Date: Sun, 13 Dec 2009 12:56:55 -0500
To: "Dr. Baruch Fischhoff - Chair, National Academy of Sciences Study on Social & Behavioral Science and Improving Intelligence for National Security" <baruch@cmu.edu>
From: Lloyd Etheredge <lloyd.etheredge@policyscience.net>

Subject: The Accountability Chapter: Integrity designs for bad weather; Cheney, Gonzalez, Nixon

Dear Dr. Fischhoff and Members:

Part of the DNI's obligation is to be accountable for enforcing applicable laws and civil liberty guarantees throughout the N = 200,000 national intelligence system. It would be worthwhile - especially as an expert is a member of your panel (Tetlock) - to summarize national advice from the social science literature concerning accountability and accountability systems.

While corporations have their own Accounting Departments, even corporate Boards of Directors do not trust the internal Accounting Departments - alone - to monitor compliance. The Directors - who are elected by the stockholders - typically hire independent, private auditors that report to an Audit Committee of the Board. [Even this breaks down at times - e.g., the Enron scandal.] However periodic, outside/independent audits might be a good model to recommend if it, or other variants, are supported by social science research. Especially so when, according to Bamford, civil liberty safeguards aren't really part of the computer code of these huge databases and search/monitoring software. The DNI has an Inspector General and a Civil Liberties Protection Officer but there are benefits of adding truly independent audits - for example, practical, social psychological, and deterrence benefits - that are part of the social science literature and that should be discussed within the purview of the current national Report.

An added complication - even for CIA Inspectors General - is that "plausible deniability" and secrecy are part of the cultures. A common suspicion about intelligence agencies is that there always is a secret back-door, despite what they say in public - and despite a completely impressive and honorable person who might be hired as Civil Liberties Protection Officer to give assurances (and who might be sincere.) Even financially, it is a system where a lot of money can flow without written receipts. An ability to hide illegal behavior is a job qualification. And there

is a growing trend to hire outside contractors, adding extra levels insulation and plausible deniability alongside extra levels of problems for genuine accountability. Beyond N = 200,000 there is a huge new online Information Sharing Environment [ISE] across federal, state, local, and tribal governments - and international.

   - Yet it is a system where accountability mechanisms *must* work because, if the culture starts to go bad and the problems are not caught early, we may be in serious trouble.

   As a nation, we also need our best design of an accountability system that can maintain its integrity during temporary bad weather - pressures from Nixon, or Bush/Cheney and egregious ["it's not your responsibility, the lawyers have signed-off"] rulings designed via Alberto Gonzalez and his friends. It is not enough to assume - as they did in the Old Days - that everyone was an Ivy League graduate, whose word (within this world) was their bond.

Designing Outside Audits by the ACLU?
   An interesting part of the chapter might be to imagine a system in which President and the Congress could appoint a (rotating) outside auditor, like the ACLU. What sampling algorithms could the National Academy of Sciences now recommend, to a country that wants true accountability and to minimize risk of illicit behavior? Where do cost-benefit calculations suggest the greatest incentives might be for abuse of huge data systems?

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