U.S. intelligence reform
by David C. Morrison

Patrick Hughes of the Department of Homeland Security explains the color-coded terror-alert system to Congress. The heightened alerts have been the subject of ridicule, but analysis would rather overestimate a threat than ignore a possible disaster.

As historian Thomas Powers has observed, the Central Intelligence Agency (CIA) has gotten "lots of things wrong"—from failing to foresee North Korea's invasion of the South in 1950 to its unpreparedness for the 1991 collapse of the Soviet Union itself. Then comes the September 11, 2001, Al Qaeda-directed attack by hijacked airliners on the World Trade Center and the Pentagon. Not since the December 7, 1941, Japanese bombing raid on Pearl Harbor had the U.S. suffered such a strategic surprise. Measured in property damage, lost American lives and a newly instilled sense of national vulnerability, the 9/11 strikes actually overshadow the legendary Pearl Harbor attack. Consider now that the CIA was established in 1947 explicitly to prevent another Pearl Harbor, and it's easy to see how the jihadists' (Islamic holy warriors) stunning success against two high-value, symbol-laden targets suggested to many that this time the CIA had got something very, very wrong.

A year and a half later came a similarly stunning discovery. Following the costly March 2003 invasion of Iraq—predicated on dire warnings from U.S. intelligence about dictator Saddam Hussein's nuclear, biological and chemical weapons programs—the world learned that Iraq possessed neither stockpiles of weapons of mass destruction (WMD) nor the strong links alleged to Islamist terror groups. Like a one-two punch, the twin intelligence failures of 9/11 and Iraq have left the CIA and the 14 other agencies comprising the so-called U.S. intelligence community reeling as panel after commission after critic line up to take their shots.

"For a variety of reasons, the intelligence community failed to capitalize on ... the significance of available information ... [Thus there were] missed opportunities to disrupt the September 11 plot by denying entry to or detaining would-be hijackers," a joint House and Senate intelligence panel of inquiry judged in a December 2002 report. Following a much-publicized series of hearings, the bipartisan 9/11 Commission (Na-
Mr. Tenet

George Tenet, shown testifying before the Senate Armed Services Committee in March 2004, resigned as CIA director in July, but denied he had been forced to step down.

It is failing the nation on both counts.”

Internal critics have been no less harsh: “After the next attack, misled Americans and their elected representatives will rightly demand the heads of intelligence-community leaders; that heads did not roll after 11 September is perhaps our most grievous postattack error,” CIA terror analyst and outspoken critic of the status quo, Michael Scheuer—who resigned his post in November—says in an anonymously published book on “losing the terror war.”

A few heads have rolled. George J. Tenet, who had helmed the intelligence community for seven years, stepped down as CIA chief in July, though the White House denied he had been forced out. CIA deputy operations chief James L. Pavitt retired at the same time, ostensibly for personal reasons as well. Tenet’s replacement, House Intelligence Committee chairman Porter J. Goss, (R-Fla.), a former CIA agent himself, has also prompted other high level operators to leave. Addressing CIA employees last summer, a departing Tenet didn’t specifically address recent failures, but did allude to the need for “a massive transformation of our intelligence capabilities.” Like it or not—and not many in the agency or larger community are pleased—a “massive trans-

formation” is precisely what’s in store.

Over the past half century, more than 20 official commissions and executive branch studies have proposed adjustments to how the intelligence community operates. The community’s history, one account notes, is one of “constantly changing offices and lines of authority, usually to reflect shifting priorities in the White House.” But, if 9/11 really did “change everything,” this round of reform promises to be different. A compromise version of sweeping reorganization legislation having finally found approval in a very “lame duck” session of Congress last December, the intelligence community faces an epochal upheaval akin to that the U.S. government as a whole sustained in 2003 with creation of the Department of Homeland Security (DHS). The 9/11 Commission fueled the bandwagon with recommendations—among many others—to create a new national intelligence director (NID), headquartered in the White House, to replace the dual-hatted CIA chief-director of central intelligence; to merge foreign and domestic terror war efforts into a national counterterrorism center; and to consolidate dispersed and ineffective congressional oversight of intelligence activities.

Whatever the merits of the reforms finally enacted as they are eventually implemented, and those merits surely will be fiercely debated over and over again in the decades to come, bear in mind the inescapably uncertain nature of the intelligence task. Even the cleverest tinkering is unlikely to yield a spy apparatus blessed with 20/20 foresight, especially operating in so political a milieu as Washington. “Analysis is an uncertain science and art,” the Congressional Research Service suggests “and even the best analysts can miss developments that loom large in retrospect and leave their agencies open to harsh criticism or retribution.”

Jousting with jihadists

The CIA boasts its own unique and bitter history with Islamist and Arab terrorism. Back in 1983, a suicide bomber hit the U.S. embassy in Beirut, Lebanon, killing 63 people, including all eight
members of the CIA station there. The subsequent Beirut chief of station, William Buckley, was kidnapped by terrorists in 1984 and slowly beaten to death over the following 15 months. Another CIA agent died in the Libyan-sponsored 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland. Closest to home, in 1993, Pakistani extremist Mir Aimal Kasi assassinated two CIA employees just outside their Virginia headquarters.

