



Civilian joint duty in the Intelligence Community was inspired by the US military's joint-duty requirements under the Goldwater-Nichols Act of 1984, often referred to "purple" assignments, as suggested by the IC seals on a purple field.

Commentary: Creating a True Culture of Collaboration Through Civilian Joint Duty

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Introduction

The Intelligence Reform and Terrorism Prevention Act of 2004 established the Office of the Director of National Intelligence and, among other things, required the DNI to “make service in more than one element of the Intelligence Community a condition of promotion to such positions within the Intelligence Community as the Director shall specify.” In addition,

the law provided that the DNI “shall prescribe mechanisms to facilitate the rotation of personnel of the intelligence community through various elements of the intelligence community in the course of their careers in order to facilitate the widest possible understanding by such personnel of the variety of intelligence requirements, methods, users, and capabilities.” In short, the

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Creating a True Culture of Collaboration Through Civilian Joint Duty

IRTPA required the new DNI to replicate “to the extent practicable” the strategies and policies of the US military’s joint duty program, as that program had been codified in title IV of the 1986 Goldwater-Nichols Department of Defense Reorganization Act and subsequently operationalized in DOD policy and regulation.

At first blush, that mandate would seem to be clear and unequivocal, replicating the successes of the US military in creating an institutional culture that supports “joint” (or interagency) operations, but other parts of the IRTPA—especially Section 1018, which expressly protects the authorities of Cabinet secretaries—muddy that water. This article reviews the efforts undertaken by the authors to deal with that ambiguity. We include a set of recommended improvements that would, in our view, fully fulfill IRTPA’s promise, even if that comes at the expense of some departmental personnel authorities.

Our bottom line is simple: We strongly believe that the IC civilian joint-duty program is one of the most critical keys to a more coherent IC’s ability to collect, analyze, synthesize, and communicate all-source intelligence in an integrated way with respect to events of national security interests around the globe. And further, we believe that it could (and should) become the standard for the rest of the federal government’s senior services.

Pre-IRTPA Activities

It has been two decades since the IC tried in earnest to implement a true civilian joint-duty program as described in the IRTPA, explicitly patterned after the one pioneered by the US military almost two decades before. A version of the CJD program, known as the IC Officer Assignment Program (ICAP), was established by a DCI directive on February 4, 2000, and managed by the Community Management Staff in the years before the IRTPA. But it had no teeth—i.e., no forcing function like a prerequisite for senior promotion—and thus failed. Few within the IC saw the ICAP as a pathway to promotion. In fact, many viewed it as a detriment to their careers, recognizing that staying within their own agency and reporting to those who actually had the power to promote them was a more certain way to achieve their career objectives, which were almost always internal to their home agency.

When the IRTPA established the ODNI in 2004, it provided a stronger, statutorily sanctioned platform for this critical program, but joint duty had to compete with other IC-wide human capital priorities. In that regard, the IC’s workforce had been sorely neglected in the decade leading up to the terrorist attacks (and the wake-up call) of September 11, 2001.

Thus, the IC suffered through a thousand pinpricks wrought by mundane fiscal challenges during the 1990s, not from deliberate, sweeping changes in the IC’s mission and funding, but rather from much subtler things like unfunded pay raises for military and civilian members that ultimately had the effect of nonprogrammatic cuts. After all, the money had to come from somewhere, and like so many US government agencies, the majority of the IC’s budget was devoted to personnel and operations. So, unallocated operations and maintenance funds were simply redirected to pay for the many unfunded mandates imposed on the IC. The net result: hiring freezes, haphazard staff reductions, and a less capable workforce. And it was not necessarily directed at the IC; rather, this was a fate suffered by virtually all federal agencies.

