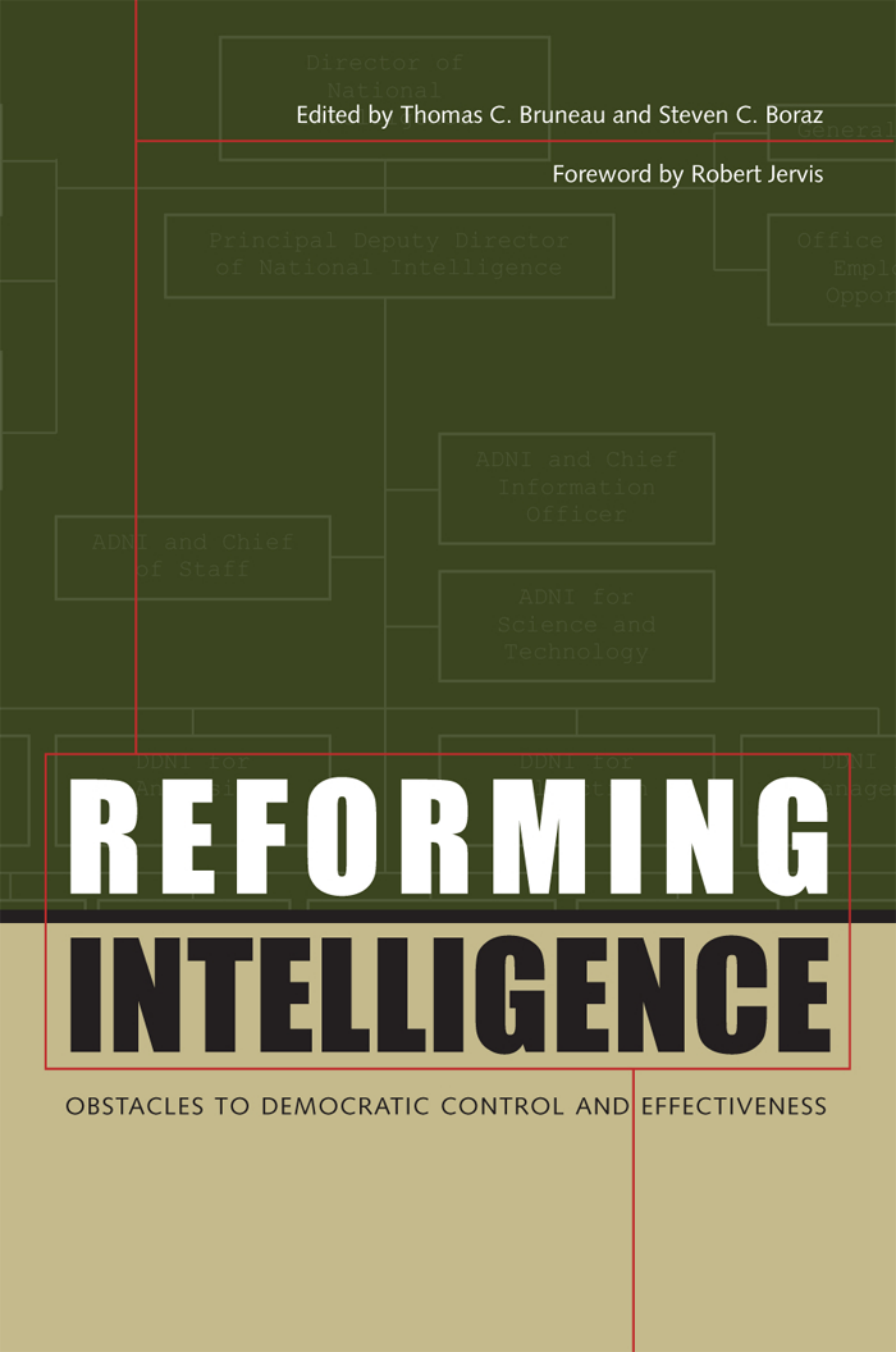

Edited by Thomas C. Bruneau and Steven C. Boraz

Foreword by Robert Jervis

REFORMING INTELLIGENCE

OBSTACLES TO DEMOCRATIC CONTROL AND EFFECTIVENESS

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REFORMING INTELLIGENCE

Obstacles to Democratic Control and Effectiveness

Edited by
Thomas C. Bruneau and Steven C. Boraz

Foreword by
Robert Jervis

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INTELLIGENCE, CIVIL-INTELLIGENCE RELATIONS, AND DEMOCRACY

Robert Jervis

Intelligence and intelligence services are simultaneously necessary for democracy and a threat to it. But this topic is remarkably little developed. There are bookshelves of studies of civil-military relations but almost no counterpart investigations of intelligence. Intelligence failures have fascinated scholars (and exasperated decision makers), but even here our knowledge is thin, and in other areas of intelligence the studies are thinner. This is particularly true for examinations of countries other than the advanced democracies and a few selected dictatorships like Nazi Germany. The essays in this volume are an excellent start to filling these gaps.

INTELLIGENCE: NECESSARY AND DANGEROUS

Intelligence services are vital and troublesome. They are vital because to thrive, or even to survive, the state has to understand its environment and assess actual and potential adversaries. Without good intelligence, a country will thrash about blindly or allow threats to grow without taking countermeasures. It is trite to say that knowledge is power, and perhaps it is more accurate to say that knowledge is needed if power is to be used well. But while we can debate the exact contribution intelligence makes to policy and the extent to which superior intelligence has countered or won wars, it is hard to believe that the role is negligible. Leaders certainly value intelligence; Winston Churchill referred to code breakers as his "hens" because they brought him golden eggs.

Intelligence services also can be troublesome, even leaving aside the problems they can create when they are inadequate. If knowledge contributes to power, then those who have the knowledge are powerful,

which is why poorly regulated intelligence services can menace leaders and citizens. This is particularly true when the environment and adversaries that need to be understood are internal as well as external. By its nature, much intelligence is secret and many intelligence-gathering procedures must be kept from public knowledge. This also makes the services dangerous to democracy and difficult to control. Oversight is not easy: some civilian leaders do not want to know what unpleasant methods are being used on their behalf, while many intelligence services resist sharing this information, whether for legitimate security concerns or because of the desire to retain autonomy.

The very fact that intelligence services have such a capacity for secrecy makes them useful for "back channel" communications internationally and domestically. It also means, however, that state leaders may be unsure of the other uses to which intelligence organizations are putting this information, and thus they may have little trust in the service. Such mistrust may then influence those leaders to develop yet more secret, and often informal, organizations to go behind the back of established intelligence services, as Doug Porch, in Chapter 5 of this volume, notes has often been the case in France and was true in the United States under President Richard Nixon.

Of course, most intelligence services have more than information; they have guns as well. This combination multiplies both their threat and their value. In principle, one could completely separate knowledge and force, along the lines of the Directorate of Intelligence and the Directorate of Operations within the U.S. Central Intelligence Agency (CIA). But there is a good reason for keeping them closely knit together, because if force is to be accurately guided, those who wield it need to have direct access to those who supply and process knowledge. Furthermore, to the extent that the information is gathered from sources that are both clandestine and human, in some cases the agents involved in its collection are likely to be the very same people who determine the use of force.

While intelligence services can menace the regime no matter what its nature, the tensions are particularly acute in democracies because this form of government rests on openness, the free flow of information, and unfettered debate. At a minimum, when a democracy requires the extensive use of foreign intelligence and covert operations, the populace cannot be fully informed about its foreign policy and what is being done in the name of the country. It is interesting that many American commentators who are severely critical of covert

action talk about "the CIA overthrowing" this or that regime or "the CIA" meddling in the domestic politics of other countries. In fact, the CIA does not operate on its own, and these operations have been authorized and indeed ordered by the president. Thus it would be more accurate to talk about the *United States* overthrowing regimes or meddling in others' politics. But many critics are reluctant to use the more accurate formulation, which would implicate the democratically elected government rather than the shadowy instrument that carried out the policy.

Even if the executive branch keeps the CIA under adequate control, the executive is not the full U.S. government. Congressional oversight continues to be contentious or episodic, and it is far from clear how adequate even better-designed reforms would prove to be. Secrecy requires that information be closely held, which means it cannot be shared with the entire Congress. Even less could questions about specific operations be debated on the floor, although in principle Congress could pass legislation outlining general limits and directions for covert action. Moreover, the danger that the CIA or any intelligence service might act on its own is always present. It is hard to avoid the conclusion that tensions between intelligence and democracy can never be entirely resolved.

Because of their typically hierarchical nature, penchant for order, and links to the military, intelligence services that were established under a former authoritarian regime can represent a particularly potent threat to democratizing countries, which often have weak civilian institutions. These services frequently were used to spy on and intimidate the very individuals and groups that have come to power through democratization. Even if the existing services are willing to give allegiance to a new master, the relationship will be uneasy at best. Even though intelligence services may actually have more rather than less autonomy in democracies than under dictatorships, civilian leaders will have to create and impose new, unfamiliar modes of control, which is never an easy process for either side.