Agency involvement with Islamist terrorism took on an entirely different complexion in Soviet-occupied Afghanistan, however. Seeking during the 1980s to make life as difficult as possible for its cold-war foe, the CIA poured money and munitions into the anti-Russian Afghan resistance. Most of this aid was funneled through Pakistan’s Inter-Service Intelligence Directorate (ISI), which favored Muslim extremist elements, such as the fundamentalist Taliban movement that had come to rule most of Afghanistan by 1996. The Taliban in turn wound up hosting Osama bin Laden—whose Al Qaeda jihadist group was the fruit of his years as a “mujahideen” in the Afghan cockpit of the 1980s.

The 9/11 atrocities might thus be viewed, at least in part, as the grim workings of the law of unintended consequences—the potential blowback that seems always to threaten covert activities. “As bin Laden and his aides endorsed the September 11 attacks from their Afghan sanctuary, they were pursued secretly by salaried officers from the CIA,” Steven Coll writes in Ghost Wars, his comprehensive 2004 chronicle of the CIA and bin Laden in Afghanistan. “At the same time, bin Laden and his closest allies received protection, via the Taliban, from salaried officers in Pakistan’s [ISI].”

As that suggests, long before 9/11 bin Laden was in U.S. crosshairs—especially after the bloody 1998 bombing of two U.S. embassies in East Africa and the deadly 2000 attack on the destroyer USS Cole in Yemen. A special CIA unit had nothing but track bin Laden’s activities, and the agency apparently came close several times to having the terror chief killed—but stayed its hand for diplomatic and legal reasons. In 2001, fully 36 of the CIA-prepared Presidential Daily Briefs related to bin Laden or Al Qaeda, most notoriously the August 6 issue, which was bluntly titled “Bin Laden Determined to Strike in U.S.”

While the CIA hardly had its eyes closed to Al Qaeda, the 2002 House-Senate inquiry did judge that “the quality of counterterrorism analysis was inconsistent, and many analysts were inexperienced, unqualified, under-trained, and without access to critical information.” In retrospect, opportunities appear to have abounded for strangling the 9/11 plot in its cradle. In the real world—even if postmortem partisan finger pointing always suggests otherwise—things are never so simple for those who have to make the decisions based on facts on the ground. National security officials describe a steady daily stream across their desks of the most alarming items of intelligence—few of which are truly actionable or even necessarily true. Extreme measures that seem justifiable in hindsight—killing bin Laden at any cost, clamping down dramatically on air passenger scrutiny—typically loom as costly and unwarranted until the dimly discerned disaster actually strikes.

Had the 9/11 Commission recommendations been acted upon “six years ago, they would not have significantly altered the way we dealt with Al Qaeda; they certainly would not have prevented 9/11,” Richard A. Clarke, counterterror czar under the past two Presidents, commented last summer. “We need not only a more powerful person at the top of the intelligence community, but also more capable people throughout the agencies”—especially at the CIA and the Federal Bureau of Investigation (FBI).

**Iraq attack**

The CIA has taken fewer hits for missing the 9/11 conspiracy than for the pre-war intelligence product undergirding...
an invasion of Iraq that has evolved into a prolonged and violent, diplomatically and humanly costly occupation. How could the best espionage minds in Washington have gotten so much so wrong?

Among other rationalizations, CIA officials complain that there simply weren’t enough minds to go around before 9/11. Human resources were “badly depleted” by post-cold-war cutbacks in the 1990s, when the agency’s directorate of operations suffered a 30% decline in funding, that section’s former director has written. Intermittent and onetime budget increases came only after the East African embassies and the USS Cole attacks. When the Senate Intelligence Committee inquired why the CIA had not placed an agent in Iraq years earlier to scope out Saddam’s arsenal, an officer replied: “Because it’s very hard to sustain ... it takes a rare officer who can go in ... and survive scrutiny [deleted] for a long time.”

If so, the panel’s report retorted, “the problem is less a question of resources than a need for dramatic changes in a risk-averse corporate culture.” Of course, burrowing into culturally and religiously narrow terror cells is no easy matter. Even now, the CIA reportedly has assets inside Al Qaeda, but not within bin Laden’s inner circle where planning for any future attacks would be discussed. More than three years after 9/11, the agency reportedly has about as many counterterror field agents stationed around the globe—roughly 1,000—as the FBI has agents in New York City alone.

Much as the agency had outsourced its anti-Soviet Afghan operation to Pakistan, it relied overwhelmingly on reports from exiled Iraqi dissidents—such as the Iraqi National Congress’ since-discredited Ahmed Chalabi—for insight on what ostensibly was occurring in secret labs inside a country many of these sources hadn’t even visited for decades. Ayad Allawi, now the U.S.-supported prime minister of Iraq, was another CIA source whose intelligence that Saddam could have chemical weapons ready for use within 45 minutes “turned out to be spectacularly wrong,” The Associated Press says. A

**THE INTELLIGENCE AGENCIES: COMMUNITY OR ‘TRIBAL FEDERATION’?**

The “intelligence community,” that conglomeration of 15 often competing agencies charged with collecting and processing national intelligence, has perhaps more accurately been described by a senior official as a “tribal federation.” Or, as another such experienced bureaucrat recently confided to U.S. News and World Report: “The intelligence community does not exist except as a figment of congressional imagination.”