Thus, in the days after 9/11, when President George W. Bush declared a global war on terror, the IC could not field a US government cadre of military and civilian employees with the capacity (i.e., the numbers) or the capability (e.g., skills, like the ability to speak Arabic) to accomplish its newly expanded counterterrorism mission. The only saving grace was that on 9/11, much of the IC’s mission was being accomplished by contractors, most of whom (fortunately) were former IC employees and annuitants inculcated with a strong IC mission ethos.

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The IC was unprepared on September 12, 2001, and one of the first priorities of the new ODNI was to fix that with an unprecedented surge in hiring, training, deployments, and the like. Those classic human-capital functions included other IRTPA-driven challenges, like increasing the diversity of the IC’s workforce, not only because that was the right thing to do (it was) but because that was what was required of a globally deployed workforce, many of whose employees worked under cover. But the ODNI’s main challenge was creating a more cohesive, collaborative culture. One of the cornerstones of that cultural transformation was the IC’s CJD program.

IRTPA and Beyond

As noted, perhaps the ODNI’s most difficult challenge was the overarching requirement to create a true “culture of collaboration” amongst the heretofore almost completely independent IC agencies (especially the CIA, FBI, and NSA) via the intermingling of employees through interagency rotations and the like, while not disturbing the traditional personnel authorities—including the reassignment of employees and the ability to make senior-level promotions—of the cabinet secretaries that “owned” these agencies.

The IC’s strategy was modeled after the US military’s solution to

a similar cultural challenge, imposed by the Goldwater-Nichols Act of 1986: That is, to require one or more interservice (“joint”) assignments as a prerequisite to promotion to flag-equivalent rank. Congress believed that a similar approach would help break down the IC’s intra-agency personnel stove-pipes that had become so evident to the various commissions that had evaluated the post-9/11 IC. Thus, the IRTPA mandated some form of CJD (“to the extent practicable”) and did so based on two conclusions: (1) that the IC had failed to detect and prevent the terrorist attack on 9/11 and had incorrectly assessed Iraq’s WMD programs in the runup to the US invasion; and (2), one of the reasons for these intelligence failures was the lack of information-sharing and collaboration between and among the nation’s intelligence agencies.

Section 1018

However, Section 1018 of the IRTPA also declared the DNI must implement the law in a manner that “respects and does not abrogate” the statutory responsibilities of the departments, including the long-held power to select civilians for senior leadership positions. Section 1018 led to months of wrangling over such seemingly mundane but critical details as who could grant a waiver to the IC’s new civilian joint-duty requirement.

Sec. 1018. Presidential Guidelines on Implementation and Preservation of Authorities

The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence by this title and the amendments made by this title, in a manner that respects and does not abrogate the statutory responsibilities of the heads of the departments of the United States Government concerning such departments, including, but not limited to:

- (1) the authority of the Director of the Office of Management and Budget; and
- (2) the authority of the principal officers of the executive departments as heads of their respective departments, including, but not limited to, under—
 - (A) section 199 of the Revised Statutes (22 U.S.C. 2651);
 - (B) title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.);
 - (C) the State Department Basic Authorities Act of 1956;
 - (D) section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 112(a)); and
 - (E) sections 301 of title 5, 113(b) and 162(b) of title 10, 503 of title 28, and 301(b) of title 31, United States Code.

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Those details, nestled amid the ambiguity of the law, made the design and implementation of a JDA program much more problematic, despite the irony that very few senior IC leaders actually disagreed with the concept of IC-wide civilian joint duty. However, that conceptual agreement was clouded by the tactical zeal of their lawyers to preserve their departmental independence.