The struggle for control is not simply between the intelligence services and the civil authorities, of course; neither group is a cohesive unit. One intelligence service can seek allies among the civil authorities in its conflicts with other services; even more prevalent are struggles between the executive and legislative branches over how the services are to be supervised and by whom, as Priscila Antunes (Chapter 8) shows happened in Argentina. We usually stress that strengthen-

ing state institutional capacity is crucial to the development of a well-functioning democracy, but if the intelligence services are too capable, they can undermine democratic institutions. Indeed, the tendency for other institutions in new democracies to be weak makes it difficult to develop intelligence services that are effective, legitimate, and under control. The fear that intelligence services will be better developed than other parts of the polity can lead civilian officials to render them inefficient, dynamics that Marco Cepik (Chapter 6) shows to be at work in Brazil.

In his study of the Philippines (Chapter 12), Douglas Macdonald describes the series of dilemmas democrats often face when deciding how to reform and rein in intelligence services that had served a previous dictatorial regime. The impulse to be too ambitious and move too quickly (following "blitzkrieg" tactics) is often hard to resist but may be less effective and more dangerous than proceeding incrementally (using "Fabian" tactics) without abandoning far-reaching goals.

The most important general point we can derive from the range of problems and alternative ways of dealing with them that are the subject of many chapters in this book is that while continued success cannot be taken for granted, it is striking that so many new democracies have been able to work out acceptable relations with their intelligence services. Although in some cases, such as Salvador Allende's Chile, domestic intelligence services have joined in overthrowing a democratically elected regime, more recent political transitions have been relatively smooth, and in no cases have the services turned against the new regimes. This is a major achievement whose significance and importance are obscured by the fact that it is a "nonevent"—that is, nothing happened. But the absence of conflict should not be taken for granted, was not inevitable, and might not have occurred if policies had been badly designed. This is not to say that in all cases the arrangements have been optimal, let alone perfect, as many of the chapters make clear. For example, Cris Matei (Chapter 9) describes the way Romania's 1992 Emergency Ordinance solved the Foreign Intelligence Service's funding problem by sacrificing oversight and allowing it to engage in questionable activities. Nevertheless, the worst kinds of breakdown have been avoided, an achievement that is easy to overlook.

There are obvious if diverse interrelations between external intelligence and security on the one hand and internal intelligence and security on the other. Indeed, these links are responsible for many dilemmas. Although among the developed countries, intelligence and

security usually are most salient in the external context, this is not true for other countries and is not true for even the developed democracies at all periods of time. Furthermore, internal and external threats are often linked in a variety of ways. Most obviously, internal enemies can seek support from external ones, and vice versa. Terrorist threats are of this kind, and the ties are such that one could not categorize the threat as either internal or external. On other occasions, authorities exaggerate the external menace in order to crack down on internal dissidents or seek foreign adventures in order to reduce internal disagreements and unify the country.

The actual or potential linkages between internal and external enemies create obvious incentives for close ties between internal and external intelligence. But those incentives simultaneously create a dilemma because unifying intelligence services in this way makes them more powerful and increases their potential threat to the regime. We are probably most conscious of this in terms of civil liberties and threats to democracy, but in fact intelligence services can undermine and overthrow dictators as well, something of which they are well aware. It is not surprising that dictators usually try to fragment intelligence services and reward loyalty more than competence, which in turn makes these states less competent and more vulnerable to external, if not to internal, enemies.

There probably are correlations among the level of internal and external threat, the strength of security services, and the viability or absence of democracy. But causation is hard to establish and probably is complex. It is almost a commonplace that democracy is most likely to thrive when internal and external threats are relatively low, and most accounts of democracy's development in the United States and Britain note their privileged international positions. As the American founders were well aware, wars are likely to lead to concentrated and centralized political power and therefore to make tyranny more likely. High internal threat levels foster similar results, in addition to the inherent danger they pose to domestic democratic institutions. One intervening variable is that great threats are likely to lead to the establishment of intrusive security organizations. But these organizations may be more than mere intervening variables; they will seek to justify their own existence by exaggerating if not actually generating threats and, like other organizations, will seek to expand their power and autonomy. Both malign and benign cycles are likely: high-threat environments will call up intrusive security services and make democ-

racy more difficult; a benign environment will allow—although it does not require—restrained services under greater civilian control and will allow greater democracy.

It is often argued, and indeed it might be inferred from the scenarios described above, that there is a trade-off between intelligence effectiveness on the one hand and civilian control on the other. Most obviously, critics have claimed that reforms instituted in the United States in the wake of Watergate and associated scandals concerning abuse of power by the executive significantly harmed American intelligence and even indirectly contributed to the terrorist attacks of 9/11 by reducing the extent to which the Federal Bureau of Investigation (FBI) and the CIA could share information. This correlation is debatable, but even if the critics are correct in this case, I do not think we should be too quick to assume that the general argument holds. I am skeptical that unreformed and unrestrained intelligence services will necessarily do well at ensuring national security. In some cases, legitimate authorities might give intelligence services authorizations and powers that they would not otherwise have. Furthermore and more importantly, reform and oversight can produce efficiencies, force services to cooperate (the CIA-FBI case is instructive here), and limit the fantasies to which such services are prone. By the same token, the gathering and use of intelligence in democratic or democratizing countries over the long run must rest on the consent and indeed support of the citizenry and powerful groups in society. Without significant oversight and at least some public accountability, this support will be very difficult to sustain.

Oversight and civilian control implies politics, with all the good and the bad that this entails. In the American case, many (although not all) of the intelligence failures are linked to politics. Although I doubt whether the CIA would have been able to get the case of the Soviet Union's demise right under any circumstances, constant political pressures made its job more difficult. This was most obvious in military estimates reached during the mid-1970s that led up to the famous—or infamous—Team B exercise. ("Team B" was created in 1976 by the then CIA director George H. W. Bush to reevaluate what he and other hard-liners considered excessively "soft" CIA assessments of the Soviet Union's current condition. Team B declared that the Soviet Union was gaining military and economic strength and posed an increasing threat to the security of the United States. As events proved, even the CIA's conclusions were far too generous, and

the Soviet Union was on the verge of economic collapse. See Chris Floyd, "Team Spirit," *Moscow Times*, February 6, 2004, http://www.thetruthseeker.co.uk/article.asp?ID=1503.) Whether the grave overestimates of Iraq's WMD (weapons of mass destruction) programs in the run-up to the second Iraq war were a result of politicization is still hotly debated. My own feeling is that while this was not one of the major causes of the errors that resulted, the highly charged political atmosphere in the winter of 2002–2003 made careful and skeptical analysis more difficult. Politics can complicate intelligence in less obvious ways as well. Those with oversight responsibility may choose to reveal secrets to advance their substantive agendas or political careers. Thus in the middle of his (unsuccessful) struggle to retain his Senate seat in 1979, Frank Church chose to announce that U.S. intelligence had "discovered" a Soviet combat brigade in Cuba, and so set off a diplomatic storm that seriously set back Soviet-American relations.

THE ANALOGY OF CIVIL-MILITARY RELATIONS

Much more has been written about civil-military relations than about relations between intelligence services and civilian leaders, and although the former still lacks a generally accepted analytical theory, it can nevertheless provide us with some starting points and avenues for exploration of "civil-intelligence relations," as Tom Bruneau and Steve Boraz discuss in this volume's introduction. The two realms present some parallel tensions and dilemmas. To start with, on the one hand both intelligence services and militaries should be strong, efficient, and professionalized, but on the other hand they should not set their own goals and they must respond to civilian authority. The latter requirement is not absolute, however. We want the military and intelligence to be under civilian control but also to resist illegitimate orders; we need both to guard against the possibility that they will commit unauthorized abuses and to ensure that they will not become an instrument of abuse even if they are so ordered. In Nazi Germany and most Communist states, intelligence services were under effective and central civilian control (although, especially in the former, efficiency suffered from crippling rivalries). But—or perhaps as a consequence—these services generally performed poorly abroad and were repressive internally. They faithfully followed orders, but as a result their masters failed to gain accurate information about the world and permitted

operatives to attack internal opponents (often imagined ones) without restraint. Although the political leaders might have maintained their regimes in the short run, such activities helped bring them down over the longer period.

Nothing so extreme has happened among democracies, but there are paler counterparts. The Vietnam era brought out the tension between obedience and serving the country in both the military and intelligence services. The generals accepted orders, as they should have, but did not give the civilian leaders their unvarnished professional advice and failed to warn that the policy being pursued was not likely to succeed. On the domestic side, the FBI adopted reprehensible and illegal behavior in harassing and oppressing domestic opponents of the war. For obvious reasons, it is difficult to ascertain what if any orders came from the White House, but it seems clear that the FBI's actions were in the spirit of President Nixon's desires. This was a case in which obedience to the current leadership constituted a violation of the fundamental values and principles of the government and country as a whole.

Like the military, intelligence services tend to have a can-do outlook. In part, the reasons are the same: the need to gain favor with the government and its leaders, pride in the service's abilities, a desire to serve. But intelligence officials may feel additional pressure from suspicious civilian leaders who think that the service is disloyal, incompetent, or both. By showing that they are willing and able to do what political leaders ask, members of the service hope to be more valued by them. The obvious danger is that the service will overpromise what it can do and how accurate its estimates will be. Limitations on the declassified record make it impossible for us to reach anything like a definitive judgment, but it is clear that in a number of cases over the years the CIA promised more than it could deliver. Successes like supporting democracy in Italy after World War II and overthrowing regimes in Guatemala and Iran are matched or overmatched by failures in Syria, in Indonesia, and, most spectacularly, at the Bay of Pigs, to take just a few obvious examples.

