

THE SPYMASTER

Can Mike McConnell fix America's intelligence community?

BY LAWRENCE WRIGHT

Last May, the director of National Intelligence, a soft-spoken South Carolinian named Mike McConnell, learned that three U.S. soldiers had been captured by Sunni insurgents in central Iraq. As a search team of six thousand American and Iraqi forces combed through Babil Province, analysts at the National Security Agency, in Fort Meade, Maryland, began examining communications traffic in Iraq, hoping to pick up conversations among the soldiers' captors. To McConnell's consternation, such surveillance required a warrant—not because the kidnapers were entitled to constitutional protections but because their communications might pass electronically through U.S. circuits.

The kidnappings could have been just another barely noticed tragedy in a long, bloody war, but at that moment an important political debate was taking place in Washington. Lawmakers were trying to strike a balance between respecting citizens' privacy and helping law-enforcement and intelligence officials protect the country against crime, terror, espionage, and treason. McConnell, who had been in office for less than three months when the soldiers were captured, was urging Congress to make a change in the 1978 Foreign Intelligence Surveillance Act, or FISA, which governs the process of eavesdropping on citizens and foreigners inside the U.S. and requires agencies to obtain a warrant within seventy-two hours after monitoring begins. The act was a response to abuses of the Nixon era, when the U.S. government turned its formidable surveillance powers against peace activists, reporters, religious groups, civil-rights workers, politicians, and even members of the Supreme Court. Over the years, the act had been amended many times, but McConnell believed that FISA—a law written before the age of cell phones, e-mail, and the Web—was dangerously outmoded. "If we don't update FISA, the nation is

significantly at risk," McConnell told me. He said that federal judges had recently decided, in a series of secret rulings, that any telephone transmission or e-mail that incidentally flowed into U.S. computer systems was potentially subject to judicial oversight. According to McConnell, the capacity of the N.S.A. to monitor foreign-based communications had consequently been reduced by seventy per cent. Now, he claimed, the lives of three American soldiers had been thrown onto the scale.

McConnell is the head of the sprawling assemblage of covert agencies known as the "intelligence community"—a term that first appeared in the minutes of a staff meeting of the Intelligence Advisory Committee, in 1952. That year, President Truman signed a secret memorandum creating the N.S.A., which is still the largest of the sixteen intelligence bureaucracies. The Pentagon has a Defense Intelligence Agency, and each military branch has its own intelligence shop. There are three very expensive technical agencies: the N.S.A., which is responsible for code-breaking, code-making, communications monitoring, and information warfare; the National Geospatial-Intelligence Agency, which makes maps and analyzes surveillance photographs; and the National Reconnaissance Office, which provides satellite imagery. The Central Intelligence Agency is in charge of human intelligence on foreign targets, although the Defense Intelligence Agency also conducts "humint" operations for the military. Domestic intelligence is handled by the Federal Bureau of Investigation, the Drug Enforcement Administration, and divisions of the Department of Homeland Security. The State Department has its own intelligence-analysis bureau, as do the Energy and Treasury Departments. The intelligence community employs more than a hundred thousand people, including tens of thousands of private contractors. And its official

budget, which last year was \$43.5 billion, omits the military's intelligence operations, which, if included, would probably push the total annual cost past \$50 billion—more than the government spends on energy, scientific research, or the federal court and prison systems.

To call the disparate intelligence bureaucracies a community suggests that they share a collegial spirit, but throughout their history these organizations have been brutally competitive, undermining one another and even hoarding vital information. Since the establishment of the C.I.A., in 1947, the fractious intelligence community has botched many of the major tasks assigned to it. Its failures include the Bay of Pigs invasion, the unforeseen collapse of the Soviet Union, the inability to prevent the September 11th attacks, and the catastrophic assessment that Iraq, under Saddam Hussein, possessed weapons of mass destruction. There have been successes—in 2006, American intelligence helped lead to the arrest in England of twenty-four conspirators who were plotting to blow up at least ten transatlantic airliners—but they don't begin to outweigh the damage caused by bungled operations and misguided analysis.

Over the past sixty years, frustrated Presidents and lawmakers have commissioned more than forty studies of the nation's intelligence operations, to determine how to rearrange, reform, or even, in some cases, abolish them. Most of these studies have concluded that the rivalries and conflicting missions of the warring agencies could be resolved only by placing a single figure in charge. Yet, until September 11th, there was no political will to do so. In 2004, after the 9/11 Commission recommended the appointment of a powerful overseer, Congress passed the Intelligence Reform and Terrorism Prevention Act, which created the Office of the Director of National Intelligence, or O.D.N.I. Dissenting law-



McConnell, the director of National Intelligence, wants tighter Internet security. Photographs by Mary Ellen Mark.

makers complained that the new office would simply add another tier of bureaucrats to an already congested roster. Indeed, although the 9/11 Commission suggested that the O.D.N.I. needed no more than a few hundred employees, it has quickly expanded to some fifteen hundred. Most of these additions, however, are transfers from other agencies—a maneuver that has rankled senior intelligence managers, especially in the C.I.A., which fiercely opposed the establishment of the new office. Until the 2004 law passed, the nominal leader of the intelligence community was the head of the C.I.A. Now the agency reports to the D.N.I., just as the intelligence branch of the Coast Guard does.



The reforms came at a time when the basic value of intelligence-gathering was in question. “We have such a huge infrastructure that adds so little to our understanding and frequently gets us in trouble,” says Richard Clarke, who served as the counterterrorism coordinator under President Clinton and, until 2002, in the current Administration. “You’re left with the impression that it wouldn’t make any difference if they didn’t exist.”

In April, 2005, Congress confirmed John Negroponte, then the U.S. Ambassador in Iraq, as the office’s first director. General Michael Hayden, the head of the N.S.A., became his deputy. But Negroponte lasted only two years in the job before returning to the State Department, where he clearly felt more at home. And Hayden left to lead the C.I.A. There were few candidates eager to replace Negroponte in the last two years of an embattled, lame-duck Administration. And although the 2004 reforms had given the director of National Intelligence responsibility for overseeing the community, his powers were limited.

The President turned to Mike McConnell, a retired admiral who had directed the N.S.A. from 1992 to 1996, but who was not well known outside the intelligence community. Sixty-three years old at the time, McConnell was part of the featureless parade of management consultants and security experts who work for federal contractors based

in northern Virginia, near C.I.A. headquarters. McConnell was a senior vice-president of Booz Allen Hamilton, the oldest of these firms. The war on terror and the wars in Afghanistan and Iraq were generating an economic boom in the Virginia suburbs, and McConnell, like many retired spooks, was reaping the benefits of his government experience and his top-secret clearance.

McConnell has pale, thin, sandy hair, blue eyes, and skin as pink as a baby’s. His back troubles him, and he walks with a slight stoop, which becomes more pronounced as the day wears on. His friends describe him as quick-minded and crafty, with an unusual ability to synthesize large amounts of information. A workaholic, he regularly lugged two briefcases home each night. Yet, ten years after leaving the government, he was finally making real money—two million dollars a year at Booz Allen—and was looking toward a comfortable retirement, perhaps in a cabin in the Carolinas, where he could build birdhouses (he and his wife, Terry, are members of a society whose purpose is to protect the Eastern bluebird) and listen to soft rock and rhythm and blues. He claims to be a terrific dancer.

In September, 2006, McConnell was offered the D.N.I. job and refused it. One of the major limitations of the post was that eighty per cent of the intelligence budget was controlled by the Secretary of Defense—and at the time that was Donald Rumsfeld, whose contempt for the C.I.A. and other civilian intelligence agencies was well known. Two months later, Rumsfeld resigned, and Robert M. Gates replaced him. When Vice-President Dick Cheney approached McConnell again, over Christmas, he asked for time to think about it.

“My first phone call was to Secretary Gates,” McConnell recalls. The two men had known each other since the first Gulf War, when Gates worked in the White House as deputy national-security adviser and McConnell was the intelligence officer for the Joint Chiefs of Staff. Gates, a former C.I.A. director, had been offered the D.N.I. job before Negroponte, and turned it down. “Mike had a lot of the

same concerns I had with the 2004 act, in terms of the ability to get things done,” Gates told me. “Under the legislation, the D.N.I. had the responsibility for executing the intelligence budget and assuring that everybody in the community obeyed the law, but he didn’t have the authority to fire anybody.” The community that both men had spent decades serving was in tumult. Morale was low, especially after the W.M.D. disgrace, when many Americans blamed the intelligence community for dragging the country into an unnecessary conflict. A number of experienced officers had walked away in shame and frustration. Moreover, the nation that had launched a war in Iraq because of faulty intelligence was now losing the battle, in part because it was so poorly prepared to understand the enemy. Al Qaeda, which the C.I.A. and the military had failed to vanquish in Afghanistan, was reconstituting itself there, as well as in Pakistan, Iraq, Somalia, and North Africa. Meanwhile, North Korea had exploded a low-yield nuclear bomb, and China was emerging as a rival to American supremacy. The need for reliable intelligence was arguably greater than it had been during the Cold War, when the enemy was easy to find, if hard to destroy; now the enemy might be a small group of lightly armed men who could be anywhere, and whose capacity to cause great harm had been appallingly demonstrated.

Gates informed McConnell that he had recommended McConnell’s old friend Lieutenant General James Clapper to be Under-Secretary of Defense for Intelligence. “I thought that, between Hayden, McConnell, Clapper, and myself, we could reach an agreement on some of the issues that hadn’t been resolved by the legislation,” Gates said. If McConnell and Clapper took office, each of the major agencies would be led by a military man. This unique alignment, Gates and McConnell believed, would offer the best chance that the intelligence community would ever have to reform itself. Unsurprisingly, the model they had in mind was the American armed forces.

All four men were insiders who understood the culture of intelligence-gathering. “There hadn’t been this kind of alignment of stars in the more than forty years of my experience in the intelligence community,” Gates said. The question

was whether they could be sufficiently objective and forceful to reshape a subterranean branch of government that had failed so deeply in its mission.

