INCIDENTAL PAPER

Seminar on Intelligence, Command, and Control

Effective Intelligence and Free Democracy—Is that an Oxymoron?

Arthur V. Grant, Jr.

Guest Presentations, Spring 1995
Michael L. Brown; William A. Owens; R. C. M. (Mark) Baker; Arthur V. Grant, Jr.; A. Jay Cristol; Robert Lawrence; Albert Edmonds; John A. Leide

January 1996

Program on Information Resources Policy

Center for Information Policy Research

Harvard University

The Program on Information Resources Policy is jointly sponsored by Harvard University and the Center for Information Policy Research.

Chairman
Anthony G. Oettinger

Managing Director
John C. B. LeGates

E-mail: pirp@deas.harvard.edu URL: http://www.pirp.harvard.edu
ISBN 1-879716-29-1 **I-96-2**

Effective Intelligence and Free Democracy—Is That an Oxymoron?

Arthur V. Grant

Art Grant joined the professional staff of the U.S. Senate Select Committee on Intelligence in April 1991. He is a member of the budget staff and is the staff designee for Senator Max Baucus. He graduated from the U.S. Military Academy in 1966 and was commissioned in the Armor Branch. His tours with combat arms units have included assignments both overseas and in the Continental United States. Mr. Grant has also held operations and training staff officer assignments with Headquarters, 1st Squadron, 10th Cavalry; Headquarters, 1st Cavalry Division; Headquarters, III Corps; Headquarters, Landsoutheast (NATO); and Headquarters, Department of the Army. During this latter assignment he was both a general staff officer in the Office of the Deputy Chief of Staff for Operations and Plans, and the Assistant Director of the Army Staff. His decorations include the Legion of Merit, Defense Superior Service Medal, Bronze Star (with Oak Leaf Cluster), Defense Meritorious Service Medal, Army Commendation Medal, and the parachutists Badge and Ranger Tab. He retired from the Army at the rank of colonel on May 1, 1991. Mr. Grant has been a member of the faculty of the U.S. Army Infantry School and was an Assistant Professor of History at the U.S. Military Academy, an Adjunct Professor of History at George Washington University, and a Professor of Military Strategy at the National War College. He has authored several books and articles on the American Civil War and on current military strategy. He has a Master of Arts degree from Rice University in military history and is a graduate of the U.S. Army Command and General Staff College and the National War College.

Oettinger: Our speaker today is a true hero. I refer not only to his military prowess—because aside from being a historian he is a practicing military operator who has had combat experience in Vietnam and elsewhere—but my reference to his true heroism is that it's a delight to have him here, although a year late. A year ago, at the height of one of the worst storms that we experienced up and down the East Coast, he managed to get to the Washington National Airport—and you know what it's like to get anyplace in Washington on a snowy day—in order to check that the plane was really not going, which it really was not. Which was good, because had it really gone, it wouldn't have been able to land. So it must have been an airline other than USAir, which he took today. So here, a year later, on a benign, lovely, though not sunny day, he is with us, and I am really appreciative of your putting yourself in double jeopardy to join us here today.

The details of his biography are available to all of you so I won't repeat them. It's a pleasure to introduce Art Grant, who says that he is willing to be interrupted with questions and arguments from the start. So saying, please go ahead.

Grant: Thanks, Tony. I will probably walk a little bit, stand up, and sit down. Since this is a seminar, I guess it doesn't really matter what my personal demeanor is, so I will be wandering around trying to talk to you today about intelligence and how it fits or doesn't fit in a democracy.

I had gone over a couple of your transcripts in previous years, and I notice that no one else has done this, but I really need to make a disclaimer now about "the views you are about to hear are my own." I don't represent the committee or any member on our committee about what I'm going to say. The reason I make this point is that it helps a little bit to explain what the Senate Select Committee on Intelligence is all about, and that is, it tries to make sure that it keeps control of staff in terms of leaks and that information isn't put out that shouldn't be put out. I just want you to know that they have control of me right now, and what I am about to tell you are just my ideas and thoughts on this subject.