Turning to threat estimates, the obstacles to accuracy are so great that the errors that litter the record are only to be expected. The problem is not so much that the intelligence professionals greatly overestimate what they can know, but rather that being completely honest with their "customers" (i.e., government officials) could lead the latter to stop buying the product. Leaders want, if not certainty, then at least a

good sense of the other country's intentions and capabilities. Although they constantly tell intelligence analysts to give them an honest reading of what the service does and does not know and how great the uncertainties are, the need to act means they must feel certain that the information they have is solid. So the incentive for intelligence services to oversell is matched by the need of consumers to buy too confidently.

These pressures are manifest in current discussions of intelligence reforms within the United States. Leaving aside the question of whether the newly created position of director of national intelligence has much to be said for it, it is noteworthy that those who advocated it imply that it will prevent future terrorist attacks, and many people in Congress and the executive branch seem to accept this wildly overoptimistic assumption. More generally, intelligence consumers always seem surprised by intelligence failures. By definition, the particular failure must be a surprise, but the fact that these failures occur with some regularity should not be. It would be very hard for a leader of an intelligence service to fully explain this to skeptical politicians, however, without raising questions about his competence and the fundamental value of the service.

THE WAR ON TERROR

The present "war" on terror poses special problems for intelligence services and civil-intelligence relations. While I believe that such problems come into especially sharp focus for the United States, they arise in other countries as well.

Most obviously, it is extremely difficult to understand terrorism and predict where terrorist attacks will occur. Although terrorism is an old phenomenon, it has not been subject to careful and dispassionate scholarly study. Governments have tried to keep track of particular terrorist organizations that menace them, but official knowledge too is sharply limited. In fact, it is probably a mistake to speak of "terrorism" as though it were a single entity. Rather than being an "it," terrorism is a "they"—there are lots of different kinds of terrorisms and terrorist groups that vary in capabilities, motives, and methods of operation. Partly for this reason, while every government condemns terrorism in the abstract, the United Nations cannot even agree on a definition, because different countries support or have supported groups that others label as terrorists. Arab countries refuse to see Hamas and Hiz-

bullah as terrorist organizations. The U.S. government apparently is now using Iranian exiles, whom it previously labeled terrorists, for intelligence purposes, while in the 1980s the administration of Ronald Reagan supported the so-called Contras during the cold war, despite well-documented evidence that they employed terrorist tactics against civilians in Nicaragua.

Even if intelligence services had a deep understanding of terrorism, this would not be sufficient to anticipate attacks and disrupt dangerous networks. This sort of information is particularly hard to come by, for reasons with which we are now sadly familiar: the groups mutate rapidly, can be quite small, and are hard to penetrate. Furthermore, the technical means of electronic intercepts and overhead photography upon which advanced intelligence services have come to rely so heavily are of relatively little use against terrorists. Human agents, who can be more useful, are often of questionable reliability in this area, and, even more than in traditional intelligence, it is extraordinarily difficult to separate truth from fiction. During the cold war an agent who claimed that the Soviets were developing mechanical moles that were burrowing under U.S. territory could readily be dismissed; today it is not so easy to say what reports about terrorism should simply be put in the wastebasket.

The problems are of course compounded by the fact that we seek a 100 percent success rate. Stopping 99 percent of the attacks is extraordinarily impressive but pales in light of the 1 percent that succeeds. So the obstacles to accurate intelligence are high, the penalties for failure are severe, and the margin for error is essentially none. Under these circumstances it is natural for intelligence officials to issue a warning even when the evidence is shaky. Crying wolf is costly, but not nearly as costly as failing to sound the alarm in the face of reports that turn out to be accurate. Even when a prudent intelligence analyst might decide against a warning, an elected national leader probably would feel she had to go ahead rather than risk a catastrophic error.

Ironically, some of the pressures being exerted on intelligence are a tribute to it, albeit indirectly. At least in the United States and the United Kingdom, elected officials and the general public expect policies to be supported by realistic intelligence assessments. This in turn means that leaders must argue that their policies are based on the best professional advice. When President George W. Bush and Prime Minister Tony Blair decided to invade Iraq in 2003, they had to be able to justify their policies in terms of what their intelligence services told

them about the threat, and this in turn meant that they needed the services to paint a grim picture. This reflects a touching faith in the concept of professionalism and how much can be known about other states. It is not necessarily the only way things could be done, however. A leader might say, "I think Saddam is a terrible menace. This is a political judgment, and I have been elected to make difficult calls like this. Information rarely can be definitive, and while I have consulted widely and listened to our intelligence services and other experts, this is my decision, not theirs." Unfortunately, this is politically very difficult to do, and a policymaker who wants to proceed in the face of ambiguous or discrepant information will be hard-pressed to avoid at least some politicization of intelligence. This is true even though intelligence is often wrong and political judgments right.

Even without this complication, the "war" on terror provides unique challenges to intelligence in a democracy. I use quotation marks because it is far from clear that war is an accurate description of American policy, let alone a wise prescription for it. Although this is not the place to discuss all aspects of this question, the ambiguous nature of the struggle heightens many of the dilemmas, such as the tactics to be used, other values that must be sacrificed for the struggle, and the degree to which we should be willing to accept infringements on civil liberties.

With or without quotation marks, this is a war in which intelligence not only plays a—if not *the*—central role, but also simultaneously makes an extremely heavy demand on it and poses a number of challenges. In fighting terrorism, intelligence is more than an enabler. I do not think it is an exaggeration to say that with good intelligence the problem is relatively easily solved, and that without it even the most potent military force will do little good and actually is likely to do a great deal of harm. But for the reasons noted earlier, gaining good intelligence is particularly difficult. In order to be most effective in this challenging environment, widespread international intelligence cooperation is absolutely necessary. But as we have seen in the United States, it is hard enough simply to get the CIA and FBI to cooperate. National services will never fully share sensitive information, especially about sources. The report of the Senate Select Committee on Intelligence (SSCI) on errors in the assessment of Iraq WMD noted that the infamous (mis)information about Iraq's mobile biological laboratories came from a source being interrogated by a foreign service, while U.S. agents had only extremely limited access to him

("Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq," U.S. Senate Select Committee on Intelligence, July 9, 2004, http://intelligence.senate.gov/). Furthermore, the very fact that the publicly released SSCI report contained so much detailed information may make foreign services even more hesitant to share information with their U.S. counterparts.

If services are to share information, they must be confident that it will remain secret. My sense is that intelligence services trust each other more than they do their own civilian leaders, let alone leaders of other states. I suspect that the incentives for information sharing at the political level will make services even more careful about the details they provide to their own leaders, both in order to guard against the possibility that politicians will let too much slip out and thereby antagonize peer services, and in order to reduce the danger that any information that intelligence officials have provided will end up on the desks of indiscreet allied politicians. Put another way, there is likely to be a trade-off between the full flow of information among nations' intelligence services and the flow within any country between the service and national leaders.

Along those same lines, the fact that intelligence is now very publicly on the front lines of national defense is likely to increase the services' power domestically and lead them to seek greater power and autonomy. If it is their responsibility to protect the country, they will want the tools to do the job. These include not only funding but also freedom to keep secrets, gather more information, and act on their own professional assessments. All this, of course, places great strains on democratic institutions.

Democratic values may feel the pressure as well. As the Abu Ghraib prison debacle in Iraq and related scandals reveal, pressures to use torture to extract information are hard to resist in a situation where soldiers are under unpredictable terrorist attack. The situation at Abu Ghraib does not seem to be a case in which intelligence services were out of control, however. To the contrary, the basic logic of the "war" on terror indicates what available documents seem to confirm: it was high-level civilians who most strongly felt that information needed to be acquired by whatever means necessary.

I suspect that the conflicting pressures for "results" in the "war" on terror and the need to maintain at least the appearance of democratic values will lead to a familiar implicit, if corrosive, line of policy, in which intelligence services will employ a variety of dirty tricks to

which the civilian leaders will turn a blind eye. This will allow the latter to plausibly deny knowledge of illicit activities when they are eventually exposed and will also allow them to spare themselves the psychological discomfort of having to think about those distasteful operations. This of course leaves the services exposed, but many intelligence officials view these tactics necessary, are willing to pay the eventual price, and see such informal arrangements as necessary in a democracy faced by an amorphous threat such as terrorism poses. The unavoidable question, however, is what long-run damage is done to the intelligence service, civil relations, and democracy.

CONCLUSION

Over the past decade the scholarly community has come to realize that intelligence is often the "missing dimension" in our understanding of many particular international conflicts and of international politics in general. But the lack of attention to civil-intelligence relations is even more striking. Our understanding of foreign policy, domestic policy and politics, and institutional arrangements all have suffered for it. The issues are particularly pressing for democratizing countries because their intelligence services usually were a pillar of the old regime. It is striking that most conventional treatments of democratic transitions say so little about how these services are to be pushed, harnessed, and/or won over to the new governing arrangements. The essays in this volume show that the problem is complex, and that solutions are context-dependent rather than following some universal formula.

