

REINVIGORATING INTELLIGENCE

John C. Wobensmith & Jeff Smith

Five-and-a-half years after September 11th, the United States finally appears to have acknowledged the necessity of effective intelligence to its national security in the 21st century. The Bush administration, inheritor of a deeply flawed institution at its inauguration, was forced to confront this reality after a string of intelligence failures and foreign policy setbacks that culminated in the Iraq war.

President Bush managed to harness momentum from the disaster of 9/11 to institute the most extensive overhaul of American intelligence in decades. The creation of the Department of Homeland Security, the establishment of a Director of National Intelligence, and the signing of the Patriot Act alone, unprecedented in their scope and ambition, were designed to reinvigorate and reform a stagnant intelligence community. Hiring among the intelligence services has increased substantially, as has interagency cooperation and the technology available to agents in the field. And there is hope that Congress, relieved



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of its decades-old animosity toward an institution commanded by the executive branch, may finally restore the mandate, authority and funding it stripped from the intelligence community (IC) in the 1970s. Intelligence reform, in other words, seems to have finally begun to receive the attention it deserves.

Yet, in true Washington form, time, attention and effort is not necessarily an indicator of success. Indeed, the Bush administration's victories have been too few and far between, and its agenda for reform too susceptible to stalling or reversal. Momentum toward transformation likewise has been tempered by competing political interests and the inertia of Congress. The resulting track record has been mixed; the task incomplete.

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The downward spiral

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Since the 1970s, a series of regrettable decisions—by many estimates, a conscious and coordinated campaign—has progressively handicapped the abilities of America's once-proud intelligence services. Early in that decade, Watergate (and the CIA's unofficial involvement in the incident) provided Capitol Hill with the public outrage it needed to constrict the powers of the executive branch over the government's "rogue" intelligence services. The witch hunt that followed left few aspects of the IC untouched. Indeed, it remains difficult, even today, to fully gauge the damage done by the Church and Pike committees that spearheaded this effort.

In addition to seizing control of the CIA's budget and imposing a congressionally-loyal Inspector General upon the agency, the Church committee "increased the number of CIA officials subject to Senate confirmation, condemned the agency for its contacts with unscrupulous characters, prohibited any further contact with these bad characters, insisted that the [U.S.] not engage or assist in any coup ... and overwhelmed the agency with interminable requests for briefings."¹ In the process, it created what more than one historian concedes has become "just another sclerotic Washington bureaucracy."² As the decade proceeded, and the gutting of U.S. intelligence capabilities continued, the "community" saw its funding, mandate, and authority progressively whittled away by the Congressional vendetta. By decade's close, Jimmy Carter's Director of Central Intelligence, Admiral Stansfield Turner, by opting for technology-heavy collection methods, cemented the congressional hit-job by emasculating the CIA's most valuable and effective resource—its Human Intelligence (HUMINT) assets.

It took three decades and the events of 9/11 for policymakers to realize the extent of the damage done. Both sides of the aisle have finally come to understand that the Church committee's overextension of congressional authority created an environment of undue caution, bureaucratic paralysis and risk aversion in the intelligence community—collectively undermining the ability of America's spies to perform at the level expected by Congress and the American people. Intelligence officials in the CIA and a dozen other intelligence agencies had become "cautious bureaucrats who avoid the risks that come with taking action, who fill out every form in triplicate [and put] the emphasis on audit rather than action."³

Lawmakers were further surprised to learn that, largely under the radar, the Clinton administration had resumed the crusade begun in the 1970s. According to journalist and Bush critic James Risen, by the time the Clinton White House had finished with the CIA, "Morale [had] plunged to new lows, and the agency became paralyzed by an aversion to high-risk espionage operations for fear they would lead to political flaps. Less willing to take big risks, the CIA was less able to recruit spies in dangerous places such as Iraq."⁴

The Bush record, in context

Any scorecard of the Bush administration's intelligence record is immediately, albeit understandably, colored by the intelligence failures of 9/11 and Iraq. In nearly every respect, these events demonstrated what America's intelligence services lacked most: an effective HUMINT capability, sufficient for-

eign language capacity, infiltration (or even a basic understanding) of the global Islamist terrorist network, and experience with effective post-conflict reconstruction and insurgency tactics. The Administration and the policy community deserve credit for their swift identification of these shortfalls and the flurry of legislation that has followed, which was largely successful in plugging some of the most gaping holes in homeland security and intelligence.

