

## THE WHITE HOUSE

WASHINGTON

November 18, 2004

MEMORANDUM FOR THE SECRETARY OF STATE  
THE SECRETARY OF DEFENSE  
THE ATTORNEY GENERAL  
THE DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: Review of Organizational Responsibility for the  
Conduct of Certain Operations

The Final Report of the National Commission on Terrorist Attacks  
Upon the United States recommended:

Lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department. There it should be consolidated with the capabilities for training, direction, and execution of such operations already being developed in the **Special Operation Command**.

The Secretary of Defense and the Director of Central Intelligence jointly shall review matters relating to this recommendation and submit to me within 90 days, through the Assistant to the President for National Security Affairs, their written advice on whether and to what extent implementation of the recommendation is in the interest of the United States and what changes to law, executive orders, other presidential guidance, or policies would be necessary to implement such advice. Their review **should** include, but not be limited to, consideration of similarities and differences in the missions, legal authorities, funding, and support infrastructures of the Department of Defense and the Central Intelligence Agency with respect to operations to which the recommendation refers. A copy of **the** report will be provided to the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. The Commission will advise me on the report, particularly with respect to any matters concerning countering the threat posed by weapons of mass destruction.



OSD 18529-04

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In the course of their review, they shall obtain as necessary legal advice from the Attorney General and advice concerning potential effects on U.S. foreign relations from the Secretary of State.

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F.L.

MEMORANDUM FOR THE SECRETARY OF DEFENSE

18/2/2005 10:45 AM

**FROM:** Steve Cambone *SC*

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**SUBJECT:** 9/11 Commission Recommendation on Paramilitary Operations

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The President asked that you and Porter Goss review the 9/11 Commission recommendation on moving 'Paramilitary Operations' to DoD.

Attached is a **draft**, joint letter to be signed by you and **Goss** on that subject (TAB A), along with POTUS' request (TAB B). Doug and I discussed **this** draft yesterday.

The letter is intentionally "minimalist" because it is intended that it be made public.

Tom O'Connell and his folks, working with mine **and** with CIA, have looked at a number of scenarios and concluded that no substantial changes are needed in statute or executive order to meet the President's needs.

Doug and I will join O'Connell in briefing you next week **on** Tom's work.

There may be additional issues you want to address. The letter **as** written—i.e., last sentence of penultimate paragraph—provides for that possibility.

cc:  
DSD  
CJCS  
USD(P)

18 Feb 05

18 Nov 04

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MEMORANDUM **FOR** THE PRESIDENT OF THE UNITED STATES  
**THROUGH ADVISER** TO THE PRESIDENT **FOR** NATIONAL SECURITY  
**SUBJECT** : Review of 9/11 Commission Recommendation **on** Paramilitary  
Operations

Last year the 9/11 **Commission** recommended that:

“lead responsibility for directing and executing paramilitary operations, whether clandestine **or** covert, should shift to the Defense ~~Department~~. There it should be consolidated with the capabilities for training, direction, and execution of such operations already being developed in the Special Operations Command.”

**On** November 18, you asked us:

“whether and to what extent implementation of the recommendation is in the interest of the United States and what changes to law, executive *orders*, other presidential guidance, or policies would be necessary to implement such advice.”

Statute and executive orders give you authority to assign missions to the **departments and** agencies **of** the Executive Branch.

Neither CIA nor DoD endorses the Commission’s recommendation **on** **shifting** the paramilitary mission or operations. No change is required in the responsibility of **the CIA** for foreign intelligence collection and covert action **or** activities, or that of the DoD for traditional **military** activities.

The CIA continues to improve its capabilities to conduct covert **actions** in response to presidential direction. The DoD continues to improve its capabilities to conduct traditional military activities across the full spectrum of **mission** areas assigned to DoD. The capabilities within DoD, pursuant to statute, executive orders, and presidential directive, **are** routinely made available to support CIA’s **covert** actions. Recent Congressional actions have improved CIA and DoD capabilities and made it easier for each to support the other.



We believe that the distribution of responsibility and capability between CIA and DoD provides you and future presidents flexibility *in* achieving national security objectives. Consequently, we see no need for changes *in* the Executive Order or statute. Both CIA and DoD will continue *to* refine their policies and procedures for mutual support needed to ensure success.

The Attorney General and the Secretary of ~~State~~ have reviewed *this report*.