The disagreements regarding how to reconcile this contradiction became so challenging that, at one point, the ODNI requested that the White House intervene and simply, *deus ex machina*, end the debate by directing the IC what to do. The White House instead directed ODNI to work it out. It did so, but not without much handwringing, and the IC CJD Program was thus eventually laid out in IC Directive 610, almost four years after the IRTPA had been passed (and two years into the existence of the ODNI).^a

ICD 610 was officially issued in May 2007 by McConnell in a formal ceremony attended by Defense Secretary Robert Gates, Homeland Security Secretary Mike Chertoff, Joint Chiefs Chairman General Peter Pace, Attorney General Alberto Gonzales, and Deputy Secretary of State (and former DNI) John Negroponte. Thereafter,

agency officials in the IC collectively began referring to that ICD as a “treaty” that codified their voluntary commitment to the program without explicitly compromising on their independent statutory authorities. They finessed the waiver issue by requiring that the DNI “coordinate” on IC senior executive promotions made by those same departments—including DOD, under the aegis of the position of Director of Defense Intelligence—thereby ensuring that senior selectees met the interagency assignment criterion established by ICD 610 without technically compromising on departmental authorities.

We emphasize that this was and remains discretionary, dependent on the relationships between the IC’s seniormost leaders—a voluntary, multi-departmental agreement and not something established by law. Goldwater-Nichols, in stark contrast, implemented a DOD-wide military joint duty program within one cabinet department; it covered uniformed members who, unlike most IC civilians, could be ordered to take an assignment. Thus, given the deliberate ambiguity of the IRTPA, interagency consensus on this issue was (and remains) fragile.

Implementing IC Civilian Joint Duty

Thereafter, the program made slow but steady improvements through 2011 as it tried to strike a balance between a more controlling, centralized IC-wide policy and the historical independence of IC agencies, all of whom (except CIA) were and still are embedded in their respective departments, under the protected authority of their respective cabinet secretaries.

However, none of us wavered from the desired end-state of the program. As codified in the IRTPA, the goal was always to create a senior IC leadership cadre that almost without exception had completed one or more interagency assignments and thus provided a joint (i.e., interagency) perspective and the personal, trusted relationships that came with that. In so doing, the CJD program was intended to connect the dots of all-source intelligence at a very personal level, to mitigate if not eliminate intra-agency stove-pipes, and to bring the full might of the IC’s arsenal to bear against our nation’s hardest targets.

Even before the issuance of ICD 610, the DNIs Negroponte and McConnell along with PDDNI Hayden established an

a. ICD 610 was presaged by a memorandum of agreement (MOA) between Defense Secretary Gates and one of the authors of this article, DNI McConnell. The voluntary nature of that MOA is perhaps best underscored by its final statement: “The MOA does not alter the statutory responsibility or authorities of either the secretary of defense or the DNI but will provide a framework to ensure a seamless integration of critical intelligence efforts.”

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aggressive three-year timetable for implementation, starting with the IC’s most senior career positions—that is, direct reports to agency heads. That plan was also supplemented by DNI McConnell’s 100-Day Plan, which emphasized full implementation of military-style civilian joint duty. In fact, the very first bullet of the plan’s announcement on September 13, 2007, stated that the “ODNI has issued instructions (that is, ICD 610) to implement an IC civilian joint duty program patterned after the successful one utilized in the US military. The program requires civilians to complete at least one assignment outside their home agency as a prerequisite for promotion to senior rank.”^a

McConnell supplemented his 100-Day Plan with a follow-up 500-Day Plan that also featured the civilian joint duty requirement prominently. This focused effort and attention on the IC CJD program, thereby providing the senior leadership attention necessary to overcome the challenging legal footing of the program. In our view, given the law’s ambiguities, direct focus from the seniormost leadership of the IC was, and is, essential to its success.

Notwithstanding these substantial challenges, the good news was that at the time of ICD 610’s issuance, many incumbents and successor candidates for those

most senior positions in the IC already had some form of inter-agency assignment and would qualify for joint-duty credit under a more formal, DNI-sanctioned policy. However, that was sheer good luck, and ODNI officials, including the authors here, worried about institutionalizing that “jointness” throughout the entire leadership development pipeline, especially given that the program was so dependent on the relationships among the IC’s most senior leaders.

