We Have Not Correctly Framed the Debate on Intelligence Reform

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Over the last decade, our intelligence community has failed us. It wasn't able to penetrate the al Qaeda terrorist organization, and we paid a high price for that failure. The terrorist attacks on 11 September 2001 were the first significant foreign attacks on the US mainland since the War of 1812. In the weeks and months leading up to 9/11, we failed to interpret, analyze, and share information gathered. Subsequently the intelligence community failed the President by presenting an inaccurate analysis of the quantities and capabilities of Saddam Hussein's weapons of mass destruction (WMD). While there should be no doubt whatsoever that Saddam's intentions were to reconstitute his WMD programs and become a supplier of these weapons to the radical Islamist terrorists who are bent on the destruction of democratic and secular Western societies, the fact remains that the CIA did not have a single agent inside Iraq to verify the true state of these programs before coalition forces, led by the United States, attacked Iraq in 2003.

Today, the intelligence community is struggling to stay ahead of a host of threats to our security—the insurgency in Iraq that is taking American lives daily, the continuing war on terrorism, and the nuclear threat posed by Iran and North Korea, to name but a few. And there is an intelligence breakdown every time an improvised explosive device is detonated in Iraq killing American soldiers and marines.

We have had huge, glaring intelligence failures, and the Administration and the Congress are working assiduously to improve our intelligence community as quickly as possible to better protect our people and our allies. On 17 December 2004, President Bush signed into law the most sweeping intelligence reform legislation since the National Security Act of 1947.

The centerpiece of this intelligence legislation—articulated by the 9/11 Commission in its report,[1] embraced by the President, and endorsed by the Congress—is the creation of a new position to lead our intelligence community, the Director of National Intelligence (DNI). The DNI will not head any single agency, as was the case when the 1947 National Security Act created the Central Intelligence Agency and dual-hatted the Director as the chief intelligence officer of the United States as well as running the CIA. Another positive aspect of the legislation is the creation of the National Counterterrorism Center (NCTC), which will conduct strategic operational planning for joint counter-intelligence operations.

Our country is in the midst of a national debate on intelligence reform. In any endeavor of this type, the end result is largely dependent upon how the debate is framed, and we have not done a good or complete job of framing the debate on this issue of vital importance to the American people. Creating the DNI is an extremely important decision, and it forms the very foundation that is necessary to continue building intelligence capabilities. However, it is the beginning of a long process, not the end.

Human Intelligence

Last year's debate on intelligence reform should have centered on espionage, which we call human intelligence, or HUMINT, or spying. As we reframe the intelligence debate this year, we need to make sure HUMINT gets the right emphasis.

Americans like technology and we are good at it. Our ability to monitor certain activities via satellites, signals intelligence, or other technical means, while not perfect, is pretty good. Our weak point is HUMINT, which has atrophied to the point that it must be rebuilt. Human intelligence, relative to the other intelligence disciplines, can tell us what the enemy is thinking. The strength of good HUMINT is that it can answer this key question: What are the enemy's intentions about when, where, and how to strike?

In July 2002, as the Chairman of the Subcommittee on Terrorism and Homeland Security in the House of Representatives, it was my responsibility, along with Ranking Member, Representative Jane Harman, to submit the first detailed report to Congress on intelligence deficiencies that existed prior to 11 September 2001. We identified several systemic problems in the CIA, and

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we also noted that there were significant problems in sharing intelligence within the intelligence community, especially between the CIA and the FBI.

We pointed out that the CIA had lost its focus on HUMINT missions and needed to put more collectors on the streets, rely less on other foreign intelligence agencies, and find ways to penetrate terrorist cells. I am particularly pleased that immediately following the release of our report, the CIA rescinded the so called "Deutch guidelines" that were implemented in 1995. Those guidelines prohibited the expenditure of tax money being paid to individuals providing us intelligence if they had a criminal record or any kind of disparaging record in their past.

Having met personally with CIA agents in countries with known terrorist activities, I heard firsthand how these guidelines, while relaxed after 9/11, were still a major hindrance for our agents to collect and gather intelligence. Terrorist networks like al Qaeda are comprised of the meanest, nastiest killers in the world, and it simply was not smart for us to limit the operatives our intelligence agents could recruit to infiltrate terrorist groups. For us, this was a small but important victory with respect to improving human intelligence.

