Review Essay

The Future of US Intelligence

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The four books reviewed here address the future of US intelligence. However, each has a different focus.

US Representative Curt Weldon, Vice Chairman of the House Armed Services Committee, in his *Countdown to Terror*, states: "*This book is an act of desperation*. I bring it before you, the reader, because I could not get our intelligence community to act on it, though my source has proven his credibility, and though the information he provides predicts a major terrorist attack against the United States."

The complete, and more revealing, title of the book is *Countdown to Terror: The Top-Secret Information that Could Prevent the Next Terrorist Attack on America . . . and How the CIA has Ignored it*. Theorizing on why the intelligence community stubbornly refuses to work with his source, Ali, Congressman Weldon postulates several theories: incompetence, obsolete approach, institutional memory, and fear. He states: "Simply put, the United States at this moment cannot afford to become entangled in war against Iran. The intelligence community may fear that this is precisely what could happen by working with Ali." Congressman Weldon has briefed George Tenet, then Director of the CIA; Stephen Kappes, then deputy director of operations (since resigned from the CIA); and Porter Goss, the current CIA Director, on Weldon's contacts with his source and on the type of information that he believes Ali can provide.

Copies of Ali's reports to Congressman Weldon from April 2003 to September 2004 are presented in Chapters 2 through 16. A brief introduction provides historical context and highlights the reports and their significance. A handwritten letter from Ali dated 7 March 2005, addressed to Dr. Peter Vincent Pry, is included in Appendix One. Dr. Pry had accompanied Congressman Weldon on a trip to Paris for the first visit with Ali in April 2003. The reader should especially note Ali's contention that "within the USA, all important targets are being protected. Consequently, two dirty bombs shall be used before the end of 2006; one within the US, one in the Persian Gulf close to Saudi Arabia." The book's Appendix Two is the result of a Congressional Research Service search of LEXIS-NEXIS; it shows that Ali's record of forecasting is consistent with his claim that he has access to sensitive, inside information derived from high-ranking sources within the government of Iran.

In Weldon's Chapter 17, "Conclusions and Recommendations," he addresses the following topics: "Clinton Administration Intelligence Failures," "The 9/11 Commission and Congressional Intelligence Reform," "Our Intelligence Services Have Long Been Dysfunctional," and "Grand Strategy for Winning the War on Terrorism." The author's comments are well worth reading, although the reader will most likely agree with some and disagree with others.

The second book under review, *Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11*, by Richard A. Posner, is a rewarding read that is worth re-reading. The author is a judge on the US Court of Appeals in Chicago and senior lecturer at the University of Chicago Law School.

Posner's focus is on the Intelligence Reform and Terrorism Prevention Act of 2004. The act is based on the 9/11 Commission's analysis and was signed into law by President Bush on 17 December 2004. Judge Posner's thesis draws into question both the soundness of the commission's analysis and the Intelligence Reform Act itself—the implication being that "the organization" was to blame for the faulty analysis.

The author's concern is that a top-heavy, Rube Goldberg-style reorganization may increase rather than reduce the dangers that face us. He reviews the effects of the legislative action to "see how that action so far altered the commission's recommendations as to leave the issue of the organization of the intelligence system in considerable flux."

Posner argues that "surprise attacks follow a pattern," and that the 9/11 attacks conformed to it. He notes that although all surprise attacks cannot reliably be prevented, some can be, others can be deterred, and the worst consequences of those that do occur can be mitigated—for example, by stocking vaccines in anticipation of a possible bioterrorist attack that may not be preventable. This reviewer agrees, and would note from personal experience that if you detect the first elements of the enemy's pattern and act accordingly, the enemy may very well detect your actions—with the result that the attack does not occur at the time and place or in the manner the enemy originally intended.

Judge Posner's notes on the "Principles of Intelligence and Principles of Organization" should be read and studied. He emphasizes that one can expect intelligence officers to protect their jobs by exhibiting several types of behavior. He lists and discusses these behaviors—which he calls careerist—and considers that they are largely not conscious. Posner believes that "the failure to anticipate the 9/11 attacks does not seem attributable to the way in which the US intelligence system is organized; nor have the subsequent chapters uncovered evidence that organization was the culprit."

The author's last chapter is titled "Lessons from the Organization of Intelligence in Other Countries." An alternate title for this chapter might well be "A Domestic Intelligence Service Outside the FBI," for indeed this is the chapter's theme. As Judge Posner notes in the final paragraph: "In summary, the 9/11 Commission and the congressional followers were too hasty in rejecting out of hand the idea of creating a domestic intelligence service outside the FBI." He states: "All I can say—but this with some confidence—is that the question merits a fuller airing than

Congress or the 9/11 Commission gave it in the deliberations that resulted in the Intelligence Reform Act."

