FOREIGN INTELLIGENCE CHALLENGES POST-SEPTEMBER 11

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Public debate over the U.S. government's responsibility for failing to prevent the September 11, 2001, attack on New York and Washington has focused in significant measure on the performance of U.S. intelligence and law enforcement institutions. There is a widespread perception that national agencies and institutions were organized and managed in ways that inhibited the flow of information and the proactive behavior that could have prevented the tragedy from occurring. Few seem to be reconciled to the notion that September 11 might not have been preventable. Even with maximum information flow, intelligence sharing and smart inter-agency coordination, highly motivated and well-trained operatives would have been able, and are still able, to conduct attacks on the United States. Policymakers are therefore working in an environment where expectations are high. The public and national debate demand an improved performance and higher standards of government efficiency in thwarting the terrorist threat.

There are three basic definitional issues to recognize before trying to assess foreign intelligence performance and prospects:

1. Foreign Intelligence is one piece of a big puzzle. Foreign intelligence – the collection and analysis of information about foreign governments, organizations, persons, or international terrorist activities – is a critical and early input into the government's ability to work the terrorism problem. It is a contributing factor, but not necessarily the determining factor, in the government's success. Intelligence is often policy-neutral information; the information gathered can lend itself to multiple policy outcomes. It is also often an invisible piece of policy-making, and our leaders rarely acknowledge to what extent their decisions or actions were based on foreign intelligence. In the case of terrorism, however, the role of intelligence is more transparent and more policy-specific. If our intelligence services can identify terrorists and their intentions, the policy options are clear and the willingness to publicly discuss the intelligence contribution is stronger than in many other spheres of foreign policy and national security decision-making.

2. Crossing the red line between foreign and domestic. Any discussion of foreign intelligence with respect to the safety of the homeland needs to consider carefully the relationship with domestic intelligence (see Robert Blitzer's chapter) and with other sources of information. With the post-September 11 Patriot Act, the longstanding protocols regarding boundaries between domestic and foreign intelligence have been revised, in the interest of greater sharing and transparency, and to expand the level of collection by the large and diverse institutions that comprise the Intelligence Community. Courts may need to clarify the new boundaries or limits on the gray area of collecting on foreigners who are physically in the United States. It is therefore increasingly difficult and perhaps ultimately less meaningful to make sharp distinctions between foreign and domestic intelligence.

3. Intelligence Reform – we've been here before. We must recognize that there was an active debate over ways to improve, revise and reform our intelligence agencies long before September 11. Commissions and committees to debate intelligence in general or intelligence failures in particular have been a near-permanent part of the policy landscape for the past quarter century. Some were motivated by allegations of misconduct in the field, others by failure to predict nuclear tests or to develop expertise on emerging new military capabilities. President Bush, early in his first year, asked former National Security Advisor Brent Scowcroft to lead a bottom-up review of intelligence. The review was designed to answer such questions as, "what are the current, post Cold War intelligence requirements for our government and how can they best be fulfilled?" and "how can we make newly available technology work more effectively for intelligence purposes?" Over a period of months, Scowcroft and dozens of former and currently serving military, civilian and intelligence experts debated fundamental issues such as problems with the current system, potential solutions, and whether new and different institutions should be created for a different age. These issues had not been resolved when September 11 occurred.

Congress established the Joint Inquiry into the attack on the United States, and its recently concluded work identified both specific shortcomings and systemic weaknesses in intelligence performance. The inquiry's findings and 19 recommendations are partly available (Report 107-351). The major finding is that "…the Intelligence Community was neither well organized nor equipped, and did not adequately adapt to meet the challenge posed by global terrorists focused on targets within the domestic United States." The inquiry finds fault with the CIA and FBI in terms of internal competence, and criticizes the failure of the two key agencies to work together more effectively. Many of the Joint Inquiry's recommendations make sense, and will be addressed later in this chapter. Some are impractical or work at cross-purposes with other ideas. The ultimate impact of these ideas may be affected by the now-forming Kean-Hamilton Commission, appointed by the President and the Congress.