McConnell accepted the post and in February, 2007, he was sworn in. Clapper's wife gave McConnell and her husband clocks that counted down to the last second of the Bush Administration, on January 20, 2009. That was the amount of time, McConnell believed, that he had to lead a revolution.

"I don't know much about you," I admitted to McConnell at the end of July, when we met for the first of a series of discussions in his temporary office, which is at Bolling Air Force Base, in Washington. Despite his long career, there was little in the public record about his background.

"That's a good thing," he said. "I'm a spy."

He told me that he was born in Greenville, South Carolina, in 1943. "Working class. My father grew up in a mill village. In the Depression, he worked sixty hours for six bucks. His view of the world was that wasn't right. So he decided to become a union organizer." McConnell's father campaigned against child labor and was an outspoken proponent of civil rights, at a time when that was genuinely dangerous. McConnell recalled, "The 'n' word was forbidden in my house, and it wasn't uncommon for us to have black people come over to the house for a meal. Kids I grew up with would absolutely reject any thought of that." He said of his father, "He pushed back against everything. When I was ten, maybe thirteen years old, he described to me bureaucratic behavior and people being afraid of change. He said that people never accept change willingly. I remember it as clear as day, thinking, Change will never frighten me."

McConnell's parents were poor—"They had, basically, nothing"—so he got a student loan and a job and went to North Greenville Junior College, where he was elected student-body president in his second year; he then transferred to Furman University, a private college, living in a closet in the gym during his first semester while he managed the basketball team. In his senior year, he married his childhood sweetheart, Suzanne Gideon, in the first of two marriages. It was 1965, during the Vietnam War.

"Where I grew up, in South Carolina, there's a war, you're supposed to go," McConnell said. He joined the Navy and, in August, 1967, went to Vietnam, spending a year on a boat patrolling the Mekong River. The lesson he learned from Vietnam was "Be careful what you get into." He went on, "During the latter stages of Vietnam, soldiers were fragging their own officers, and drugs were rampant. The military was a shambles." Like the agencies of the intelligence community, the military's various branches undermined rather than helped one another. As McConnell put it, "The Navy has its own ground force, its own air force, and its own ships. So the view of the Navy is: Why do we need anybody else?"

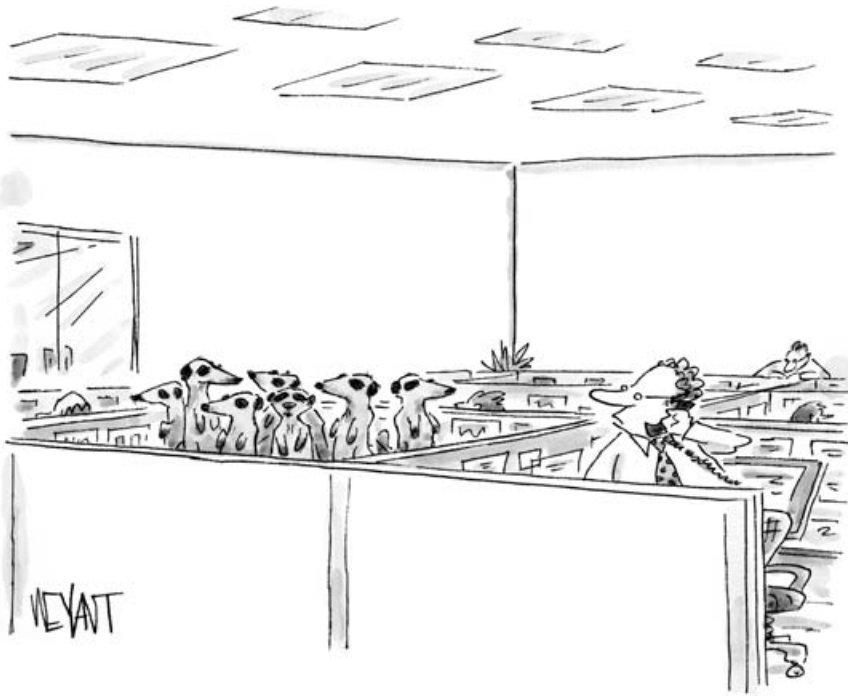
A new generation of leaders at the Pentagon, McConnell said, decided that the military needed to be reformed. "Guys like Colin Powell, they just made a decision—'This is our Army, we're taking it back.' And they did. What that led to was an all-volunteer force, the most professional army in history." In 1986, the Goldwater-Nichols Act restructured the military, despite resistance from the leaders of the uniformed branches. The law established the Secretary of Defense as the top decision-maker and awarded battlefield commanders more control. The 1991 Gulf War, with its coordinated use of overwhelming power, provided a stunning example of the restructured armed forces. McConnell recalled,

"Every service chief stood up and said, 'This is the greatest thing to happen to the United States military.'"

The 2004 intelligence legislation was not nearly as comprehensive as Goldwater-Nichols, but McConnell came into office with a slate of reforms, called the Hundred-Day Plan, that was modelled on the streamlined military command. He proposed a "culture of collaboration," which would require agencies to work together. The cost of one agency hiding intelligence from others was made dimly clear in the recent Inspector General report on the performance of the C.I.A. before 9/11. The report revealed that in March, 2000, between fifty and sixty individuals within the agency had known that two future Al Qaeda hijackers were infiltrating America, but nobody at the C.I.A. had informed the F.B.I.

McConnell's hundred days ended in August. He set up an executive committee made up of the heads of the most significant agencies, and took control of the budget for the community. Some important advances were made in sharing intelligence and in prompting career employees to serve outside their home agencies, but he admits that his office should have been more realistic about how long it would take to bring about such profound changes. In the fall, he established a Five-Hundred-Day Plan, which coincided with the number of days remaining on his countdown clock. This second





phase focusses on information technology and clearance issues. The intelligence community is literally incapable of understanding the enemy, because substantial security barriers have been placed in the path of Americans who are native speakers of Arabic and other critical languages. In the six years since September 11th, very little progress has been made in hiring people who might penetrate and disrupt Al Qaeda and its affiliates.

McConnell was undaunted. "I grew up in this community," he said. "I served it as a consultant. I'm passionate about it. So this job gives me the opportunity to make a contribution, even to the consternation of the bureaucracies, because I am going to force them to cooperate."

In August, just before the congressional recess, members of the House and the Senate were frantically seeking a compromise on a FISA-reform bill. McConnell explained one day over lunch at his office, "When the law was passed, in '78, almost all international communication was wireless," meaning that it relied mainly on satellites. "Today, ninety per cent goes through a glass pipe"—a fibre-optic cable. "So it went from almost all wireless to almost all wire." He put down his sandwich and walked over to a world map on his wall. "Terrorist on a cell phone, right here"—he pointed at Iraq—

"talking to a tower, happens all the time, no warrant. Tower goes up to a microwave tower, no warrant. Goes up to a satellite, back to the ground station, no warrant. Now, let us suppose that it goes up to a satellite, and in the process it does this"—his finger darted to the U.S. before angling back to Pakistan. "Gotta have a warrant! So it was crazy."

The changes to FISA that McConnell proposed were minor, in his view. "Three things we wanted," he told me, in characteristic bulletin language. "First, we had to have a situation where it doesn't require us to get a warrant for a foreign person in a foreign country. Second point, we need the cooperation of the private sector. The private sector is being sued for allegedly cooperating with the government." He was referring to reports that, even before 9/11, many of America's major telecommunications companies had diverted virtually all records of telephone and e-mail traffic from their routers into N.S.A. data banks, where it could be stored and examined. McConnell wanted liability protection not only for the companies' future cooperation but for their past actions as well; however, he agreed to take the issue of retroactive immunity off the table if Congress would reconsider the matter after its recess. ("We were in a pissing contest with the Administration, because they wouldn't

give us the documents to show what they needed the immunity for," Silvestre Reyes, of Texas, the chairman of the House Intelligence Committee, told me.) McConnell's third point was uncontroversial: he wanted a warrant to be required whenever a person in the U.S. was the object of surveillance. However, the reform bill before Congress, which Democrats in both houses had rejected, did not protect Americans—travellers, soldiers, exchange students, diplomats—who happened to be outside the United States.

As the vote on the legislation approached, the Administration let it be known that threats from Al Qaeda had increased in number; there had even been signs, it claimed, of a plot to attack Congress. Many lawmakers felt manipulated and suspicious. In a meeting with McConnell, I said, "According to Senator Harry Reid, the legislation 'authorizes warrantless searches and surveillance of American phone calls, e-mails, homes, offices, and—'"

"Totally untrue!" McConnell exclaimed. "I'm telling you, if you're in the United States you have to have a warrant. Authorized by the court. Period!" Critics argued, however, that the proposed law left a loophole. If the Attorney General and the D.N.I. decided that a foreign target was a subject of interest, the law permitted them to conduct surveillance on any Americans who might be in touch with that person, to break into their homes, to open their mail, to examine their medical records—all without a warrant. Legislators worried that the law would permit the intelligence community to "reverse-target" Americans who happened to be making international calls but who had nothing to do with terrorism.

"That's a violation of the Constitution," McConnell said. "We can't do that, wouldn't do that." Naturally, some innocent Americans would be overheard, he conceded. "What do you do about it? It's called 'minimize.' Courts reviewed it—it works. You get an inadvertent collection? When you recognize what it is, you destroy it. Exception: let's suppose it was terrorism or crime. In that case, as a community, it is our obligation to report it. But to claim that this community is monitoring the e-mail and telephone calls of millions of Americans, and that

we're doing reverse-targeting, is clearly absurd."

McConnell admitted that Congress had reason to be wary of the intelligence community's intentions. "In the forties, fifties, sixties, seventies—every President used either law enforcement or intel to conduct activities in the interest of national security by tapping telephones of Americans," he said. FISA had been a useful corrective. He summed up the law's intent as follows: "You intel guys go off and do your foreign-intel mission, but if you ever do it in this country you gotta have a warrant, O.K.?"

