial side. Is that something that you're willing to look into as you, you know, take these responsibilities?

MR. BLAIR: Absolutely, Senator Whitehouse. When I was at the Institute for Defense Analyses that I was president of, was a federally funded research and development center, which is sort of partway – partway from government official to a contractor. And I saw those sorts of conflict that you recognized. The growing role of contractors, the disparity in pay that fuels that role and the influence on policy of it and I will look at that closely within the intelligence community and ensure that we have inherently governmental functions being done by government employees.

And those things that are being contractor are those things that are appropriate from the point of view of economy and efficiency, but not the point of view of policy. And while we're on the subject, one of the controversial ones, of course, is interrogators. And my strong preference is that interrogators in the intelligence world be a professional cadre of the best interrogators in the business for this function and that our use of contractors be limited to times where maybe you need a particular dialect of a language that is not spoken or some unusual circumstance. But that's my strong preference and I don't know what the situation is now but –

SEN. WHITEHOUSE: I think you'll find strong support for that preference from this committee.

MR. BLAIR: Sir.

SEN. WHITEHOUSE: On the general subject of torture as well, the argument has been made over and over in public that the techniques that we have used have resulted in actionable information that saved American lives. My experience is that the efforts of this committee to actually get a fact to prove that has been unavailing. We stop at the sort of conclusory (sic) level and you try to push behind it. It's been very hard to get. I think it's an important question to know, however you feel about this issue, whether or not it truly was effective in any respect.

Would you support our committee's efforts to drill down to actually find out whether those statements were true?

MR. BLAIR: I intend to make those efforts myself and I certainly will – when I understand it – I'll be happy to try to convince you on the committee that we have it right because like you, I've heard many anecdotes. I've heard stories. I've gotten phone calls from people who've been in the business. You've got to sort this out and look at it objectively and find out what the right answer is. But as we've talked before, that's not the only answer is the immediate tactical benefit. There is this larger question, which is going to be a matter of judgment, is what is America's reputation? And in my experience, America's reputation is what has others doing? What's the right thing that we're not watching that's very important, that's been a great benefit to us over the years? And that has a great value of itself.

SEN. WHITEHOUSE: In that context, in my last few seconds, secrecy is a rare and special privilege in a democracy. It runs counter to the basic tenets of democracy. But it is necessary in certain circumstances.

But I think we grant it to you – the American public grants it to you in trust – with the trust that it will be used only for national security purposes. My experience is that, over and over and over again, we have seen official secrecy used not for national security purposes, but to mislead the public and to frame – or more particularly, mis-frame – an outside, political debate. Will you pledge to us that you will take this trust of secrecy that you are given as Director of National Intelligence and use it only to protect national security and not to manipulate public opinion or frame or mis-frame political debates?

MR. BLAIR: Absolutely, Senator. I think spin in the basis of political campaigns; it's not something that we should use our classification authority for. And the release of information should not be something that's politicized; it should be something to do to inform.

SEN. ROCKEFELLER: Thank you, Chairman.

SEN. FEINSTEIN: Thank you, Senator. Senator Feingold, you're next.

SENATOR RUSSELL FEINGOLD (D-WI): I thank the chair and, of course, congratulate her as well. I'm looking forward to working with you –

SEN. FEINSTEIN: Thank you.

SEN. FEINGOLD: – as I did with Chairman Rockefeller and the new administration. The executive orders on detention and interrogation are extraordinarily good news for both the rule of law and our national security. As President Obama put it so clearly on Tuesday, “we reject, as false, the choice between our safety and our ideals.” That simple statement, which we've been waiting to hear for eight long years is, in my view, the bedrock on which Congress can develop a new relationship with the executive branch.

That relationship is going to include vigorous, independent oversight by this committee of the intelligence community. But based on everything I've heard so far from the president and from you, Admiral Blair, and from Congressman Panetta, I have every expectation that this relationship will be collaborative and grounded in mutual respect between our two coequal branches of government, with all of us working toward a common purpose. And I ask the chair to put the longer statement in the record, without – if there's not objections.

SEN. FEINSTEIN: Without objection.

SEN. FEINGOLD: Admiral, in your responses to the committee questions, you stated that, quote, "Where there is a dispute within the intelligence community in terms of whether proposed or ongoing activities are in compliance with applicable law, I believe the DNI should seek a legal opinion from the Office of Legal Counsel at the Department of Justice." Given the individuals nominated to head the OLC, as well as Mr. Corder's (ph) testimony, this statement inspires confidence. Will you seek OLC opinions at the outset, given the controversy surrounding many of the Bush administration intelligence programs? And will you work with me and other members of this committee in identifying and resolving current and future legal concerns?

MR. BLAIR: Yes, sir.

SEN. FEINGOLD: Admiral Blair, I know from our discussion how much you appreciate the need for fundamental reform of our interagency process. As we discussed, one gaping hole in this process is the lack of any strategies to integrate the intelligence community collection with all of the overt ways in which our government gets national security information, particularly diplomatic reporting. Until we fill this hole and identify who is best suited, across our government, to obtain the information we need to inform our policies and protect our nation, I don't think we'll ever be able to use our resources wisely and effectively.

And that's why this committee actually passed legislation by Senator Hagel and myself to create an independent commission to recommend ways to fix this long-standing, systemic problem, and why a broad range of former officials, including former national security advisors from both parties have endorsed this legislation. Admiral, would you support the establishment of an independent commission to recommend how the U.S. government, as a whole, can more effectively collect and analyze all the information it needs?

MR. BLAIR: Senator Feingold, as we said in our conversation, I completely agree with the premise of that legislation; I would prefer, if confirmed, to take a look at what the situation is inside before I sign up for one particular solution to that problem, but I would pledge to talk to you about the way forward and the other members of the committee about taking on this very important problem, because you're right – often, there are outside experts who know as much about a subject as do those who rely on classified information. And our obligation is to get the best intelligence – the best reports – to policy-makers in the executive branch, those of you in the Congress, so you can make good policy. And right now, I believe that we don't have that system that integrates those two sources very well.

SEN. FEINGOLD: I look forward to hearing from you on the specific legislation – (inaudible) – general comments in the future. I know Senator Wyden already addressed this, and I do want to bring this up although I am a strong supporter of your nomination – I just wanted to talk about this area of East Timor, briefly. As you know, I've had long-standing, continuing concerns about human rights abuses and lack of accountability in Indonesia.

We, no doubt, have substantive difference about U.S. policy, but I want to address at this hearing, today, the allegations in the press – in the Washington Post – that initially, at least, you worked around our ambassador in Indonesia in order to get Jakarta for engagement with Indonesian military officers, notwithstanding the army atrocities in East Timor. Are those allegations accurate?

MR. BLAIR: No, sir, they're not.

SEN. FEINGOLD: Well, it says in the press reports that the ambassadors were with you at, often – all the meetings, but the press account suggests that you went around him to get to Jakarta and that, notwithstanding his presence in the meetings, that he would support neither the trip nor the outreach to the Indonesian military. Is that accurate?