Many of the same questions and dilemmas arise in established democracies as well and are likely to surface with particular salience during the prolonged "war" on terror in which we now find ourselves. In the United States, these problems are compounded by the enormously complex restructuring of the security and intelligence communities required by recent legislation. Under these conditions, the flow of ideas about dealing with civil-intelligence relations will not—or should not—run simply from the established democracies to the newer ones. The ideas and experiences of those who are trying to lay a new democratic foundation for these relations have a great deal to teach us.

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The chapters in this volume are a logical development from the research and teaching programs of the Center for Civil-Military Relations (CCMR) at the Naval Postgraduate School (NPS) in Monterey, California, since the center's founding in 1994. With the support of the executive director of CCMR, Rich Hoffman, who has now succeeded Tom Bruneau as director, a small group of scholars began to develop programs on the topic of intelligence reform. These have resulted in a one-week seminar that is offered abroad, a one-week seminar in residence, and a twelve-week accredited course in the National Security Affairs (NSA) Department at NPS.

In order to update, expand, and enrich the information base of these programs, the United States Defense Security Cooperation Agency provided us with funds to support an international roundtable on intelligence and democracy, organized by CCMR at NPS on August 26–27, 2004. Many of the chapters appearing in this volume were derived from papers delivered as part of the proceedings from that roundtable. Ken Dombroski, lecturer in CCMR, developed the outline for the roundtable, based on the Intelligence and Democracy course he teaches in NSA. Ken also served as co-chair of the roundtable and edited several of the drafts that, in revised form, appear in this volume. Marco Cepik also helped edit several of the early drafts during his appointment as a visiting assistant professor in NSA in the summer and fall of 2004. In addition to the authors who have contributed chapters to this volume, the panel chairs, reviewers, and discussants of the roundtable included Marina Caparini, senior research fellow, the Geneva Centre for the Democratic Control of Armed Forces; Michael Herman, Nuffield College, Oxford; and Mark Kramer, director, Cold War Studies Project, Harvard University. Esther Robinson served as research assistant and was instrumental in keeping the project moving

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REFORMING INTELLIGENCE

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INTELLIGENCE REFORM: BALANCING DEMOCRACY AND EFFECTIVENESS

Thomas C. Bruneau and Steven C. Boraz

A FRAMEWORK FOR STUDYING INTELLIGENCE

While there is probably agreement on the importance of the topic of studying intelligence, there is little published material on how to do so. This is paradoxical, because as a category of individuals, it would be difficult to find a more self-critical, analytical, and demanding group of people than intelligence personnel. As a profession, they more closely approximate university professors than any other discipline or calling. We thus find it striking that whereas intelligence officers and the organizations within which they function in the intelligence community (IC) are extremely rigorous methodologically in conducting their work, when we turn to the study of intelligence structures and processes by outsiders and retired intelligence professionals, there is little rigor and virtually no consensus on how to research and analyze the IC. The result is that there has been very little accumulation of public knowledge on intelligence (exceptions include the 9/11 and WMD commission reports). When studies of intelligence are in fact published, some of what passes for data or analysis in the unclassified literature can be wrong, and, unlike academia, there is no public control or competing position to correct the errors. Despite the huge array of books and articles referred to in the bibliography, there is, in fact, very little available analysis, and even less comparative analysis, on the organization of intelligence.[1]

Clearly, the problem in studying the IC is due to the essential, fundamental requirement for secrecy. After all, what intelligence personnel do can be effective only if they do it in secret, and the commitment to maintain secrecy after leaving the community results in minimal exposure and dissemination of information on the IC and its opera-

tions. The basic requirement for secrecy drives all other aspects of the profession and the organization of the IC.

Our goal in this introduction is to establish the framework with which intelligence can be analyzed and thus to draw conclusions from the twelve case studies that make up the body of the book. The emphasis here is on a comparative, institutional approach, with its foundation in the way scholars have analyzed civil-military relations (CMR). The relative absence in the literature of analysis of the IC noted above might not be a serious problem if we were concerned with only one or a few relatively open countries, in which case studies might be conducted with slight conceptual clarity, such as in the United States and Canada. Comparative studies are more urgently called for today because, in the contemporary world of global terrorist threats, intelligence must be not only under democratic civilian control but also effective. Thus, in addition to the academic desirability of pursuing the comparative method to achieve analytical results, there is the even more urgent requirement of learning through comparisons. The goal is an understanding of the best practices in organizing intelligence, thereby improving both democratic civilian control and the effectiveness of the IC.

Though political scientists had long eschewed an institutional approach to comparative analysis, we are convinced that institutions remain the core foundations of power in the state and thus provide us a sound basis for analysis. It is through understanding of these institutions that we gain perspective on state organization and can set about identifying effective structural controls to support legitimate and transparent governance.

Our thesis is that intelligence can best be conceptualized as a subfield of civil-military relations. There is substantial and rich literature on CMR, which emphasizes the importance of democratic, civilian control and the clearly identifiable roles and missions that militaries should perform.[2] In similar fashion, intelligence has specific roles and missions, the study of which establishes a way to analyze intelligence community structures and their implications for democratic civilian control and effectiveness. Without this common conceptual framework, it will not be possible to achieve either analytical results or useful recommendations for IC reform globally.

An Institutional Approach

The methodology that guides our inquiries in the right direction is an updated version of Max Weber's classic work on political power and bureaucracy. The approach Weber employed to understand bureaucracies and their locus within state and society leads us to take a closer look at and emphasize the structure of bureaucracy as it relates to CMR, including intelligence. The contemporary version of Weber's approach is known as New Institutionalism. The various subtheories that together loosely constitute New Institutionalism "all seek to elucidate the role that institutions play in the determination of social and political outcomes."[3] In other words, an understanding of the roles of institutions is indispensable to this or any study of how actors manage power relations within a society. As Scott summarizes this approach: "Institutions construct actors and define their available modes of action; they constrain behavior, but they also empower it. Analysis from this perspective is aimed at providing a detailed account of the specifics of institutional forms because they are expected to exert strong effects on individual behavior: structuring agendas, attention, preferences, and modes of acting."[4] Therefore we need to highlight a few of the main elements of this model.

First and most important is the meaning of the term "institution." Peter Hall and Rosemary Taylor describe it as "formal or informal procedures, routines, norms, and conventions embedded in the organizational structure of the polity or political economy."[5] This broad definition is vital to the present volume because it forces us (if we are faithful to the approach) to focus on the institutions that constitute the IC as well as those doing the direction and oversight.

Another key aspect of New Institutionalism is attention to the origins of institutions, which can be understood in two parts. First, we must look to the goals and motivations of the actors involved in creating these institutions, keeping in mind the concept of "unintended consequences." In other words, it is important not to assume initial intent on the part of actors based on the current situation. Second, we must remain cognizant of the fact that, again in the words of Hall and Taylor, we live in "a world replete with institutions."[6] Thus the organizational formats of the IC and the oversight mechanisms, should they be adopted, throughout the democratizing world are roughly similar; the challenge for scholars is to analyze the extent to which a model

copied from one country and one context does, in fact, translate into an institution in another country and context.

Finally, it is worth reiterating that the creation and implementation of institutions are all about power, and institutional power relations therefore are a primary concern of New Institutionalism. Some actors have the power to adopt and implement new institutions, while others wield authority to resist this adoption—or more often, implementation. The importance of power relations to the balance between civilian leaders and intelligence organizations cannot be overemphasized. Not only have scholars of New Institutionalism recognized the critical part the creation of institutions plays in structuring relationships of power, but based on the research available, intelligence professionals and their civilian policymakers from around the world also are very much aware of the implications for their own countries. The conditions under which an institution forms will have a strong impact on who determines the rules of the game and how those rules will be implemented. New Institutionalism directs our attention to the centrality of institutions in structuring relations of power, through the conditions of their creation, the interests of those involved in creating them, and the influence of preexisting institutional models.[7]

We posit, then, that we must look to the institutions and the processes whereby information is turned into intelligence and use this as a departure point to then apply our CMR framework to the study of intelligence.

Intelligence as a Subset of Civil-Military Relations

There are several reasons for recommending a CMR-based method to study intelligence, specifically when reviewing a country's intelligence community. Accepting this approach requires us to consider what we mean by CMR. To begin with, we hold that the three fundamental issues of CMR are as follows: democratic civilian control, effectiveness in achieving roles and missions, and efficiency. Democratic control simply means that the military is under the control of the democratically elected, civilian leadership. Effectiveness means that the spectrum of roles and missions—from war to peacekeeping, intelligence, and counterterrorism—are in fact implemented and achieved. And efficiency means that missions are achieved at the least possible cost. It is our argument that these three, this trinity of issues or parameters of CMR, apply to all aspects of CMR. Democratic civilian control can be

identified as existing or not. Effectiveness can also be determined, but data are more often available in older democracies than newer ones. It is true, as the IC frequently notes, that intelligence professionals are most effective when their work and successes are not publicly known. On the other hand, incontrovertible proof that the IC was not operating effectively is provided by fiascos such as December 7, 1941; September 11, 2001; March 11, 2004 (Madrid); and September 2004 (Russia). In between, there is partial but sufficient evidence of whether and how well the IC is working, as pointed out by competing sectors of the IC, the media, and nongovernmental organizations (NGOs). In short, effectiveness is an issue or parameter that can be identified and documented.