The failure to anticipate the attacks of 9/11, and the inability to uncover Saddam's purported weapons program, is emblematic of a larger infection that has spread throughout the intelligence community. From Iran to North Korea, South America to Southeast Asia, America's intelligence services have continually demonstrated fundamental problems with structure and performance.

Yet entrenched deficiencies in the IC run deeper, and solutions will require far more nuance and complexity than the initial round of reforms has been willing to embrace. The failure to anticipate the attacks of 9/11, and the inability to uncover Saddam's purported weapons program, is emblematic of a larger infection that has spread throughout the intelligence community. From Iran to North Korea, South America to Southeast Asia, America's intelligence services have continually demonstrated fundamental problems with structure and performance.

Iran provides a prime example of these failings. There is simply no jus-

tification for allowing the world's foremost sponsor of terrorism to develop an underground nuclear weapons program, unhindered, for nearly two decades. But, either because of a lack of knowledge or a lack of political will, U.S. efforts to halt or reverse Iran's nuclear program have only just begun. And few would dispute that this late start has greatly diminished the chances for the sought-after diplomatic resolution to this standoff. Related, and equally unacceptable, has been the intelligence community's inability to provide verifiable, conclusive evidence of the military nature of this program, and of Tehran's blatant interference in Iraq's Shi'ite south.⁵ With President Bush staking his credibility on these public claims, the intelligence community owes him the empirical evidence necessary to justify his position to skeptical international observers.

To outfit our intelligence agencies with the proper institutional, cultural and legal structure to be effective in the 21st-century international environment, reformers must be prepared to emancipate the intelligence services with the same intensity that drove their repression in the 1970s.

Iran is hardly the only place where American intelligence is falling short, however. A full indictment of the U.S. intelligence record must include the failure to adequately predict and prepare for a host of international transpirations—the post-war anarchy in Iraq; the election victory of Islamists in Lebanon, the Palestinian Authority and Egypt; the resur-

gence of the Taliban in Afghanistan; the extent of Pyongyang's WMD capabilities; the existence of the A.Q. Khan nuclear cartel; the rise of anti-American populist socialism in South America; and the rapidity of China's military modernization. The picture that emerges is one of an intelligence apparatus derelict in its duty, and an institution ill-suited to meet the challenges of the 21st century.

Fixing intelligence

The reports of the Silbermann-Robb and 9/11 Commissions, along with volumes of testimony provided by retired intelligence officers and policy experts, have extensively outlined the most obvious structural deficits in the intelligence apparatus. A surprising number of these calls were heeded, and some of the most basic (and crucial) reforms were passed with the Patriot Act and correlating legislation. In some areas, the government has even moved to the second generation of "consensus" reforms—an expanded and better-defined mandate for the Director of National Intelligence, reversing the IC's "climate of conformity" and the presence of "groupthink," and eliminating the onerous interagency barriers to intelligence-sharing not covered in the initial round of legislation. The vast majority deserve widespread bipartisan support.

Yet even the effective and timely adoption of all of these initiatives will still leave an intelligence community ill-equipped to deal with the dynamic and constantly-evolving enemies now confronting the United States. To outfit our intelligence agencies with the proper institutional, cultural and legal structure to be effective in the 21st-century international environment, reformers must be prepared to go further, and emancipate the intel-

ligence services with the same intensity that drove their repression in the 1970s. This will require tackling issues that have continually evaded the mainstream debate.

