



AN UNLIKELY SPY

TALES FROM MY TIME IN THE INTELLIGENCE COMMUNITY

By Jack Thomas Tomarchio

The call came at 6:40 p.m. after a particularly long and arduous day. I had been to Harrisburg on a client matter and was now back in my Philadelphia law office. I had shut off the computer, clicked the latches shut on my briefcase and was headed out the door when the phone rang on my desk. For several seconds I considered letting the call go to voicemail, but I picked up.

The voice at the other end, sounded like it was coming through a long pipe, indicating he was probably calling from a speaker phone.

“Mr. Tomarchio?”

“Yes.”

“Sir, it gives me great pleasure to inform you that the President has nominated you to be the Principal Deputy Assistant Secretary for Homeland Security for Intelligence and Analysis.”

My skin ran cold and butterflies immediately took flight in my stomach at what I was hearing.

What happened that evening was the culmination of an improbable series of events that would lead me into the secretive world of the United States intelligence community and would change my life and career forever.

I was a brand new partner at Buchanan Ingersoll at the time and co-chair of the firm's government relations practice group. Three months earlier I had led my boutique lobbying firm into a merger with Buchanan and was enjoying my new firm, partners and the work we were doing for our clients. I was content with my new surroundings and looking forward to a long career with the law firm.

What led to that phone call was a project I had worked on in my capacity as a colonel in the United States Army Reserve, assigned to the Pentagon. In 2003 I was in the middle of a three-year assignment as the special assistant to the Assistant Secretary for Special Operations and Low Intensity Conflict (ASD-SOLIC) when my boss asked me to lead an internal investigation into whether the Department of Defense had used or misused intelligence to justify the invasion of Iraq. This being a very topical subject at the time, I was somewhat surprised why I, a mere reservist from Philadelphia, had been tasked to lead such a high-profile investigation. "Because you're a Philadelphia lawyer," my boss, the Assistant Secretary, quipped. "Besides we want someone with a different optic on this, you know, someone from outside the Beltway."

For 18 months my team labored on this project. In doing so we were given unprecedented access to top secret documents, cables and reports from all points on the intelligence compass. When we concluded, I authored a document which was not that different from proposed findings of fact and conclusions of law. The report was submitted to and immediately classified by the Department of Defense. My brush with history complete, I returned to the more mundane aspects of my assignment at the Pentagon.

Within months of submitting my findings I was contacted by officials at the Defense Department and later at the White House inquiring whether I would accept a nomination to a senior posi-

tion in the administration. After hearing the menu of what was being offered, I demurred. The pro-offered jobs all sounded like ones you would want your loudmouthed brother-in-law, the Dallas Cowboys fan, to take: senior advisor to the U.S. Ambassador to Afghanistan for economic development (Afghanistan has an economy besides?!); deputy chief of staff for internal security for the Coalition Provisional Authority in Iraq (what security!?!); and deputy director of the Office of National Drug Control Policy, in charge of the "war on drugs" (are we still fighting this war now that we have the global war on terror?). Finally after a number of these "plums" had been offered up and declined, I was asked to meet with senior officials at the U.S. Department of Homeland Security. I told the White House personnel guys I was not looking for a job, as if they hadn't been given enough hints already, but that I would speak with DHS, but only about appointment to a part-time board or commission, of which there were plenty of ones available.

On the appointed day, I traveled to DHS headquarters in a far Northwestern quadrant of Washington, D.C. and met with two young freshly scrubbed gentlemen from the Office of White House Liaison. Before I knew what hit me they asked me if I would be interested in becoming the director of national security coordination for the Federal Emergency Management Agency. It should be noted that this offer was made several weeks after Hurricane Katrina had devastated the Southeastern United States and FEMA had been roundly criticized for incompetence in its mismanagement of the disaster. Would I like to join the FEMA team, I was asked. FEMA, I shuddered to myself, that's a four-letter word. It did not take much soul-searching on my part to decline this offer. Never let it be said that those in our government are not persistent, for the very next week the White House called again. Thinking I was again to be offered the FEMA gig, I prepared to stand my ground. Only this time the topic was different, and the White House asked if I would be interested in the nomination for principal deputy assistant secretary for intelligence and analysis at DHS. I was intrigued by this offer as I had been in and around the intelligence community for a number of years and always enjoyed the work. My curiosity led me to accept an interview with the newly appointed Assistant Secretary for Intelligence and Analysis, Charles Allen, a 50-year veteran of the Central Intelligence Agency and a living legend in the intelligence community. The United States intelli-