The intelligence agencies have always had a murky relationship with the law. "We have to be at the edge of legality all the time," Admiral William Studeman, who preceded McConnell as the director of the N.S.A., told me. "Otherwise, we can't do our job." He added, "In foreign environments, all espionage agencies break the laws every day—but they're somebody else's laws. Now there seems to be a notion that because we're criminals overseas we're criminals domestically."

Six weeks after 9/11, Congress passed the U.S.A. Patriot Act. The F.B.I. was given expanded authority to issue "national-security letters," a form of subpoena entitling the bureau to pry into the private lives of American citizens and visitors who were not the subject of a criminal investigation and might not even have been suspected of being terrorists or spies. There was no judicial oversight. Unlike a FISA warrant, a national-security letter did not permit the government to eavesdrop on phone calls or read e-mails, but it did allow the examination of phone records, bank accounts, Web searches, and credit-card purchases. The F.B.I. was required to prove a specific national-security need before serving such letters, but a recent Justice Department audit uncovered dozens of cases in which bureau officials appeared to have violated this rule. "We found wholesale abuse of that authority," Silvestre Reyes told me. "It underscored the need for constitutional protections."

I asked McConnell how the new FISA law would be different. How could Americans be sure that the intelligence community wouldn't commit even more intimate invasions of privacy?

"A national-security letter was a whole new tool," he explained. "Now, did the

F.B.I. have the structure and experience and time to learn, the way you do in the FISA world? In fact they did not. It was used in a sloppy way." He said that the FISA system, by contrast, was governed by a strict protocol that had been in place for decades. (A special FISA court in Washington, established in 1978, confidentially weighs all requests for FISA warrants.)

On August 1st, McConnell and his staff stayed up all night preparing their position on FISA for lawmakers. Despite his long government service, McConnell had never been enmeshed in a partisan legislative debate. "Mike McConnell is a first-rate professional," Senator Arlen Specter, Republican of Pennsylvania, told me. "But he's a little out of his element in politics."

The next afternoon, the top Democratic leaders, including Reid and Reyes, gathered in the office of Nancy Pelosi, the Speaker of the House, and placed a call to McConnell. The Democrats presented him with their proposal, which stated, among other things, that if Congress was going to allow the President to conduct warrantless surveillance the power had to be limited to matters of terrorism. McConnell responded that this would hamper the ability of the intelligence community to collect information about dangerous foreign powers such as Iran and North Korea. He also rejected language in the bill requiring the Attorney General and the FISA court to establish guidelines for which kinds of contact between a targeted foreigner and a U.S. person merited a warrant; he called the idea a "poison pill." The Democrats ceded on both points. He pledged to get back to the leaders half an hour later, with a new draft of their bill which reflected his concerns.

When McConnell didn't call back, the Democrats telephoned his office. His assistant told them that he was talking to the White House. McConnell called back at around seven. According to two people present in Pelosi's office, McConnell apologized, saying that he had been on the phone with "the other side" and that he could no longer abide by their compromise. He told the Democrats, "I've spent forty years of my life in this business, and I've been shot at during war. I've never felt so much pressure in my life."

Late that evening, McConnell's office sent the legislators a sweeping revision that bore little resemblance to their

bill. Reyes, among others, felt betrayed. "We had thought we were dealing in good faith," he said. (McConnell denies that he and the Democrats had a firm agreement.)

On Friday, August 3rd, in a furious scramble, the Democrats and the Republicans pushed rival bills to the floor. McConnell happened to be on Capitol Hill, explaining some of the technical language to the senators, and was surprised to discover that the Senate was about to vote. "At that point, I had seen neither version," he said. He was in the Vice-President's office in the Senate, watching the debate on a monitor, as each side claimed to be sponsoring "McConnell's bill." McConnell wrote a note officially rejecting the Democratic version, saying that it "creates significant uncertainty."

The Republican bill, called the Protect America Act, passed that night. The next day, the House, desperate to adjourn, passed the legislation, which was designated a placeholder that would expire in six months, allowing lawmakers to deliberate more fully after their break.

"Then all the press stuff started," McConnell said. "'The White House rolled McConnell!' 'The naïve admiral learns a hard political lesson.' I guess the part that bothered me a bit was the rhetoric coming off the Hill, impugning my integrity, saying I was less than honest." When asked if he had bowed to the White House, McConnell said, "Nothing could be further from the truth."

Six mornings a week, McConnell awakens at four, does twenty minutes of back exercises, then prepares for his daily briefing of President Bush—a task that was formerly the jealously guarded prerogative of the C.I.A. The night before each meeting, McConnell receives a draft of the Presidential Daily Brief, a compendium of topical items. At 6 A.M., a dark armored Suburban arrives at his house, in northern Virginia, and takes him to the White House. On the way, he says, he reads a summary of operational and intelligence traffic—"messages, e-mails, or whatever"—from the past twenty-four hours.

The Presidential briefing starts between seven-thirty and eight and rarely lasts longer than an hour. In addition to Bush and Cheney, the core group

includes Joshua Bolten, Bush's chief of staff, and Stephen Hadley, the national-security adviser. "We take analysts into the Oval Office three or four times a week for what we call a 'deep dive,'" McConnell said. Once a week, the deep dive concerns Iraq. The Secretaries of State and Defense usually attend. "Sometimes we'll go right out of the briefing in the Oval to the Situation Room, where we'll meet with the National Security Council." A screen in the room displays live video feeds of Ryan Crocker, the Ambassador to Iraq; General David Petraeus, the U.S. commander there; and Admiral William J. Fallon, the CENTCOM commander. McConnell went on, "Another day, we do Homeland Security, so in the room will be the core group, plus the Attorney General, the director of the F.B.I., the Secretary of Homeland Security, and the adviser to the President for Homeland Security. Another day, we could do a deep dive on the former Yugoslavia, Georgia, Russia, China—whatever the issue is."

By nine-thirty, McConnell is back in the Suburban, headed to Bolling Air Force Base. His temporary office is in the Defense Intelligence Agency building there, a chilly steel-and-glass structure with a Scud missile erected beside the elevator bank and a pair of Saddam Hussein's gold-plated automatic weapons displayed in the lobby. His office is spare, except for a photograph of his children and a few treasured artifacts—a Yemeni dagger and a blue vase from the People's Liberation Army of China. Through the large windows, one can see planes landing at Washington's National Airport and marines running around a track. He frequently leaves the office to testify before Congress, or flies off for a speech. He usually arrives home around eight. "My wife gets about fifteen minutes a day," he said. "She's not a happy camper. Now, I'm not complaining. This is a demanding job, but I love doing it."

McConnell claims to be "apolitical," by which he means nonpartisan. "I'm not a Republican or a Democrat," he told me. "My worry is good government." On another occasion, he said, "I always vote, and I've voted for both parties." His political heroes are Lincoln, Churchill, and Franklin Roosevelt. "The thing that always impressed me was the pressure on Lincoln, and how he stood up to it," he

said. He noted the discord surrounding Lincoln's decision to suspend habeas corpus during the Civil War. "There are a lot of parallels. The current Administration is accused of spying on Americans. And I'm right in the middle of that."

McConnell often speaks admiringly of General Colin Powell, who, as chairman of the Joint Chiefs of Staff in 1990, hired McConnell, then a Navy captain, to be his intelligence officer. "I was impressed by his reputation and by his interview," Powell told me. McConnell was well versed in technical intelligence, but not in other important areas, such as ground warfare. That didn't seem like such a liability at the time. "It was going to be a quiet summer, so I hired him," Powell said, laughing. Four days later, Saddam Hussein's troops invaded Kuwait.

It was McConnell who informed Powell that Iraqi troops had massed on the border. At a speech last fall at the Woodrow Wilson International Center for Scholars, in Washington, he recalled, "I'm anticipating the question was going to be 'How many divisions.' He said, 'Mike, how many maneuver brigades?' I didn't even know what a maneuver brigade was. . . . So I now feel about two inches tall. I said, 'Sir, I don't know, but I'll find out.'" Powell was not bothered by the reply. He instructed McConnell in his rules for an intelligence agent: "Tell me what you know, then tell me what you *don't* know, and only then can you tell me what you think. Always keep those three separated." Powell says that McConnell spent weeks carrying around flash cards of Army terms.

The government was desperate to determine whether Iraqi troops were merely on a maneuver or were poised for invasion. Cheney, then the Secretary of Defense, was demanding a verdict, and the intelligence community was typically reluctant to render one. Twenty-two hours before the invasion, McConnell correctly judged that Saddam intended to move into Kuwait. His willingness to take a stand earned Cheney's admiration. Soon after the onset of Desert Storm, the American-led effort that repelled the Iraqi invasion, Powell had so much confidence in McConnell's grasp of ground warfare that he charged him with delivering daily press briefings. "He got so good that he started being parodied by 'Saturday Night

Live,'" Powell recalled. "That's when I knew we'd made a good decision."

In 1992, both Powell and Cheney sponsored McConnell's candidacy to become the head of the N.S.A., even though McConnell had been promoted to a one-star admiral only nine months earlier. By law, the N.S.A. position requires three stars; thanks to his powerful patrons, McConnell received two additional ones.

When he took over the N.S.A., the Cold War had just ended and Congress had decided to extract a "peace dividend" from the intelligence community. New hiring came to a near-halt just as the security challenges became far more diverse. There was a surfeit of Russian linguists but scarcely anyone who, for instance, could speak Serbo-Croatian, during the breakup of the former Yugoslavia, or the Creole dialect of Haiti, when the Clinton Administration sent troops there to restore order. The agency had to hire Haitian menial laborers in Washington and put them to work listening to intercepts in N.S.A. headquarters.