Each of these committees has been tasked with making no-holds-barred recommendations to restructure and reform our intelligence bureaucracy. Each contains many wise and experienced people who participate in these initiatives with good intentions. One can only hope that the surfeit of good ideas will not lead to paralysis in decision-making, and prevent the recommendations from being implemented. It would be better to implement some, rather than none of the recommendations, and presidential leadership will be required to set real reform in motion. One must hope that the bureaucratic game will not end up diluting the content of the recommendations, or implement only those that are the least controversial.

This scale of high-level debate and attention to intelligence performance and organization sets the backdrop for this analysis. It creates a moving target. For example, how much should one focus on current practices and organization when those very practices are in a constant state of flux? This chapter will therefore take a broad gauged approach, and try to identify useful ways to measure intelligence performance, recognizing that there has been no fixed resting place, and that analysts and operators in large intelligence institutions have been working in an environment with frequently changing rules and guidelines.

Can We Measure Success?

In a period of close and active public scrutiny of intelligence performance, it is also useful to consider a range of "metrics" in evaluating this unique governmental function. Intelligence operates in an unusual and often tense interaction with our open, information-rich democratic traditions. Most parts of our government are obligated to provide greater transparency to the public and to congressional overseers; intelligence by its very nature requires a different set of rules, and this can make the public uncomfortable in giving its intelligence system the benefit of the doubt. Much has changed in the decade since the end of the Cold War, and U.S. intelligence now operates in a dramatically more open way, providing more unclassified testimony and publications, identifying employees more readily, and engaging more directly with more diverse American and international audiences. Nonetheless, assessing intelligence requires a different and more indirect set of measures.

Let us consider a range of ways to judge intelligence performance:

- Is it the absence of new and dangerous events? Successful intelligence would in theory be able to warn and prevent, or disrupt, the hostile actions of our adversaries.
- Can it be measured in budgetary terms? Congress' willingness to fully fund the administration's request for intelligence would suggest confidence in its ability to perform, and support for the priorities set by the executive.
- Is it the level of comfort and confidence in the American public for intelligence activities? This can be measured in polls or indirectly in voting behavior.

Clearly each of these methods is flawed and incomplete. The complete absence of threats is unachievable. One of the lessons of the past year has been to recognize that our government is a complex web of functions, with each institution's authority constrained by laws, funding shortfalls, and poor policies. No one institution can or should be held solely responsible for the indisputable failures of governance. Funding cannot be seen as a measure of unquestioned support by Congress; sometimes funding increases for the purpose of changing practices, correcting mistakes and shortfalls. The intelligence budget, not available for close public scrutiny, is also an insufficient indicator of performance. It is the allocation of resources within the 13 large and small organizations that comprise the U.S. intelligence community that will determine the level of effort on the diverse issues that demand attention. Lastly, the American public's comfort level with intelligence is a curious thing. We have been through several mood swings since the end of the cold war, from a view that intelligence was expendable and a quaint relic of the cold war to a realization that it could adapt to new and ever-changing security requirements (intelligence and the hunt for weapons in Iraq, for war criminals in Bosnia, for illicit finances of terrorists and drug cartels), to the shock of September 11, to the deepening appreciation of its role in the war in Afghanistan, even trumping the military with its effective use of unmanned aerial vehicles and its risk-taking in dealing with Taliban and Al Qaeda prisoners. Is a more informed public likely to be more understanding and supportive of intelligence challenges and the need to address them?

Identifying the Challenges

To render some semblance of order to a daunting list of issues, one can think about the challenges to foreign intelligence as falling into four broad categories. This list is not intended to be all-inclusive, but to draw attention to the ones that can be considered the most important. The four are:

1. Achieving the right mix of operational and strategic work on the terrorist target.
2. Allocating the workforce smartly to place higher value on critical analytic needs and job categories that generate intelligence output.
3. Promoting and rewarding horizontal collaboration within and between agencies.
4. Resolving leadership responsibilities: Who's in charge? Who warns?

One: The Forest or the Leaves?

The terrorist target requires extraordinarily close attention to seemingly innocuous details, but it also demands big picture thinking. The performance of the Intelligence Community and the Director of Central Intelligence's (DCI) Counterterrorism Center (CTC) in particular has been found wanting on both scores. It was making a serious effort to collect volumes of data about known Al Qaeda operatives and activities, but has been judged by some as not being proactive enough in pursuing connections between individuals or movements by suspected activists. At the same time, the intelligence community has been criticized for not imagining new techniques and forms of warfare by the most dedicated terrorists. Why didn't the Intelligence Community pay more attention to fragments of warnings about use of aircraft? Why didn't it warn more aggressively about the prospects for an attack on the homeland?