The same cannot be said of efficiency. How much is intelligence worth? How efficient is it? Given the absence of transparency in intelligence both as a process and with regard to budgets, there is no realistic way in which a cost-benefit analysis can be performed. If IC budgets do become available in the public domain, it may be possible to assess efficiency as well (though, so far, when budgets do become public, they typically do not provide enough data for such analysis). In short, the peculiar characteristics of intelligence limit us to two of the three issues or parameters of CMR. While not optimum, it is still better than any competing analytical alternative with which we are familiar.

There is much more to recommend this CMR-based focus for the study of intelligence beyond the trinity just mentioned. First, in most, if not all, of the newer democracies, intelligence was in fact a monopoly of the military and ultimately led to familiar issues in the civil-military relations literature on transitions and dismantling the military prerogatives continuing from authoritarian regimes.[8] In the Philippines, as demonstrated in Douglas Macdonald's chapter here, intelligence reform is simply a part of civil-military relations and defense reform. In at least one important case that we are very familiar with due to our ongoing programs, that of Romania, the contemporary IC is still militarized despite many proposals to demilitarize it during the last decade and a half of democratic consolidation. (Russia and Moldova are also militarized, but there are no efforts to change that.) In other countries, while the media and NGOs give great attention to reforms leading to new, civilian organizations, we find that military intelligence often remains intact and commonly overlooked. Reforming military intelligence remains a low priority because all attention is given to the civilian organizations, which may or may not have the resources to be

able to do their job. We suspect this lack of emphasis is due to a lack of knowledge of and access to military intelligence by the civilians who are supposed to be exercising control.

Even in older and more institutionalized democracies, such as the United States and France, the military still plays a predominant role in intelligence. France has only marginally moved away from complete military dominance of its foreign intelligence organization recently, and in the United States much foreign intelligence was under the control of the military services until the end of the Second World War. Even with the creation of lead agencies under civilian control, as the United States attempted in 1947 with the National Security Act and had to do again recently with the establishment of a director of national intelligence (DNI), the military services still play a key role in intelligence. The congressional debate in late 2004 on the implementation of the recommendations of the 9/11 Commission and the establishment of the DNI showed how important intelligence remains to the military, as evinced by the very high level of political activity to ensure that the reforms would not interfere with the military chain of command and that forces would have timely access to the intelligence product for operations.[9] Further, in the United States some 80 percent of the funds for intelligence have gone to the Defense Intelligence Agency (DIA), the National Security Agency (NSA), the National Reconnaissance Office (NRO), the National Geospatial-Intelligence Agency (NGA), and the intelligence organizations of each of the military services, all military assets. Clearly, these agencies, as part of the Department of Defense, are ultimately responsible to the civilian service secretaries and the secretary of defense, but they have military functions, are often headed by senior officers, either on active-duty or retired, and ultimately serve the military. Finally, maybe the most important argument for a CMR approach to the study of intelligence is that intelligence and the armed forces share the same ultimate goal: to ensure national security.

INTELLIGENCE: MEANING, PURPOSE, AND FUNCTIONS

Before proceeding further, it is necessary to define what is meant by intelligence. Mark Lowenthal, one of the best authors and practitioners in the field, defines intelligence as three different phenomena,

which are interrelated and, unless specified, will result in confusion for the novice reader. First, intelligence is a process: "Intelligence can be thought of as the means by which certain types of information are required and requested, collected, analyzed, and disseminated, and as the way in which certain types of covert action are conceived and conducted." Second, it is a product: "Intelligence can be thought of as the product of these processes, that is, as the analyses and intelligence operations themselves." Third, it is the organization: "Intelligence can be thought of as the units that carry out its various functions."[10] Our focus in this book is primarily on this third phenomenon—the combination of organizations that make up a country's intelligence community, or IC. It is our view (following through from our conceptual approach focusing on institutions) that beginning our analysis with the components of the IC, and their interrelationships, will allow us to incorporate the first and second meanings of intelligence described above.

With respect to the mission of intelligence, we assert that intelligence serves two purposes: first and foremost, to inform policy and, second, to support operations, be they military, police, or covert, with the ultimate goal of ensuring state security. There is general consensus that these two missions result in four functions, or roles, of intelligence: collection, analysis, counterintelligence, and covert action. These roles of intelligence are common to most intelligence systems, although many authors and policymakers would prefer to exclude covert action; how they are distributed between and among the intelligence organization differs from state to state.

While we will briefly examine each of these functions individually, it is important to remember that they operate most effectively as part of a process in close conjunction with one another. As Roy Godson points out in the introduction to his book *Intelligence Requirements for the 1980s: Intelligence and Policy:*

> It is difficult to imagine an effective system for collecting intelligence without the analysis that provides effective guidance or "tasking" to collectors. Counterintelligence is necessary to protect collectors from becoming known, neutralized, and exploited by hostile intelligence services. Similarly, a successful program of covert action must be grounded in effective collection, analysis, and counterintelligence. All of this is to say that the nature of intelligence is such that the

several elements of intelligence are parts of a single unified system, whose success depends on all parts working effectively. In short, it must be a "full-service" intelligence system.[11]

Collection

Intelligence organizations collect information. The questions are, what kinds of information do they collect and what means do they employ to collect it? At a minimum, collection is done through signals intelligence, or SIGINT (from intercepts in communications, radar, and telemetry); imagery intelligence, or IMINT (including both overhead and ground imagery); measurement and signatures intelligence, or MASINT (which is technically derived intelligence data other than imagery and SIGINT);[12] and human intelligence, or HUMINT, which is information collected directly by people and includes information provided by ambassadors and defense attachés as part of their normal reporting routines, information obtained at public and social events, and information obtained clandestinely. In addition, intelligence professionals use open sources, sometimes referred to as OSINT, which include periodicals, the World Wide Web, seminars, and conferences. There is an ongoing debate regarding the use of open sources vis-à-vis classified sources since so much information on so many topics is readily available, but the means to collect these data are not planned by intelligence personnel.[13]

Analysis

Raw intelligence information is not very useful without analysis. Analysis, or the anticipation of analysis, also shapes collection requirements. Analysis has always been and will always remain the core skill in and the big challenge of intelligence. The problem is not only with the processing of gigantic quantities of data, but even more with what conclusions to derive from the information. Analysis, in short, is not a simple technical issue but rather includes methods, perceptions, and political preferences. Much of the analytical literature on intelligence in the United States and the former USSR focuses precisely on whether, and to what extent, leaders used the information provided to them by intelligence organizations.[14]

Collection and analysis form the core of intelligence. The process

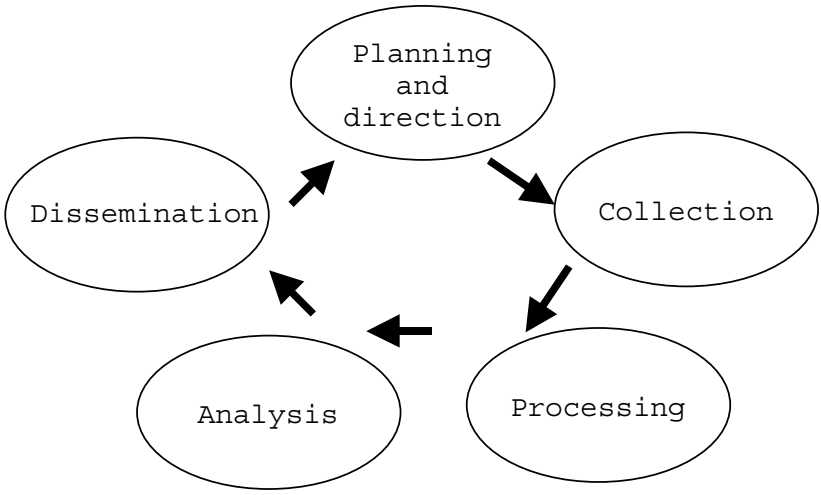

FIGURE 0.1. *The intelligence cycle.*

of putting them together to create reliable, accurate strategic intelligence is dynamic. Often referred to as the intelligence cycle (Figure 1), it begins with the policymaker and his planning staff (for example, in the U.S. case, the president and his National Security Council staff) expressing a need for intelligence information to help them make a national security–related policy decision. Intelligence managers convert these requests into collection plans to acquire the information. The raw data are collected by various intelligence methods, processed, exploited, and given to analysts for integration, evaluation, and analysis for producing finished intelligence products (written reports or oral briefings, for example). These products are disseminated to the consumers (in this example, the president and planners of the NSC), who provide feedback to the intelligence managers for additional or more focused information.