MR. BLAIR: No, sir, that's not accurate. I had my position on the military relations with Indonesia as part of internal discussions – what kind, how much, what to shut off, what to continue – and I made recommendations within that – within our interagency process on that. When it came to dealing with the Indonesians, I was a member of the government carrying out government policy, and what I said to the Indonesians – there were no wink-wink, nod-nods from me to Indonesian officers to go ahead and do what you want, I'm for you. That's absolutely flat wrong.

I carried out the government policy in my relations with Indonesia. Within policy debates within the United States, I made my recommendations and I then carried out the policy of the government as it was decided. So those allegations are wrong.

SEN. FEINGOLD: Thank you for responding to that on the record. We all agree that the United States should support human rights, but how we achieve that is a fundamental policy question. It should not be dismissed and I do appreciate your candid response. Thank you, Mr. Chairman – Madame Chairman.

SEN. FEINSTEIN: Thank you very much. Senator Chambliss, you've returned; you were next in line.

SENATOR SAXBY CHAMBLISS (R-GA): Thank you, Madame Chairman. And Admiral Blair, thanks for your willingness to continue to be a public servant. We appreciate it very much, and thanks to your family. As you know, admiral, I – and there's nobody in this Senate that's more familiar with the F-22 program and the studies around it. I'm very familiar with the IDA – (inaudible) – and I am, and I'm very familiar with that IDA report you're involved in, and in my opinion, that should not be an issue. And Madame Chairman, I think the record should correctly reflect that.

Admiral, the – you stated a little earlier – I think I got this right – that one of the obligations of the DNI is to oversee the hunting down extremist Muslims who seek to do us harm, and I agree with you. That, certainly, is one of the main functions of our intelligence community. That conflicts, somewhat, with the issue of Gitmo and the closing of that facility. We've got 245 of the meanest, nastiest killers in the world still at Gitmo. We know that 18 that had been released previously have been either recaptured or killed on the battlefield; we suspect that there's another 43 that have been released down there that have, once again, engaged in battle trying to kill and harm Americans.

And now, what we are proposing to do, with the closing of Guantanamo Bay is to bring those 245 mean, nasty killers to U.S. soil or seek to transfer them to other countries. Well, we've been trying to transfer them to other countries for seven years in some cases – less than that in others – and frankly, I don't see that happening. So I think we can expect that most of those prisoners down there are going to come into the U.S. system in some form. I can guarantee you that a certain percentage of those will ultimately be released on some sort of technicality that may be present in the judicial system.

So what we're going to have is, all of a sudden, in all likelihood, the release of some of those individuals into our society. And we know that they are mean, nasty killers. And if it's our job to hunt down those extremists who seek to do us harm, isn't that a conflict with the position that you have and the administration has relative to Guantanamo Bay?

MR. BLAIR: Senator Chambliss, in the last seven years or so, I think we've wrestled with this exact question of whether we're talking about prosecuting crimes, whether we're talking about fighting a war – and as you eloquently put it, I don't think we have found the correct way to treat this new type of campaign that we're engaged in. On the one hand, we have to fight it like a war and detain people and get information from them and protect our citizens; on the other hand, we have to maintain our stature as the country that's governed by its values and governed by ideals. And we've gone back and forth in many different ways.

These executive orders are going to give this administration a chance to take a look at those tough issues and come up with creative solutions for them. The decision to close Guantanamo comes right along with a very hard look at, what do we do with those 245 people that are there, and as you said, there aren't pretty choices for what we have to do with them. The choice of what we do in the future is a subject of another review for apprehension, detention, interrogation – the ideals. So we will take advantage of all of the experience that we've gained in the last seven years.

We'll be true to our ideals and to our safety, and we'll come up with a proposal of how to square these issues. But I'd be kidding you if I told you there was a magic solution there that nobody's found yet, and we just have to figure out the best way we can. And that's what these reviews are about.

SEN. CHAMBLISS: Well, I appreciate your honesty in that respect because I think it is going to be extremely difficult to reconcile the two of trying to treat these folks as normal prisoners when

they're anything but normal prisoners. The other issue I want to mention to you is the issue that you and I talked about in my office relative to information sharing. Admiral McConnell made some very positive changes in that respect and I think there's, you know, a lot of headway made since September 11 on breaking down these stovepipes within the FBI, within the CIA, and our other intelligence communities.

And I appreciate your commitment to continue down that road of trying to make sure that we broaden the information sharing between our intelligence communities and thank you for your commitment to doing that and we look forward to working with you in that respect. Thank you for the time, Chairman.

SEN. FEINSTEIN: Thank you. We just learned the president has just signed the executive orders. So those are now taking place. Let me see who is next here. Senator Rockefeller? It's your turn. Senator?

SEN. ROCKEFELLER: Thank you, Madame Chairman. Admiral Blair, my sort of formal question is what are you going to do about the Gang of Eight? And I think it's probably more or less impossible for you to answer that question at this point. Oversight committees like to get answers to people who are just on their first day, under their first minute of the Executive Order, all clear and clean. But in that oversight is the sort of sacred bond between the legislative branch and the administrative branch – executive branch of government. It's an important question.

When is it that you have to, in fact, adhere, if that is the case at all, to a more select group of people simply because information is so explosive, or so imminent, or so timely that you adhere to a Gang of Eight, so to speak? Gang of Four, Gang of Sixteen, whatever it might be? Or is that you just make up your mind that this is a trustworthy group of people, we haven't had any leaks out of this committee for a very, very long time. I think I know where most of them come from but they don't come from the Congress – from the intelligence committees. So what do you do about that?

MR. BLAIR: Senator Rockefeller, it's a very important question. I have some experience in my executive branch service of the whole business of classification and need to know and so on. I think that the first thing to recognize is that I believe we are in a new era in the relationship between the two branches of government represented here and that by all the statements I've heard from the leadership and others and by what I know, if confirmed, my colleagues on the national security team – we look at it as a team sport in which we're trying to win the same game. So I think that makes a difference right on the start of it.

The second thing that I've learned over time is people are more important than rules, that the development of trust, the development of informal communication mechanisms that the chairman mentioned, so that we're not caught in some desperate last minute phone call to try to repair damage that wasn't thought of because we hadn't been meeting more frequently and earlier is much the exception and not the rule.

The attitude that we don't use classification and sharing as a way to hide things, the recognition that there are legitimate reasons to hold things to small groups but on – (inaudible) – how the

recognition that certainly, when I was a senior commander and as you said, I never pulled any triggers at that level. I didn't do my own staff work. We need to have processes that don't just check a box on telling somebody but actually get the information across to the right people in a way that portrays secrecy.

So all these things are at play in a tough new era of shipping threats and speed and new kinds of things that can damage. And all I can pledge to you, Senator, is let's turn this new page. Let's work together. Let's follow the law but let's go beyond the law to have the kinds of things that will develop that trust and support and I think we can do the right thing for the country.

SEN. ROCKEFELLER: Thank you for that. My time is about to run out so I won't get into my cyber-security question but I'd like to.