Cultural barriers—Thus far, reform efforts by and large have focused on the technical side of the IC, revamping the community's institutional structure (through the creation of DHS and the DNI) and cutting through existing obstacles to information-sharing. This is indisputably important work, but another area—the intangible cultural barriers that complicate cooperation within the “community”—is in even greater need of attention. That a CIA case officer now has access to an FBI database is only the first step in the generational process required to integrate America's fiercely independent agencies into a cooperative, unified intelligence force.

With their emphasis on competition and organizational pride, intelligence agencies have a tendency to jealously guard from their peers information that may undermine their group's claim to any future successes or breakthroughs. They have long been loath to admit that this works to the detriment of both their agency and the country. Officials from different branches of the intelligence apparatus, working on parallel cases or regions, *must* be engaged in constant, open, and *voluntary* communication. The DIA case officer for Iran's nuclear program should be in regular contact with his counterparts in the CIA and NSA, exchanging sources, information and analysis, and—most importantly—he should be incentivized to do so. Simply removing a series of technical or structural barriers does little to actually change the behavior of actors firmly wedded to routine and tradition. It must

become an entrenched mechanism of the institution that joint interagency efforts be applauded and rewarded, and competition discouraged.

If we are truly serious about making this round of intelligence reform *fundamental* in nature, nothing is more paramount than a reaffirmation, from the American people, of the basic purpose and role of the U.S. intelligence services in our nation's national defense.

Depoliticizing intelligence—Although by now the issue has gotten significant publicity in the national media, much of the debate over “politicized intelligence” so far has focused on the susceptibility of the IC to coercion or manipulation by the executive branch. Irrespective of the merits of particular accusations against the Bush administration, a serious risk has emerged that the IC's efforts to “correct” this perceived deficiency risks *re-politicizing* intelligence, rather than the reverse.

This drift can be seen in the intelligence community's attempts to compensate for its overestimation of Iraq's WMD capabilities by potentially downplaying those of its eastern neighbor, Iran. This type of misguided caution—attempting to marginalize the extent of Iranian interference in Iraq or unduly extend Tehran's nuclear timetable—doesn't help the IC to “get it right this time.” Just as the Administration was wrong to predict in 2003 that Saddam's weapons program was as covert or extensive as it was in 1991, it would be equally erroneous to assume that Tehran's today are as limited or benign as Iraq's turned out to be in 2004.

Part of the depoliticization of intelligence involves tackling an equally dangerous trend that has emerged with alarming frequency under the Bush administration: the growing and steady leakage of vital, classified information. Uncharacteristically, the Administration has been hesitant to identify, pursue and prosecute those responsible for leaking critical national security information. Somehow, this trend has become accepted as part of the natural “give and take” between government and the media. It is actually nothing of the sort, nor has it ever been, in this or any country in the world where national security is taken seriously.

If the classification process is flawed or overly burdensome, concerned parties can propose legislation to amend the rules accordingly. In the meantime, any government official found guilty of leaking vital and classified information, including the legions of congressional aides and staffers who hold security clearances, deserve no exemption from the law. Already, the costs of some of these leaks have been significant; valuable programs have had to be restructured or eliminated altogether; sources have been compromised; covert agents have been put in danger. If this circus is allowed to continue, we risk vindicating those who claim democracies are, by nature, incapable of combating the dynamic, autocratic, and media-savvy enemies of the 21st century.

Public reckoning—If we are truly serious about making this round of intelligence reform *fundamental* in nature, nothing is more paramount than a reaffirmation, from the American people, of the basic purpose and role of the U.S. intelligence services in our nation’s national defense. As it stands

today, the public’s commitment to an aggressive and effective intelligence network capable of fighting and winning the War on Terror is in serious question. In part, this is due to an effective public relations campaign by large swaths of the media inherently skeptical of greater autonomy and an expanded mandate for America’s intelligence apparatus. Coordinated propaganda has been successful in framing the debate in terms that seriously exaggerate or distort issues that deserve a sober, transparent hearing in the public square. How many times have we been reminded of our Founding Fathers’ warning that “those who sacrifice liberty for security deserve neither”?