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gence community is composed of 17 separate agencies that traces its roots back to the World War II Office of Strategic Services, led by the legendary William “Wild Bill” Donovan, a prominent Wall Street lawyer and Medal of Honor winner during the World War I. Donovan built his OSS around a cadre of lawyers and investment bankers, mostly white, mostly male and mostly Ivy League-educated. So clubby was the OSS, that one wag even joked that it stood for “Oh So Social.” Despite its reputation as a grown-up version of a Princeton University eating club, the OSS performed some outstanding service in the war, and when it was disbanded it did not take long for it to be reconstituted under a new name, the Central Intelligence Agency. With a new Cold War mission now before it, the U.S. intelligence agency grew exponentially with

from terrorist attacks, natural disasters, epidemics, unbridled immigration and other calamities. With more than 210,000 personnel spread over 23 separate agencies, the DHS was a behemoth even by the standards of the federal government. When I arrived in January 2006, we were starting up the Intelligence Directorate at DHS and integrating our operations with those of our 23 component agencies.

Right from the start it became apparent that my work at DHS would be extremely taxing. My boss, Charlie Allen, had a reputation for being a brilliant yet foul-tempered taskmaster, a workaholic and a boss who wore his staff down to the nub. As his principal deputy, this did not bode well for me. My days always started before

dawn in Washington when I would walk into a conference room, my overnight threat and current intelligence binder tucked under my arm, to take my place at the end of a long table to receive my daily threat briefing.

The intelligence community is a very serious place and prides itself in bringing a strong sense of academic rigor to its work.

The daily threat briefings were reminiscent of first-year law school moot court where young intelligence analysts were required to conduct daily briefings to senior intelligence officials and then defend their findings and conclusions about a

specific piece of intelligence or a threat to the homeland. Often the questioners were demanding, rude and at times even abusive, especially if an analyst could not provide a cogent and accurate assessment of an issue. At the conclusion of the daily threat briefing, I could expect a series of non-stop meetings and conference calls that would take me through the day. Often I would still be at my desk at 9 p.m. catching up with the flood of e-mails that seemingly poured from my three computer terminals (UNCLASSIFIED, SECRET and TOP SECRET). When I wasn't drinking from a fire

new agencies being formed to meet a growing Soviet challenge. Today the community sounds like an alphabet soup of organizations (NSA, NRO, NGA, DIA, CIA, DHS, DNI, DEA, etc) with each agency having a specific mission and employing thousands of analysts, scientists and operatives at home and abroad.

After its creation following the 9-11 attacks, the Department of Homeland Security became one of the newest members of the intelligence community with the mission to defend the homeland

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hose in the office I was often on Capitol Hill testifying before the Senate and House Intelligence Oversight Committees, conferring with my counterparts at CIA and FBI or traveling around the country meeting with local law enforcement and government officials to hammer out protocols whereby the DHS could pass and share intelligence with the state and local law enforcement community.

While a great deal of the work I did remains classified, a good portion involved building a domestic intelligence capability within the United States and building a partnership between the federal intelligence community and the state and local law enforcement and first responder community. This was very hard work. Traditionally the federal intelligence community did not like to share its information with anyone, not even each other. The bipartisan 9-11 Commission delivered harsh criticism of the intelligence community for failing to share intelligence that may have led to the capture of the 9-11 hijackers prior to the execution of the attacks. Indeed, particular criticism was reserved for both

the CIA and FBI who refused to share leads and information with each other prior to 9-11 thus failing to “connect the dots” which could have revealed the hijackers’ plans prior to the attacks ever coming to fruition. The shroud of secrecy that had been in place in the intelligence community for more than 60 years was about to be blown off by the events of 9-11.