SEN. FEINSTEIN: Thank you very much. A roll-call vote has begun at 11:35. Senator Snowe is the next one up and if no other members – you'd like a second round – all right. Then, I think some of us should go vote right now and then come back and preside, if you will. And I'll recognize Senator Snowe. Thank you.

SEN. : Madame Chair, would it be acceptable to go vote and then still come back?

SEN. FEINSTEIN: Yes.

SEN. : Great.

SENATOR OLYMPIA SNOWE (R-ME): Thank you, Madame Chair. Welcome, Admiral Blair, and I appreciate your willingness to serve our country once again. You certainly have an impressive résumé and generally well serves this department as it still undergoes, you know, a major transition since its inception. And so one of the goals of this committee is to ensure that the department is coordinated, integrated, and is functioning for the purposes it was originally designed and intended.

And one of the issues – and I know we discussed this during the course of our meeting was on the issue of FBI transformation and transforming the FBI to a more counterterrorism posture and far from being institutionalized at this point. And over the years, you know, since the department was create – for example, the 9/11 commissioners were before this committee back in 2005, indicated at the time that intelligence reform and gave the FBI a C based on their recommendations.

And then of course, Governor Kaine, who was the co-chair of the commission, came before the committee in 2006 and again, stated that the FBI moved too slowly to improve its ability to prevent future terrorist plots was plagued by turnover in its senior ranks, was not even close to where they said they would be. Then an inspector general for the Department of Justice in 2007, found that professional divides between analysts and special agents remain a problem and that barriers to acceptance and cooperation between the two groups must be addressed by the FBI to efficiently and effectively meet its mission in preventing terrorist acts.

So the bottom line is – is that we truly are still experiencing some very difficult transitions within the FBI to transform to get more, you know, analysts, to provide the proper training, the number of analysts. Our committee, just in the recent intelligence authorization is still languishing, regrettably in a House-Senate conference, said that the FBI has yet to make the dramatic leaps necessary to address the threats facing our nation and that astonishingly, only a third of special agents and intelligence analysts even have access to Internet at their desktops.

I think that gives you an idea of the problem that still exists and persists within the FBI concerning this central point in terms of intelligence reform. And I know that you indicated that you place the work of the attorney general, the director of the FBI, and that the threat is too urgent for us not to intervene. Could you please outline for us, and for the committee, how you intend to compel the FBI to undertake these reforms?

MR. BLAIR: Senator Snowe, this is a new area for me and more importantly, I think it's a new area for all of us, in that after 9/11, this new responsibility – or newly emphasized responsibility for FBI came on. And I doubted – and I don't – a series of report you cited – clearly, it's a work in progress that needs to be worked on. If confirmed, I will get into that area. I know that funding from the national intelligence program goes to the FBI for that purpose. That needs to be funding in the right way and that's certainly – spent in the right way – that's certainly my responsibility.

I have known Director Mueller from the time that I was on active duty and I look forward to working with him and the new attorney general. And at this point, Senator, I can simply agree with you on the importance of the transformation and pledge that I will look at it as a priority issue. And if confirmed, I will work hard to make sure it's working and I will come back and talk with you what needs to be done to make it everything it should be.

SEN. SNOWE: I appreciate that and I hope that we, you know, in front of – one of the recommendations that we made in talking to the co-chairs of the commissioners – of the 9/11 Commission before this committee was establish the metrics in standards by which we can measure our performance, but also in compliance with these recommendations because it's certainly overdue. And the resistance – or whatever the case may be, has to – I think that that culture has to truly change because that is a central part of intelligence reform and making sure that we're on the cutting edge of being able to fight any terrorist threats.

On the – I know we discussed this as well – inspector general for the entire intelligence community. And it's been one of my goals and objectives to task an inspector general for the entire community and I know in reading the responses that you gave to the committee with respect to that that you indicated that a statutory inspector general may add an unnecessary layer of bureaucracy on top of the system that is functioning adequately. But you have, you know, sort of the stove-pipe approach to the inspector general. I don't think it's going to add a layer.

Fact is, you want an inspector general to be able to view the entire community, go cross agencies for accountability to identify problems because that certainly has been the problem in the past – our failure to identify serious terrorist threats. We've seen too many incidents of failures: We saw failures to prevent attacks, failure to properly collect intelligence, failure to adequately

analyze intelligence, failure to share information within the communities. So those failures demand better accountability for the entire intelligence community and that's what would be important about an inspector general – to be able to look across all the intelligence agencies.

MR. BLAIR: Senator Snowe, I certainly – I agree with the thrust of your question, which is that there are many issues that cut across agencies and the inspector general system is a good system to attempt to improve many of them. And I will look hard at that and I know you are personally interested in that issue and I look forward to working with you on it.

SEN. SNOWE: Thank you.

MR. BLAIR: This confirms –

SEN. SNOWE: Thank you, thank you, Admiral. Thank you, Mr. Chairman.

SEN. BOND: (Inaudible) – Madame Snowe, if you will tell them that we are coming. Senator Nelson, have you had a –

SENATOR BILL NELSON (D-FL): No, I'm waiting.

SEN. BOND: All right, you and I will go for it and we'll –

SEN. NELSON: Okay, I think we have about seven minutes left –

SEN. BOND: If Senator Snowe will tell them we're coming –

SEN. SNOWE: I will.

SEN. NELSON: Six or seven minutes.

SEN. BOND: Okay.

SEN. NELSON: All right. Admiral Blair, I just want you to know how much I appreciate your public service to our country – the same to your wife, who often does not get the recognition of the long and distinguished public service. And I'm happy for you personally that this can be a capstone on a very lengthy and distinguished career.

I'm going to submit some questions for the record, but the one thing that I want to say is that you are going to really have to exert control and crack the whip and you're going to have to come to us with proposed legislation to strengthen your hand as the director of national intelligence because when the legislation that created your office was set up, it was too watered-down in allowing separation and stove pipes with some of the other intelligence agencies. And the whole idea after 9/11 was to get this all where we could all coordinate it under an office that you're going to assume. And in the meantime, what we've had is great cooperation from Secretary Gates, from the head of the CIA and the head of NSA and the other agencies.

But formally – that’s informally – formally we’ve got to create those lines of authority for you to be able to do it. So I can tell you I speak for our committee that we want you to come forth suggesting legislation that would strengthen your hand, improve the efficiency, cooperation and collaboration of all of the intelligence agencies. And that way we’re going to get a better intelligence product.

MR. BLAIR: Well sir, I can’t imagine any incoming director could have a more reassuring set of words than those, Senator Nelson. And I’ll look at it and if I need it I’ll come back to you, sir.

MR. : Senator Bond, I think you’re next.

SEN. BOND: Thank you for advising me. I’m going to run in a few minutes; Senator Wyden and I will turn it over to you – whatever gavel I have left. Admiral, you visited Singapore a few years ago, discussing the arrest by Singapore authorities by individuals believed to be linked by terrorist groups. And you stated – and I quote – Singapore’s actions, the actions within the United States – we aggressively arrested terrorists and interrogated them ourselves, made a difference and I think we’re all safer because our countries are going on the offensive now, not just waiting back behind a big wall or more stand-off distances, unquote.