Chief of all the tribes is the director of central intelligence (DCI)—currently former House Intelligence Committee chairman Porter J. Goss, (R-Fla.)—who heads up the Central Intelligence Agency, the nation’s sole independent intelligence organization, as well as the community as a whole. Created by the National Security Act of 1947 as a permanent successor to the wartime Office of Strategic Services, the CIA “was set up by me for the sole purpose of getting all the available information to the President,” Harry S. Truman later wrote. “It was not intended to operate as an international agency engaged in strange activities.”

In the nearly six decades since, of course, Presidents have come to routinely rely upon the CIA as a covert operator in a wide range of hot spots, strange or otherwise.

Wearing his CIA director’s hat, the DCI commands a workforce of 20,000-plus analysts and agents (many more of the former than the latter) and a classified annual budget estimated at roughly $5 billion. Wearing his DCI hat, he is aided by a 250-strong Community Management Staff, which coordinates the activities and budgets of the various intelligence organizations. The annual taxpayer tab for the 1,5-agency community, all told—and its approximately 100,000 civilian, military and contractor employees—is pegged at roughly $40 billion, though the actual figures are classified.

The bulk of the community’s assets reside in the Pentagon, which also conceals the CIA’s classified appropriations in its unpublicized “black budget.” Considering the budgetary clout this arrangement gives the Secretary of Defense, it is no surprise the DCI—typically not even a member of the President’s Cabinet—really has less community clout in reality than on paper.

In 2003, to better marshal the Pentagon’s myriad intelligence organizations, a new under secretary of defense for intelligence position was established.

The Defense Intelligence Agency was set up in 1961 with the hope of subsuming the individual service intelligence branches into a “joint” Pentagon-wide organization. But the Office of Naval Intelligence (founded way back in 1862), the Marine Corps Intelligence Department, the Army Intelligence and Security Command and the Air Force Intelligence, Surveillance and Reconnaissance Center have all survived and prospered. These agencies provide tactical intelligence for their parent service, as well as national-level products for the community generally.

So-called ‘overhead reconnaissance’—no longer the touchy, ultra-top-secret topic it once was—is collected by such Pentagon-managed systems as high-flying U-2 spy planes and Magon/Mentor signals intelligence satellites. Headed by the Under Secretary of the Air Force, the National Reconnaissance Office—whose very existence was declassified only a dozen years ago—also manages such spy satellites as the new Enhanced Imaging System, which gathers wide-area photographic and radar images. Electronic intelligence is handled by the National Security Agency (NSA), a sort of global vacuum cleaner for sifting up and scrutinizing global communications. The individual services’ cryptological commands assign personnel to the NSA, which reputedly boasts some 40,000 employees, all told. The community’s final military tribe is the National Geospatial-Intelligence Agency, formerly the National Imagery and Mapping Agency, which generates mapping and targeting data for the services and the community at-large.

Several civilian departments boast their own intelligence components, with staffs ranging from a handful to several hundred. The State Department’s “eyes and ears,” the Bu-
bearer of especially grim tidings, whose input shaped U.S. assessment of Iraq’s biowarfare potential, was judged an alcoholic by the only American agent to meet him. (His code name, “Curve Ball,” might have also been a tip-off to trouble.) Despite concerns raised about Curve Ball’s credibility, his “intelligence” was a centerpiece of the U.S. presentation to the UN less than two months before the invasion.

Contending that his secret services did the best they could with the data available, President George W. Bush has insisted that he received “darn good intelligence” about Iraq’s weapons programs. But an apparent willingness to embrace any information, however questionable, so long as it bolstered the case for war, seems to have permeated his government. The Administration “dismantle[d] the existing filtering process that for 50 years had been preventing policymakers from getting bad information,” former National Security Council expert Kenneth Pollack has said. “Their position was that the professional bureaucracy is deliberately and maliciously keeping information from them.”

The Pentagon even established its own Iraq-focused intelligence shop. At a 2002 press briefing, Mother Jones, an investigative magazine, reports, Defense Secretary Donald H. Rumsfeld “acknowledged that a primary purpose of the unit was to cull factoids, which were then used to disparage, undermine, and contradict the CIA’s reporting.” Conducted largely under the purview of Under Secretary of Defense for Policy Douglas J. Feith, Pentagon efforts to “massage” the message about Saddam’s weapons capabilities and global terrorism prompted disparaging references to Administration reliance on “Feith-based intelligence.”

The State Department, too, hosted the “stovepiping”—funneling raw reports and rumors directly to select decisionmakers without benefit of analysis—of mortally useful Iraq-related intelligence. With 165 analysts, State’s Bureau of Intelligence and Research (INR) boasts but a tenth of the CIA’s analytical assets. It has, however, won a reputation for the sagacity and inde-
dependence of its final judgments—having been proven more right than wrong on most of its Iraq predictions.