These two shortcomings require two different kinds of skills and analysts. One is the forensic work of piecing together minute fragments of information to make hypotheses about past events or potential planning. Most of the government's decision makers value intelligence that is based on hard evidence. This tactical or operational work on the terrorist target plays by the rules and practices of reporting what is known and distinguishing between the facts and speculation. In the war on terrorism, the Intelligence Community has been working hard for nearly a decade to develop a capacity to collect and interpret an amazing array of obscure data derived from the mundane movements of persons whose names, appearance and behavior often do not distinguish them from the large civilian populations in which they live. Imagine for a moment the difference between monitoring young men gathering in poor neighborhoods of overcrowded cities in the Middle East or subcontinent, and monitoring Soviet forces moving in large convoys to already identified military bases and facilities. The labor intensive, fine-grained work of developing databases on known or suspected terrorists is a job that has little glory or quick reward.

At the other end of the spectrum is the claim that the Intelligence Community did not do enough to anticipate next moves or to imagine new scenarios for terrorist attacks against the United States. CTC has had a modest analytic team, drawing largely on career analysts with Middle East and South Asian expertise. Prior to September 11, those analysts were considered too small a group to generate a lot of production, and were increasingly drawn into direct support to the operational needs of CTC's main mandate, which was defined by the Directorate of Operations, the clandestine service of the CIA. It is also true that the Community's strategic analytic entities, the National Intelligence Council (NIC) in particular, were not proactive on the terrorism issue,

in part because of the preeminent position held by CTC on all matters terrorist. The NIC did produce new analysis on discrete issues, such as possible use of biological weapons by terrorists, but did not and was not asked to produce estimates on Al Qaeda's next moves. There was perhaps a subtle and unspoken perception that the strategic judgment – terrorism is a real and growing threat to the United States – had already been made and integrated into national security thinking, and the real work was in the more tactical pursuit of terrorists.

Two: The Workforce

Long before September 11, the analytic community was understood to be too small, as compared to the volume of material collected that needs to be processed and interpreted. This is a structural problem that has emerged with the information revolution. The sheer volume of material that is now technically feasible to be captured by government-run satellites and sensors requires a new way of thinking about the analytic function and its requirements. Several commissions and panels have identified this shortfall of analytic capability, and the need for advanced analytic tools that can screen vast volumes of data and select the high-value material.

The analytic challenge is compounded by the recognition that the post-Cold war era has generated a never-ending list of issues and problems that at least some customers believe demand attention. From today's vantage point, one can argue that terrorism now trumps all other targets, and this should greatly facilitate the setting of priorities. But just two years ago, the equally compelling idea was the dearth of Chinese language skills and expertise, and earlier in the 1990s, one bemoaned the lack of available capability on the failing states of Somalia, the Balkans, various African and east Asian trouble spots. If the bureaucrats succeeded in fixing any of those shortfalls, it would not be valued or considered particularly relevant to the current focus on terrorism. Similarly, some bemoan what is seen as a serious shortfall of analysts with hard science capability that could be tasked with monitoring and gaming out scenarios of possible terrorist or rogue state use of weapons of mass destruction.

Much has been said about shortages in linguistic capacity in the federal government and in the intelligence community in particular. Americans suffer from the handicap of having English as our national language, and considerably less incentive than most other countries to learn foreign languages to function in the world. But the scarcity of needed language skills for translation, interpretation and analysis is both a matter of quality and quantity. Technology, seen by some as the panacea for translation, is not highly regarded by real linguists or analysts who need high-end translations. Language is an art as well as a science, and the current needs, with respect to terrorism, require an elusive mix of formal language, slang, codes, and multi-lingual capabilities. Al Qaeda, for example, contains many non-native speakers of Arabic, poorly educated South Asians and Arabs; attention to perfect grammar is not the issue.