As he states in his conclusion, Judge Posner's effort has been "to evaluate, in the light of logic and common sense plus the publicly available materials bearing on the issues, the case made by the 9/11 Commission and other proponents of reorganizing the system so as to centralize control more than has been the tradition." This reviewer agrees with his comment that he has "found the case to be unconvincing; indeed, it has barely been made, whether in the commission's report or elsewhere."

Another valuable contribution to the subject literature is *Who's Watching the Spies? Establishing Intelligence Service Accountability*, edited by Hans Born of Switzerland, Loch K. Johnson from the United States, and Ian Leigh of the United Kingdom. The Foreword is by Ambassador Theodor H. Winkler, Director of the Geneva Center for the Democratic Control of Armed Forces, and Ambassador Leif Mevik, Chairman of the Norwegian Parliamentary Intelligence Oversight Committee. They write: "Finding the right balance between the need for secrecy, on the one hand, and the protection of the rule of law, on the other hand, is a formidable challenge to all countries irrespective of their constitutional differences." This book addresses the central criteria that should be taken into account by any nation or international organization that hopes to place intelligence agencies under democratic supervision.

As Ian Leigh notes under "Common Concerns" in Chapter 1, if there is too much executive control, governments may be tempted to use security agencies and their exceptional powers to gather information to discredit domestic political opponents. If there is too little executive control, the intelligence community could become a law unto itself. Thus, the objectives are to ensure that intelligence and security agencies are insulated from political abuse, but not isolated from executive governance.

The book examines the strengths and weaknesses of the intelligence systems of Argentina, Canada, Norway, Poland, South Africa, South Korea, the United Kingdom, and the United States. It then draws together the "best practices" into a framework for successful approaches to intelligence accountability, including a prescription for a model law.

In the concluding chapter, "Balancing Operational Efficiency and Democratic Legitimacy," Hans Born and Loch K. Johnson do an excellent job of discussing the topics of "Democratic Oversight of Intelligence," "The Revolution in Intelligence Oversight," "The Spread of Intelligence Oversight," and "Good Practices." They also present two tables that are well worth considering closely. The first is a "Comparison of the External and Parliamentary Oversight Bodies in the Eight Selected Countries." The second is titled, "Elements of Strong Oversight, Based on Expert Assessment of the Eight Country Studies' Authors." This table presents the results of the comparisons of five vital elements of effective oversight: "Independence from Executive," "Investigative Capacity," "Access to Classified Information," "Ability to Maintain Secrecy," and "Adequate Staff."

The last book in this review is *Transforming U.S. Intelligence*, edited by Jennifer E. Sims and Burton Gerber. The editors note that this volume focuses on national intelligence—support for the highest forms of policymaking within the US

government—rather than reform of military intelligence. They "have sought to discern those challenges other than terrorism that US intelligence will face in the coming decades." The focus is on identifying "transformative solutions" that combine technologies with creative tactics and strategies so that exponential growth in capabilities might be possible. The book's 14 chapters are structured in three parts: "New Requirements," "New Capabilities," and "Management Challenges."

The backgrounds of the editors and their ten fellow authors are most appropriate. All have served in intelligence agencies, relevant parts of the State or Defense Department, or on the staffs of congressional oversight committees. It would be extremely difficult to find a better team of contributors for a book of this nature.

In the book's Introduction, under the heading of "The Meaning of Transformation," the editors emphasize that the purpose of the book is to explore the transformation of US intelligence "more through practice and policy than through bureaucratic fix." In this sense, they consider their volume to be a direct response to what the 9/11 Commission identified in its report as the four principal failures, in imagination, policy, capabilities, and management. The editors note that many of the significant challenges facing the US intelligence community are issues of policy and practice that predate 9/11 and have quietly persisted.

In the book's final section, "Meeting the Challenge: Action Now," Sims and Gerber state: "The central purpose of this book has been to illuminate the ways in which US intelligence capabilities can be significantly improved by adjusting policies and practices rather than institutions and structures." They have accomplished that purpose admirably.

The editors write that their book "is less a book on organizational reform than one on methods. Of course, new methods may give rise to structural reforms, as suggested in Henry Crumpton's chapter on homeland defense, or Donald Daniel's chapter on denial and deception." Only time will tell what challenges will develop in adopting some of the policies and practices discussed in the book. The US Congress will play a key and necessary role.

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