You still believe that we need to be on the offensive, aggressively arresting and interrogating terror suspects?

MR. BLAIR: Absolutely, Senator.

SEN. BOND: Do you believe the CIA’s interrogation detention program has been effective?

MR. BLAIR: Mr. Vice Chairman, I’ll have to look into that more closely before I can give you a good answer on that one.

SEN. BOND: All right. The executive order has been issued about the Army Field Manual. You have stated that at least there may be an argument that if you have an Army Field Manual that is widely published and available to al Qaeda and other top terrorist leaders it would not be effective. Is that your view or where do you stand on that?

MR. BLAIR: Yes, sir, Mr. Vice Chairman. We talked about that in your office and I very much share your concern that we not turn our manual into a training manual for adversaries and I will play my part in that as the Vice-chair of that review with that issue very much in mind.

SEN. BOND: Now, President Obama has issued an executive order applying the field manual. But as I understand the situation, he has executive order – the authority to issue an executive order describing techniques – classified techniques that could be used by the agency that would be different than that used by the Army. Is that your understanding?

MR. BLAIR: My understanding is we want to revise the Army field manual and make it the manual that goes for both military and intelligence interrogation and to have the guidance and

the – so that it’s uniform across those agencies, depending of course – there are many different things in the manual.

SEN. BOND: Why, if the agency is the only one using it, how would you – if you disseminated that manual to some 20,000 military personnel who would not necessarily be conducting those interrogations and for whom the Army prison participants questioners do not need it. Why would you describe methods that should not become public to a broad group of people for whom the Army Field Manual is appropriate?

MR. BLAIR: Senator, we face this dilemma all the time in military doctrine. We have large amounts of unclassified of unclassified doctrine for our troops to use, but we don’t put anything in there that their enemies could use against us. And we’ll figure it out for this manual, which will be the manual for everyone to use.

SEN. BOND: Would it be available to members of the Army who are not conducting – would it be limited to – would access to that information be limited to those in the agency who are directly involved or might be directly involved in interrogations?

MR. BLAIR: It will be limited to those who need it, both within the armed forces and the intelligence service.

SEN. BOND: We’ve discussed the FISA Act amendments. Do you believe that private partners who assisted the government should be given civil liability – should have the civil liability protection that they have been accorded as the result of our act and the determination by the attorney general?

MR. BLAIR: Excuse me, Senator, I’m going back in my mind to your previous question. I hope I don’t meet you in a court of law someday, because I think I’d lose. When I said that this manual would be available to those who need it, there will be some sort of document that’s widely available in a unclassified form, but the –

SEN. BOND: Specific techniques.

MR. BLAIR: The specific techniques that can provide training value to adversaries we will handle much more carefully. I was just thinking about that answer when –

SEN. BOND: That essentially is what the current administration has done.

MR. BLAIR: So we have to look at this Senator and –

SEN. BOND: I don’t ask you to comment on that.

MR. BLAIR: Right.

SEN. BOND: Patriot Act has three provisions that are expiring: roving wiretaps, the authority to target lone-wolf agents and the 215 business records. Have you had a chance to review that and take a position on renewing the Patriot Act – those three provisions?

MR. BLAIR: Mr. Vice Chairman, I understand that those provisions that you described came into force fairly recently. I'm sure everybody on this committee is more familiar with them than I am. I know that there are reports that I will be responsible, if confirmed, for submitting. We'll be gathering data as we go. There's been some inspector general reports and I'd like the chance to digest all of that before I give you a definitive answer on it, sir.

SEN. BOND: I spoke about DNI authorities. What would you describe as the appropriate role of the DNI? How would you like to see the DNI function?

MR. BLAIR: I think that the concepts of leading and managing are the core concepts there, and this has to be, as I said in an earlier answer, more than just, you know, signing a piece of paper and putting out a glossy brochure. It has to be working on the incentives down through the organization so that those who do their job are rewarded and those who don't do their job, they're moved out as you described. So it's a complex management challenge –

SEN. BOND: You just answered my second question on accountability, sir. You also, I think in a previous answer, indicated you had some sense of the incomplete authorities of the DNI. We will discuss those later, sir, but I think you will find that they are very important. Final question, how important do you think it is to prosecute leakers of classified information?

MR. BLAIR: You know, Senator, I've been bothered throughout my career, as you have, by leakers, and if I could ever catch one of those it would be very good to prosecute them. So I believe that we need to – we need to make sure that people who leak are held to account for it.

SEN. BOND: Thank you very much, Admiral. I'm going to turn this over to the distinguished senator from Oregon and try to make the floor vote. I will ask unanimous consent, and hereby grant it, to put my additional questions in the record. I thank you for your testimony.

SEN. WYDEN: I thank the vice chair, and before the vice chair leaves, one of the many reasons I'm going to miss you is I've enjoyed working with you, and the two of us have been the leaders of the bipartisan effort to increase the penalties against those who leak in the kinds of situations the vice chairman has mentioned.

Let me start, Admiral, with this question: For years, the warrant-less wire-tapping program and the coercive interrogation program was withheld from most members of this committee. Was that justifiable, in your view?

MR. BLAIR: Senator, it's difficult to pass ourselves back to those days right after 9/11 and the feeling that was in the land at that time. As I said in my statement, I think that the actions that are taken by the intelligence community in gathering intelligence on Americans need to have a lawful, need to have procedures that are tight and need to be reviewed, and I can tell you that going forward, they will meet all those criteria.

SEN. WYDEN: With respect to my question, most of the members of this committee had that information concealed from us for years. I'm not talking about a short period of time. Was it justifiable to conceal from most members of this committee that information for years?

MR. BLAIR: Senator, going forward I will not conceal information that you ought to have from you for years.

SEN. WYDEN: Why are you not willing to respond in a yes or no fashion to this question? Because past is always prologue. I share your view with respect to something that might have been short term.

MR. BLAIR: My only reason for hesitation is if I don't have direct knowledge of it, and I'm just hesitant to give you a categorical answer without having known more about the topic.

SEN. WYDEN: This member of the committee is saying that, for myself and most members of the committee, it was concealed. So –

MR. BLAIR: The situation as you describe it, Senator, was wrong.

SEN. WYDEN: Thank you, and I appreciate your reaching that judgment. Admiral, two other areas. If the Government Accountability Office is conducting a study at the direction of one of the intelligence committees using properly cleared staff, will you give them access to do their work?

MR. BLAIR: I'm sorry, would you repeat the question, Senator?

SEN. WYDEN: If the GAO is conducting a study at the direction of one of the intelligence committees using properly cleared staff, will you give them the access they need to do their work?

MR. BLAIR: Senator, I'm aware that the direction of GAO studies and the terms of them are generally subject to talk between the two branches of government for a variety of reasons, and subject to having those discussions, ultimately I believe the GAO has a job to do and I will help them do that job.