That said, faced with early (and substantial) departmental and agency resistance, largely the result of Section 1018, the ODNI’s initial efforts met with limited success. Described by one agency head as a “post and pray” competition for talent, it required an agency to first identify a vacant position that it was willing to fill via joint duty assignment. That assignment was posted on various websites, and it then triggered two separate, sequential competitions, first within each individual home agency to provide a voluntary nominee for the vacancy, and then by the agency that first identified the opportunity, to select the best qualified person from amongst those agency volunteers (the security clearance and funding implications of these individual transactions were formidable and just added to complications involved; however,

they are beyond the scope of this article).

It also bears emphasizing that the program faced yet another practical contradiction: it required home agencies to give up their best people to another agency for up to two years. Naturally, that is exactly what any agency would resist because they want to keep, not give away (even temporarily), their best personnel. Note there that while Goldwater-Nichols immediately (and dramatically) changed this mindset in DOD, that was decidedly not the case in the IC.

This initial attempt at an IC-wide CJD program, although in accordance with Section 1018, simply did not work, at least not very well. It took far too long (just describing it is exhausting), especially at a time when the United States was in the middle of a war and facing the other daily challenges presented to the IC. Thus, speed was of the essence, and this legal (and relatively nonthreatening) approach was just too complex and time-consuming.

At the working level, ODNI staff and the IC components tried to agree on lists of internal agency positions that would qualify as interagency in nature and thereby qualify for joint credit. One senior IC leader at the time characterized these meetings as among the “worst bureaucratic knife fights”

a. ODNI News Release No. 20-07, available at https://www.dni.gov/files/documents/Newsroom/Press%20Releases/2007%20Press%20Releases/20070913_release.pdf.

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he had seen in 30 years of federal service. ODNI, trying to build an interagency workforce, was incented to take a narrow view of these assignments, granting credit only where the assignment was truly “out-of-body” in nature. However, conversely, departments and agencies tried to identify as many of these creditable positions as possible. This naturally resulted in intense disagreements, not only with ODNI, but also among the agencies.

Largely because of the IRTPA’s contradictions, the entire process was stalled. In addition, it was procedurally dependent first on individual agencies voluntarily identifying a joint duty opportunity, and secondly, on individual employees voluntarily applying for that opportunity (and thus qualifying for subsequent senior promotion), whether or not their agencies saw them as potential leaders. More substantively, it was delayed by an impasse over Section 1018’s reach.

In that regard, it should be noted that historically, interagency assignments, both temporary and permanent—especially between cabinet departments—were rare, in large part because of the personnel and budgetary independence traditionally (and legally) afforded individual cabinet departments and executive agencies. As a result, the Office of Personnel Management

basically left individual employees to fend for themselves. In other words, that process was not managed. So, the ODNI was bound to face hurdles, and the early, post-and-pray model was one of them. In contrast, the military managed that process with the authorities afforded by Goldwater-Nichols, albeit with a process that had its roots in law, and that had, in stark contrast to the IC, implementing authorities expressly vested in a single cabinet secretary, the secretary of defense.

The 2007 Refinement: The Military’s Managed Model

As previously noted, it took a change in senior political leadership—in DOD and within the IC—to shift from this laissez faire post-and-pray model to one that was more in the tradition of the US military, especially when it came to enforcement.

Perhaps the most important aspect in that regard was the aforementioned MOA (see footnote 6), struck by McConnell, Gates, and Clapper, to designate the latter as the Director of Defense Intelligence. The DDI would have a seat at the IC executive table and the authority (subject

to coordination with the DNI) to waive the IC civilian joint duty requirement in a particular senior promotion. This compromise is documented quite eloquently in Clapper’s article elsewhere in this edition and has been briefly referenced here, so we will not detail it again. However, as he emphasizes, it was that personality-driven handshake, dependent almost entirely on the trusted relationships between the leaders then in place, that opened the door to a much more coordinated IC CJD program.^a