In the run-up to the Iraq invasion, Under Secretary of State for arms control John Bolton, a prominent Administration hard-liner on Iraq, "seemed to be troubled because INR was not telling him what he wanted to hear," a Foggy Bottom analyst told The New Yorker in late 2003. Eventually, investigative journalist Seymour M. Hersh writes, "Bolton demanded that he and his staff have direct electronic access to sensitive intelligence, such as foreign-agent reports and electronic intercepts... In essence, the Under Secretary would be running his own intelligence operation, without guidance or support."

**Groupthink and politics**

The Senate's Iraq inquiry pinpointed another systemic shortcoming of the prewar intelligence process: groupthink, by which it meant "examining few alternatives, selective gathering of information, pressure to conform within the group or withhold criticism, and collective rationalization." Some believe this mind-set spawned the uncritical acceptance and incessant public repetition of questionable items of evidence, such as a report that Iraq was actively seeking uranium ore from Niger, or that 9/11 hijacker Mohammed Atta had met with an Iraqi agent in Prague, Czech Republic. Some such data was drawn from a British intelligence dossier that turned out to have been plagiarized from open-source academic articles about Iraq.

Considering the flak analysts take for not having predicted the worst when the worst actually happens, of course, it is none too surprising that their "safest course of action [is] to emphasize the potential threat," as one account puts it. That understood, security specialist Richard K. Betts, far from a CIA-hater, reveals in Foreign Affairs his shock at "the revelation of how much the WMD claims rested on circumstantial evidence and analytical assumptions and how little on specific reliable data."

Even when an Iraqi intelligence issue sparked hard behind-the-scenes bickering—as in the CIA's stubbornly mistaken insistence that metal tubes purchased by Iraq were destined for a uranium-enrichment centrifuge rather than battlefield rockets—the war-supporting view inevitably prevailed. As the nation moved to a war footing, "an overwhelming momentum gathered behind the CIA assessment," finds a comprehensive New York Times probe of the tube debate published last fall.

"It was a momentum built on a pattern of haste, secrecy, ambiguity, bureaucratic maneuver and a persistent failure... to ask hard questions."

So powerful is the cachet—for better or for worse—of a masterful CIA, it can be easy to forget that the analytical depth and rigor available to the agency are not what outsiders weaned on film's portrays a terrifyingly omniscient "supersnoop" might imagine. "I had this image of James Bond before I started working here," an analyst tells an anthropologist recently accorded rare access to the CIA's intelligence directorate. "The truth is I just sit in a cubicle and I write reports"—and on a schedule that allows little in-depth research. "It took me a while to figure out that this place runs more like a newspaper than a university," another analyst discloses.

Amidst an unusually intense presidential race, the bipartisan 9/11 Commission and Senate Select Committee on Intelligence alike took pains to achieve consensus by not accusing the White House of explicitly steering intelligence estimates. "The committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons... capabilities," the GOP-chaired Senate panel said.

Anyone with experience in Washington, though, understands how powerfully compelling even implicit political pressure can be when exerted on career bureaucrats and political appointees, both. In the American intelligence empire, importantly, all roads lead to the Oval Office. "No one can understand, much less predict, the behavior of the CIA who does not understand that the agency works for the President. I know of no exceptions to this general rule," intelligence-community scholar Thomas Powers proclaims. "The failure to act before 9/11 and the unnecessary war with Iraq cannot fairly be blamed on intelligence organizations or anyone else. The White House is the problem, not for the first time," he adds.

Other analysts have reached the...
same conclusion. "This is an Administration — and a President — with a uniquely strong ability to see only what it wants and disregard inconvenient facts," United Press International's Shaun Waterman writes. Former chief U.S. weapons inspector David Kay has been unusually outspoken, testifying in August that President Bush's National Security Council, led by Dr. Condoleezza Rice, had failed repeatedly to vet highly questionable Iraq-related intelligence. "Until this is taken on board and people and organizations are held responsible for this failure, I have a real difficulty in seeing how a national intelligence director can correct these failings," Kay insisted.

The domestic intelligence dilemma

Although the CIA has been by far the favorite whipping boy for Iraq war recriminations, the FBI has been an easy target for its own failure to connect certain dots in advance of the 2001 hijack attacks. In its late 2002 report, notably, the joint congressional inquiry concluded that the FBI was seriously deficient in identifying, reporting on, and defending against the foreign terrorist threat.

Much discussion has centered on the bureau’s handling of a July 2001 memo from an agent in its Phoenix, Arizona, field office — touted by the joint inquiry as a shining example of “creative, imaginative and aggressive analysis” — which warned headquarters of the “possibility of a coordinated effort by Osama bin Laden” to sponsor students at U.S. civil aviation schools, based on the “inordinate number of individuals of investigative interest” attending flight schools in Arizona. If hardly a smoking gun, this memo certainly looks in retrospect like a brightly blinking “dot,” but one simply filed away and forgotten by counterterrorists higher up the organizational ladder. The Phoenix agent subsequently attributed this inaction to a deep concern over racial profiling. "If you look at the world prior to 9/11, we were prevented from doing certain things," Ken Williams tells The Arizona Republic. "We were victimized by our own restraints."

