

THE “DSOP ACCOMMODATION”

In what may serve as the public transition moment from Dianne Feinstein to Richard Burr (in part because Saxby Chambliss was absent), the Senate Intelligence Committee considered the nomination of Nick Rasmussen to head National Counterterrorism Center yesterday. He’s long served as the Deputy anyway, so he’s very well qualified, and the hearing was one of those love affairs you often see (though in this case I’m not aware of any big flags that the Committee might soon regret, as I predicted during John Brennan’s confirmation).

That said, I highly recommend Rasmussen’s Additional Prehearing Answers. Along with a really accessible (and welcome) description of many of NCTC’s functions, it includes (question 17) what appears to be his description of his role in developing the Drone Rule Book.

I wanted to also point to his discussion of the Directorate of Strategic Operational Planning (see questions 11 and 13). In 2012, DSOP was described as an important part of CT, but one Congress had largely neglected:

The Directorate of Strategic Operational Planning is supposed to be the mechanism for government-wide strategic operational planning and is half of NCTC’s mission, yet oversight is negligible. The seeming importance of DSOP has been highlighted in testimony by NCTC leadership, yet relatively unchallenged by Congress in hearings. In his statement to the Senate Select Committee on Intelligence as nominee for the Director of the NCTC, Adm. John Scott Redd called strategic operational planning “substantial, daunting and, I believe, very necessary.”^[xii] Through the years, SOP has been called “truly revolutionary”^[xiii] as the government

has “come together in ways...never seen during...decades of government service.”[xiv] Despite caveats of strategic operational planning as “new to the US government,” [xv]SOP was called “foundational”[xvi] to counterterrorism efforts. Succeeding NCTC Director Michael Leiter said he was “more convinced than ever that success against terrorism will only come through such coordinated and synchronized efforts—to include the full weight of our diplomatic, financial, military, intelligence, homeland security and law enforcement activities.” [xvii] For such weighty importance, however, Congress hardly paid attention to DSOP.

Since then, however, it has become clear that one reason Congress hadn’t been paying attention is because the Executive wasn’t sharing details on it. In John Brennan’s prehearing questions, for example, the Committee hammered him a bit for withholding information.

Question 23: Please describe any involvement you have had in the Administration’s responses to the Committee’s requests for the strategies produced by the Directorate of Strategic Operational Planning, including whether you personally made any decision or recommendation regarding the Committee’s access to such strategies and, if so, providing the specific legal basis for your decision or recommendation.

A: In my capacity as Assistant to the President for Homeland Security and Counterterrorism, I have conferred with NCTC Director Matt Olsen on how to determine what elements of those NSS-led counterterrorism implementation plans that NCTC’s Directorate of Strategic Operational Planning (DSOP) has contributed to should be shared with the Committee. DSOP supports the NSS in

helping to draft and coordinate some—not all—CT implementation plans and to compile related department and agency activities. These documents often contain policy-focused information from the NSS that is deliberative in nature; include information on non-intelligence-related activities that departments and agencies may be pursuing; and, in some cases, access to documents is limited by the NSS due to security sensitivities around the CT planning/implementation effort. I have worked with Director Olsen to share with the SSCI those plans or parts of plan that are not deliberative in nature and that involve intelligence activities. I have supported NCTC's decision to respond to SSCI requests for briefings/information on the non-deliberative, intelligence-related aspects of particular plans and would support SSCI requests for briefings/information from other parts of the intelligence community, including CIA, as it relates to particularly plans.

The question on this topic addressed to Rasmussen is more circumspect.

Question 13: Historically, the Committee has had difficulty in obtaining the strategies that are produced by NCTC's Directorate of Strategic Operational Planning. If confirmed, will you abide by the current accommodation that has been reached between the Committee and NCTC?

A: Yes. I am familiar with the accommodation that has been reached with the Committee with respect to the strategies that DSOP produces and, if confirmed,, I would continue to abide by it.

The response doesn't really reveal whether the SSCI is actually learning what kind of schemes get considered during this strategic response to terrorism; it sure seems to be limited.

As it happens, two of the maybe 12 questions addressed to Rasmussen addressed the question as well. Rising Chair Burr challenged Rasmussen what he – in this DSOP role – would do strategically to combat terrorism (I liked his emphasis that DSOP, not NSC, is actually the agency in charge).

Burr: What is NCTC as the Executive agent for our nation's strategy gonna do about [the broad threat of terrorism]?

Rasmussen: [pauses] The role that NCTC plays in carrying out Strategic Operational Planning in support of the government is one that has us tied very closely to the National Security Council staff and the policy development process for pursuing strategies against—on counterterrorism. We work with the National Security Council staff to develop whole of government plans to address our counterterrorism concerns in each of the theaters around the world. Not just one single theater, for ex—as you would well expect, Senator. The efforts to develop strategies against ISIL is at a particularly energetic pace right now. But our Strategic Operational Planning capability is also brought to bear on the whole array of CT challenges we face, in Africa, in Asia, in South Asia, every region you can think of. And so I would consider our job at NCTC to make sure that we aren't leaving any holes in that fabric of strategy as we look out across all of the different CT challenges that we face, while at the same time prioritizing where effort needs to be most energetically directed. And that of course right now would argue for a lot of effort to be directed at

the challenges we're facing in Syria and Iraq.

And Angus King asked why we don't develop something akin to the Kennan containment strategy used against the Soviet Union.

Rasmussen: The strategies that we try to help produce at NCTC in support of the National Security Council staff – in my answer to Chairman Feinstein [sic] are typically whole of government strategies, not just relying on our intelligence capabilities or our military capabilities but also trying to take advantage of the abilities, the resources we have across the government to try to produce the conditions that would over time eat away at support for terrorism in some of these conflict locations, um, overseas. At the same time, we all go into it understanding well that those effort will ultimately take years if not decades to play out for us to reap the benefits of those kinds of strategies, and in the meantime, you're left to manage a very difficult threat environment.

Note that, whatever Rasmussen's commitment to the DSOP "accommodation" to share information with SSCI, he still seems to defer to NSC on this topic, even though the law says that NCTC should take the lead.

It may well be that the White House (properly, to a point) believes that strategic planning against terrorism is an inherent Executive function. But it doesn't seem like the White House should be hiding all this – to whatever extent it is – from its Congressional overseers, particularly given how easily the fight against terrorism can turn into support for terrorism.