There was, however, an even greater challenge for the N.S.A. than hiring new linguists. The Internet and e-mail were radically expanding the abilities of terrorists and rogue states to communicate. "When I went there in '92, the Internet existed—it was called Arpanet—but the World Wide Web did not," McConnell recalled. "Then the Web made the Internet accessible for everybody. My world exploded."

One afternoon, as McConnell and I were walking back to his office from the cafeteria, in the basement, we passed the security room, where a pair of guards monitored half a dozen screens displaying a video of the building's grounds. The setup was, by Hollywood standards, disappointingly low-tech. I asked McConnell if he'd seen "The Bourne Ultimatum," in which Matt Damon's character is pursued by C.I.A. officers with instant global access to surveillance cameras, banking transactions, and passport controls. "Yeah, we can't do that," McConnell admitted. "That's all horse pucky."

The intelligence community has lagged significantly behind private industry in the development and use of innovative technology. "There have been



McConnell at Bolling Air Force Base, in Washington, D.C., where he works in a temporary office.

breakthroughs,” General Clapper, the Defense Under-Secretary, told me, citing the use of cell phones and computers on the battlefield, although he acknowledges that Al Qaeda has also made creative use of those technologies. By comparison, during the Second World War the U.S. government developed advanced radar and jet engines, and invented the atomic bomb. Six years of the war on terror have brought nothing nearly as significant; instead, the intelligence community has only warily appropriated models whose usefulness is blindingly obvious. In 2006, the community adopted Intellipedia, a secure version of Wikipedia. Blogging is now permitted on internal servers, giving contrarian opinion a voice. There is a new “A-Space”—based on sites such as MySpace and Facebook—in which analysts post their current projects as a way of creating social networks. The Library of National Intelligence is an online digest of official reports that will soon provide analysts who use it with tips, much the way Amazon and iTunes offer recommendations to their customers. These innovations have not yet made their way to the analysts and agents in the field, however.

Despite such attempts to bring together resources and staff, the community still relies on more than thirty online networks and eighty databases, most of which are largely inaccessible to one another. After the 2004 reforms, which mandated greater information sharing, the community turned to private industry for help in creating the National Counter-Terrorism Center, which is in northern Virginia, at an undisclosed location. An engineer from Walt Disney Imagineering, the theme-park developer, designed it. “Even the chairs in the lunchroom are the same ones we had at the Disney Studios,” a former Disney executive, who now works at the center, told me. “The only difference is these chairs don’t have the mouse ears.” She was one of several former Disney employees who signed up for government service after 9/11. The fantasy worlds that Disney creates have a surprising amount in common with the ideal universe envisaged by the intelligence community, in which environments are carefully controlled and people are closely observed, and no one seems to mind.

The center has a futuristic videocon-

ference room, featuring a table that can change its shape and has pop-up computer consoles. Three times a day, analysts gather around it to discuss the “threat matrix.” The heart of the building is the operations center, a dim room where analysts from various agencies are illuminated by the lights of multiple computer monitors. When I was there, Fox News was playing on a huge television screen at the front of the room.

Disney Imagineering also provided the O.D.N.I.’s first science-and-technology director, Eric Haseltine, who joined the N.S.A. after September 11th. He was dismayed by the lumbering pace of innovation, the absence of collaboration, and the lack of thought about how new products might be employed. “Insufficient attention was being paid to the end user,” he said. Much of the intelligence community is technophobic and is also hamstrung by security concerns. Only recently have BlackBerrys made their way into some agencies, and many offices don’t even have Internet connections. “At Disney, we had to make technology work for a four-year-old and a grandmother instantly, and be fun,” Haseltine said.

OLD MARX

I try to envision his last winter,
 London, cold and damp, the snow’s curt kisses
 on empty streets, the Thames’ black water.
 Chilled prostitutes lit bonfires in the park.
 Vast locomotives sobbed somewhere in the night.
 The workers spoke so quickly in the pub
 that he couldn’t catch a single word.
 Perhaps Europe was richer and at peace,
 but the Belgians still tormented the Congo.
 And Russia? Its tyranny? Siberia?

He spent evenings staring at the shutters.
 He couldn’t concentrate, rewrote old work,
 reread young Marx for days on end,
 and secretly admired that ambitious author.
 He still had faith in his fantastic vision,
 but in moments of doubt
 he worried that he’d given the world only
 a new version of despair;
 then he’d close his eyes and see nothing
 but the scarlet darkness of his lids.

—Adam Zagajewski

(Translated, from the Polish, by Clare Cavanagh.)

Haseltine and his successor, Steve Nixon, have set up an intelligence version of DARPA, the Defense Advanced Research Projects Agency, which was created in 1958, after the Soviet launch of Sputnik, and led to the development of the Internet, the Global Positioning System, night-vision goggles, Predator drones, and Stealth aircraft. (After 9/11, DARPA also gave birth to Total Information Awareness, a program designed to sort through vast sets of data about individuals, including Americans, in order to identify potential terrorists. Congress killed the program in 2003, but many of its capabilities were passed along to other departments.) Like DARPA, the O.D.N.I. version sponsors radical innovation—“game-changing breakthroughs,” as Nixon puts it. The program has only a few dozen employees, but it expects to collaborate with private businesses, nonprofits, and universities. The most significant product of this effort so far is Argus, a program that monitors foreign news reports and other open sources looking for evidence of bird die-offs, crop failures, an unusual number of death notices—anything that could provide an

early warning of an epidemic, nuclear accident, or environmental catastrophe. The program, which began in 2004, spotted the appearance of avian flu in 2006 and a recent outbreak of Ebola in Angola. During flu season last year, the program tracked more than a thousand socially disruptive diseases simultaneously. Argus now monitors a million Web pages in twenty-eight languages and in nearly every country in the world—except the U.S., where such scrutiny would stir concerns about domestic spying.

The intelligence community is also marshalling insights from the social sciences. Psychologists, for example, are studying how terrorists behave when they are attempting to avoid detection; agents will then be trained to look for examples of such behavior. Nixon said, “We’re also looking at virtual worlds and gaming—immersive environments in which to train agents,” such as *Second Life*. He conceded that such efforts were derivative. “Our brightest people are working on things in the commercial environment. The problem is that we don’t have a lock on that. Technology is a two-edged sword for the intelligence community. For instance, with biology, there could be a time in the not distant future when teen-agers can design biological components just as they do computer viruses today. That’s why I think intelligence is as critical now as at any time in our nation’s history.”

At the N.S.A., McConnell set up a new office to conduct information warfare against potential enemies, but he eventually realized that America, with its huge computer networks, was far more vulnerable to such attacks than its adversaries. Ed Giorgio, a security consultant who worked at the N.S.A. under McConnell, and who is the only person to have been both the nation’s chief code breaker and its chief code maker, said, “Early on, Mike had what many directors of the N.S.A. have near the end of their tenure—that is, an info-sec epiphany. ‘If only I had paid more attention to our own systems!’” Practically nothing was being done to secure American computer networks, which the entire world routinely depended upon. Information security became McConnell’s passion.

In the nineties, new encryption software that could protect telephone con-

versations, faxes, and e-mails from unwarranted monitoring was coming on the market, but the programs could also block entirely legal efforts to eavesdrop on criminals or potential terrorists. Under McConnell’s direction, the N.S.A. developed a sophisticated device, the Clipper Chip, with a superior ability to encrypt any electronic transmission; it also allowed law-enforcement officials, given the proper authority, to decipher and eavesdrop on the encrypted communications of others. Privacy advocates criticized the device, though, and the Clipper was abandoned by 1996. “They convinced the folks on the Hill that they couldn’t trust the government to do what it said it was going to do,” Richard Wilhelm, who was in charge of information warfare under McConnell, says.

At Booz Allen, McConnell helped develop a program designed to protect the global financial network. He and a team of veterans from the New York Stock Exchange and information-technology officers from major financial institutions put together a report that surveyed the system’s vulnerabilities, and submitted it to the President’s Commission on Critical Infrastructure Protection. “Our study, which was unclassified, was so compelling that they classified it!” McConnell says, laughing. McConnell’s team eventually won nearly three hundred million dollars in government contracts for Booz Allen.

Every day, the Defense Department detects three million unauthorized probes of its computer networks; the State Department fends off two million. Sometimes, these turn into full-scale attacks, such as an assault last spring on the Pentagon that required fifteen hundred computers to be taken off-line. In May, the German government discovered that a spyware program had been planted

inside government computers in several key ministries, and also in the office of Chancellor Angela Merkel. The Germans blamed the Chinese Army. The head of Britain’s M.I.5, the domestic intelligence agency, recently said that Chinese and Russian spying was at such a high level that combatting it was diverting government resources from counterterrorism. McConnell says that the U.S.

faces similar problems. “Chinese spying has gone up significantly, and Russian spying hasn’t decreased at all since the Cold War,” he says. (A spokesman for the Chinese consulate called the German and American accusations “preposterous.”) Ed Giorgio explained the situation to me: “There are forty thousand Chinese hackers who are collecting intelligence off U.S. information systems and those of our partners. How many of them can read English? Almost every one of them. If you ask how many intelligence-gathering people are doing similar things in Mike’s vast empire, the answer would be tiny. And you won’t find any who understand Mandarin. We should never get into a hacking war with the Chinese.”

One day in May, at a meeting with the President and several cabinet members, McConnell asked for authority to wage information warfare against the tech-savvy insurgents in Iraq. First, he described the three aspects of information-warfare operations. Computer-network exploitation—that is, the theft or manipulation of information—is done by the N.S.A. Computer-network attacks are the province of the Department of Defense. The third element, computer-network defense, was not the specialty of any agency. According to someone who was in the Oval Office, McConnell then said, “If the 9/11 perpetrators had focused on a single U.S. bank through cyber-attack and it had been successful, it would have an order-of-magnitude greater impact on the U.S. economy.”