Generally, the U.S. government has grown notoriously less self-conscious about targeting Muslims and Arabs for special attention since 9/11. More specifically, FBI director Robert S. Mueller III, who had been in office but a week when the Twin Towers fell, moved to keep items like that air-training mission from falling through future cracks by establishing an FBI office of intelligence. Whereas the bureau has traditionally operated as a law enforcement agency — collecting information in reaction to crimes already committed — it is now striving to function more like a home-front CIA in collecting, analyzing and disseminating intelligence.

That said, even if the Phoenix memo had been “acted upon promptly, we do not believe it would have uncovered the plot,” the 9/11 Commission concluded, but it “might well have sensitized the FBI so that it might have taken the Moussaoui matter more seriously the next month.” (That’s a reference to alleged “20th hijacker” Zacarias Moussaoui, a French-born Moroccan whose flight-school enrollments and jihadist zeal came to the attention of the FBI’s Minneapolis, Minn., office in August 2001.)

Perhaps mentally ill, “Moussaoui can be seen as an Al Qaeda mistake and a missed opportunity,” the 9/11 panel’s postmortem says. Though Moussaoui was promptly detained for overstaying his visa, headquarters officials believed there was insufficient probable cause of a crime to search this undeniably suspicious character’s computer files. “A maximum U.S. effort to investigate Moussaoui . . . [and] publicity about . . . a possible hijacking threat might have derailed the plot,” the commission concludes.

The bureau’s investigative squeamishness was a legacy of social storms of the 1970s, when congressional investigation into overzealous CIA and FBI operations led to new restrictions — largely embodied in the 1978 Foreign Intelligence Surveillance Act — to safeguard against spy-world infringements on homeland constitutional rights. Chief among them was what was termed “The Wall” — or procedures, cemented during the Clinton years (1993–2001), designed to separate national security and criminal investigations. Expressing his frustration in an August 2001 e-mail decreeing the prohibition of a proposed surveillance operation, a New York-based FBI agent presciently wrote: “Someday someone will die — and Wall or not — the public will not understand why we were not more effective.”

The Wall, needless to say, did not long survive the 9/11 attacks. Among the less controversial provisions of the hastily drafted and passed USA Patriot Act of 2001 is language allowing the Justice Department to assert full cooperation between criminal investigators, prosecutors and intelligence agents in international terrorism cases.

Also among the top 10 lost “operational opportunities” preceding the attacks enumerated by the 9/11 Commission, was the CIA’s repeated failure to keep under surveillance and notify the bureau of the potential danger posed by two future 9/11 hijackers, Nawaf al Hazmi and Khalid al Mihdhar, whose international activities had aroused agency suspicions. As a result, come August 2001, “the FBI does not recognize the significance of . . . Mihdhar and Hazmi’s possible arrival in the U.S. and thus does not take adequate action to share information, assign resources, and give sufficient priority to the search.”
Federal intelligence agencies’ reluctance and/or inability to share vital information across bureaucratic borders has long been remarked and regretted. Former director of central intelligence Tenet declared in 1998 that “we are at war” with bin Laden, for instance. But the FBI Counterterrorism Division’s assistant chief testified in 2002 that he “was not specifically aware of that declaration of war.” Because “the distinguishing line between domestic and foreign threats is increasingly difficult to sustain,” the government “should avoid creating blind spots, or gaps between agencies, that arise from this distinction,” a 2003 Markle Foundation report urges.

Creation in 2003 of a new Terrorist Threat Integration Center (TTIC)—comprising elements of the Department of Homeland Security, the FBI’s Counterterrorism Division, the CIA’s Counterterrorist Center, the Pentagon and other agencies—is supposed to close this “seam” between analysis of foreign and domestic intelligence on terrorism. After some debate and politicking, the TTIC ended up being sited at the CIA’s Langley, Va., headquarters, where its fate and effectiveness remain to be determined.

### An American MIS?

Among the many terror-war-related adaptations to hit the FBI is a better than 50% budget boost since 9/11 and a top-to-bottom reshuffling of priorities, which Mueller listed in May 2002 as counterterrorism, counterintelligence and cybercrime, in that order. In practical terms, this has meant a commitment of 2,600 agents to counterterrorism and an erosion of the formerly premier criminal division from 6,500 agents pre-9/11 to some 5,000 today. Skeptics note that the bureau has beefed up intelligence before—after the 1993 World Trade Center bombing and the 1995 Oklahoma City blast, for instance—only later to revert to traditional priorities. Be that as it may, today’s FBI no longer dispatches agents to every bank robbery—only the armed ones—nor any longer conducts buy-bust drug operations. It does, however, now operate Joint Terrorism Task Forces—action teams of state and local enforcers and federal agents—out of 56 main field offices and 10 smaller outposts.