Of course, while that compromise had its roots in the oft-frustrated efforts of DNI Negroponte and PDDNI Hayden (who had risen through the Air Force under Goldwater-Nichols), it was also dependent on McConnell’s vision as DNI, which was built on their foundation as well as his own Goldwater-Nichols-governed career. For example, in an early speech to a CIA audience in the agency’s iconic auditorium known as the Bubble, he outlined a vision for an IC CJD program that closely tracked Goldwater-Nichols—that is, a program with the teeth of coordinated DNI regulation and enforcement—that seemed to capture the energy of senior CIA officials in the audience. And while it was speeches like that, across the IC, that led to the voluntary “treaty” and the 100- and

a. As far as the authors know, this authority has never been utilized, but it underscores the importance placed on it in the ODNI’s early efforts.

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500-Day Plans referenced above, that agreement could not have happened without Negroponte’s earlier efforts.

In that regard, we note that those personal relationships were just as strong (if not more so) than the ambiguous language of the IRTPA, and that was what led to a more effective and more managed—albeit voluntary—approach to CJD, the very first such effort in the federal government to cut across cabinet department lines (and their inherent statutory authorities).

Uncertain Future

However, in our view, that approach has retrenched, with the IC CJD program once again taking on a more decentralized approach, with individual IC agencies left to establish most policy and program specifics. For example, under the current decentralized model, some of the IC’s largest agencies—like the National Geospatial-Intelligence Agency—have opted for a more centralized, military-like career management approach, while others, like CIA, seem to have reverted to their previous, more agency-centric stove-piped model. The result has been a program that widely varies across IC agencies and increases the risk that dots of intelligence will not be connected.

We offer this only as an observation, not a criticism, as there is no single right way to approach an

unprecedented program like this. However, whether by design or default, we also believe that that *laissez faire* approach has fallen short of the vision engendered by the IRTPA—that is, the establishment of a more coordinated interagency (or joint) approach to the development of the IC’s senior civilian officer cadre (executive as well as technical).

Nevertheless, one thing has not changed: the IRTPA-based requirement that a joint assignment serve as a prerequisite to the promotion to senior officer (that is, to the civilian equivalent of a flag/general officer) ranks, no matter who the selecting official may be. However, how someone meets that requirement remains unsettled. So too does the issue of waiver authority, resting as it currently does in the aforementioned treaty-like MOA and ICD, rather than in law.

The result is that by default, the IC seems to have devolved to the old “post and pray” model, and as far back as 2017, several agency heads—particularly those in undesirable locations and/or with especially challenging missions—have raised concerns about the quality of the voluntary applicants they were able to attract for IC CJD assignments using that model. Their concerns led them to recommend that the DNI commission an independent study of the program.

We are not privy to that study’s report and recommendations, but

we have been briefed on them, and we believe that they did not go far enough to achieve the results desired by the IRTPA. We have shared that observation with most recent (now retired) USD(I&S) and the directors of NSA, DIA, and NGA, and in so doing, we have taken the liberty of outlining below some of the recommendations that we believe would improve the program. These concerns and recommendations follow.

Toward a More Effective, Coordinated Program

Much like our endorsement of a more coordinated, coherent approach in 2008, our recommendations would recast and refine the current IC CJD program to achieve its true (albeit implicit) purpose more effectively: that is, as an IC-wide leadership development strategy, rather than a voluntary, square-filling exercise. In other words, it should be designed to ensure that the IC’s senior *leadership cadre* has substantive interagency or equivalent experience.

That means that participation in the program should not be left to volunteers who self-select for JD assignments that would ultimately qualify them for senior promotion. Rather, key JD assignments, especially those at and above the

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GS/GG-13 level, should focus on individuals who have already been identified (e.g., through open competition, promotion boards, performance evaluations, and other measures of leadership potential) as having the likelihood of being part of the IC's senior leadership cadre. Note: being part of that pool would in no way guarantee selection to senior executive rank, but rather, only that individuals would be developed, evaluated, and if appropriate, become eligible for promotion to senior officer rank. And even that does not guarantee them selection, only consideration.