Most agencies believe they need to increase their language capability by about 50 percent over pre-September 11 levels. Various agencies are dutifully reporting on how well they have met the new targets for recruitment: the FBI, for example, reports success in meeting its target for fiscal year 03. But there remains the problem of how language-skilled officers and the broader regional knowledge they often possess is used in the intelligence process. The agencies for which language is a core part of their product – the National Security Agency, the Foreign

Broadcast Information Service, and parts of the CIA's Directorate of Operations and the FBI's National Security Division – know how to treat language officers as a vital part of the organization. In other parts of the Intelligence Community, language is more often considered a secondary technical skill, and is not valued sufficiently in recruitment or promotion of regional experts. Language officers should also not be physically separated from all-source analysts, and should be integrated to the maximum extent possible into the career development track of analysts.

Three: Collaboration and Civic Responsibility

It is by now clear that one of the systemic failures that led to September 11 was the failure of officers in different agencies to give sufficient attention to each others' responsibilities, to make sure that a new piece of information was not just stored in a database but also conveyed, with a proper sense of urgency, to people in other parts of the federal system. Intelligence and law enforcement, intelligence and immigration, law enforcement and visas, borders and law enforcement: all these critical interfaces were under-developed. The bureaucracy's response to such shortcomings is usually to adjust training protocols, to develop job-swapping programs, and to have the leaders make symbolic gestures about the need for greater cooperation and collaboration across agencies.

These steps are necessary but not sufficient. Collaboration is not instinctive in a system that is competitive, where incentives and rewards are structured within organizations, and careers flourish most when talented staffers make themselves useful to their superiors, not spend time in other agencies or departments, or make a priority of helping people across town. What is also needed is greater inculcation of civic values, of a belief that the success of others is a shared success, in service to the nation and its citizens. The reward system needs to recognize that the integration of information and policy knowledge so badly needed to defeat the terrorist threat is a newly important value. Just as the society as a whole discovered after the attack the latent civic virtue, so in the civil service, greater appreciation and attention to citizenship and civic virtue needs to be nurtured. The move in parts of the intelligence community and in the new Homeland Security department to implement pay-for-performance policies may enhance managers' ability to reward appropriate behavior, so long as it is identified as a priority.

Collaboration can also be improved at the international level, although this is one of the arenas in which good progress has been achieved since September 11. The realization by allies and friends that the terrorists who conducted the attacks on the United States had deep ties in their countries was a strong motivator for improved cooperation in intelligence sharing and in law enforcement. The major security institutions in Europe, the Middle East and Central and South Asia in particular have been eager to work more quickly and more closely with their American counterparts in part because they appreciate the threat is theirs as well. On the U.S. side, one senses that the level of energy and of openness in liaison relationships has improved. It is always fraught with ambiguity; intelligence professionals are not casual about sharing information, and have to constantly assess the risk to sources and methods. For now, the politics of sharing are moving in a positive direction. They can be subject to shifting winds and politically harmful leaks by any party and can impede sharing at any time. In addition, the asymmetry of capability affects sharing; many services in small countries may be daunted by the size and sophistication

of the American intelligence system, and undervalue their own ability to contribute ground truth about terrorists and their networks.

Four: Leadership − Who is in charge? Who warns?

The incumbent Director of Central Intelligence, George Tenet, consistently warned about the rising danger from Islamic terrorism, and placed great priority on funding and staffing his Bin Laden teams in the Counterterrorism center. Nonetheless, the Joint Inquiry found the effort insufficient, arguing that the DCI and other Intelligence Community leaders did not warn clearly and forcefully enough, did not demand or obtain sufficient funding, and paid inadequate attention to the management of the system aligned to address the terrorism target. Congress, the Joint Inquiry concedes, shares in the responsibility for not approving annual budgets and forcing many plans and initiatives for counterterrorism enhancements to lie fallow, while the government's activities ran on continuing resolutions. As with all after-action investigations, one must face the leadership challenge with honesty, fairness, and realistic expectations.

The enduring issue for the leadership of the Intelligence Community derives from the authorities for budget control that are divided between the Director of Central Intelligence and the Secretary of Defense. While details of intelligence spending are not readily available publicly, it is commonly understood that a high percentage of the total intelligence budget is found in the Defense Department, which manages most of the large technical systems, including the various platforms used by the National Security Agency (NSA). NSA, the National Imagery and Mapping Agency (NIMA) and the National Reconnaisance Office (NRO) are all large organizations operating under the authority of the Secretary of Defense. The heads of those organizations look to the Director of Central Intelligence for general guidance, but final say on spending and on collection requirements is largely determined by defense needs and priorities. Elaborate and cumbersome mechanisms have been set in place to adjudicate or deconflict civilian and military needs, but the spending chain of command proves to be a powerful force.