On another front, boasting only 21 agents with Arabic language skills a year after 9/11, the bureau last fall was still grappling with a translation backlog of hundreds of thousands of hours of wiretap recordings, despite steep post-9/11 boosts in linguistics funding. This language gap is not unique to the FBI. The National Security Agency supposedly has only one speaker of Pashto, a major tongue in Afghanistan. It reportedly solves this shortage by sending Pashto intercepts to be translated by Pakistan’s ISI, which is rife with Al Qaeda and Taliban sympathizers.

Mueller has received mostly high marks for reorganizing the bureau for a new mission in a new era. But some observers wonder whether the bureau can evolve the necessary new organizational culture. “Law enforcement and intelligence don’t fit. . . . Law enforcement always wins,” an intelligence veteran insists. The FBI had grown cautious and reactive in recent decades after being plunged repeatedly into hot political water for aggressive activity against dissenting groups on the Left and the Right, critics contend. Criminologist James Q. Wilson, for one, frets over “the widespread reluctance to adopt the bold steps necessary to penetrate and destabilize terrorist groups here at home.”

Luckily for the FBI, Mueller—who also, fortuitously, cannot be blamed for failing to prevent 9/11 when he was barely in office—has proven adept at the sort of bureaucratic ballet that ensures agency survival. Some experts have argued loudly for dispensing with the bureau’s counterterrorism services altogether in favor of a new secret police modeled on Britain’s much-vaunted M15 Security Service—which basically encompasses, in a country with no Bill of Rights, the functions of our FBI, CIA and DHS, with some Terrorist Threat Integration Service (TTIS) thrown in for good measure. According to a thorough Wall Street Journal examination, “M15 has used tactics that many in the U.S. would likely consider gross invasions of privacy.” For its part, the 9/11 Commission judged that “an American M15 . . . is not needed if our
other recommendations are adopted.”

As deep-seated unease on both the Left and the Right over certain Patriot Act provisions suggests, civil libertarian concerns about domestic intelligence operations that proved persuasive in the 1970s have not been silenced altogether by the shock of 9/11. Although the 9/11 Commission mixed an MIS-like agency, “many of the current proposals would create a backdoor domestic spy agency,” Center for National Security Studies director Kate Martin has written in a Washington Post Op-Ed piece warning against “the reappearance of covert operations targeting Americans by the CIA and the Pentagon.”

While legitimate, such worries can be exaggerated, other analysts counter. “Other democracies with civil rights and civil liberties have” domestic intelligence agencies, former counterterror czar Richard Clarke argued in testimony addressing this issue in 2002. “It doesn’t mean you become a totalitarian state if you do a good job of oversight and control.” Following the current rush to reform, Americans should expect the courts and Congress to be kept busy sorting through the new domestic intelligence-collection rules to sift national security rights from civil liberties wrongs.

Climbing the Hill

After all the commissions and experts had spoken, Capitol Hill remained the ultimate arena for the fight over intelligence reform. Fueled by election year fervor not to appear shirking an apparent terrorist-war crisis, lawmakers labored last fall well past their usual recess, deep into the October campaign season and on into a rare postelection “lame duck” session on the contentious task of crafting a plan to reinvent the American intelligence apparatus more or less—more in the Senate, less in the House—along the lines recommended by the 9/11 Commission.

Several key 9/11 Commission recommendations, ironically, touched specifically on the watchdog role assigned to Congress itself. In practice, lawmakers did little to ensure that the CIA had the right resources to target terrorists before 9/11, ex-CIA ops chief James Pavitt told U.S. News & World Report, “Where was the concern? Where was the intrusive oversight? They weren’t there,” the former top spy complained.

Having come in like a roaring lion—for better or for worse—amidst the mid-1970s furor over CIA assassination plots, legislative intelligence oversight is generally agreed to have devolved into a distracted lamb. Lawmakers are barred from serving more than eight years on the House or Senate intelligence panels, which undermines institutional memory and expertise. At closed-door spook hearings, notoriously, lawmakers are spoon-fed questions by their staffs—which have grown increasingly partisan since the mid-1990s—“questions” often suggested in advance by the very intelligence community witnesses appearing before the panel. When members do focus, they tend to pick at nits, micro-managing minor matters while blanking on the larger landscape. “Everyone dealing with the intelligence committees . . . knows they are dealing with a weakling,” Marvin C. Ott, a veteran of both the CIA and the Senate Intelligence Committee, scoffs.

The 9/11 Commission thus judged that “congressional oversight for intelligence—and counterterrorism—is now dysfunctional,” urging an end to term limits, a consolidation of the committees and an increase in their responsibilities and accountability. The commission also acknowledged that “strengthening congressional oversight may be among the most difficult” of its recommendations, but also the “most important.” Indeed, the GOP-controlled House has refused to make any changes. While the Senate did move in October to create a new Homeland Security Committee and strengthen its intelligence panel, Sen. John McCain (R-Ariz.) has charged that those changes left the chamber “right back where we started.”

Hill defenders, meanwhile, rather unconvincingly accuse the 9/11 Commission of overlooking post-9/11 congressional reforms, such as establishment in the House of a provisional Committee on Homeland Security. All 9/11 shows, these advocates add, is that solons have to more aggressively demand answers and accountability from executive-branch officials. “It’s extraordinarily difficult to reorganize the executive branch, but that is going to be a piece of cake compared to reorganizing Congress,” Senate Governmental Affairs Committee chief Susan Collins (R-Me.) predicts.