HUMINT is a dirty business, a dangerous profession, and we must be prepared to accept the risks associated with spying on those who seek to harm us, whether they be a small terrorist cell, a larger international terrorist organization, or a rogue nation-state. North Korea, for example, is developing the means to deliver nuclear weapons to close and important allies, like Japan, or to our own state of Hawaii and our Pacific Coast—we cannot afford to let down our guard or relax our intelligence awareness.

The "risk-avoidance" culture that had infected the CIA and prevented us from getting into the inner circles of al Qaeda or the regime in Iraq before the 2003 war must be changed, and new CIA Director Porter Goss is working hard to do just that. However, it will take time and a team dedicated to a new way of thinking.

All of our intelligence capabilities need improvement, but it is important to stress that HUMINT is where we need to put our priority of effort. Not all intelligence collection disciplines are of equal importance for every threat we face. And it is clear that human intelligence offers us the best chance to protect ourselves and successfully win the war on terrorism.

That brings us to this vital question: How does the new intelligence reform legislation measure up relative to human intelligence? During the national debate on intelligence reform last year, there was general acknowledgment that HUMINT needed to be improved; however, it was not afforded the primacy in the legislation that I believe it deserved. In fact, HUMINT is not mentioned even once in the 26-page summary of the Intelligence Reform and Terrorism Prevention Act of 2004 prepared by the Congressional Research Service. The reason al Qaeda was able to attack us was because we didn't have spies to infiltrate their organization. It had nothing to do with intelligence budget execution or the reprogramming of funds.

The intelligence community is undoubtedly entering a period of turmoil caused by the intelligence reform legislation. During the coming implementation of that legislation, the Congress must make certain the primacy of HUMINT is emphasized and the morale of our intelligence officers, especially those serving in dangerous undercover positions, is protected. In this regard, it is my hope that the Senate Select Committee on Intelligence will introduce a subcommittee structure and that one of the subcommittees will be devoted to human intelligence.

Engaging the Full Spectrum

Contemporary definitions of national and tactical intelligence are now archaic and do not reflect the sophistication of 21st-century collection, analysis, and distribution methods of intelligence. Nor does the "end-user" of intelligence have the same meaning in today's environment. The real shortcoming of the framework being used in our debate on intelligence reform is that it is too narrowly focused on what is referred to as the "national level." Too many so-called "intelligence experts" want the Director of National Intelligence to have control of national intelligence assets and are content to leave the military with the tactical intelligence assets.

This type of thinking is fallacious and dangerous. Intelligence reform is a lot more complicated than creating a DNI and giving him or her stronger control over "national" intelligence systems.

Real intelligence reform must look beyond the definitions of "national" and "tactical." It must address the intelligence needs of the President in the White House, but it must also address the needs of the US Army private in Baghdad or the US Marine lance corporal in Fallujah. We cannot send American military forces into battle without the full spectrum of support from the entire intelligence community.

If we do not succeed in stabilizing the security situation in Iraq, which can be achieved only with accurate and timely intelligence to the troops on the ground, the United States and its coalition partners will suffer an

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enormous strategic setback in the war on terrorism and in promoting a lasting peace in the greater Middle East. Islamist terrorists will become more emboldened to strike us again here at home if they perceive us as weak and incapable of providing security in Iraq.

Finding out who an insurgent is in a town in Iraq may fit someone's definition of tactical intelligence, but the nature of our mission in Iraq makes almost everything we do there of vital importance at the national level. People who perpetuate the distinction between "national" and "tactical" intelligence during our debate on intelligence reform simply do not understand the sophistication of our intelligence and communication systems.

The series of Unmanned Aerial Vehicles (UAVs) now in use and under development is a case in point. Early UAV versions probably fit the definition of "tactical intelligence systems" because of their limited range and capabilities, but not anymore. The Predator B, for example, is a long-endurance, high-altitude, unmanned aircraft system for surveillance, reconnaissance, and targeting missions. It also can be used as a weapons platform carrying air-to-air and air-to-ground missiles. In fact, an earlier version of the Predator tracked a vehicle in Yemen in 2002 carrying terrorists and destroyed it with a Hellfire missile.