This structural issue outlives the personalities of the incumbents of the positions, but it is worth mentioning that the friction and lack of consensus over priorities and performance is reported to be particularly acute at present. Field relationships, particularly with respect to the war in Afghanistan and the larger war on terrorism, may proceed well, and there is much anecdotal evidence to suggest good synergies and collaboration in the field. But national level interaction has been tense at times, with senior Defense Department officials questioning the quality of intelligence and indirectly challenging the DCI's judgments on key issues relating to Al Qaeda, Iraq, and other issues of the day. At the risk of understatement, the Department of Defense is a large and demanding consumer of intelligence collection and analysis, and a formidable policy and bureaucratic player: the record of success and satisfaction over the country's foreign intelligence capabilities will be determined in important measure by the relationship between the Department of Defense and the Director of Central Intelligence.

The addition of the new Department of Homeland Security, the decision to create new analytic capability at the FBI, and, in early 2003, the announcement of the new Terrorism Threat Integration Center (TTIC) will add further confusion to the lines of authority, responsibility and accountability in intelligence performance. The DCI's role as the one who warns the President

of strategic threats was already compromised when the Attorney General was assigned the role of warning on threats to the homeland. This duty will be transferred to the new Cabinet Secretary for Homeland Security, even though the intelligence capacity of the new agency is expected to be limited to fusing finished intelligence produced elsewhere. It will not have any collection capacity, although it will be able to compete with others to task the collection platforms and systems run by others. There is ample room for confusion in the new arrangement, with the DCI maintaining a distinct role and relationship with the President, and newly empowered FBI and Homeland Security leaders also trying to take greater responsibility for warning. These are not just bureaucratic issues, they get to the essence of leadership accountability and whether the President is served by intentional duplication of effort, or needs a clear focal point for intelligence. It is also important for the economy and for domestic tranquility that the country not feel confused and buffeted by competing warning messages.

Are there solutions?

Our open society and our 200-year-old legislative process almost certainly mean that quick, decisive action to correct perceived flaws in our intelligence system will not occur. While there may be relatively strong consensus about the shortcomings of the recent past, efforts to identify a new policy course and develop legislative remedies will quickly reveal multiple ways of thinking about the priorities, reconciling competing interests, and assigning blame and responsibility. The creation of the Homeland Security department after months of Administration disinterest has already led to a new area of confusion and redundancy over domestic intelligence and how to fuse foreign intelligence into the warning of threats to the homeland. If the Attorney General is no longer responsible for warning of such threats, how will the FBI's new analytic capability contribute its findings? To the CIA's CTC? To the new DHS?

Let us return to the earlier list of problems and address possible solutions or remedies.

Strategic analytic thinking will get more attention with the return of the position of National Intelligence Officer (NIO) for Counterterrorism, a position that was phased out as redundant when the Counterterrorism Center was created. The NIO will be able to bring the community's analysts together to do some longer-term thinking, scenario building, and estimative work. But the production of such work must have an audience. One of the reasons strategic analysis on terrorism declined was the greater value that senior customers placed on more actionable or operational intelligence. Customers have to be willing to receive both tactical and strategic intelligence and to understand the difference between the two.

Improvements have already occurred in day-to-day collection and analysis. More hiring of more language-capable officers should improve the track record, and higher priority given to data mining and data sharing can be expected. But brand new analysts sometimes take years to grow into mature and sophisticated analysts who see patterns, remember history, and know how to communicate well. Should the high level commitment to terrorism endure and not be replaced by a new and different threat, one can be reasonably confident that foreign intelligence performance will improve.

The creation of the new Terrorism Threat Integration Center (TTIC), announced by the President in his January 2003 State of the Union address, appears at first glance to be a useful corrective. It is intended to sit above any one agency, to be truly an interagency venue where collection and analysis of the CIA, FBI and others come together. It also makes sense that it administratively belongs to the Director of Central Intelligence, whose agencies have the deepest experience in collecting and assessing terrorism information. But many questions remain: if TTIC is intended to be the highest-level fusion center, how will it relate to the expanded capabilities of both the FBI and CIA? Will it supercede and render unnecessary any terrorism related analysis at DHS? How can the Secretary of Homeland Security warn on domestic threats if the TTIC management structure resides with the Office of the Director of Central Intelligence? Who is accountable for the performance of TTIC?