Rewiring the community

The intense political pressures exerted by the 9/11 Commission’s findings and continuing controversy over the judgments leading to the Iraq invasion sparked what some had termed a “stumble” to do something—anything—to change how the intelligence biz operates. This mad dash to legislate reform was triggered in the absence of any real consensus as to whether reorganization was even desirable, much less what it should look like.

Some voices have urged deliberation and due speed. “We must not allow false urgency dictated by the political calendar to overtake the need for serious reform,” Sen. Chuck Hagel (R-Neb.) cautioned in The Washington Post. “Panic is not the order of the day. Responsible reform is the objective.” A bipartisan group of former Cabinet officials, senators and other senior officials also admonished against rushing to judgment, “Intelligence reform is too complex and too important to undertake at a campaign’s breakneck speed,” these veterans urged. But, having announced their intention to lobby hard for reform, 9/11 Commissioners asserted repeatedly that they would
Pentagon control. Finally, a new civil liberties board would safeguard privacy and civil rights.

Although a House Republican faction bid for the essential dissolution of the CIA in favor of an all-powerful national intelligence service, that body’s final reform bill contained controversial provisions on border control and law enforcement requiring extensive reconciliation with the Senate. Led by House Armed Services Committee chairman Duncan Hunter (R-Calif.), the House also dramatically weakened the NID’s role in favor of a turf-conscious Pentagon. A series of perilous postelection negotiations that resulted in compromise revision in the bill’s language — requiring the NID to function under guidelines that do not “abrogate the statutory responsibilities” of the Defense Department — eroded Hunter’s support for the bill finally passed in December. In a sort of quid pro quo, however, harsh immigration reform measures favored by other House Republicans did not make the final cut.

Over the course of this legislative drama, many participants blamed this near collapse of the reform effort on the White House’s failure to pressure the House GOP and rein in the Pentagon, which had lobbied heavily behind-the-scenes against the Senate bill. In another potential victory for the military, the White House has also requested a study of whether the Pentagon should take over CIA paramilitary operations, as recommended by the 9/11 Commission.

As contentious as the process has been, in many ways enacting the intelligence overhaul may have been the easy part. Now that implementation of the reforms looms, Washington’s policy apparatus must now hammer out in practice matters left in vague outline until now. What exactly will be the NID’s daily role? How large an analytical staff will the NID have? Who will brief the President every morning, the NID or the CIA director? What does the National Counterterrorism Center mean for DHS, which was supposed to be a venue for fusing domestic and international counterter-
ror intelligence? More broadly, experts continue to question the 9/11 Commission’s chief operating premise: that intelligence analysis should be centralized in the White House. Doesn’t this risk precisely the sort of politicization that some feel contaminated the Iraq estimates? Brand new CIA Chief Goss, recall, sparked considerable controversy in November with a memo reminding agency employees that their job is to “support the Administration and its policies in our work.”

Just as sweepingly, others ask: Is another layer of bureaucracy really what the intelligence community needs to improve its performance? If the experts agree on one thing, certainly, it is that the reforms now on the table are no silver bullet. “If you think this bill is going to solve all the intelligence problems in the last 50 years, that is the ultimate in naiveté,” CIA weapons searcher Kay cautions.

A whole other school of commentators, finally, suggest that the intelligence reformers have probably been asking the wrong questions. “By all means, let’s have better intelligence,” a Clinton Administration official argues in the Los Angeles Times. “But let’s not fool ourselves into thinking that better intelligence is a substitute for better policy. This is especially true when the threat comes in the form of terrorism.” Those arguing this line point to the intelligence demands imposed by the Iraqi occupation—as of late last summer, the CIA had cycled more than 300 case officers, one quarter of its overseas assets, through Iraq—as a distraction from the broader counterterror effort. “Iraq has been a great drain on the intelligence world,” a three-decade veteran of the agency has said. “The notion that you could support a military initiative in Iraq, combat worldwide terrorism, and cover other critical issues was wrong.”

Editor of Newsweek International Fareed Zakaria concurs that a central pitfall in prosecution of the counterterror campaign lies not in nearsighted spying and outworn organizational charts, but in strategic conceptualization. “The conflict in Afghanistan falsely fed the idea that the war against terrorism was a real war. In fact, Afghanistan was an exception,” he writes. The Bush Administration terror-war pillars of “hegemony, preemption and unilateralism,” he adds, are actually “counterproductive in a struggle that seeks to modernize alien societies, win over Muslim moderates and sustain cooperation on intelligence and law enforcement across the world.”

**U.S. policy options**

1. The national intelligence apparatus urgently needs radical reform as soon as possible to meet the novel demands of a post-9/11 security environment.

**PRO:** Its failure to forestall the 9/11 attacks and to report accurately on Iraq’s weapons programs and terror ties prove that the intelligence system is broken, while the terrorist dangers facing the country make fixing it a matter of genuine urgency.