Counterintelligence

At its most basic, the purpose of counterintelligence is to protect the state, and its secrets, from other states or organizations. Seemingly clear and straightforward in these terms, in fact counterintelligence becomes, in the words of the longtime and controversial head of counterintelligence at the CIA James Angleton, " 'the wilderness of

mirrors,' where defectors are false, lies are truth, truth lies, and the reflections leave you dazzled and confused."[15] Abram N. Shulsky defines the broad scope of issues involved:

> In its most general terms, counterintelligence refers to information collected and analyzed, and activities undertaken, to protect a nation (including its own intelligence-related activities) against the actions of hostile intelligence services. Under this definition, the scope of counterintelligence is as broad as the scope of intelligence itself, since all manners of hostile intelligence activities must be defended against.[16]

Shulsky, like most American authors on the subject of intelligence, associates counterintelligence primarily with countering foreign threats. In common usage, the term "counterintelligence" also is applied to those intelligence activities aimed at countering internal threats, which British and Commonwealth scholars term "security intelligence." They distinguish these functions from counterintelligence operations aimed at foreign intelligence service activities. Peter Gill defines security intelligence as "the state's gathering of information about any attempts to counter perceived threats to its security deriving from espionage, sabotage, foreign-influenced activities, political violence, and subversion."[17]

Covert Actions

Covert actions—or what the British call special political actions and the Soviets called active measures—are actions intended to influence another state by means that are not identified with the state behind the actions. There are several categories of covert action, ranging from propaganda to paramilitary operations. Mark Lowenthal categorizes them in terms of levels of violence and degree of plausible deniability. The first level, propaganda, includes the utilization of the media in another country to convey a certain message. It is categorized as the least violent means of covert action with the highest degree of plausible deniability. The second level is political activity, which includes funding or other support to government leaders, political parties, unions, religious groups, the armed forces, and the like to follow a certain course of action in another country. Closely linked to this level is economic activity, in which governments use economic weapons, such as

destroying crops, influencing markets, and circulating counterfeit currency to destabilize a regime. The final two levels involve much higher degrees of violence and usually provide a lesser degree of plausible deniability. The overthrow of governments by coups, usually through surrogates, may be the final step of other, less violent, methods. Paramilitary operations, which are the most violent method of covert actions, involve the use of force, usually through the employment of indigenous armed elements, to directly attack another state.[18] The larger the paramilitary operation, the less likely it is provide the cover of plausible deniability for the sponsoring state.

Obviously not every country needs, wants, or can afford capabilities in all four functions, or roles, of intelligence organizations, though all countries carry out at least some and have some form of intelligence organization. That these functions exist, that some nations have these capabilities, means that this is the global framework within which intelligence must be understood. If intelligence is created to defend the state, it must defend it within the real context of potential enemies, both other states and nonstate actors, all the while taking into consideration the instruments they have available.

INTELLIGENCE REFORM IN DEMOCRATIC TRANSITION AND CONSOLIDATION

Since the beginning of the "third wave" of democratic transition with the Portuguese Revolution in April 1974, there has been a general and gradual expansion of democracy to include all regions but for the Middle East. Previously authoritarian regimes collapsed for a variety of reasons, initiating a transition of power to more or less popularly elected civilians.[19] Democratizing countries become consolidated when the new regime's structure and processes become stable. Consolidation is a commonly used concept in comparative politics and is useful because it reflects the idea that the elites and the masses accept democracy[20] as "the only game in town."[21]

TRANSITION FROM THE SECURITY INTELLIGENCE STATES

Although in established democracies it has been domestic security agencies, such as the Federal Bureau of Investigation in the United

States or the Security Service (MI5) in Great Britain, that carry out counterintelligence, this was not the case in authoritarian regimes. There the boundaries and functions of military intelligence and police organizations overlapped or became indistinguishable from each other.

These authoritarian regimes relied on organizations to identify domestic opponents and neutralize their opposition to the government, and they sought, through a variety of means that included a controlled media, to generate at least domestic apathy. In most cases, these organizations were intelligence services. Precisely because of this heavy reliance on these organizations and their centrality to power, the intelligence apparatus grew in size and power, with the result that it was often autonomous, even within authoritarian regimes. In these countries, the role of intelligence was to protect the state's secrets from outsiders, which meant anyone outside the central core of power. And because almost anything could be defined as a state secret, the scope of that which had to be controlled was immense. Although in most instances the intelligence service rhetorically linked internal opposition to putative foreign enemies, the overwhelming focus of the intelligence service in most authoritarian regimes was domestic opposition and not other states.

In general, these security intelligence services functioned more as "political police" than domestic intelligence bureaus. Over time they acquired greater autonomy from policymakers and became insulated from any type of scrutiny. They inevitably gathered political intelligence on tremendous numbers of people, including legislators and judiciary (if any existed), usually unrelated to specific criminal offenses. In several of the countries discussed in this book, such as Argentina, Brazil, Romania, South Africa, and Taiwan, authoritarian intelligence services created what Keller and Gill have called the independent security state—an extreme form of security intelligence organization characterized by a lack of any external controls on intelligence activities.[22]

If the elected government does not control intelligence, it is by definition not a consolidated democracy. We believe that this matters, since democratic consolidation requires both the institutions and the culture of democracy. Central to the culture is legitimacy. Clearly, if a government is monitored—though "blackmailed" probably is a more accurate term—by the intelligence service, then the legitimacy will

be restricted. Trust, by the citizens in the institutions of democracy, will never be achieved if the issue of who really rules is not resolved. With an intelligence service left over from the authoritarian regime in fact supervising the government, trust can never be realized. Democratic consolidation is a huge challenge in the best of circumstances. Any handicap, especially one as critical as a lack of legitimacy, is an impediment impossible to overcome.

As demonstrated in the case studies in this book, and clearly epitomized by the almost two decades of frustrated intelligence reform in Argentina, it is a huge task to begin to reform intelligence organizations, with their broad scope and deep penetration in many authoritarian regimes. The challenge of doing so, of promoting democratic consolidation and reform of the intelligence organizations, is exacerbated by the fact that in most countries there is little awareness of intelligence functions and organizations. As highlighted so clearly in the Argentine case, the intelligence organizations resist change, and the legislators know very little about what is involved in intelligence. It fell to a small group of academic advisers to the congress to lobby for reform. Further, in some countries there is real concern that the intelligence apparatus has accumulated, and is still collecting, information that could be used to blackmail elite civilians and politicians. Thus not only is there a lack of information about intelligence organizations, but it is combined with fear, which perpetuates the lack of information. From our work in several regions of the world, it is clear that either the civilian politicians do not know anything about intelligence, or if they do, they simply don't want to deal with it.

ANALYZING INTELLIGENCE REFORM

In the more established democracies, the issues discussed above have been confronted and, for the most part, resolved. (As we will see in France, however, the past lives on, resulting in rather less than optimum effectiveness in intelligence.) For the newer democracies, coming to terms with the legacies of the old regimes and their authoritarian institutions makes intelligence reform that much more difficult.

It is worthwhile, then, to note that reform of the intelligence services means something entirely different for established democracies than it does for countries in democratic transition. In these "older"

democracies, reform generally connotes changes in an existing system that already respects control from elected civilian officials. These changes typically *enhance* civilian control and aim to improve effectiveness. In less mature or emerging democracies, reforms are intended to transform an intelligence apparatus that supported the old regime and lacks democratic civilian control. Still, as one reads through this book, striking similarities become apparent between the issues that both established and newer democracies face when trying to reform their intelligence services. Therefore, we return to the two parts of our trinity that provide a means for comparative study: democratic control and the effectiveness of an intelligence community.

Democratic Control of Intelligence

Democratic control of intelligence can probably best be defined as the sum of two parts—*direction* and *oversight. Direction* is civilian guidance to a nation's intelligence community with respect to its overall mission. This guidance is typically embodied in some sort of national security strategy as well as the day-to-day feedback an intelligence organization will receive from the civilians it serves. *Oversight* identifies the processes a democratic government has in place to review all aspects of an intelligence community's organization, budget, personnel management, and legal framework for intelligence operations.

The researchers who have contributed to this book—as well as the available, though very limited literature—provide a survey of norms and prescriptions for controlling intelligence in democracies that points to five basic mechanisms: executive, legislative, judicial, internal, and external control. Few democracies, however, have organizations or institutions that span this spectrum of means.

EXECUTIVE CONTROL

Executive control is typically the key variable in ensuring that a state is using its intelligence organizations appropriately, because it is the executive that normally defines the mission of the IC and organizes it, in general terms, to support that mission. Further, the executive branch is the primary consumer of intelligence and therefore provides the greatest direction to the IC on a daily basis. Executive control in established democracies often includes independent oversight of budgetary and personnel matters. Though not ideal, executive oversight

alone may establish enough control over a state intelligence apparatus to provide the fulfillment of democratic norms.[23] The main problem of an executive-only control scheme is the danger of the executive using the intelligence apparatus for other than democratic means.

LEGISLATIVE CONTROL

In many of the established and newer democracies, legislatures create the key organizational, budgetary, personnel, and legal oversight mechanisms of an IC, as well as provide balance to the executive branch. Legislatures are charged with ensuring that a country's public resources are spent appropriately and with good accountability, routinely auditing the spending and management policies of intelligence organizations. Additionally, legislatures often ensure that executive direction is both appropriate in terms of national security and in accordance with the rule of law. As will be clear in the first two of the three case studies of the United States, direct legislative oversight is a powerful mechanism for democratic control, though it is important to note that real legislative oversight was not established in the United States until the 1970s, and most new democracies don't really have it.