SEN. WYDEN: I would appreciate, and I would also appreciate you following that up with Chairwoman Eshoo. This is something that she's brought to my attention and I think her point is very –

MR. BLAIR: It sounds like there's a story behind that question, Senator, and if we could talk about that story, if we can fix it –

SEN. WYDEN: Very good. Fair enough, fair enough. The third area I wanted to talk about we talked about in the office, and that is the over-classification of government documents, and this has been done by executive branches that were dominated by the president's party of both

political parties. Governor Kaine put it pretty well when he talked about, you know, his work on the commission, for he said, well over half of the documents he saw that were classified didn't need to be classified. I expect that you and I will be doing a lot of work together with respect to situations, but what is your general view with respect to whether over-classification is a serious problem, and what would be your thoughts, just for purposes of this very short discussion, in terms of dealing with it?

MR. BLAIR: As we discussed in your office, my experience has been the same as that which you relate, that there is a great deal of over-classification. Some of it, I think, is done for the wrong reasons, to try to hide things from the light of day. Some of it is because in our system, there is no incentive not to do that, and there are penalties to do the reverse, in case you get something wrong and don't classify it. So I think we need to do fundamental work on the system.

But I think in the case of intelligence in particular, we need to sort of demystify a lot of the work that's done in the intelligence business, which is very smart people looking at a lot of information and trying to reach judgments. Many times, our adversaries know more about it than our citizens do, which is not the way it ought to be. So I basically agree with the general thrust of your remarks, Senator Wyden. I'll be working to see if we can come up with a different approach that incentivizes it at the right level and that informs not only those of you who have security clearances on this committee but the wider interested public whose support we need.

SEN. WYDEN: Admiral, my time is up. I just want to state that this morning, I intend to support your nomination. I think you've been candid this morning and I appreciate it and look forward to working with you.

MR. BLAIR: I work forward to working with you, if confirmed, sir.

SEN. WYDEN: Thank you, Madame Chairman.

SEN. FEINSTEIN: Senator Wyden. Admiral, my intention is to go for another half hour. If all of the senators have their questions answered by then, we will adjourn the hearing. I'm sure that won't be a painful decision for you, but I'd like to ask a couple more questions, I know Senator Whitehouse has a couple more, and there may be other returning members. So we'll see how it goes, if that's all right.

I wanted to ask you some questions, as others have indicated, on holding people accountable for decisions made. And I want to know how you would hold people accountable and handle disciplinary measures for officials in the community that were involved at the top levels for interrogation and detention, and I'd like to ask you if you have also reviewed the recent report of the CIA IG involving the Peru shutdown. The unclassified statement that I could make is that the shoot-down confirmed what our committee found, that the program was not managed as the president authorized. And the IG report found that CIA officials withheld information from Congress and executive branch officials.

MR. BLAIR: Madame Chairman, the issue of accountability, I believe, goes hand in hand with responsibility, and you need to assign things clearly and then give medals and promotions and rewards to people who carry them out legally and do their jobs well, and then you need to hold to account those who fail to follow the directions or who do it badly. And there's a difference between those two. So I think you have to look at what the mission was at the time, what the direction and parameters were at the time and then you make a call as to whether the person deserves the – deserves a reward or deserves the punishment or should be moved out of their job.

So I'm pretty traditional on these things. I don't – I intend to establish procedures and move forward, but there are some things in the past that have to be looked at, that Inspector General reports like the one that you've mentioned, which I have not had the chance to read yet, need to be looked at and both reward and punishment meted out accordingly.

So I think this is absolutely key to making an effective organization – giving people at lower levels confidence that they have – will move up if they do well, that they better watch out if they don't do well. And so I agree with that concept.

SEN. SNOWE: Well, I'd like to discuss this with you further in another setting, if I may.

MR. BLAIR: Yes, ma'am.

SEN. FEINSTEIN: When we met last week, we discussed the community's enormous overuse of contractors and the use of contractors for what are inherently, I believe, governmental functions. The 2007 DNI contractor study found that contractors are now 27 percent of all intelligence community personnel. They perform missions, including interrogation of CIA detainees, which I think is completely inappropriate; it should be done by government employees.

And contractor personnel costs \$80,000 more than a government employee. When we spoke, you said this was a matter of concern and that you intend to look into the contractor issue. I'd like you tell us how you intend to proceed and when you will have some answers because, candidly, I find this unacceptable. I find hiring contractors to interrogate detainees and hiring contractor psychologists to evaluate is just the wrong thing for the government to do.

MR. BLAIR: You showed me some summary charts from that report from 2007, Madame Chairman, and I agree with you that it's a serious problem. I think that the – I think we have to look behind the numbers at the motives, which a big ramping up in responsibilities, money available but not trained people available – and I know that in many branches of the government, the answer was, hire a contractor – in many cases, a retired officer from that organization who, basically, had some experience.

But you can't do that for a long time; you have to get it right – you have to keep the governmental functions by people who get their paychecks every two weeks and work in government. And I will get into that issue. I agree completely that we should have a cadre of trained government interrogators as we move forward, and I will look at that as soon as I get in

and work in that direction. I'm not sure about the speed; I'm not sure what the situation is right now. But I look forward, if confirmed, to consulting with you on that.

SEN. FEINSTEIN: Thank you. Senator Whitehouse, I think you're next and then – Senator Rockefeller, do you want to go next?

SEN. ROCKEFELLER: Thank you, Madame Chair. I just have one question, Admiral, and that is what I left off with about cyber-security. The initiative – I don't know, what was it – a year ago, Sheldon, that Mike McConnell took us out to an undisclosed location in Virginia. And really, the whole point of it was all about cyber-security. And he views it as the premier national security problem. And there was a sense of urgency in that meeting. And then, the problem with things like that is that you get the urgency, people collect and then people disperse.

And then you have all the various jurisdictions so we have a cyber-initiative. Senator Whitehouse has an enormous interest and capacity – you know, hunger – to be helpful in this area. So we have the initiative, which focuses on securing the federal government – the executive branch, the legislative branch, information networks – and that's a good start. That's a good start. But my main worry is the security of our country's critical infrastructure. Our electric power grid – people like to call it “smart.” It just needs to get big, and you can hope that it's smart, but if it gets big, that's going to solve 80 percent of the problems. Our communications system, our banks, et cetera, et cetera.

And I don't think there's probably anybody in this Congress that hasn't been hacked into by this. And therefore, because it's wrapped up in this thing called Internet and free travel across the spaces and atmosphere, there's sort of an innocence to it, except that it's utterly un-innocent when somebody intends it to be that way. So what I would just like to get from you is what do we need to do about that, what do we need to extend, in terms of the cyber-initiative and how you personally see it.

MR. BLAIR: I have some familiarity with the issues of cyber-security, Senator Rockefeller, but there's a lot that I'm dated on or that I don't know. But I certainly share your feeling of the priority of securing our networks. And as you point out in your question, we have to protect our networks within the government, but from society's point of view, it's these networks that – on which, increasingly, the basic functions of the society and country depend that we have to be extremely concerned about.