The President blanched and turned to the Secretary of the Treasury, Henry Paulson. “Is that true, Hank?” he said. Paulson said that it was. The President then charged McConnell to come up with a security strategy, not only for government systems but also for American industry and private individuals.

One proposal of McConnell’s Cyber-Security Policy, which is still in the draft stage, is to reduce the access points between government computers and the Internet from two thousand to fifty. “The real question is what to do about industry,” McConnell told me. “Ninety-five per cent of this is a private-sector problem.” He claimed that cyber-theft accounted for as much as a hundred billion dollars in



annual losses to the American economy. "The real problem is the perpetrator who doesn't care about stealing—he just wants to destroy." The plan will propose restrictions that are certain to be unpopular. In order for cyberspace to be policed, Internet activity will have to be closely monitored. Ed Giorgio, who is working with McConnell on the plan, said that would mean giving government the authority to examine the content of any e-mail, file transfer, or Web search. "Google has records that could help in a cyber-investigation," he said. Giorgio warned me, "We have a saying in this business: 'Privacy and security are a zero-sum game.'"

With the cyber-security initiative, McConnell is asking the country to confront a dilemma: Americans will have to trust the government not to abuse the authority it must have in order to protect our networks, and yet, historically, the government has not proved worthy of that trust. "FISA reform will be a walk in the park compared to this," McConnell said. "This is going to be a goat rope on the Hill. My prediction is that we're going to screw around with this until something horrendous happens."

For all McConnell's insistence on change, he often thinks like a traditional spy. During one conversation, I asked McConnell, "Have we gotten meaningful information through torture?"

"We don't torture," he responded automatically.

"O.K., through aggressive interrogation techniques."

"'Aggressive' is your word," he said. "Have we gotten meaningful information? You betcha. Tons! Does it save lives? Tons! We've gotten incredible information. Khalid Sheikh Mohammed. K.S.M. No. 3. Go pull his testimony. A lot of what we know about Al Qaeda and what we shut down came out of that." (The reliability of the confession of Mohammed, who after sustained abuse claimed a role in more than thirty criminal plots, has been widely questioned.) He peered over his glasses. "And this was a test for Mike McConnell. When Abu Ghraib happened, my view was that we had lost the moral high ground."

McConnell had not yet returned to government when the Abu Ghraib scandal broke, but after becoming director of National Intelligence he received the still

secret protocol that the White House had devised to govern future interrogations. Shortly after Attorney General Alberto Gonzales came into office, in February, 2005, he issued an opinion endorsing the most brutal interrogation techniques that the C.I.A. had ever used. According to the *Times*, the agency had learned some of these methods from Egyptian and Saudi intelligence officials; others were drawn from old Soviet techniques. The methods included stripping a suspect naked and placing him in a cold cell; manacled him in a painful posture; subjecting him to deafening rock music; head slapping; and waterboarding, an act of simulated drowning that was used in the Spanish Inquisition. Any one of these techniques would likely violate the international legal standards banning torture, such as the Geneva Conventions. The C.I.A. had used "special methods of questioning" on about thirty people, McConnell learned.

"I had to sign off on that program," McConnell told me. "The President said we don't torture anyone, but I had to convince myself by going through the whole process." He pored over the procedures that had been secretly authorized by the Bush Administration. "I sat down with the doctors and the medical personnel who oversee the process," he said. "Our policies are not torture."

I asked how he defined torture.

"There's a history of people making claims that it's not torture if you don't force the failure of a major organ," McConnell said, referring to the infamous 2002 memo by John Yoo, a Justice Department lawyer, who argued that an interrogation technique was torture only when it was as painful as organ failure or death. "My view is, that's kind of absurd. It's pretty simple. Is it excruciatingly painful to the point of forcing someone to say something because of the pain?" McConnell leaned forward confidentially. "Now, how descriptive do I want to be with you? I don't want to tell you everything, and why is that? Look, these guys talk because, among other things, they're scared."

McConnell asserted that it was not difficult to evaluate the truthfulness of a confession, even a coerced one. "And as soon as they start to talk we can tell in minutes if they are lying," he said. "One, you know a lot. And you know

when someone is giving you information that is not connecting up to what you know. You also know when to use a polygraph."

McConnell refused to specify what new methods had been approved for the C.I.A. "There are techniques to get the information, and when they get the information it has saved lives," he said vaguely. "We have people walking around in this country that are alive today because this process happened."

Couldn't the information be obtained through other means?

"No," McConnell said. "You can say that absolutely." He again cited the case of Khalid Sheikh Mohammed. "He would not have talked to us in a hundred years. Tough guy. Absolutely committed. He had this mental image of himself as a warrior and a martyr. No way he would talk to us." Among the things that Mohammed confessed to was the murder of Daniel Pearl. And yet few people involved in the investigation of Pearl's death believe that Mohammed had anything to do with the crime; another man, Ahmed Omar Saeed Sheikh, was convicted of killing Pearl.

I mentioned McConnell's hero, General Powell, whose disastrous speech to the United Nations, in February, 2003, made the case to the world for invading Iraq—a case founded on faulty intelligence. Part of Powell's presentation was based on the testimony of Ibn al-Sheikh al-Libi, an Al Qaeda operative who was captured by Pakistani forces in December, 2001. The Pakistanis turned him over to the Americans. According to Jack Cloonan, a former F.B.I. agent involved in the interrogation, Libi was providing useful and accurate intelligence until the C.I.A. took custody of him and placed him inside a plywood box for transport. He was reportedly sent to Egypt and tortured. (An agency spokesman said, "The C.I.A. does not transport individuals anywhere to be tortured.") Libi allegedly told his interrogators that the Iraqi military had trained two Al Qaeda associates in chemical and biological warfare. This was the essence of Colin Powell's claim: Saddam had weapons of mass destruction and was working with Al Qaeda. Neither assertion was true. How could we ever trust information obtained under torture when such methods had already led us into a catastrophic war?

"Now, wait a minute," McConnell said. "You allege torture. I don't know. Maybe it was. I don't know." He wasn't in office at the time.

I asked what personal experiences informed his views.

McConnell recalled that before going to Vietnam he had participated in the military's Survival, Evasion, Resistance and Escape program. "You had to go through jungle training, get slapped around, knocked down, put in a box, physically abused," he said. "That's to prepare you for what the enemy might do to you." McConnell was thrown into a covered pit with a snake. There was no room to stand or move around. "They would open up the thing and whack you a few times and close it down," he said. "They beat us up reasonably well." However, he knew that he was not going to die.

Waterboarding was not a part of the training when McConnell went through SERE, although it sometimes has been. "You know what waterboarding is?" he asked. "You lay somebody on this table, or put them in an inclined position, and put a washcloth over their face, and you just drip water right here"—he pointed to his nostrils. "Try it! What happens is, water will go up your nose. And so you will get the sensation of potentially drowning. That's all waterboarding is."

I asked if he considered that torture.

McConnell refused to answer directly, but he said, "My own definition of torture is something that would cause excruciating pain."

Did waterboarding fit that description?

Referring to his teen-age days as a lifeguard, he said, "I know one thing. I'm a water-safety instructor, but I cannot swim without covering my nose. I don't know if it's some deviated septum or mucus membrane, but water just rushes in." For him, he said, "waterboarding would be excruciating. If I had water draining into my nose, oh God, I just can't imagine how painful! Whether it's torture by anybody else's definition, for me it would be torture."

I queried McConnell again, later, about his views on waterboarding, since this exchange seemed to suggest that he personally condemned it. He rejected that interpretation. "You can do waterboarding lots of different ways," he

said. "I assume you can get to the point that a person is actually drowning." That would certainly be torture, he said. The definition didn't seem very different from John Yoo's. The reason that he couldn't be more specific, McConnell said, is that "if it ever is determined to be torture, there will be a huge penalty to be paid for anyone engaging in it."

In early September, German authorities arrested three Islamic radicals who were allegedly planning terrorist strikes against an American military base and the Frankfurt airport. In a hearing of the Senate Homeland Security and Governmental Affairs Committee, on September 10th, Senator Joseph Lieberman asked McConnell if the temporary FISA legislation that Congress had just passed contributed to the arrests of those men. "Yes, sir, it did," McConnell replied, explaining that, by monitoring the communications of the underground cell, the U.S. learned that the men had already obtained explosive liquids. "The German authorities decided to move," he said.

In fact, the information about the German cell had been obtained under the previous FISA law. McConnell conceded the point two days later, after an article in the *Times* questioned his claim.

Later that month, McConnell appeared before congressional committees, seeking to make the provisional Protect

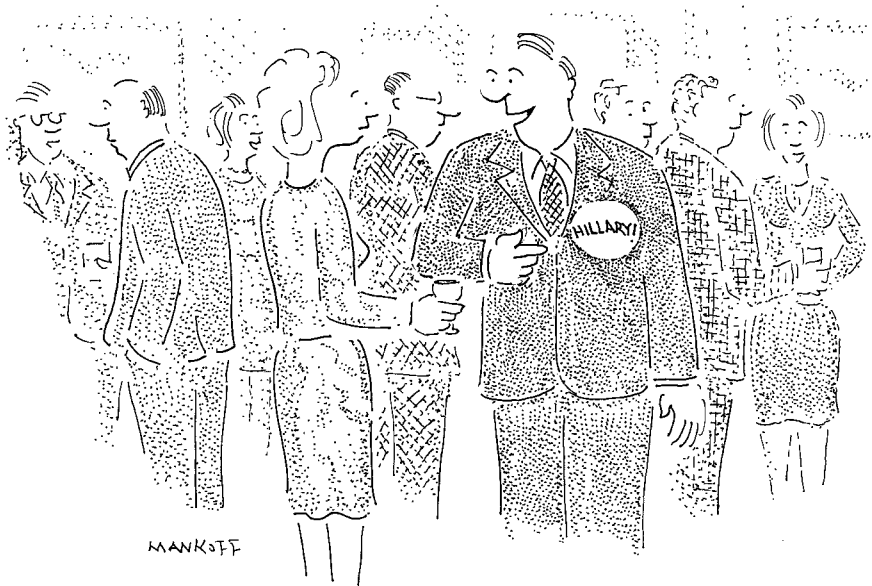
America Act a permanent law. He underscored the need for FISA reform by citing the example of the three kidnapped American soldiers in Iraq. (The body of one serviceman has since been discovered; the other two men remain missing.) In a hearing of the House Intelligence Committee, McConnell asserted that bureaucratic delays caused by requesting a FISA warrant had slowed the search in the critical moments after the soldiers' capture. This argument made a deep impression on the legislators. Representative Heather Wilson, of New Mexico, said to McConnell, "We had U.S. soldiers who were captured in Iraq by insurgents and . . . we weren't able to listen to their communications. Is that correct?" She asked, "If it was your kid, is that good enough?"