Given the historic difficulties involved in the sharing of intelligence by and between the various arms of the U.S. intelligence community, the post 9-11 paradigm that intelligence now had to be shared with local law enforcement was viewed by many in the community as tantamount to heresy. A good part of my job was to implement this new thinking upon a somewhat reluctant intelligence community and a very mistrustful state and local law enforcement community. I could only do this job by engaging in face to face negotiations, building coalitions and making and keeping promises. Often these meetings took place not in DHS Headquarters in Washington, D.C. or CIA Headquarters in Langley, Va., but in state capitols like Albany, N.Y.; Tallahassee, Fla., or Sacramento, Calif. Intelligence work is very much dependent upon personal relationships and trust. An intelligence officer will never share information with people he does not trust, and because intelligence officers are taught to trust very few people, winning their trust is a notable accomplishment. Law enforcement professionals are cut from the same bolt and trust few outside their professional cadres. Trying to get the spies and the cops to trust each other and

work together was thus a daunting proposition, but one we began to see take shape after almost a year of non-stop travel around the country. The job was made easier by our decision to deploy scores of DHS intelligence officers at state-run intelligence fusion centers. Fusion centers were recent additions to the law enforcement/intelligence world and sprung up after the 9-11 attacks. These centers, of which there are about 60 in operation today, are places where tips, leads and intelligence are collected and analyzed and where intelligence professionals make decisions as to whether there is any “intel value” to the information as a predictor that a terrorist plot is in the offing. The centers are staffed mainly by police and state officials who are often at the “point of the spear” when it comes to detecting threats in their communities. By seeding these centers with federal intelligence officers from the DHS, FBI or other agencies we were able to bring a unique federal intelligence community presence into these state-run facilities and begin to build working partnerships between local law enforcement and federal intelligence professionals. Today we have officers in 35 centers with more on the way to the remaining 25. Building this federal/local intelligence sharing coalition was probably the most difficult yet rewarding thing I did while in office.

While the work load and travel schedule were crushing, the job did have its perks. As a senior member of the U.S. intelligence community, I had access to unbelievable information and people. On many occasions we were able to see news stories before they became news stories. Our ability to dial up overhead imagery or signals intelligence was extraordinary. I went to clandestine facilities around the country that were in many instances “hiding in plain sight” and where dedicated intelligence officers labored to uncover the secrets of our adversaries. The technology we have arrayed in the war against terror is truly astounding; at times I felt like I was on the bridge of the starship Enterprise. I recall one facility I went to that had an eerie resemblance to the Counter Terrorism Unit from the hit television show “24.” When I remarked on the similarities of that to my host, the watch commander, he stated that the resemblance was not accidental since the center had been built by the same company that designed the set for the show.

Some days I felt the crushing responsibilities acutely like when we had credible information that there was a high likelihood of an attack upon the nation’s mass transit system. The recommendation

was mine as to whether the intelligence justified the U.S. government ordering a shutdown of every major mass transit system in the nation. Fortunately it did not, and I advised the White House to keep the trains running.

Some of my experiences were almost comical, like when I was told I was required to have an official dinner with high-ranking members of the Russian intelligence service. Knowing that my guests had only a few years ago been hard core members of the Soviet KGB, I approached the dinner with a mixture of anticipation and dread. The dinner went well, but as the evening grew late, the Russians ordered about 20 bottles of vodka be brought to the table for the drinking of toasts. Being somewhat of a lightweight in the alcohol consumption department, I cringed as the first of many glasses was poured and offered to me by my Russian counterpart, a three-star general and bear of a man who outweighed me by at least 65 pounds. After several friendly toasts I knew we were engaged in a sort of vodka-foreplay before the serious drinking and toasting began. I had serious reservations as to whether I would be coherent enough to give my official toast and speech to our Russian guests when the time came. Breaking protocol, I announced that I had a very early day tomorrow (true) and had to soon depart because I had to get back to my office to review some documents to prepare for the next day (not true). I rose to my feet on wobbly legs and began my official remarks before a room of about 30 American and Russian spies. At the end of my remarks, my counterpart, made some remarks then presented me with a beautiful porcelain plate embossed with the seal of the Russian FSB, the successor to the old KGB. Before I could say thank you he embraced me in a bear hug and planted two sweaty kisses on both cheeks. Never in all my years in the military had I dreamed I would be kissed by a Russian spy – and an overweight male one at that! Ah, the things we do for our country. ■

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