I think the intelligence community within the team of government and private organizations that have to work on it has a responsibility for working on the threat. It should be the intelligence community – the National Security Agency has it squarely in their charter that understands the sort of techniques and the thinking of those who are trying to both maliciously and with true threat intent get into our systems and cause them. There's a lot of expertise there in the National Security Agency and elsewhere about how we protect systems, and we need to share that judiciously with the private sector so that we have the best techniques to work with them.

And then, in the area of recovery, which goes along with all of this, I think the government and the intelligence agency within it has an extremely important role in attributions so that you know

how to recover and how to recover well. So I think throughout this campaign, which there's not one answer for, either – it's a crew race – one side pulls on the stroke and they're – and you find out – and the defense pulls ahead. We've got to keep stroking faster, better, with more teamwork, and that's going to be something that, certainly, I think, the entire time that I'm, if confirmed, in this job will be a very high priority.

SEN. ROCKEFELLER: And I think the point you make about trying to keep up with the other side – it usually, in terms of China and others – I think, puts us at a disadvantage in this country. In other words, if you're trying to catch up with and to develop a stronger firewall, which the other – another country or some – who knows where it comes from – then breaks that down, and then you have to come back and come up with an even higher firewall of some sort, it's a game which is deadly and which has a very hard time attracting public interest.

What will attract the public interest is if they close down the electric grid system, but in the meantime, we don't want that to happen, so it's going to have to be done by the government working with the private sector, and with an intensity which belies, sort of, the placid view of, the Internet's a good thing and people can talk all across the world. But let me just end by saying that I really enjoyed the process of working with you, and I look forward, very much, to your stewardship of this. We had a discussion, once, about – that you've spent your life sort of giving commands, and it's a – in the military, four stars – it's a change of command.

And you were very – in our conversation – very, very sincere in understanding the dimensions of this problem, the need to share with the legislative branch, although that sometimes can be very painful hours in hearings and you say, why did I ever get myself into this, but it is a team effort. We are Team America and we are under attack and we have to go at it with that kind of cooperative point of view. And I think you're precisely the guy to do it and I think, also, that you will be very strong in your views and help move the IC community effectively. Thank you, Madame Chair.

SEN. FEINSTEIN: Thank you, Senator Rockefeller. Senator Whitehouse?

SEN. WHITEHOUSE: Thank you, Chairman. Admiral, just a moment ago, in response to a question from Senator Bond, you indicated that there will be a public document on interrogations, but that specifics of interrogation techniques may be held back. That's more or less the design of the Army Field Manual approach now – 19 techniques but the precise manner of their implementation not disclosed. Is that what you intended to mean by your response?

MR. BLAIR: Thanks for giving me a chance to talk about that again, Senator Whitehouse. I don't know. We were talking about using techniques outside of the Army Field Manual.

What I was thinking – the general pattern that I have in mind is that the information widely available is more general than that which is specifically used, which is of value to potential – which is a valuable potential in adversaries. That's what we used in many other techniques and which we have to assure the American people that we are acting correctly. But nonetheless, we don't want to provide open intelligence support to those who are trying to come after us.

So striking that balance – the one way I’m familiar with is more general public documents. And then as the level of specificity increases, more limited in the distribution, more careful in the classification. And so I’m certainly going in, thinking in those terms but I don’t know if that’s the right answer.

SEN. WHITEHOUSE: But not outside the bounds to be unclassified to begin with.

MR. BLAIR: No, sir. No, the idea is not here’s this public document, just kidding, here’s the real stuff. That’s not what I’m saying.

SEN. WHITEHOUSE: That’s what I needed to hear. Thank you. We have, during my brief tenure on this committee, over and over again, seen alarming, appalling leaks of classified information. Over and over again, every single time, as best I can tell, those are leaks outside of the intelligence branch, outside of intel – out of the intelligence community, not from Congress, not from this committee. And it happens over and over and over again.

Apparently, the record of getting these turned over for investigation and prosecution has been zero. I’m not sure – it’s probably classified what the number was we were given yesterday as to how many had been turned over was a large number out of which zero cases resulted, which suggests to me that there is a significant lack of energy and interest within the intelligence community in truly policing this stuff. And that the device for kind of getting rid of it or fobbing it off is to say well, we’ll send it over to the Department of Justice and if they can’t prosecute it as a criminal defense, well, we’re not going to take any further interest when you have all sorts of personnel, administrative, supervisory, and other authorities to deal with this as well. And you can send as good a message by firing somebody as you can by marching them out in handcuffs in many situations.

So I hope that we can work with you on this later. But I hope that you will consider this business of leakage to be a significant and serious one and that you will be willing to use your administrative authorities and demand that those agencies reporting to you use their administrative authorities and not just pass the buck to DOJ. And when they find out that it’s for some reason not a criminal offense that they care to prosecute, feel as if they can kind of wash their hands of the problem. It’s a serious problem and very serious national security information has been released because of it.

MR. BLAIR: I completely agree, Senator Whitehouse. If confirmed, I would like to come to talk to you about some ideas where we can build in some technical, some procedural safeguards into agencies so that it’s not a case of going back afterwards and trying to get records and question people but we have some tools that will let everybody who works for the government know that if you are going to pass classified information to a reporter or to someone, there will be a trace of it which will make it relatively quick to identify you as the one who did it. And so you certainly ought to think about it.

So I would look forward to talking with – now, as I say that, we of course have been discussing aggressive techniques which have stepped over the line in the past. But I think we can work out something that will get people away from that. I’ve been bedeviled for years by reading things

in the paper that I thought were very private and classified accounts of meetings that I've participated in and it just helps our enemies, it messes up good government, and we've got to find a way to get on top of it.

SEN. WHITEHOUSE: I appreciate it. Madame Chair, may I ask one more question? Senator Levin has given me permission to do that.

SEN. FEINSTEIN: Yes, you can.

SEN. WHITEHOUSE: The focus of this hearing has, to a degree, been on the mistakes and mishaps and the misdirection of the past. It has left, I think, potentially, a flavor that these are, you know, troubled agencies. I just want to say that I was in Afghanistan recently up at a Forward Operating Base and a former Soviet prison with no windows in the shadow of the border, no lights at night because that would attract rocket and mortar fire, pretty severe conditions of privation and folks who will be working for you were operating there at a level of morale and enthusiasm and professionalism and tempo and expertise that just took my breath away. It is really, really impressive what is going on out there.

And I think there were probably some very good-hearted and professional people swept up in some of these mistakes. And particularly those involved in the interrogation procedures, detentions, and so forth like this. It strikes me that one thing that they are entitled to from their country – they did what they believed was approved and legitimate and what they were told to do and what they thought would help their country is to have accurate legal advice now about what their real predicament is.