As Tony mentioned, I'm very comfortable with questions and challenges on my assumptions throughout the presentation. If you feel so inclined, please interrupt me and we can digress. I have, obviously, an idea where I want to go, but if you have interests elsewhere, we can pursue those for a little while at least.

The title of what I was supposed to talk about is "Effective Intelligence and Free Democracy—Is That an Oxymoron?" I use those adjectives for a good reason. I think there is a fundamental conflict between democracy and intelligence. So the question is: "Can you have effective intelligence and also have a free democracy?" I want to talk about how the United States government tries to do that. Whether it's successful or not is up to you and others to judge.

Defining "effectiveness," of course, is important, and I have no special academic definition of effectiveness except to say that in the intelligence area, what I'm talking about in terms of effectiveness is the provision of information in enough time that a policy maker can make a better and more fully informed decision. That's full of all kinds of subjective criteria and caveats, and it's meant to be, because effective intelligence is tough to judge beforehand, and then afterwards we argue about it all the time. After all, we're still arguing about Pearl Harbor and whether or not it was an intelligence failure. (If you want to talk about that I'd be glad to go into it in a little more detail.)

Oettinger: Could I ask you a question on "policy maker"? To your mind, does intelligence cover stuff that a corporal or second lieutenant or captain in the field gets, or only something that a Policy Maker (capital P, capital M) gets? Can you elaborate on that a little bit?

Grant: Yes. I'll go into a little more detail in just a second about whom I think intelligence serves, but that's a good point. I would argue that a corporal in the field conducting a military operation is a policy maker. He is in charge of other people and he is executing a policy that has been given to him. But in the execution of that policy, he is making decisions that implement the policy and perhaps adding a different twist to it. So, "policy maker" can start at the lowest levels of government and continue all the way up through the President of the United States.

There are three things that I essentially want to talk about today (figure 1). I want to talk a little bit about what the U.S. intelligence community is; talk a little bit about democratic control—how we on the congressional staff and how members of Congress see democracy keeping intelligence under control; and then end up by talking about the tension that is then created between intelligence and a democracy. As I say, I think that tension is real, it will always exist, and it's an important tension to keep managing.

- The intelligence community
- Democratic control
- The constant tension

Figure 1

Intelligence and a Democracy

As I mentioned, the first thing I want to talk about is U.S. intelligence: how it's organized, and generally what it does or doesn't do. I want to begin by saying that it's my belief that the U.S. intelligence community is schizophrenic (figure 2).

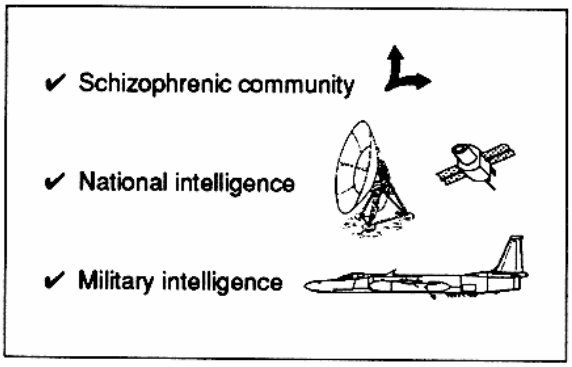

Figure 2

U.S. Intelligence

I'm not a psychologist, so I don't know whether I'm really talking about a dual personality here or schizophrenia. I've chosen schizophrenia. But in any event, on the one side of the personality—the one side of the schizophrenia—there is the idea that I just mentioned when I said the "intelligence community," when in fact I was referring to U.S. intelligence. As soon as I say "intelligence community," it appears then that I'm talking about some kind of organized, rational bureaucracy that has common goals, that attempts to operate effectively and efficiently. It is a community, as I say, sharing common interests. That's one side of the personality.

The other side of the schizophrenia is: it's not that at all. It is a staff function. That is: intelligence officers, career intelligence specialists, are a group of specialists who advise policy makers who are engaged at all levels of policy making (planning and execution), from second lieutenants or corporals all of the way up to the President of the United States.