JUDICIAL CONTROL

Judicial control encompasses an independent judiciary empowered to review and interpret the legal framework for which intelligence operations are conducted. The judiciary can play a large or small role in monitoring intelligence activity, based on its authority within its particular democratic system. In some cases, the control established by the judicial branch resides within the organizations themselves in the form of legal counsel and inspectors general (IGs). These offices provide an internal review of budgetary, personnel, and legal matters. They are also charged with investigating citizen complaints against the organization for which they work. The chapter by Elizabeth Parker and Bryan Pate provides a unique and most comprehensive analysis of judicial oversight in the United States.

INTERNAL CONTROL

Analyzing internal control is a bit more problematic, primarily because each country organizes its intelligence community differently and those organizations have different prerogatives. In general, internal controls feature the aforementioned legal counsels and IGs; a

professional ethos and institutional norms; and multiple intelligence organizations, though these organizations usually are developed at the behest of democratically elected officials.

With respect to institutions and professional ethos, we believe that our conceptual approach to CMR is appropriate but must be adapted or tailored to the specific nature of intelligence. In CMR there is a whole set of institutions that societies have designed and developed over the past century or so to control those who hold a monopoly on the means of violence. These range from selective recruitment, professional military education, budgets, officer promotion and retirement, committees in congresses, policy and personnel control in ministries of defense, and finally influence from the media and civil society. The lessons learned and best practices in this domain are readily available and, we believe, transferable to a country's intelligence apparatus, with certain adjustments, globally.[24]

In the specific area of intelligence, multiple intelligence organizations are created as a control mechanism in a "divide and conquer" strategy. By creating multiple intelligence organizations, policymakers seek to prevent any single agency from having a monopoly on intelligence. This is the model in the United States and has been adopted with great vigor in Romania, where there were, as of mid-2006, at least six different intelligence organizations. This proliferation of organizations may or may not be efficient, since the different agencies may battle each other for resources and influence, but it eliminates the potential for any single agency or individual to be the sole source of knowledge and having the power that goes with it—thus creating opportunities for more democratic control. Most countries that are seeking to reform their intelligence structures have moved in this direction.

EXTERNAL CONTROL

External controls in democracies include a free press, private and professional intelligence organizations, independent think tanks, and, in the case of new democracies, foreign-funded nongovernmental organizations (NGOs) that are increasingly expected to monitor intelligence organizations.[25] The contribution of NGOs, especially in new democracies such as Argentina, Guatemala, Indonesia, and Romania, just to mention a few, exerts necessary pressure on the government to pursue intelligence reform.

Intelligence Community Effectiveness

As noted above, virtually everywhere in established democracies there is a separation between different organizations within the IC. Coordinating these agencies is a fundamental challenge democracies face in ensuring the effectiveness of their respective ICs.

The problem is, of course, that there are barriers in coordinating among agencies. Such barriers are due to the normal bureaucratic impediments to interagency coordination, such as protecting turf and fighting for resources. In the specific context of the ICs, these impediments are tremendously magnified and multiplied by their unique characteristics, which all derive from the need to work in secrecy, leading to the concern in providing their product to other organizations that might not safeguard the secrets. An additional factor is the competition among organizations to sell this product to the consumer, which is ultimately the policymaker. The challenge of coordination looms large in the report of the 9/11 Commission, as we shall see in our first chapter on the United States.

More-established democracies have attempted to come to grips with this dilemma by using the multiple agencies to provide peer reviews for finished intelligence products. They have also created a process, termed red-teaming or team B analysis, to challenge established assessments within the intelligence community and offer alternative interpretations, sometimes using organizations outside of the IC. While some of these democracies use this review, or competitive analysis, to arrive at a consensus, other countries capitalize on the process and include alternatives in finished products to ensure that policymakers have more than one side of the story.[26]

Even with the greater emphasis on effectiveness in the more established democracies, there is the continuing concern with democratic, civilian control. It continues to bear repeating that it is simply inherent in the nature of intelligence as a process and organization that these concerns continue. After all, democracy as a system of government is based on accountability of the governors to the governed, requiring transparency, whereas intelligence, in all three meanings of the term, requires secrecy. There is thus an inherent tension, even dilemma, in designing and managing an IC characterized by both democratic civilian control and effectiveness. Learning how to deal with this ongoing dilemma remains the greatest challenge in newer democra-

cies in the area of intelligence. Policymakers in most of these countries appear to suffer from almost pathological problems in understanding that some issues of governmental design, or institutional engineering, are never resolved; they must be continually "worked."

PREVIEW OF OUR WORK

This book is about change in the intelligence institutions of three established and seven newer democracies. Change results in the case of the newer democracies as part of the overall process of democratic consolidation. In the older democracies, change most often occurs due to acute awareness of the lack of effectiveness of the IC in such critical events as 9/11 or the absence of weapons of mass destruction in Iraq rather than any attempts at simply improving the IC.[27] Very likely, effectiveness will increasingly become an issue in the newer democracies as they participate in the global fight against terrorism and face their own internal and external threats.

The chapters that constitute the body of this book were selected for several reasons. First and most importantly, they are case studies of the two fundamental contemporary challenges in intelligence. The United States, Great Britain, and France were chosen as case studies of the difficulty in achieving effectiveness in the roles of the IC. The others, the newer democracies, were chosen to highlight different aspects of the challenge in achieving democratic civilian control over the intelligence apparatuses. There is, however, also a cross-cutting analysis in that two of the chapters on the United States deal with oversight. And at least in the cases of the Philippines, Romania, Russia, and Taiwan, attention is given to achieving effectiveness as well as democratic civilian control. The second criterion for the selection is the geographical diversity. There are case studies from North and South America, Asia, Africa, Western and East-Central Europe, and Russia. The third and last criterion was in some ways the most difficult: to select important countries where we could find either highly developed expertise or a sufficient literature for research on which to base the case studies. We have assembled here a rich set of chapters by true experts. In the case of the United States, Great Britain, France, Romania, Brazil, Argentina, and Russia, the authors have unique experience and insights that allow them to analyze the IC of their respective countries. In the others, the authors are highly regarded experts on either

the country or the topic, and in some cases both, such as the authors of the chapters on the Philippines and Taiwan. Access to informed experts on these topics in these countries is no simple matter. All of the authors enjoy privileged access.

It will become obvious, and should come as no surprise to those working in the field of intelligence, that the sources cited in the endnotes of the chapters are very different from one another. Some chapters rely heavily on books and articles, others on the World Wide Web, and yet others on personal interviews. It must be stressed, however, that while the endnotes document the key points in each chapter, in all cases the authors have exposure, insights, and understanding beyond what is found in the endnotes. Indeed, as is generally the case in intelligence, those who know something from a classified source search for published sources to document this information. In short, our authors have documented points known from beyond the sources cited. A final factor of "quality control" for this book is that the editor, and especially the assistant editor, have access to the IC in the United States and possess a broad-based knowledge of intelligence and its role in government through professional knowledge and/or CCMR seminars and longer-term educational programs, now totaling more than five hundred, performed in more than one hundred countries over the last ten years.

The sequence of the chapters that follow has a rationale. We begin with the United States not only because it is the sole remaining superpower, with by far the largest and most comprehensive IC accompanied by obvious challenges of coordination and effectiveness, but also, in the chapters by Steven Boraz and by Elizabeth Parker and Bryan Pate, because of the extensive system of direction and oversight of the IC. Steven Boraz has done a tremendous job of collecting, analyzing, and summarizing the legislation and policies whereby direction and oversight are exercised currently in the United States. Elizabeth Parker and Bryan Pate have drawn on extensive personal experience and research to produce a chapter on a critically important topic, judicial oversight, which has never previously been analyzed so thoroughly. Other countries may want to copy one or more elements of this elaborate and extremely dynamic system of democratic civilian control and oversight. In his chapter, William Lahneman justly highlights the dilemma of combining a vital democratic tradition, the full "rule of law," with all four functions of intelligence. September 11 simply dramatized what has been long known: there is an inherent tension between

democracy and intelligence. It is part of the classic tension and trade-off between liberty and security.

In Great Britain there is in intelligence, as in civil-military relations in general, no doubt about civilian control. The elaborate web of institutions and understandings for democratic control is hallowed; whether they can be copied elsewhere is another question. There is in addition, as in the United States, a real question of effectiveness. In the British case, as in France, a professional IC and a long tradition of work in intelligence do not guarantee effectiveness. Whereas Peter Gill calls particular attention to the institutional and political obstacles to accurate intelligence (as product), Douglas Porch highlights the importance of history and culture in impeding the effectiveness of the French intelligence services.