And I hope that you will consider working with your colleagues at the Department of Justice to try to get them a fair and proper legal status report of what their situation is so they can understand what potential vulnerabilities they may have taken on – and particularly if their individual agent level and perfectly good faith and without having any legal degree or anything that might suggest to them that somehow, something had gone wrong up at the White House and the Office of Legal Counsel and all these places to allude the information that they were given. Now, they be stuck with it.

They may be people who should be careful about where they travel and so forth. So I would urge you to consider that. I think it's important that part of what we can do for them to try to make this right and as I said, there's some extraordinarily wonderful people who will be working for you. Thank you, Chairman.

SEN. FEINSTEIN: Thank you very much, Senator. Senator Levin?

SENATOR CARL LEVIN: Thank you very much.

SEN. FEINSTEIN: Oh, if I could ask the staff – there are certain numbers that have not had an opportunity to speak. You know who they are. If you could tell them that now would be the time because the intention is to adjourn when we finish this round. Thank you.

SEN. LEVIN: Thank you, Madame Chairman. Admiral, the National Counterterrorism Center, the NCTC, as created by the Intelligence Reform Act of '04 was given two broad missions. I think you've already identified, basically, those missions. After four years of existence, does the NCTC function at the level that Congress and president intended? You've just participated in reviews of their activities and the intelligence community in general. So on a scale, say, of one to 10, how would rate NCTC in terms of access to intelligence, the quality of its analysis, and its ability to control what it gets collected?

MR. BLAIR: I'll need some more time to give you an exact answer, Senator Levin, but I happen to know Admiral – retired Admiral Scott Redd, who was a director, who was director there for a while. He's a friend I've had a chance to talk to about it. I've talked to people who worked with NCT – NCTC and my impression is that that place is good and getting better – getting better all the time but doesn't think it's perfect. So I think we're on a good slope there and we need more, faster, better.

SEN. LEVIN: Going back to the question that a number of us have asked you about, which is the treatment of detainees. There's a new Executive Order which has now been signed. In your judgment, is water-boarding torture?

MR. BLAIR: I think in answering that question, Senator Levin, I would say that there will be no water-boarding on my watch. There will be no torture on my watch.

SEN. LEVIN: Let me ask the question again, though. From what you know of water-boarding, is it torture?

MR. BLAIR: In answering that question, Senator, I'm very much aware that there were dedicated officers in the intelligence service who thought they were carrying out activities which had been authorized at the highest levels and properly authorized. They had vouched them out originally. So they asked and they asked again. Then they were given direction and they took action.

And I don't intend to reopen those cases of those officers who acted within their duties. So I'm hesitating to set a standard here which will put in jeopardy some of the dedicated intelligence officers who checked to see that what they were doing was legal and then did what they were told to do.

SEN. LEVIN: Now, the problem with that answer is the attorney general nominee has given us his judgment. I just – your reluctance to give your own judgment on that question – it seems to me is troubling to me because I don't think there's a slightest doubt about it, regardless of what the former vice president said. So I'm looking for your judgment on that question. What you know of water-boarding? In your judgment, is it torture? The attorney general designee can answer that. It seems to me you ought to be able to give us an answer as well.

MR. BLAIR: Senator, you'll just have to make the inference from my answer that on my watch, we will not water-board.

SEN. LEVIN: We had a senior intelligence officer in front of us – Colonel Steve Kleinman – in front of the Armed Services Committee, I believe – it may have been a hearing of this committee – and this is what he said – and this has to do with the use of abusive tactics. He said:

“I was privileged to join 14 of America’s most accomplished intelligence and law enforcement professionals in an intensive discussion of best practices in interrogation. Representing the Central Intelligence Agency, the Department of Defense and the Federal Bureau of Investigation, we collectively represented 350 years of operational experience in conducting thousands of interrogations and debriefings. Our respective professional experiences led us to a single, emphatic conclusion: The most effective method for consistently eliciting accurate and comprehensive information from even the most defiant individuals, to include terrorists and insurgents, was through a patient, systematic and culturally enlightened effort to build an operationally useful relationship.”

Do you agree with that?

MR. BLAIR: Based on everything I know, I agree with that. Yes, sir.

SEN. LEVIN: Thank you. My time is up. Thank you, Madame Chairman.

SEN. FEINSTEIN: Thank you very much, Senator Levin. Senator Hatch, you are up.

SENATOR ORRIN HATCH (R-UT): Well, thank you, Madame Chairman. I just want to congratulate you on your ascension to this chairmanship of this really, really important committee. We’ve worked together on a lot of things and I have a lot of respect for you and I appreciate the way you’ve started this committee and you’ve started your tenure here. And it personally – (inaudible) – committee.

Admiral Blair, I want to welcome you. You’ve got a long and distinguished service to this country, and I have nothing but respect for you. And we’ve had a rather extensive conversation in my office and I personally appreciated the forthrightness with which you approach this job, and really, approach everything. You’re the kind of guy that I think makes a difference in this world and who can certainly makes a difference in this job. It’s one of the most important jobs in this country today.

And I also want to pay tribute to Mike McConnell. When he came in, it was overwhelming. And you’ll find it to be so as well, but a lot of the overwhelming part he’s helped to put together and resolve. He’s helped to resolve these approaches, but there’s still plenty of problems. And you’ll find that that’s so when you get there. I suspect you’re going to likely spend an awful lot of time before this committee, and I certainly expect you to be confirmed. I wish you success in the role of the nation’s third Director of National Intelligence.

If I could just ask a couple of questions – Admiral Blair, I believe that the July 2004 report by this committee cataloguing and analyzing the Iraq WMD intelligence failure prior to 2002 was the most comprehensive report done on this subject. It might be the most important report that we’ve ever done in the history of this committee. Have you had a chance to read it?

MR. BLAIR: I've read the summary of it, Senator Hatch, and I agree that it's an extremely thorough document.

SEN. HATCH: What do you believe explains the failure of the intelligence community in assessing the presence of weapons of mass destruction in Iraq in 2002?

MR. BLAIR: I've had a chance to talk to some of the officers who were involved in that, and in fairly senior positions, and as I would describe it, I think there were a bunch of tumblers on that lock that all fell into place to produce that very wrong result. Some of them had to do with the lack of sources and the sheer lack of penetration; others had to do with attitudes of analysis which were flawed; part of it had to do, also, with the extraordinary political pressure that was placed on some of the analysts. So I think there were a bunch of things that contributed to it, Senator Hatch.

But I think what's really important is that, when that happened and it was so clear that it was wrong, the intelligence community actually took a stand-down – stopped work – every analyst, half-a-day – how did this happen – and then went to a process of really critical self-examination and put in place a series of corrective measures to make sure that it wouldn't happen again.

SEN. HATCH: Well, they weren't around when they did this, because almost every major intelligence department and all the major countries thought exactly the same. By the way, just to correct you, there was – the report expressly said that there was no political pressure involved. So you might want to read it from that standpoint as well.