There is probative evidence that such a coordinated approach will work. For example, in late 2008, the most career senior administrators in the IC—typically an agency's associate deputy director equivalent—along with their senior HR and Equal Employment Opportunity executives, met at the CIA's Scattergood-Thorne conference facility to discuss individual agency succession plans. In an exercise of unprecedented trust, each agency revealed its top leadership depth chart (i.e., individuals with the senior leadership potential to succeed their bosses), as well as those on that list who needed an interagency assignment to satisfy that relatively new requirement, and they then proceeded to trade their most talented leaders-in-waiting among themselves to satisfy that requirement.

The net result was exactly what the IRTPA had envisioned: top

leadership cohorts that had IC-wide points of view acquired via one or more interagency assignments (and the trusted relationships that came with it). So, the process can work. Unfortunately, the Scattergood exercise was a one-off event, and while it proved that the individual IC agencies could, under the stewardship and coordination of the ODNI, work together to jointly develop their top leaders, much like the divisions of a top corporation do, our recommendation that that process be institutionalized has so far fallen on deaf ears.

To that end, we recommend that each IC agency should develop and submit for DNI approval a comprehensive leadership succession plan that covers its senior positions, both managerial and technical, at GS/GG-13 and above; identifies individuals who have successfully competed for inclusion in the leadership succession pools (i.e., the depth charts referenced above) for those positions; catalogs the diversity of those who comprise those pools; and describes the developmental strategies (including interagency assignments) that the agency will undertake to prepare them for their next posting.

In addition, we believe that those agency plans should be rolled up by the IC chief human capital officer (under the PDDNI's and Deputy Executive Committee's direction) to create a master IC leadership succession plan. Again, this is what private sector companies do; indeed,

CEOs and boards of directors spend a good bit of time moving the (human) chess pieces around to maximize overall mission, and we advocate the same. Note however that IC plans should focus on succession pools that are based on open competition, as a way of ensuring diversity and equal opportunity for access.

We also believe the IC must create a Senior Executive Management Office in ODNI and in each of the intelligence agencies, patterned after the military's General Officer Management Offices (GOMOs) in each armed service's headquarters, and reporting directly to the PDDNI and his or her equivalents, to gather and track key performance data, develop policies and practices to ensure that quality candidates apply to be part of succession pools, and coordinate the execution of agency succession plans, as well as the IC's overall succession strategy. The military services' GOMOs typically include the development and deployment of flag-equivalent civilians, treating them as more or less interchangeable with many flag-rated positions, and these may serve as models.

Conclusion

The important point to take from all of the above is individual and institutional leadership matters. Notwithstanding the language of IRTPA, the IC needs a formal, centrally coordinated interagency

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assignment policy and program that prepares its seniormost leaders—not just in ODNI but in all of the other 17 agencies that comprise it—to lead in a more collaborative and more integrated IC-wide environment. In other words, it needs a true leadership development/succession management strategy, one that makes such an interagency (and equivalent) assignment a prerequisite for promotion into one of the IC's several senior services.

That means something with teeth—a forcing function—that rivals those the defense secretary enjoys with the armed services: Simply put, if someone wants to lead in the IC, whether it's in a technical or a managerial position, then they should have completed one or more out-of-body experiences in the process.

We all agree that such a prerequisite is essential. However, whether it will ever be established by law is another matter. That would require

reopening IRTPA—no easy task. We are left with regulatory and administrative solutions—for example, IC-wide and/or agency directives, or perhaps even an amendment to the EO 12333 that governs the IC. Given IRTPA's ambiguity in some areas, what is most important is also the most intangible: an unequivocal commitment to jointness by the IC's senior leadership. That ought to be at least one of the criteria that presidents and their appointees apply in choosing the next generation of IC leaders. ■