These advanced UAVs collect their surveillance imagery from synthetic aperture radar, video cameras, and a forward-looking infra-red (FLIR) system, which can be distributed in real time to the front-line soldier, to the operational commander, and simultaneously to national intelligence agencies in near-real time via military satellite communication links. If a UAV like the Predator B is giving intelligence to a soldier in Iraq and to an analyst at the CIA at virtually the same time, then how can one define it as purely a "tactical" or a "national" system? The answer is, one can't, and we need to get beyond this kind of limiting terminology and thinking.

As a current member of the Senate Select Committee on Intelligence, I was involved with the report released on 7 July 2004 by Senators Pat Roberts and Jay Rockefeller dealing with the intelligence community's prewar assessments on Iraq.[2] This 511-page report is another that's highly critical of our intelligence analysis and collection capabilities. Like the House

report mentioned earlier, it also singles out human intelligence as the weakest link in our intelligence chain.

It is important to note that in the Senate's review of the intelligence relating to Iraq's WMD programs, it became abundantly clear that our intelligence problems were not the result of the quality of our personnel. In fact, the Senate Select Committee on Intelligence was singularly impressed with the dedication and professionalism of the hard-working men and women in our intelligence community. What we need to do is give these people a new national intelligence structure that will be worthy of their efforts.

It is abundantly clear that we don't have enough spies on the ground, and that we need to make this an issue of the highest priority. Yet somehow during the debates in Congress and among the political pundits in the media on intelligence reform, the focus shifted from fixing our HUMINT capabilities and further improving information-sharing within and among all relevant agencies of the government to discussing why there is such a large percentage of the total US intelligence budget in the Defense Department.

Improving—Not Degrading—Military Intelligence

As some see it, the military's share of the overall intelligence budget, estimated at about 80 percent, is too large, and if a portion of this were transferred to the DNI our intelligence capabilities would somehow improve. The apportionment of the intelligence budget is a legitimate issue to discuss, but we should not allow it to divert our focus away from the pressing problems that need fixing, such as human intelligence and information-sharing.

HUMINT is a relatively inexpensive intelligence discipline compared to the high-technology systems and platforms used by the military. When we put a military intelligence satellite into orbit, the intelligence budget needs to pay for its research and development, its production, the launch vehicle, ground stations, support personnel, and communication links. And the military collects intelligence from a great variety of platforms. In addition to satellites, the military services use ships, submarines, aircraft, UAVs, ground vehicles, and small sensors used by individual soldiers on the ground. In order to move the resulting vast amounts of intelligence worldwide, securely and in near-real time, the military has built information networks that are the best in the world and continually improves them with new technologies. Consequently, it is not at all surprising that the military's share of the intelligence budget is so large.

Last October, Lieutenant General Keith Alexander, Chief of Intelligence for the Army, discussed the fusion of intelligence and communication networks. He noted that "the [communications] network must provide tactical teams with timely intelligence in minutes, not hours or days, which

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the Army calls 'actionable' intelligence. That's what we have to get to. Additionally, such a network must eventually connect from a soldier on patrol through national-level agencies to truly leverage intelligence capabilities." He also, correctly in my opinion, elevated the importance of HUMINT when he said, "Today's threat is people embedded in the population, bent on changing governments to the way they believe those governments should be—a global insurgency. Thus, the intelligence emphasis has changed from one focused on signals and imagery intelligence to human intelligence and counterintelligence."[3]

Another element that needs to be added to our national debate on intelligence reform is how the Director of National Intelligence will interact with the military and vice-versa. The DNI will inherit an intelligence community made up of 15 separate members, eight of which are in the Department of Defense. Collectively, these eight members are huge, comprising tens of thousands of uniformed military and civilian personnel, and multibillion-dollar budgets. How someone outside the military, like the DNI, could adequately and efficiently manage these vast intelligence capabilities by dealing with eight separate Department of Defense members is beyond me. This is a major issue, and it must be addressed; otherwise the DNI may have an unrealistically large span of control.

That is why I, in conjunction with my Democrat colleague from Nebraska, Senator Ben Nelson, plan to reintroduce legislation in the 109th Congress to create a unified combatant command for military intelligence, to be called INTCOM. This command would, for the first time, bring the majority of the intelligence capabilities in the Department of Defense under a single commander.