I asked McConnell about the relevance of the soldiers' kidnapping, since the FISA law allowed a three-day grace period, after the start of monitoring, to obtain a warrant. "When people hear that story, they say, 'Well, don't you have emergency authority?'" McConnell said. "Sure we do. But the emergency authority still has to go through a process. Somebody's gotta approve it."

He refused to be more specific about what, if anything, had prevented the intelligence community from monitoring the kidnapers immediately. "If you understand it, and you write it down, then the bad guys understand it," he said cryptically.



"Your résumé is very impressive. What kind of no-show job do you want?"



"Oh yeah—I've been supporting her going way back to the beginning of the end of the New Hampshire vote count."

tically. "I've told you that this debate, this debate is going to cost American lives." He tapped the table for emphasis. "This debate is going to cost American lives!"

McConnell returned for another hearing on September 25th. Many Democrats remained angry with him over his retreat from the compromise bill during the August FISA debate. "You gave assurances that were not fulfilled, and made agreements that were not kept," Senator Jay Rockefeller, of West Virginia, had written him during the summer recess. Senator Sheldon Whitehouse, of Rhode Island, echoed these complaints. "The stampede worked," he wrote in a note. "You won. But you did so at a substantial price, one that will be paid in rancor, suspicion, and distrust."

Such emotions were very much in evidence as McConnell sat at the witness table in a wood-paneled hearing room. The glowering face of Senator Patrick Leahy, of Vermont, loomed over the dais. Before administering the oath to McConnell, he chided, "I hope we'll not hear any more irresponsible rhetoric about congressional inquiries risking American lives."

Many Democrats clearly regretted passing the temporary FISA bill. Leahy, in his introduction, said that the act "provides no meaningful check by the

FISA court, or by the Congress for that matter." Shortly after McConnell began his opening statement, Leahy testily cut him off. He mentioned McConnell's mistaken testimony about the relevance of the Protect America Act to the recent arrests in Germany. "Now, I'm just wondering, why did you testify to something that was false?" McConnell's ears turned bright red. He said that he had been referring to FISA in general, not the new reforms.

Leahy mentioned an attorney in his home state who is representing a client detained at the American-run prison in Guantánamo Bay, Cuba. "He's worried that his calls regarding his client are being monitored by the government," Leahy said. "He makes calls overseas, including to Afghanistan, on behalf of his client. . . . You can see why people worry."

That month, McConnell's office was forced to make another embarrassing disclosure. Silvestre Reyes, the House Intelligence Committee chairman, demanded that the O.D.N.I. release a time line of the kidnapping of the American soldiers in Iraq. McConnell had earlier testified that it took "somewhere in the neighborhood of twelve hours" to get the Attorney General to authorize an emergency FISA wiretap on insurgents.

The O.D.N.I.'s time line showed

that the soldiers were kidnapped south of Baghdad on May 12th. Over the next two days, intelligence officials picked up signals that they believed were coming from the kidnappers, and they received FISA authorization to target the communications of insurgents. The record shows that the intelligence community had immediately assigned all available assets to search for the missing soldiers.

Then, on May 15th, at 10 A.M., leaders from several key intelligence agencies met to discuss other options for "enhanced" surveillance. (McConnell would not disclose what form of additional monitoring was being explored.) By 1 P.M., the N.S.A. had determined that all the requirements for an emergency FISA authorization had been met. But intelligence officials and lawyers continued to debate minute legal issues for four more hours. At 5:15 P.M., hours after the N.S.A. made its determination, and three days after the soldiers disappeared, Justice Department lawyers delayed the process further by deciding that they needed to obtain direct authorization from Attorney General Gonzales, who was in Texas making a speech. Gonzales finally called back, at 7:18 P.M., and within twenty minutes the enhanced surveillance began. It was not the FISA law that retarded the intensified monitoring of the insurgents but, rather, internal wrangling between the Justice Department and the intelligence community. That said, the confusion over the limits of American law when applied to a desperate situation in a foreign country underscored the need for legal clarity.

Despite his missteps, McConnell has so far succeeded in winning every important point in the FISA debate. The bills that are now under consideration award the intelligence community nearly as much authority as it enjoyed under the President's secret wiretapping program, although with somewhat more supervision and with the stipulation that warrants be obtained to monitor Americans inside the country. The battle has harmed McConnell's reputation, however. "It is convenient to say, 'McConnell was a bad guy, McConnell broke faith'—it's easy to say that because they lost!" McConnell said. "We went to the mat, and they lost."

McConnell forced a debate upon the country that it was reluctant to have. In agreeing to reform FISA along the lines that McConnell proposed, Congress has acknowledged that technology has created new tools for terrorists and made a salad out of existing laws that distinguish between foreign and domestic intelligence. Instantaneous global communications, cell phones, the free flow of commercial data, an untethered Internet, and the unprecedented ease of travel have erased the once rigid distinction between what is native and what is foreign. American law needed to reflect these changes. But the reforms leave it up to the intelligence community to decide whether to monitor an American's international communications without a warrant and what to do with that knowledge. Moreover, by giving immunity to telecommunications companies for future actions, the legislation pressures them to turn over to the government any and all communication records, whenever they are asked for.

Unfortunately, intelligence officials have a poor record of safeguarding civil liberties within the country, nor do Americans have any obvious recourse if they learn that they have been spied upon.

When McConnell and I first met, he defended the President's warrantless-wiretapping initiative. To many, the program seemed to violate the spirit of FISA, because Americans were clearly involved in the conversations. McConnell didn't see it that way. "There's no spying on Americans," he had told me. "The issue was if a known bad guy, somebody associated with Al Qaeda, calls into the United States, the President authorized the community to monitor that call. If you have a different political point of view, you turn that into 'spying on Americans.'"

"Let me make a disclosure," I said. "I have been monitored." I told him that, while I was researching "The Looming Tower," a book about Al Qaeda, the F.B.I. had come to my house, in Austin, Texas, to ask about some calls that I had made from my home office. I also said that a source in the intelligence community had read a summary of a telephone conversation that I had from my home with a source in Egypt.

"I'm not surprised at that," McConnell said. "Because you were getting a phone call from some telephone number that's associated with some known outfit—O.K., that's monitored. In my view, it should be."

Actually, I had placed the call.

On another occasion, at McConnell's prompting, I described more fully what had happened. After I published a Profile of Ayman al-Zawahiri, the deputy of bin Laden, in this magazine, in February, 2002, I was asked by one of his relatives, a respected architect in Cairo who had been a useful source, if I could learn whether all of Zawahiri's children were dead. An F.B.I. source told me that they were, and that there was no reason the family shouldn't know that. I relayed the news to the architect. (The F.B.I. official turned out to be wrong.) Recently, a source in the intelligence community told me that a summary of that conversation was archived in an internal database. I was surprised, because the FISA law stated that my part of the conversation should have been "minimized"—redacted or rendered anonymous—because I am an American citizen.

"He's a terrorist, or he's associated with terrorists," McConnell said of my Egyptian contact. "Now, if I'm targeting, I'm looking at his number. If he places a call, I listen. If he gets called, I listen. I don't know who is going to call him, but once I got it, I gotta deal with it. Turns out it is Larry Wright. You would have been reported as 'U.S. Person 1.' You would never have been identified, except if the F.B.I. learns that this unidentified U.S. person is talking to a known terrorist. Then the F.B.I. would go in and request the identity of U.S. 1. The N.S.A. would have to go through a process to determine if the request was legitimate. So here's what I think—I'm guessing. You called a bad guy, the system listened, tried to sort it out, and they did an intel report because it had foreign-intelligence value. That's our mission."

I then told him about the F.B.I. officials who visited my house. "They were members of the Joint Terrorism Task Force," I said. They wanted to know about phone calls made to a solicitor in England who represented several jihadis I had interviewed for my book. "The actual calls involved her telling me, 'Please don't talk to my clients,'" I said.

"Now if you ever became a target for surveillance, they would go get a warrant and tap your telephone," McConnell said. "But they would have to have probable cause to do that."

"What bothers me is that my daughter's name came up in this," I said. The agents had told me they believed that she was the one making the calls. That was ridiculous, but it placed her on the F.B.I.'s link chart as an Al Qaeda connection. "Her name is not on any of our phones," I continued. "So how did her name arise?"

"I don't know," McConnell admitted. "Maybe you mentioned her name."

"That troubles me," I said.

"It may be troublesome, it may not be," McConnell said. "You don't know."

That would make a great target," McConnell observed in early October as his government jet passed over the two cooling towers of a power plant in Pennsylvania. I had joined him on a trip to speak to a group of government contractors in Farmington, in the southwest corner of the state. The twin stacks looked dismayingly vulnerable from the air, and I recalled that the 9/11 plotters had considered attacking nuclear plants before settling on the World Trade Center, the Pentagon, and the Capitol.