MR. BLAIR: I'm sort of thinking small-P political – the intense overwatch, the high stakes –

SEN. HATCH: Even there, they didn't find that there was any of that. At least, that's my recollection of it and I think I'm accurate on that. I also want to try and say General Hayden – he has been a tremendous asset to the country and he's just straightforward and, of course, he's been very forthright with this committee as he's served as the DCIA – a very, very fine man. What do you think – what do you believe the IC has done with regard to address the flaws in the analytic tradecraft that contributed to the Iraq WMD intelligence failure?

MR. BLAIR: Some of the things that I'm familiar with, Senator, in the little bit of looking at it that I've done, which is not as extensive as yours, but the examination of the process of reaching an intelligence judgment, a checklist of checking assumptions and bringing in contrary views – these sorts of ways of putting together an assessment, I think, have been, now, institutionalized within the intelligence community so that – I think the primary point there is to make it clear to policy-makers how well you know what you're saying because you have to come down and make a call – that's the intelligence business – but there are some calls which are 90/10 calls because you really have good intelligence.

There are some calls which are 51/49 calls because you didn't have that good evidence so you just had to use your judgment. And I think the main thing is that people in the intelligence business have to make it clear to those who have to make the policies that this one, we are very

sure of, this one is based on making our best judgment based on relatively limited information, so that the policy-maker can make the wrong – avoid the wrong and make the right policies. And I think that has been drilled into the intelligence community and, if confirmed, I'll certainly continue it.

SEN. HATCH: Madame Chairman, my time is up, but could I ask one other question?

SEN. FEINGOLD: Yes, go ahead.

SEN. HATCH: Thank you so much for your courtesy to me. A fundamental concern – and I'm the longest-serving person on this committee. It's a very important committee. Naturally, I'm on so many other committees, I can't give as much time to it as I'd like, but I give a lot of time to it as well. And I particularly appreciate the time that the chairman has given – the chairperson has given – over these years. She has taken this very seriously, and I commend you to work with her as closely as you can.

But a fundamental concern of mine, when it comes to the questions of reforming the intelligence community has been the critique that, in the past, the intelligence community has not been a learning organization. When I speak of, quote, "learning organizations," unquote, I think specifically of the military. When soldiers, Marines, airmen, sailors are not in combat, they are constantly in training. Even in combat, every engagement is followed by a lessons-learned exercise.

For example, if a new type of IED is detonated at 4:00 p.m. this afternoon in Baghdad, that event is analyzed almost immediately. By tomorrow morning, all commanders in theater will know of that development. And when not in combat, the military is constantly studying and training. The military, in short, is a learning organization. Over a 20-year career in the military, a professional soldier, sailor or airman or Marine will spend years in training and school. And over a 20-year career, following their initial training, an intelligence officer will spend only weeks.

Now, this is of particular concern to me because I know that in this new conflict, the global war on terror, our intelligence officers in the field are learning a great deal about how to deal with armed groups. And I'm not sure that these lessons are being captured into evolving tradecraft that is taught to new officers or incorporated into an evolving doctrine. I'm unaware of the institutional mechanisms that are, you know, designed to do just that. Do you believe that the IC is a learning organization? Should it be? How often should officers be exposed to training and studies? What are the institutions of learning in the IC and do any of you – do you foresee changing those?

MR. BLAIR: Senator, of those questions the one I can answer unequivocally is number two, yes, the intelligence community should be a learning organization. I have only a limited knowledge now of what the mechanisms are to do it. I know that there is a CIA center for lessons learned because I happen to know the director of it from the past – past life. I know there's a new director of the intelligence university and the education component, as you say, is absolutely vital, so this is another of those areas that I'd bring some background with and an

organization that believed in learning. I carry that belief with me and I'll dive into it and make the proper changes there if they need to be made and I look forward to consulting with you about it.

SEN. HATCH: Thank you, Admiral. I'm grateful for your service and grateful you're willing to do this very, very difficult job. It's a demanding job. I'm grateful that – I'm frankly grateful for all the service you've given over all these years in the military.

MR. BLAIR: Thank you.

SEN. FEINSTEIN: Thank you very much, Senator Hatch. And, Admiral, it looks like we have come to the end of this hearing. The committee may have some questions for the record and we'll try to get them to you by the end of today. I'd like to mark this up as soon as possible. In order to do so we will need to see the answers to the questions, so the quicker you can get those back to us the quicker we can do our mark-up. I also want to take a moment to thank Admiral McConnell and General Hayden for their service to our country and to the community.

Those of us that have worked with them know that they did the very best they could and I think did some very strong and positive things for both the CIA and the community that the DNI heads. So their service is very much appreciated and I want to make that clear. I'd also like to express my welcome to your wife, Diane Blair – thank you for your patience during this hearing.

I believe that completes our questions.

MR. BLAIR: May I just make one final statement, Madame Chairman?

SEN. FEINSTEIN: You certainly may.

MR. BLAIR: As I think back over the last three hours, it seems to me we've been sort of somber and negative and so on and I just don't want to end on that note. If you confirm me going in, I'm extremely optimistic about what we can do with intelligence for this country. We've got tens of thousands of incredibly dedicated, smart, hard-working people who want to do the right mission. You've given us a lot of money, public figures, over \$45 billion –

SEN. FEINSTEIN: We've doubled it since 9/11.

MR. BLAIR: You've doubled it. I mean, we are going to win this puppy. This is not something I'm discouraged about, this is not something I've got my tail between my legs about, nor does the entire community. We got a mission, we're going to do it, we're going to do it great, we're going to be worthy of the American people and we're going to win it. So I just don't want to end on a note of being how difficult this is and how many mistakes have been made in the past, I want it to end on a note of the incredible energy and capability and dedication and resources you've made available to the fine men and women of the intelligence services and we'll go out there and do a great job.

SEN. FEINSTEIN: Well, I appreciate that. I think we all appreciate the service of the men and women of the intelligence community – and there are a lot of them there. It's true that the good things take care of themselves; the difficult problems and the untoward happenings always come to our attention, so necessarily we have to deal with them. I think what's important is that we have an openness between the committee, between you, between the various agencies and that you are forthcoming with us. There's nothing that puts a committee in a stonewall position than being refused data or having someone be untruthful with us. So if we can have a candid, upfront, anticipatory relationship and be clued in when things are developing problems and what the solutions are and have an opportunity to discuss them with you, I think that's very helpful.

I mentioned to you that one of our committee's best meetings was when General Hayden invited us to come over to Langley and we spent the noon – hour-and-a-half or so – with him on certain classified programs. And the back and forth was very useful and also enabled us to really understand the full course of what was being discussed and kind of away from harassment of having to do two committees or interrupt to go to a vote. And so I hope you will facilitate more of those kinds of interactions.

And we're also going to put together a CODEL of the entire committee. If you could join us to go to some of the operations throughout the world so that the entire committee is able to see the on-the-ground effort, the difficulties of the effort and, I hope, come back much better informed for that trip. It will be a hard-working trip, I promise you that.

MR. BLAIR: I think it's a wonderful idea and I certainly –

SEN. FEINSTEIN: Thank you. Thank you very much. And if there's no further testimony to come before this committee, meeting is adjourned.

(END)

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