

# What Lessons for the Organization and Conduct of Intelligence can be Drawn from 9/11?

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## What Lessons for the Organization and Conduct of Intelligence can be Drawn from 9/11?

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OLIVER LEWIS, DEC 2 2007

“The terrorist attacks of the September 11<sup>th</sup> 2001” have, as Len Scott and Peter Jackson assert, “brought intelligence issues to the forefront of both official and popular discourse on security and international affairs.”[1] Not since the Japanese strike on Pearl Harbour in 1941 has an ‘intelligence failure’ had such ramifications on the United States intelligence agencies, and upon the global intelligence community. The aftermath of the terrorist atrocities visited upon the United States in 2001 has led to numerous commissions and reviews regarding the organisation and conduct of the US intelligence agencies, and the manner in which data is managed and disseminated.

Furthermore, the implications of 9/11 – the ‘War on Terror’, Afghanistan and the Second Gulf War – has led to an unprecedented call for closer inspection of the United Kingdom’s intelligence process; bringing into the public domain many of the intricacies of the UK’s intelligence community in the Hutton and Butler Reports. In this essay I will discuss the definition of intelligence, and establish the meaning of and differences between the ‘organisation’ and ‘conduct’ of an intelligence community. I will then discuss some of the ‘lessons’ – the reforms or altered behaviour – that the United States intelligence agencies can ascertain from their ‘failure’ to prevent 9/11, and present an assessment of several illustrations that the United Kingdom’s intelligence community should ascertain from 9/11 and the incident of the 2002 dossier, *Iraq’s Weapons of Mass Destruction*. Consequently, I argue that while there are many lessons relevant to specific countries, there are also broader conclusions that can be drawn post-9/11 for the organisation and conduct of any intelligence community;

- the collection of intelligence be consciously proactive, ‘hunted’ and not only gathered;
- the analysis of intelligence should remain objective and apolitical whenever possible;
- greater cooperation within domestic agencies and also between global counterparts, is required;
- efficiency and quality in the processing of raw data is desirable over superior numbers of analysts and quantitative targets;
- the centralised coordination of an intelligence community is advantageous to a disjointed and competitive array of agencies tasked with similar responsibilities;
- and to respond to and defend against the terrorist threat intelligence agencies and governments must move away from a strictly law enforcement paradigm.

“Definitions of intelligence abound, all too often obfuscating rather than clarifying”[2] accurately surmises Alan Dupont, suggesting that intelligence is the finished product of a period of processing and evaluation intended to inform policy or support military operations[3]. Scott and Jackson broaden this definition, asserting that intelligence is generally understood as the gathering, analysing and making use of information[4]. However, leading academics the

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like of James Der Derian and David Kahn recognise that no single definition of intelligence has succeeded in encompassing all facets of the intelligence field. For example, where is covert action – a staple of the CIA's history – in a definition that focuses purely on information analysis? For the purpose of this essay, Michael Herman illuminates the explanation, remarking that “intelligence in government usually has a more restricted meaning than just information... It has particular associations with international relations, defence, national security and secrecy, and with specialised institutions labelled ‘intelligence’”[5]. Therefore this essay will attempt to answer what organisational and conduct lessons intelligence agencies, institutions or communities can learn from September 11<sup>th</sup>.

Furthermore, the notions of ‘conduct’ and ‘organisation’ should be clarified before an objective assessment can be begun. Simplistically, I take organisation to refer to the structure, hierarchy, management and personnel systems, fiscal budget, and an intelligence agency's status within wider state institutions. Conduct is more problematic, as it encompasses normative as well as descriptive elements. Broadly speaking it can be described as the means and methods employed to achieve the objectives of the intelligence service, commonly incorporating signals (SIGINT) and human (HUMINT) intelligence in the process of gathering information. Moreover, the conduct of an intelligence community extends to how it processes and analysis data, and the dynamic between intelligence and the political masters who direct it.

The United States intelligence community has long been integrated into the political machinations of any given Presidential administration, a principal structural factor contributing to their failure to prevent the terrorist attacks of 9/11. Goodman supports this claim, suggesting that it is this “*organizational discontinuity at both the CIA and the FBI*” that is one reason for the “*consistent failures of the intelligence community*”[6]. Goodman suggests that the organisational problems reside with the conflicting responsibilities of the two agencies; the CIA must conduct covert operations (which are inherently political) but also provide objective intelligence analysis for policy-makers to reach decisions (an apolitical process). Therefore the intelligence assessments invariably become politicised and thus their usefulness in predicting and preventing threats is diminished. The only avenue open to minimise the politicisation of intelligence work is to separate covert operations and intelligence gathering[7]. The Federal Bureau of Investigations is in a similar structural shortfall; it is orientated towards a law enforcement paradigm operating on the basis of investigating and solving crimes *ex post facto*, rather than working towards domestic detection and prevention, and are both “*ill suited to deal with catastrophic terrorism*”[8] and “*psychologically ill-adapted to conceptualising threats that lie... in the future*”[9]. Furthermore, the attitudes and politicised nature of the two agencies is an impediment to closely-integrated cooperation, which is a prerequisite of fighting a successful ‘War on Terror’. Indeed, as Goodman states, “*the terrorist attacks in 2001 could have been prevented with a genuine sharing of sensitive intelligence information.*”[10] It becomes increasingly apparent that – as Thomas Kean claims – it is absolutely crucial that a conscious effort to expand and maintain inter-agency cooperation and the sharing of secret intelligence data is put into action in the hope of preventing further terrorist acts.