In July, the O.D.N.I. had released a National Intelligence Estimate titled "The Terrorist Threat to the U.S. Homeland." The N.I.E., the most authoritative document that the intelligence community produces, represents the agencies' coordinated judgments about the various perils the nation faces. The reputation of the N.I.E. was seriously damaged, though, by the notoriously mistaken 2002 assessment that Saddam Hussein had weapons of mass destruction. This N.I.E. had been in the works for three years, an indication of how cautious the community had become in issuing consequential new findings. The new report declared that Al Qaeda was stronger than at any time since September 11th, and that it was "likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the U.S. population." It went on to say that the

war in Iraq had helped the terrorist organization find new recruits.

The report reflects the continuing failure to capture or kill bin Laden and dismantle his organization. "The trail is cold," David Shedd, the deputy director of the O.D.N.I. for Policy, Plans and Requirements, admitted. "It's as hard a target as we've ever faced."

McConnell bridled when I used the word "failure" to describe the bin Laden situation. He said, "We're coming up on the sixth anniversary"—of 9/11—"and we have not had a major terrorist event in the country." He claimed that the intelligence community had stopped "many, many" attacks on America in that span of time, but that most of those successful efforts were classified.

In late 2005, the director of the C.I.A. at the time, Porter Goss, shuttered Alec Station, a counterterrorism unit devoted exclusively to tracking down bin Laden. The C.I.A. now maintains that the unit was not actually disbanded but, rather, folded into the Counter-Terrorism Center. And yet former agency officials criticize the absence of a clear leader in the fight against Al Qaeda. "There's a sense that there's not a quarterback," one of them told me. "Part of me believes the people involved like this arrangement—there's no one really to blame."

Bruce Riedel, a fellow at the Brookings Institution, who had a long career in the C.I.A. and also served in the current Administration as the senior director for Near East Affairs at the National Security Council, pointed to some recent successes: the capture in Afghanistan of Mir Amal Kansi, who murdered two C.I.A. employees outside the gates of the agency in January, 1993, and the arrest in Pakistan of Ramzi Yousef, the mastermind behind the February, 1993, bombing of the World Trade Center. "They were in some ways harder targets," Riedel said. "The reason we haven't captured bin Laden, I think, is Iraq. We took needed resources and transferred them out of the hunt for bin Laden." This happened, he told me, as early as the spring of 2002, when the Bush Administration was already secretly preparing for war in Iraq. "Who in

American government is now responsible for the apprehension of Osama bin Laden?" Riedel asked. "There's the director of the National Counter-Terrorism Center, but I doubt that's his job. The D.N.I.? Who does the President think is responsible?"

McConnell, when asked this question, said, "If the President picked a single person, he'd probably point to Mike Hayden, the C.I.A. director. At another level, he might say Secretary of Defense. Depends on where bin Laden might be."

And where was that?

"He's in the border region of Pakistan and Afghanistan," McConnell replied.

McConnell was referring, in part, to the Federally Administered Tribal Areas, a mountainous expanse about the size of Massachusetts. Between 2004 and 2006, President Pervez Musharraf of Pakistan struck deals with the chieftains inside the tribal areas which permitted them to police their own territory. Al Qaeda and the Taliban quickly reconstituted themselves there. Capturing bin Laden, then, would possibly mean invading Pakistan, with the likely consequence of destabilizing an already volatile country. "You cannot indiscriminately attack a sovereign nation," McConnell observed, though he promised that if American officials pinpoint bin Laden's location "we'll bring it to closure."

For more than six years, Predator drones have crisscrossed the tribal areas, scanning the terrain for anyone who might resemble bin Laden. In February, 2002, a Predator near the border fired a Hellfire missile at a man because he was tall, killing him. The United States has paid the Pakistani government more than ten billion dollars since September 11th for its help in tracking down bin Laden and other Al Qaeda leaders. But for the past four years the special relationship with Pakistan has been unproductive; in a recent interview with CBS, President Musharraf said of bin Laden, "We are not particularly looking for him." John McLaughlin, the former deputy director of the C.I.A., told me, "It's not too hard to figure out why we haven't gotten bin Laden. We're not there."

Moreover, there is the quandary of what to do with bin Laden if he was actually captured. Killing him would only insure his "martyrdom" and seal his legacy; putting him on trial grants him a priceless venue for promoting his cause and invites acts of terror in response, including kidnappings designed to ransom the Al Qaeda leader. Wayne Murphy, the assistant director of the F.B.I. for Intelligence, told me that the radicalization of young Muslims will continue, regardless of bin Laden's mortal fate. "In the end, I don't know if the benefits of getting bin Laden would balance out," he said. "And I don't know if it buys us anything. Think about what we just went through with Saddam Hussein."

There is another reason that we haven't captured bin Laden. "Given the quality of Al Qaeda's operational security, you need trusted people who can penetrate the organization," Thomas Fingar, the deputy director of the O.D.N.I. for Analysis, said. Yet the American intelligence community has traditionally been a white-male enclave. Few agents can even pronounce Arabic names correctly. On September 11th, there were only eight fluent Arabic-speaking agents in the F.B.I.; now there are nine. The U.S. government ranks language proficiency on a zero-to-five scale, in which five is the equivalent of a native speaker. "Training a person up to a four-plus is almost impossible," Philip Mudd, who is in charge of staffing and training two thousand analysts for the F.B.I.'s National Security Branch, told me. "The people you want are first-generation immigrants. But the security guys will say, 'Wait!'"

Although McConnell recognizes the need to hire Americans with native foreign-language skills, the Office of Management and Budget oversees the government security-clearance process, which takes months or even years to complete, especially for candidates who are intimately familiar with the cultures deemed most critical in terms of America's safety. "We have mounted an unprecedented effort to recruit affinity groups," Michael Morell, the associate deputy director of the C.I.A., told me. The agency recently helped sponsor the Arab International Festival, in Dearborn, Michigan, the heart of the



American-Arab community. But few of those possible recruits are willing to put their lives on hold for a year or more as they await clearance. Michael Hayden, the C.I.A. director, told me that he could circumvent the security backlog in special cases, and he has done so on several occasions.

McConnell, upon landing in Farmington, delivered his speech before the government contractors. "There was a study done in 1955," he told them. "One conclusion it came to was that it was an abomination that the government takes *fifteen months* to clear someone! I'm happy to tell you we got that down to eighteen months." The contractors laughed in recognition. "When I agreed to take the D.N.I. post, the first surprise was being told, 'Fill out the form,'" McConnell continued. "I've been cleared for forty years! Then the agent shows up. He wants to know if I am a Communist and do I advocate the violent overthrow of the U.S."

That experience prompted McConnell to reflect on what causes members of the intelligence community to turn into traitors. "Look back at all the spies we've had in our history," he said. "About a hundred and thirty. How many did it for money? A hundred and twenty-eight." He contrasted the government's security-clearing process with the vetting that multinational banks do for American and foreign employees—the process can take less than ten working days. The opportunities for fraud at such a bank are obvious, he noted: "If I can slow down the movement of money by one single second, I can make millions through arbitrage." How do companies prevent such losses? "Every keystroke can be monitored." McConnell advocates a simplified clearance procedure that will take a month or less. Under his plan, it will be much easier for first- and second-generation Americans to enter the intelligence community. The trade-off will be that they will be subjected to what he calls "life-cycle monitoring"—that is, constant surveillance.

Flying back to Washington after the speech in Pennsylvania, McConnell said, "I'm trying to change the rules, saying if you want to be in this community, here are the conditions of employment." He mentioned Jonathan Pollard, a for-

mer civilian analyst for U.S. Naval Intelligence, who pleaded guilty to espionage in 1986. "He transferred reams and reams and reams of data to the Israelis! Well, in today's world that stuff is not sitting on a shelf somewhere—it's in a database. So if you want to transfer it you've got to print it or get an electronic copy or whatever. That's what I mean by monitoring."

I asked McConnell if he believed that Al Qaeda was really the greatest threat America faces.

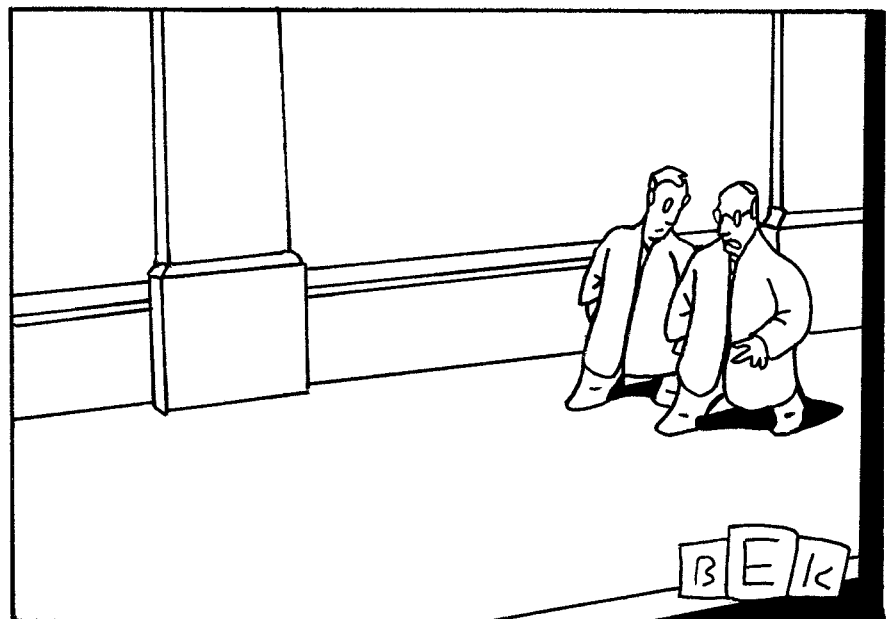
"No, no, no, not at all," he said. "Terrorism can kill a lot of people, but it can't fundamentally challenge the ability of the nation to exist. Fascism could have done that. Communism could have. I think our issue going forward is more engagement with the world in terms of keeping it on a reasonable path, so another ism doesn't come along and drive it to one extreme or another. And we have to have some balance in terms of equitable distribution of wealth, containment of contagious disease, access to energy supplies, and development of free markets. There are national-security ramifications to global warming."