**CON:** Change merely for the sake of change furthers nothing. Rather than throwing our intel agencies into disarray with a dramatic makeover, the nation would be better served by calm debate of what improvements would best further the counterterrorist cause.

2. Direction of the intelligence community, in general, and the campaign against terror, in particular, should be centralized in the White House.

**PRO:** Only then could a national intelligence director possess the political and budgetary clout to direct the activities of the community’s diverse member agencies in a concerted attack on terror.

**CON:** The director of central intelligence traditionally has not sat on the President’s Cabinet to avoid even the appearance of political influence on assessments. Apparently skewed reporting on Iraq suggests that this customary concern is well-founded.

3. Traditional concerns about civil liberties and privacy—in relation to the collection of domestic intelligence—must be tempered by the new dangers posed by terrorism.

**PRO:** Civil libertarians too often exaggerate the dangers to American liberties stemming from effective counterterror tactics. “Everything changed on 9/11,” for real, and the threat the U.S. now faces demands a new look at traditional attitudes.

**CON:** If long-standing freedoms are now abrogated, “the terrorists have won,” for sure. If Washington approaches domestic counterterrorism in a reasonable way, and holds fast to certain founding principles, there need be no serious conflict between security and liberty.
U.S. INTELLIGENCE DISCUSSION

QUESTIONS

1. Experts disagree whether the campaign against terror is best viewed primarily as an arena for military action, espionage or policing. What do you think? Is counterterrorism really a "war" in the traditional sense, or is it something else?

2. In the 1970s, Congress gained enhanced insight into and authority over classified intelligence activities, power it has exercised to varying degrees over the years. Are congressional oversight committees more a help or a hindrance to the spy services?

3. Some fear that installing an intelligence director in the executive office of the President could undermine the intel community's independence from political influence and abuse. How realistic is this concern? What are the alternatives?

4. For almost a century, the FBI has functioned overwhelmingly as a reactive national police force. Can it now transform itself into a proactive, predictive intel service? What are the pitfalls of creating an entirely new domestic counterterror branch?

5. Besides providing national intelligence to the White House, military agencies also feed tactical data to battlefield commanders. What effect does this dual role have on proposals to shift organizations like the National Reconnaissance Office out of the Pentagon?

6. Analysts suggest that American intel needs not reorganization but recruitment of more-capable people, while the 9/11 Commission decried a "failure of imagination." How does a risk-averse bureaucracy go about reinventing and revitalizing itself?

7. The CIA was founded in 1947 as a reaction to Pearl Harbor. Is 9/11 a similar watershed? Since 1947, more than 20 studies have urged intelligence reform. How likely is the current round of debate to generate the necessary transformation?

READINGS & RESOURCES

Anonymous, Imperial Hubris: Why the West is Losing the War on Terror. Dulles, VA, Brassey’s, 2004. 352 pp. $27.50. CIA counterterror specialist Michael F. Scheuer is unsparing in this ostensibly “anonymous” and controversial critique of what Washington is doing wrong in its confrontation with Islamist violence.

Clarke, Richard A., Against All Enemies: Inside America’s War on Terror. New York, NY, The Free Press, 2004. 304 pp. $27.00. The current Administration “has squandered the opportunity to eliminate Al Qaeda,” the former counterterrorism czar for both Bill Clinton and George W. Bush charges in this much-debated blockbuster.


Graham, Bob, and, Nussbaum, Jeff, Intelligence Matters: The CIA, the FBI, Saudi Arabia, and the Failure of America’s War on Terror. New York, NY, Random House, 2004. 288 pp. $24.95. The former Senate Intelligence Committee vice chairman offers what one reviewer terms “a scorching indictment of the Bush Administration’s handling of the war on terror and, thus far, the best book on the subject.”

Powers, Thomas, Intelligence Wars: American Secret History from Hitler to Al-Qaeda. New York, NY, The New York Review of Books, 2004. 504 pp. $16.95 (paper). This collection of review essays from a popular chronicler of intelligence matters is a diverting and useful introduction to the CIA’s mission and the controversy that has continually trailed its work.

Central Intelligence Agency, Office of Public Affairs, Washington, DC 20505; (703) 482-0623; fax: (703) 482-1739. Their Web site is a good source for official agency statements, speeches and statistics. www.cia.gov

Council on Foreign Relations, 58 East 68th Street, New York, NY, 10021 (212) 434-9400 Fax: (212) 434-9800. Besides publishing the respected journal, Foreign Affairs, the council maintains a content-rich Web site that has kept up with the intelligence reform debate as it unfolds. www.cfr.org


National Commission on Terrorist Attacks Upon the U.S., Washington, DC. Although the 9/11 Commission was formally shuttered in mid-August, its archives at www.911commission.gov remain a treasure trove of authoritative information about what went on and what went wrong on 9/11, especially on the intelligence front.

Senate Select Committee on Intelligence, 211 Hart Senate Office Building, Washington, DC 20510; (202) 224-1700. Accessible online at http://intelligence.senate.gov this committee “oversees and makes continuing studies” of the U.S. intel activities.

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