To counter the emerging terrorist threat, Cogan suggests that an ‘offensive hunt’ strategy is the only viable option, and that such a perspective is only possible because the “*shock of September 11<sup>th</sup> 2001... produce[d] the political will to go over to the offensive*”[11]. A considerably drastic revision of traditional intelligence conduct, Cogan's strategy proposes a closer integration between the intelligence services and Special Forces to pre-emptively hunt down and if necessary kill terrorists on a global scale without necessarily recognising local sensibilities. As he admits, such a revolutionary strategy is far beyond the present capabilities of the US intelligence community and its law enforcement mindset, and would require further reforms, centralising and expanding cooperation between the myriad of intelligence agencies and the departments of Defence and State. Consequently, Cogan strongly argues that in the

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face of a prolonged conflict between Islamist terrorists *"offensive hunt will have to become the strategy of choice for US intelligence"* but this policy-shift will only be a success if the US radically alters the current internal security structures to protect itself against further threats, possibly even Weapons of Mass Destruction (WMD).

Whilst the terrorist attacks of September 11<sup>th</sup> 2001 did not lead *directly* to the 2004 *Review of Intelligence on Weapons of Mass Destruction* I believe that it is only possible to review proceeding events (the Second Gulf War) as a result of 9/11 and the altered dynamic in international relations; therefore the ongoing issues pertaining to the use of intelligence in the United Kingdom comes under the purview of this essay. Responding to outcries from within government, the media and the public, the Prime Minister commissioned a committee under Lord Butler of Brockwell to review the perceived compromised intelligence published in the *Iraq's Weapons of Mass Destruction* dossier in 2002. What I consider to be one of the most crucial and timely conclusions of Lord Butler's report is the absolute necessity that the workings of intelligence – particularly the analysis and presentation stages – should remain entirely objective and should not be subject to even the possibility of influence from the political mechanisms of the state. The Joint Intelligence Committee (JIC), the Cabinet-level body responsible for the review of intelligence that has been criticised for becoming too close to the elected government was praised for producing *"objective intelligence assessments"* but the report stressed that it is *"vital to maintain and reinforce its independence"*[12]. Furthermore, it is evident that the report investigated the impact of policy-maker membership in the JIC, concluding that such membership is not detrimental providing that *"the tradition of the JIC has prevented policy imperatives from dominating objective assessment in the JIC's deliberations"*[13]. It is considered to be an absolute imperative to retain an impartial, apolitical assessment process of intelligence to ensure that such information that is passed onto policy-makers is truthful, timely and accurately analysed. Arguably one of the most interesting recommendations of the Butler report is that the JIC Chairman should be *"someone with experience of dealing with Ministers in a very senior role, and who is demonstrably beyond influence, and thus probably in his last post"*[14]. Thus reinforcing the concept that the JIC, and by extension that the conduct of the intelligence services, should be detached from the political process and any partisan predispositions it could impose, for fear that close cooperation *during the objective analysis stage* could compromise the validity and usefulness of the information. The British intelligence system has been lauded as successful because the intelligence services maintain their independence, and the existence of an 'oversight' committee (the JIC) to produce and manage cooperative operational and strategic intelligence is seen as a principal benefit when compared with the intelligence community of the United States.

The United States has thirteen recognised intelligence services, several, including the 'Homeland Security Department' were created as a direct response to the attacks of September 11<sup>th</sup> 2001. Similarly, the US 'siren song' response to intelligence failure or criticism has traditionally been to restructure and thus create further agencies or sub-agencies with overlapping and often competing areas of responsibility. Taylor and Goldman argue that the primary fault of the American intelligence community – contributing to its failure to predict or prevent 9/11 – is the *"existence of overlapping entities with shared jurisdictions, inadequate communication, and selective intelligence sharing"*[15]. As Taylor and Goldman propose, the intelligence failure of Pearl Harbour led to the creation of a 'centralised' entity whose responsibility it would be to coordinate all intelligence – the Central Intelligence Agency (CIA) – in an effort to stop any such failures in the future. They claim that every other intelligence failure has created yet more entities that must be coordinated; for example, there are approximately forty-five *"separate governmental units and subunits... responsible for handling the different dimensions of the terrorist threat"*[16]. September 11<sup>th</sup> 2001 is an excellent example of how a lack of central coordination and unity within the American intelligence community has seriously impaired the effectiveness of agencies to protect US interests:

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*Two of the 9/11 terrorists purchased airline tickets under their true names even though they were already on a CIA published watch-list of potential terrorists who should not be allowed into the country. This occurred in spite of a [government] recommendation... that the FBI and CIA should share information about suspected terrorists so that warnings would light up if one purchased an airline ticket.[17]*