He looked down at the patchwork quilt of the Pennsylvania countryside. His thoughts quickly turned back to terrorism. "One of the things I worry about most would be something like a pandemic, particularly if it could be weaponized, like avian flu," he continued. "You

could turn that into a human virus. You could have fifty million to five hundred million deaths."

In 2005, the intelligence community informed President Bush that the greatest danger in the Middle East came from Iran. An N.I.E. on the subject declared that Iran intended to build a nuclear weapon. Some of that information came from a purloined laptop containing drawings of an implosion device and information about the history of the Iranian nuclear effort. But there was little supporting evidence, and the President was frustrated that reliable intelligence was so difficult to obtain. Soon afterward, the C.I.A. created an Iran Operations Division. There was already an Iran mission manager in the O.D.N.I., whose job was to coordinate all the available resources in the community.

Those efforts were being folded into a new N.I.E. on Iran, which had been demanded by Congress; the report, expected last spring, was mysteriously delayed. In mid-November, McConnell said that he did not intend to declassify any part of the N.I.E. On occasion, the key judgments of N.I.E. reports have been made public, though they are generally kept secret so that analysts can present their findings with candor. "But here's the real reason," McConnell said. "If I have to inform the public, I am informing the adversary." He used the ex-



"I always gain five to seven enemies over the holidays."



"Heavens, Henry, we're only going away for two days."

ample of code breakers in the Second World War. "On Nebraska Avenue, where the Department of Homeland Security is located now, there was a girls' school. The nation recruited many young women gifted in science and math to that girls' school. They were brought in and told, 'If you ever tell anybody what you are doing, you will go to prison for the rest of your life.'" The women operated the machinery that deciphered the German naval code, shaving months off the war. "Now, that is secrecy in its most powerful form," McConnell said. "Changed the course of history, I would argue, for the good."

Secrecy imposes its own risks, however. After the collapse of the Soviet Union, in 1991, Daniel Patrick Moynihan, who was a distinguished social scientist before becoming a U.S. senator from New York, sought to understand why the American intelligence community had failed to anticipate the event. Examining the history of the Cold War, Moynihan saw a series of misguided adventures steered by incorrect or poorly understood intelligence—from the purported "missile gap" that never existed to the confident assumption that the Cuban people would rise up against Fidel Castro following an American-

sponsored invasion. In such instances, the community supported its findings with National Intelligence Estimates or authoritative studies that led American policymakers astray. In a 1998 book titled "Secrecy," Moynihan wrote that "too much of the information was secret, not sufficiently open to critique by persons outside government." Having served on the Senate Intelligence Committee, he had seen how the community hoarded secrets and overvalued them to the point of excluding common sense. He spoke of a "culture of secrecy" that inevitably gave rise to conspiracy thinking and loyalty tests, and recommended that the C.I.A. be shut down.

McConnell strongly disputed Moynihan's analysis. Moreover, he told me that he intended to prosecute anyone who leaks classified information, such as the Iran N.I.E. That has rarely been done in the past, largely because a trial would have the unwanted consequence of exposing secret sources and methods. "I think we ought to step up and pay the price of going through an investigation, an indictment, and a trial—and, hopefully, from my point of view, a conviction," he said.

Like many reporters, I've received classified information in the past; it was

often full of errors. "Because it was secret, it had never been tested," I said. "The secrecy was actually self-destructive."

"I disagree with that completely," McConnell said. "There's as much misinformation and trash in the system on the outside as there is on the inside." Many newspaper articles about him, he noted, contained errors of fact and of interpretation. "So it doesn't surprise me that you would see a classified document that had some incorrect information in it."

"You'd want to prosecute a guy that leaked something to me?"

"Absolutely," McConnell said. "He ought to be put in the slammer."

"You'd want to prosecute me as well?"

"Depending on what you did with it."

And yet, three weeks after our discussion, McConnell abruptly decided to declassify the key judgments of the N.I.E., which was titled "Iran: Nuclear Intentions and Capabilities." Among the revelations was that Iran had decided in the fall of 2003 to halt a secret program to design nuclear weapons. This finding reversed the 2005 assessment that had portrayed the Iranian regime as determined to build a nuclear arsenal. If the former document had supported the Bush Administration's aggressive posture toward Iran, the new one introduced a confounding note of uncertainty. "We assess with moderate confidence that Tehran had not restarted its nuclear program as of mid-2007," the N.I.E. stated, in the probabilistic language of intelligence. "But we do not know whether it currently intends to develop nuclear weapons."

The report came at a time when the Bush Administration was gathering international support at the United Nations to strengthen sanctions against the Iranian regime—an effort that appears to have been quietly tabled. John Bolton, the former U.S. Ambassador to the U.N., told the German magazine *Der Spiegel* that the N.I.E. was "politics disguised as intelligence," and that the release of the document amounted to a "quasi-putsch" by the intelligence community. Many Democratic political figures in Washington, however, welcomed McConnell's decision. "The key judgments show that the intelligence community has learned its lessons from the Iraq debacle," Senator Rockefeller stated. "This demon-

strates a new willingness to question assumptions internally, and a level of independence from political leadership that was lacking in the recent past.”

I asked McConnell what had changed his mind.

“The fear that, if we didn’t release it, it would leak, and the Administration at that point would be accused of hiding information,” he said. He had a personal conflict as well: the new information was at odds with his own testimony about Iran before Congress, and with remarks that he had made in a background press briefing. He knew how that might look if he kept the intelligence classified.

The N.I.E. had been nearly completed when, in July, new information caused the intelligence community to reevaluate its findings. Iranian nuclear officials were overheard complaining about the suspension of the military program. Analysis of photographs taken during a 2005 visit to Iran’s uranium-enrichment plant, in Natanz, suggested that it was not designed for the high level of enrichment required to make nuclear weapons.

“We had to stop and consider the new information, run it to ground, compare it to hundreds of sources of data,” McConnell said. “Does it correlate? Is it misinformation? Is this a counterintelligence plan?” He compared the process to a trial: the data are evaluated in terms of the level of confidence the community places in their veracity. “We also examine what’s missing,” McConnell continued. “What are the gaps? What would let us know more?” From July to late November, Iran analysts vetted the information. “Every source is challenged,” McConnell said. “We do alternative analysis. We take a set of smart people and say, ‘All right, your mission is to figure out why we got this wrong. What could be an alternative?’ We finish that, we have a Red Team. Red Team will attack and see if there are weaknesses. Did we challenge our hypotheses in the right way? Did we put too much emphasis on some evidence?” All this was done in the reflected glare of the failures of the past. “This community is consumed with not repeating the mistakes that were made in 2002,” McConnell said. “I will tell you, the tradecraft and the professionalism that went into this N.I.E. was prob-

ably the best we have ever known.”

While the intelligence community was digesting the new intelligence, the Administration continued its belligerent rhetoric toward Iran. In October, Vice-President Cheney warned, “We will not allow Iran to have a nuclear weapon,” and President Bush invoked the spectre of a Third World War if Iran continued its supposed secret weapons program. Bush later said that McConnell had told him in August that there was new intelligence about Iran: “He didn’t tell me what the information was. He did tell me it was going to take a while to analyze.” Later, Dana Perino, the White House press secretary, admitted that the President was also told in the August meeting that Iran might have halted its nuclear-weapons program. “The President could have been more precise in that language,” Perino told reporters. “But the President was being truthful.”

McConnell wondered why, if Iran had a nuclear-weapons program up until the fall of 2003, it suddenly placed it on hold. He said, “They’re still pursuing fissile material, they’re still building and testing and weaponizing missiles, so why did they do it?” He pointed to the invasion of Iraq earlier that year. “Although we don’t have senior Iranian officials telling us, ‘We did this because we were worried about where you crazy Westerners were going to go with this invasion,’ I believe, as an analyst, that certainly had some bearing on the decision.”

On Wednesday, November 28th, McConnell went to the White House for the daily briefing and shared the N.I.E.’s key judgments with President Bush. He took with him the three principal analysts who had done the assessment. Cheney was also present, as were members of the National Security Council. “We handed the President the key judgments to read, which he skimmed through,” McConnell said. “You could see him thinking about what this meant, how do we manage this information.”

Secretary Gates was present at the meeting. “Mike was a little uneasy about releasing it,” he said. “He doesn’t want

his analysts to write key judgments with the notion that they are going to be declassified.” Gates said that he was strongly in favor of releasing the findings, and, in the end, the decision was unanimous.

The decision to declassify the key judgments was painful not only for the Administration but also for the intelligence community, both because the new N.I.E. refuted a previous assessment and because it inevitably raised the question of whether this one was any more reliable. McConnell also worried that the effect of the release would be to diminish the serious threat that he believes Iran still poses. “What’s the difference between being on hold and not being on hold?” he asked rhetorically. “The Supreme Leader could say, ‘Turn it back on.’”

When we last spoke, McConnell said, “There’s no doubt in this observer’s mind that Iran is on the path to get a nuclear weapon. It will force an arms race in the region.” That would place the U.S. in a dangerous spot, for it stands as the security guarantor for many major oil producers.

I asked McConnell if he believed that, in releasing the key judgments of the N.I.E., he had compromised sources and methods, which was the reason he had given previously for withholding the document. “Our job is to steal the secrets of foreign governments, or foreign terrorist organizations, and so

the more they know about the effectiveness of our tradecraft the more difficult it’s going to be for us,” he said. “I think putting it out was the right thing, but, as the leader of this community, I’ve got to tell you, we’re going to need better information in the future. We got to go back and verify, ‘Did they re-start it?’

For the community I represent, I just made our life a lot harder.”

The clock on his desk showed that he had four hundred and two days, fifteen hours, seventeen minutes, and forty-five seconds left. ♦