The public deserves an equally energetic response from those who understand the importance of intelligence work to our national defense, and who have a much clearer understanding of our nation’s history. The *accurate* quote from Benjamin Franklin—“They who would give up an *essential* liberty for *temporary* security, deserve neither liberty nor security”—appears fully consistent both with the needs of our intelligence community in the nation’s defense and the average American’s approach to this crucial trade-off. Most reasonable, properly-informed citizens would question the proposition that phoning suspected terrorists overseas was an enshrined or inalienable right of our Constitution. They recognize that Franklin’s admonition referred to drastic, unconstitutional acts hastily designed to address a temporary security concern—such as the internment of Japanese during World War II—and not the essential, strategic maturation of our intelligence structure and legal framework demanded by rapidly-evolving threats and technology.

A perfect example is the “data mining” of *suspicious* and *international* financial transactions related to the obscure network of terrorist charities and foundations that exists today. The American public is perfectly capable of determining whether this practical step serves as an usurpation of *essential* liberty or a sober and necessary method of upholding national security with minimal intrusion into the lives of the average citizen. The Congress, the country, and particularly the army of largely demoralized intelligence officers deserve a reaffirmation of support for their work, not demonization through outlandish comparisons to the KGB or the Soviet gulags.

Revising HUMINT—Most experts and government officials have accepted two broad conclusions regarding the Human Intelligence capabilities of the IC: that HUMINT assets are absolutely critical to the Global War on Terror, and that our current capabilities are sorely lacking. Far less consensus exists regarding what concrete or productive reforms can produce the kind of meaningful change we all seek.

To begin, the HUMINT branches of our intelligence services deserve, without reservation, a substantial portion of any future increase in funding or resources provided to the IC. Due attention should be placed on building human capital (education and training), reestablishing and reinvigorating our depleted global network of operatives and “local agents” and, most importantly, overcoming our inability to penetrate terrorist organizations that have proven uniquely adept at evading infiltration. We should also understand that this process will not evolve quickly. When exasperated former CIA officials publicly concede that “[i]magine

CIA nonofficial operatives penetrating Islamic radical groups even after 9/11 isn’t possible,”⁶ it is evident that *re-developing* our HUMINT assets will require a generational effort.

A large part of rebuilding a dynamic HUMINT capability will involve forging networks of local recruits and regional contacts. The dominant trend since the 1970s, paralleling the restricted mandate of field officers and growing emphasis toward technology-heavy intelligence methods, has been to reduce our exposure to, and cooperation with, potentially “unsavory” characters. Although not the first to question the CIA’s relationships with these agents, President Clinton and his CIA Director, John Deutch, reportedly demanded a “human rights scrub” of foreign “employees” of the CIA, in effect making “terrorists, criminals and anyone else who would have info on [our enemies]” officially off-limits.⁷

By 2002, *Time* magazine had recognized that the CIA was no longer “recruiting dangerous characters who can act as spies and infiltrate terror networks such as al-Qaeda’s...,”⁸ even as it deterred potential recruits with invasive requirements and background checks. Indeed, the institutional regulations have become so ridiculous, and the restrictions so cumbersome, that Democratic Senator Bob Graham, former Chairman of the Senate Select Intelligence Committee, felt compelled to remind us that the rare foreigner who may actually possess information or insight into groups like al-Qaeda was “unlikely to be found in a monastery.”⁹

This nation has always accepted that upholding national security sometimes requires cooperation with objectionable figures. World War II cemented this “lesser of two evils” principle both in the broad-

est strategic sense (as in partnering with Stalin), and on a pragmatic, tactical level (as in employing Lucky Luciano's New York mafia branch to guard docks from sabotage). In today's world, the nature and degree of the threat we face requires an even greater acceptance of this principle, not its rejection. Anyone familiar with intelligence work and the difficulty of obtaining critical information on shadowy, reclusive terrorist groups recognizes that the potential upside to cooperation with agents sympathetic to our cause, however murky their background, can be immeasurable. Even if our intelligence agencies get a curveball from nine out of ten foreign "operatives," the one whose tip turns out to be credible may hold the key to preempting a terrorist attack or uncovering a nuclear weapons ring.