It is similarly startling that one can read an exhaustive narrative of the actions of the 9/11 terrorists for many months preceding the attacks on the World Trade Centre and the Pentagon in *The 9/11 Commission Report*. One can only conclude therefore that a large quantity of intelligence was available on these individuals, but for a variety of reasons (chief among which was a lack of cooperation and effective inter-agency communication) they were permitted to execute their devastating plan. Furthermore, in early 2001 “the level of reporting on terrorist threats and planned attacks increased dramatically” and the intelligence community “disseminated a terrorist threat advisory, indicating a heightened threat of Sunni extremist terrorist attacks against U.S. facilities”[18]. The 9/11 Commission’s report outlines many such examples of incoming intelligence data that Usama bin-Laden was planning an imminent attack on the US homeland received by countless different intelligence agencies and diplomatic channels. Despite these warnings “*there was a clear disparity in the levels of response to foreign versus domestic threats. Numerous actions were taken overseas... Far less was done domestically*”[19] because “*no one was looking for a foreign threat to domestic targets*” and “*domestic agencies did not know what to do, and no one gave them direction*”[20]. Once more, the lack of a central coordinating body – be it a single office-holder or a committee similar to the British JIC or Defence Intelligence Staff (DIS) – had devastating consequences for the United States.

Therefore, the US intelligence community can identify several eminent lessons for both the conduct and intelligence simply from just this minor discourse. Similar to the Butler Report, the 9/11 Commission’s report sets forth recommendations for organisational restructuring with US intelligence. One such recommendation is the creation of a ‘National Intelligence Director’ to act as an ‘intelligence czar’ and “*oversee national intelligence centers on specific subjects of interest across the U.S. government and to manage the national intelligence program and oversee the agencies that contribute to it*”[21]; a position not dissimilar to that of the Chairman of the UK’s Joint Intelligence Committee or the UK’s Intelligence and Security Coordinator. The Commission outlines extensively what it believes would be the necessary powers and responsibilities of a National Intelligence Director if the position were to counter some of the present shortfalls of the US intelligence community. These include the ability to propose who should lead the CIA, DIA, NSA, NGA, NRO and the FBI’s Intelligence Office and – more importantly – the authority to manage and allocate the United States intelligence budget. President Bush has followed elements of the reports recommendations, appointing the first Director of National Intelligence in February 2005, but while the position is permitted to allocate intelligence funds, President Bush admitted that the Director may find it difficult to achieve control of the military intelligence budget from the Pentagon – which is 80% of the US intelligence allocation. As Taylor and Goldman forcefully argue, “*no significant improvement will occur until the [Director] is actually given some kind of personnel and budgetary authorities over all IC entities*” and that “*no bureaucracy will have the desired coordination and unity if the putative director of that community lacks control over the career advancement and salaries of those he or she needs to coordinate*”[22].

Few would disagree that September 11<sup>th</sup> 2001 is one of the few periods in the history of intelligence which has sparked a genuine opportunity for reformation actively encouraged by wider government institutions. Furthermore it marks a turning point in the *necessary* evolution of intelligence conduct and the structure of intelligence-orientated entities because the threat posed by technologically-advanced and global international terrorism has never before been so dramatic. 9/11 has spurred on reviews, reports, committees and academic discourse on the future role of

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intelligence and how it must respond to the new threat and it is now the responsibility of policy-makers and intelligence officials to realise these goals. As I have argued, the intelligence community must adapt its conduct away from a law-enforcement paradigm to actively seek out information in cooperation with domestic intelligence services and the intelligence services of foreign states. Furthermore, 9/11 has accentuated the need for fewer, centralised and streamlined intelligence agencies that can retain their objectivity and independence from the transient politicians in their role as guardians of the national – and human – interest.

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[7] *Ibid.*

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[9] Cogan, C. (2004) 'Hunters not Gatherers: Intelligence in the Twenty-First Century'. *Intelligence and National Security* 19 (2): 304.

[10] '9/11: The Failure of Strategic Intelligence': 67.

[11] 'Hunters not Gatherers: Intelligence in the Twenty-First Century': 315.

[12] *Review of Intelligence of Weapons of Mass Destruction, Report of a Committee of Privy Councillors*, HC 898

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(2004). London: HMSO: 143.

[13]*Ibid.*

[14]*Review of Intelligence of Weapons of Mass Destruction*: 144.

[15] Taylor, A. and Goldman, D. (2004) 'Intelligence Reform: Will More Agencies, Money, and Personnel Help?'. *Intelligence and National Security* 19 (3): 418.

[16]*Ibid.*: 419.

[17]*Ibid.*

[18]*The National Commission on Terrorist Attacks Upon the United States Report* (2004). Washington: Government Printing Office: 255.

[19]*The National Commission on Terrorist Attacks*: 263.

[20]*Ibid.*: 264.

[21]*Ibid.*: 411.

[22] 'Intelligence Reform: Will More Agencies, Money, and Personnel Help?': 421.

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