INTCOM would be the single point of contact for the DNI in dealing with military intelligence. The INTCOM Commander would have the dual responsibility of being the one source for informing the DNI of military intelligence requirements requiring support from the entire intelligence community, and being the one source for assigning military intelligence capabilities to assist in fulfilling the DNI's broader intelligence responsibilities.

One of the US Army's nine Principles of War is Unity of Command. When this principle is properly used, there is a common focus on reduction of duplication and wasted efforts, vastly improved coordination, and—above all—accountability. The military already applies this principle very successfully to several functional areas, and has created unified combatant commands for transportation, joint forces, and special operations. The latter one, by the way, was established by legislation over the objections of the then-Secretary of Defense and Chairman of the Joint Chiefs of Staff. There is no objection today, however, to our Special Operations Command, or to any other unified command. The fact is, whenever the military has created either a functional or a geographic unified command, we have seen a better resulting focus on the mission, better support from the military services, and improved capabilities. A unified command for intelligence will have the same benefits.

One of the major responsibilities of the DNI will be to better integrate the current 15 members of the US intelligence community. The DNI's task will be far easier to accomplish if there is an INTCOM Commander to coordinate the disparate eight Department of Defense members into one, thus reducing the total number of intelligence community members from 15 to eight.

Sharing Data

Another issue not yet addressed in our national debate on intelligence reform is the outdated intelligence cycle model that ends with a final intelligence product that very much reflects the bias of whatever organization "produced" the intelligence. Lest anyone have any doubts about the dangers associated with this type of intelligence cycle, reading the report prepared by the Senate Select Committee on Intelligence dealing with WMD in Iraq will dispel them.

What the DNI will need to do is change the entire intelligence information management structure. The notion of "data ownership" must be eliminated if we are ever to have real "all-source" analysis. The minute one element of the intelligence community withholds some information from the rest of the community, then "all-source" loses its meaning.

Intelligence is not an end in itself, but it is an essential ingredient to formulating good policy and protecting our nation's interests. The key is to harness all the information we have and put it into a form that is manageable and useful. Integral to this process is the ability to share the information with those who need it and to continually update it.

Consider a commercial travel website such as Expedia.com or Travelocity.com. When you want to travel on a certain date, you access the database, and the program gives you all possible flights, connections, times, prices, and will also help you make your hotel and rental-car reservations. In

short, every bit of information about traveling to your destination is at your fingertips for you to make your decision. We need the equivalent of an Expedia.com or Travelocity.com for intelligence. Our analysts and policymakers should be able to access common databases where information is constantly being posted as it comes in so they can get the most complete and current picture possible.

The Road Ahead

The process of intelligence reform is just beginning, and there is a lot of important work ahead to make sure we get it right. We have made an important decision in creating a Director of National Intelligence who is not beholden to the CIA, the Department of Defense, or any other agency. It is a good step, but it is just the first step in a long process of intelligence reform.

If the new intelligence reform legislation does not allow us to "connect the dots" and provide more "dots to connect" to prevent further attacks on the United States and US interests, then we have failed in our effort to reform the intelligence community.

No one knows at this point if the new legislation will work or not. But it has a better chance to succeed it we keep focused on these points:

● Recognize the problems with HUMINT and take the necessary steps to fix it, including accepting the risks associated with it, so we can actually infiltrate organizations bent on our destruction.

● Improve the quality of congressional oversight of the intelligence community by instituting a subcommittee structure in the Senate Select Committee on Intelligence.

● Organize military intelligence by bringing unity of command to the enormous defense intelligence community to better help the DNI succeed in bringing unity of effort to the broader intelligence community.

● Devise ways to improve information-sharing, and the management of enormous amounts of intelligence. In this regard, we could take some lessons from our commercial databases.

In the final analysis, we need to frame our debate on intelligence reform so it includes getting the right information, at the right time, to the right person, from the US President to the newest US Army private in harm's way.

NOTES

1. *The 9/11 Commission Report*, Final Report of the National Commission on Terrorist Attacks Upon the United States by the 9/11 Commission (Washington: GPO, 22 July 2004).

2. US Senate, Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq* (Washington: GPO, 7 July 2004), http://intelligence.senate.gov/iraqreport2.pdf.

3. Remarks by Lieutenant General Keith Alexander, G-2 of the Army, at the Defense Writers Group breakfast, 14 October 2004.