Last, but not less important, is the need to address the gaping deficit of foreign language speakers. What is astonishing about this need is the ease with which it can be filled, even temporarily, by minor adjustments in the employment policies of America's intelligence agencies. Is it not possible to devise a system whereby uncritical or declassified material—like the thousands of jihadist websites, millions of public and untranslated Saddam-era documents, or the 95 percent of incoming and outgoing detainee mail that goes unread—can be translated by a CIA-sponsored Arabic or Farsi team under temporary contract, with limited clearance? Are there not a couple dozen "vetttable" Farsi, Arabic and Urdu speakers out of a global pool of hundreds of millions? There are, of course, millions of native Arabic speakers who would cherish even the most unremarkable American salary. And thus there is no feasi-

ble explanation for such a dramatic divergence in supply and demand except for the structural inertia embedded in our vast intelligence bureaucracy. Reversing this affliction must become a top priority.

The attaché advantage—America's intelligence networks also would be better served by expanding the role and mandate of their worldwide network of defense attachés stationed in U.S. embassies around the world. Over time, the role of the military attaché has been gradually reduced relative to his or her peers from the State Department and CIA, much to the detriment of our intelligence capabilities inside both allied and hostile countries. Forgotten has been the reality that the defense attaché is in a unique position to initiate contacts with his counterparts in allied defense establishments, where relationships are often built on a more solid foundation than the politically-sensitive interaction between their diplomatic counterparts. Military-to-military connections are generally immune to the turbulence that inevitably affects the political atmosphere of even the closest allies. Our attachés should be more directly involved in the intelligence-gathering process, and more actively analyzing and relaying intelligence to their counterparts on the embassy staff. As well, they should be encouraged to engage in more information-sharing and cooperation with both the home-country attachés and allied attachés operating in hostile countries. In many cases, some basic (and humble) outreach, and a greater willingness to supply some of our own intelligence, can trigger a phase of expanding cooperation and increased intelligence-sharing and reciprocation.

A reason for optimism

Even with all the intelligence failures of the past term, and the incalculable work yet to be tackled, there are still a few encouraging signs that the Bush administration is finally adopting the type of flexible, strategically-oriented approach to intelligence required to wage, and win, the War on Terror. Before departing from office, Secretary of Defense Donald Rumsfeld left his successor the beginnings of a Strategic Support Branch; a group consisting of covert operations forces—among them members from Delta Force, Gray Fox, and SEAL Team Six—freed from the Byzantine legal restrictions placed on their counterparts in the CIA. The group's focus is to establish local spy networks and provide an asymmetric complement to the military's conventional operations. According to the *Washington Post*, the group is now believed to have operations under way in Afghanistan, Iraq, Somalia, Yemen, Indonesia, Georgia and the Philippines, at times employing just the kind of "notorious" characters the CIA has been long barred from engaging.¹⁰

Elsewhere, the *Boston Globe* has exposed details about the little-known Iran-Syria Policy and Operations Group, or ISOG, whose operations were so secretive that "several officials in the State Department's Near Eastern Affairs bureau said they were unaware it existed." Accessible to "less than a dozen people in the U.S. government," the ISOG is believed to be providing "covert assistance to Iranian dissidents," as well as raising "funding for transfers of military hardware to allies" and building stronger military ties with cooperative local agents.¹¹ Whether financing pro-democracy activities and dissident/reformist groups in Syria and

Iran, or using "scientific exchanges and human rights conferences to learn more about what is happening inside Iran,"¹² the ISOG is an example of the type of approach that provides hope for those of us worried that the bureaucratic, politically-correct atmosphere which governs our intelligence services has become radical Islam's greatest ally and asset.



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