It is unlikely that the broader issue of balance between collection and analysis will be corrected any time soon. What are needed are more radical steps to dismantle the bloated bureaucratic behavior of the large agencies and to retool most employees to contribute more directly to the intelligence mission. The fault lies both with congress and with the intelligence community's bureaucrats. This is not an argument for less collection, but perhaps less collection management, less complicated requirements process, and more priority given to a workforce whose productivity is measured in terms of output, of more useful processing of data and creation of more analytic product. It seems that even the best-intentioned intelligence community leaders cannot effect this change alone; a serious push by the oversight process and the senior customers must take place.

As for the workforce issues, more cross-training, better-integrated teamwork and a more consistently inculcated value placed on collaboration across agencies and across disciplines are needed. This is counter to the ethos and work ethic of most large organizations. The government should consult with sociologists and anthropologists to explore innovative ways to change organizational behavior. It is painfully easy to imagine a next cycle of missed signals and poor communication within our government, as the new Homeland Security Department creates new institutional loyalties and rivalries. The importance of training intelligence officers to find appropriate ways to talk to people outside of the traditional national security agencies, where a common culture of security and classification prevails, cannot be overstated.

Most critically, the question of DCI authorities must be addressed and clarified. The responsibility to produce quality finished intelligence and to warn of threats to the nation must be matched with unambiguous authority to direct, lead and manage the intelligence process. The National Security Act of 1947 reads like an archeological dig, with layers of legislation relating to past political environments uneasily coexisting with current concerns and priorities. When Congress adds a new mission or responsibility, or a new agency, it must go back and deconflict with earlier guidance. Each year, more lawyers are added to the intelligence workforce to interpret new laws and ensure full compliance by the workforce. It would seem easier and more cost effective to streamline the legislation and have the workforce spend more of its psychic energies focused on producing first-rate intelligence.

The Joint Inquiry recommends amending the National Security Act to create a statutory Director of National Intelligence. Why not rewrite the National Security Act from the bottom up? Why

not reconcile the new provisions of the Patriot Act of 2001 with a National Security Act of 2003? This may sound naïve and politically unachievable, but it seems both simple and necessary. We should also be skeptical about the concept of a Director of National Intelligence, which creates yet another czar, a figure empowered by the president but not in charge of any real bureaucratic turf. Better would be to clarify and strengthen the authorities of the DCI. The other intelligence agencies (Defense Intelligence Agency (DIA), Bureau of Intelligence and Research (INR), the military services) serve a different purpose. Theirs is to provide a tailored intelligence product for an agency head who may be a Cabinet officer or have senior policy responsibility. Only the CIA reports to the President through the DCI, with no intervening department or agency. While under current arrangements, the CIA's primer inter pares status often creates tension and resentment, it is also unquestionably true that the CIA is best equipped to serve as the intelligence community's fusion center. This also means we must be open to a further diluting of boundaries between domestic and foreign intelligence.

For purposes of foreign intelligence performance, it is critical that the DCI have clearly defined duties vis-à-vis the new Secretary for Homeland Security and vis-à-vis the FBI, and it is beneficial to those relationships that the DCI command his own intelligence resources. Were a new position, Director of National Intelligence, come into being, it would not ensure greater clarity or command structure. Homeland Security is more likely to work well with the DCI because of his control of the CIA and the substantive authority that conveys.

It also seems critical that the President resolve the issue of warning responsibility. In the absence of unambiguous guidance, mistakes will be made and senior officials will insist that it was someone else's responsibility. That is unacceptable in today's threat environment.

Resolving questions of authority often makes people uncomfortable, especially with the deeply held American principle of not accumulating power in any one place, the fundamental belief of the founding fathers in preventing tyranny. But we have created over the decades an intelligence apparatus that is cumbersome and complex. The President and his advisors should not be stymied by the past and should have the courage to make new demands of the intelligence system. It must facilitate the process by making some hard choices. The tendency to compromise or to partly empower many different agencies to manage a piece of the terrorism problem will undermine the goal of achieving more synergy and smarter integration of the great human and technical power we possess.

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