The remaining chapters deal with case studies of intelligence reform as a key element of democratic consolidation. While there was no question but that reform of the intelligence apparatus had to take place as an integral part of democratic consolidation, and did, there is some question as to how well this has worked out. Marco Cepik demonstrates that Brazil has undergone a model reform of the intelligence system. Whether the IC—and especially its central element, the Brazilian Intelligence Agency (ABIN)—is effective or not is an open question. For the outsider, Steven Phillips's study of Taiwan might seem almost too good to be true. Once the government became committed to democracy, intelligence reform had to follow. One can only hope that in other Asian countries, and especially Southeast Asia, the political elites will want to follow the model of Taiwan. Priscila Antunes shows in great detail how intelligence reform in Argentina was brought about by a few members of the congress, and in fact mainly their academic advisers, against the overt resistance of the military intelligence system. Cris Matei provides remarkable detail in documenting the thoroughness of intelligence reform in Romania and highlights the role of the media. If Romania were not a member of the North Atlantic Treaty Organization (NATO) and aspiring to join the European Union in 2007, one might wonder if the reform could have gone so far, so quickly. Kenneth Dombroski documents the model reform of the South African IC, again as part of democratization, and raises the explicit question as to the depth and direction of these reforms. He highlights the central role in the IC of those trained in the former Soviet bloc, thereby raising an issue to which we turn in the book's conclusion. Success in South Africa is extremely critical

because the country is important in its own right and as a model for the rest of Africa. If reforms cannot be secured in South Africa, there probably isn't much hope for the rest of the continent.

As Misha Tsypkin demonstrates convincingly in his study of Russia, not only has the democratic state not imposed its values on intelligence, but his detailed analysis leads the reader to question whether there is a democratic state at all, given that the intelligence system has essentially taken it over under Vladimir Putin. As demonstrated in the other chapters, intelligence reform must be a part of democratic consolidation, and it is doubtful whether Russia is heading in that direction. Douglas Macdonald provides an overview of the Philippines, with rich and extensive insights into the historical and cultural obstacles to both democratic civilian control and effectiveness of intelligence. Since it is apparently very difficult to professionalize government service in the Philippines, one despairs of achieving it in the crucial area of intelligence. Macdonald concludes, however, on an optimistic note, which Tsypkin is unable to do.

This book is all about "lessons learned and best practices." Some of the practices may well be considered "worst practices," but even then something can be learned from their dissection. We hope that the framework provided in this introduction, and the rich information conveyed in the twelve chapters, will allow for the accumulation of lessons learned. All of the contributors to this book realize full well that is a tricky topic, an opaque issue to analyze, where much is changing and we know that we can only touch the surface, but it is a topic so critically important for both democratic consolidation and international security that it simply must be treated analytically and comparatively. In the conclusion we will turn to an element that is touched upon in several of the chapters—that is, the education and training of the intelligence professionals—to complement and buttress the institutional reforms analyzed throughout the book. We believe that institutional reforms alone are insufficient to achieve democratic civilian control and effectiveness, unless a cadre of intelligence professionals of adequate size and preparation is put in place to staff these institutions.

NOTES

1. The most notable exceptions include Mark Lowenthal, *Intelligence: From Secrets to Policy* (Washington, DC: Congressional Quarterly Press, 2003); and

Amy B. Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Stanford, CA: Stanford University Press, 1999). For an update, see Amy B. Zegart, "September 11 and the Adaptation Failure of American Intelligence Agencies," *International Security* 29, no. 4 (Spring 2005): 78–111. For a useful argument on comparing intelligence, see Kevin M. O'Connell, "Thinking about Intelligence Comparatively," *Brown Journal of World Affairs* 11, no. 1 (Summer–Fall 2004): 189–199.

2. On roles and missions, see Paul Shemella, "The Spectrum of Roles and Missions of the Armed Forces," in Thomas C. Bruneau and Scott Tollefson, eds., *Who Guards the Guardians and How: Democratic Civil-Military Relations* (Austin: University of Texas Press, 2006), 122–142.

3. Peter A. Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44 (1996): 936.

4. W. Richard Scott, *Institutions and Organizations* (Thousand Oaks, CA: Sage Publications, 1995), 27.

5. Hall and Taylor, "Political Science," 938.

6. Ibid.

7. Further inspiration for the approach here is found in Walter W. Powell and Paul J. DiMaggio, eds., *The New Institutionalism in Organizational Analysis* (Chicago and London: University of Chicago Press, 1991); and W. Richard Scott, *Organization: Rational, Natural, and Open Systems*, 5th ed. (Upper Saddle River, NJ: Prentice Hall, 2003).

8. For an excellent discussion on these issues, see Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton, NJ: Princeton University Press, 1988). It is probably worth noting that the Library of Congress is currently managing a global comparative survey on civil-military relations using Stepan's perspective of prerogatives.

9. For a succinct review of the issues involved, see Richard A. Best Jr., *Intelligence Community Reorganization: Potential Effects on DOD Intelligence Agencies*, CRS Report for Congress (Washington, DC: Congressional Research Service, Library of Congress, updated October 4, 2004).

10. Lowenthal, *Intelligence*, 8.

11. Roy F. Godson, "Intelligence and Policy: An Introduction," in Roy F. Godson, ed., *Intelligence Requirements for the 1980s: Intelligence and Policy* (Lexington, MA: Lexington Books, 1986), 2.

12. Forms of MASINT include acoustic intelligence; radar intelligence; nuclear radiation detection; infrared intelligence; electro-optical intelligence; radio frequency; unintentional radiation; materials, effluent, and debris sampling; and electro-optical and spectroradiometric sources.

13. For abundant open-source intelligence analysis, see, for example, http://www.janes.com, http://www.stratfor.com, and http://www.indigo-net.com/intel.htm.

14. See, for example, Michael I. Handel, ed., *Leaders and Intelligence* (London: Frank Cass, 1989); Christopher Andrew, *For the President's Eyes Only: Secret Intel-*

ligence and the American Presidency from Washington to Bush (New York: Harper Collins, 1995); and Christopher Andrew and Vasili Mitrokhin, *The Sword and the Shield: The Mitrokhin Archive and the Secret History of the KGB* (New York: Basic Books, 1999). For a short and useful discussion of the issues in production and consumption of intelligence, see Mark M. Lowenthal, "Tribal Tongues: Intelligence Consumers, Intelligence Producers," *Washington Quarterly* (Winter 1992): 157–168.

15. Quoted by Peter Wright (with Paul Greengrass), *Spy Catcher: The Candid Autobiography of a Senior Intelligence Officer* (New York: Viking, 1987), 305.

16. Abram N. Shulsky, *Silent Warfare: Understanding the World of Intelligence*, revised by Gary J. Schmitt (Washington, DC: Brassey's, 1993), 111. See also James M. Olson, "The Ten Commandments of Counterintelligence," *Studies in Intelligence*, no. 11 (Fall/Winter, 2001): 81–87. Ken Dombroski was helpful in assisting us to clarify several of the issues involved in counterintelligence as well as covert action.

17. Peter Gill, *Policing Politics: Security Intelligence and the Liberal Democratic State* (Portland, OR: Frank Cass, 1994), 6–7.

18. Lowenthal, *Intelligence*, 129–131.

19. Thus rather than providing explanation, one of the most highly regarded experts of comparative politics comes up with "factors" explaining transitions. See Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

20. Democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives. See Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is . . . and Is Not," in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy* (Baltimore: Johns Hopkins University Press, 1993), 40.

21. Among other sources on this approach, see John Higley and Richard Gunther, eds., *Elites and Democratic Consolidation in Latin America and Southern Europe* (Cambridge: Cambridge University Press, 1992), 3–4; and Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 5–6.

22. See Gill, *Policing Politics*, for the typology of security intelligence organizations, based on W. W. Keller, *The Liberals and J. Edgar Hoover: Rise and Fall of a Domestic Intelligence State* (Princeton, NJ: Princeton University Press, 1989), 13–16, 60–61. Gill categorizes the three types of security intelligence services with respect to levels of autonomy from and penetration of society.

23. Great Britain and France are good examples of established democracies with an executive-only system. In Great Britain, the Intelligence and Security Committee, made up of parliament members, reviews reports on intelligence; however, the committee provides its findings only to the prime minister, and it

does not have full access to all information. In France there is no separate system for overseeing intelligence services. Instead, accountability is provided through the Ministry of the Interior or the Ministry of Defense. See Hans Born and Ian Leigh, *Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies* (Oslo: Publishing House of the Parliament of Norway, 2005); and Peter Chalk and William Rosenau, *Confronting the Enemy Within* (Santa Monica, CA: RAND, 2004).

24. These institutional and other controls are described and analyzed in Bruneau and Tollefson, *Soldiers and Statesmen*.

25. See, for example, http://www.fas.org for information on one of the more active NGOs working in this area of intelligence.

26. Great Britain, until the recent acceptance of the Butler Committee report, was a good example of a consensus intelligence provider. The British system now includes a separate team to challenge assessments and will shortly be appointing a "challenger in chief" to test intelligence material before it is presented to policymakers. See "Cat's Eyes in the Dark," *The Economist*, March 17, 2005. The United States and, to a lesser extent, Australia and Canada are organizations that use the method of competitive intelligence to provide alternative analyses.

27. For a comprehensive survey of earlier reform proposals in the United States, beginning as early as two years after the IC was restructured, see Richard A. Best Jr., *Proposals for Intelligence Reorganization, 1949–2004*, CRS Report for Congress (Washington, DC: Congressional Research Service, Library of Congress, July 29, 2004).