If you are a believer in the first side—that is, that intelligence is a community—you then can look at intelligence functions in the U.S. government and say, "Gee, we need to spend a lot of time to make it more efficient, because if it is a holistic or an organized community, there are economies of scale that can be gained and we ought to be working to do that."

However, if you are in the second group, you say, "No, intelligence really just advises policy makers. Intelligence specialists at all levels are linked, and they are in the same kind of business in terms of analysis and production and using special sources and methods in order to arrive at conclusions, but other than that, it's just a kind of loose association. They are simply staff specialists who are advising policy makers; therefore, when talking about how the intelligence apparatus of the United States should be organized, you should be spending most of your time ensuring that intelligence answers the questions that policy makers are asking at any particular level of the policy community." So for this group, effectiveness, then, is more important in terms of responding on a timely basis in as precise a manner as possible. That's what they believe you should be maximizing, and this whole idea of efficiencies is rather unimportant because, after all, it's not a community. So, that's the schizophrenia I'm talking about, and that schizophrenia is reflected in the way U.S. intelligence is organized.

The next thing I want to talk about is the organization of the U.S. intelligence community. At the national intelligence level (these are obviously very simplistic organizational diagrams), there is a Director of Central Intelligence (DCI) who exists over a bureaucracy. He's served by a Community Management Staff, and the bureaucracy consists of the agencies or offices that you see displayed on this chart here (figure 3).

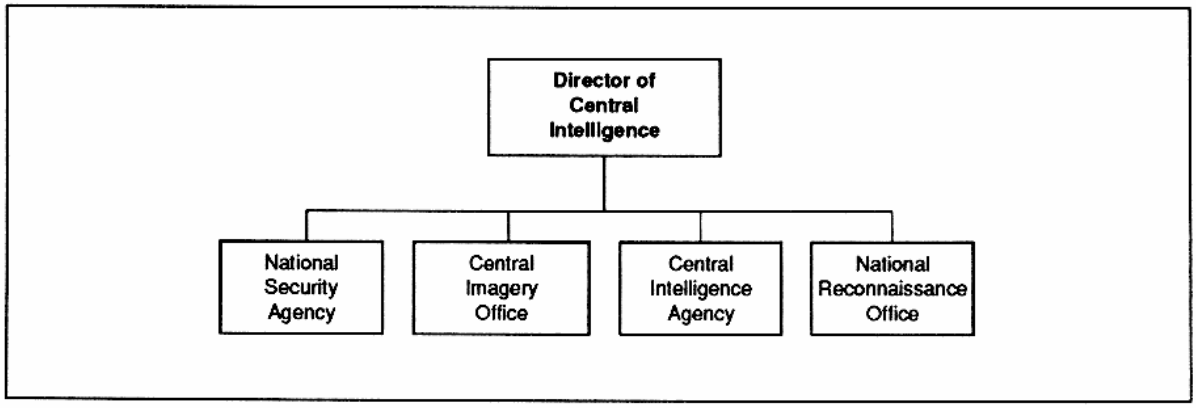

Figure 3

Intelligence: The Community View

If this is your view of the intelligence community, you belong in that first group I'm talking about: you believe there is such a thing as an intelligence community. For example, there is the National Security Agency. They're responsible for planning, coordinating, and directing signals intelligence and information security within the Department of Defense and throughout the U.S. government.

Then there is the Central Imagery Office, and they are responsible for policy involved with the collection of imagery, whether it's from airplanes or satellites. They're involved with imagery training policies, and they manage the requirements that the intelligence community has in terms of imagery collection.

Then there is the Central Intelligence Agency, probably the most famous organization—at least the one gets the most play in the press—which is part of the intelligence community under the Director of Central Intelligence. It provides foreign intelligence on national security topics and also conducts counterintelligence activities, special activities, and other functions related to foreign intelligence and national security as directed by the President. (Obviously, I am reading these definitions for a good reason.)

Then there is the National Reconnaissance Office—the last one if you see the intelligence apparatus of the United States as being a community—and they're responsible for the research, development, acquisition, and operation of the nation's intelligence satellites. So, as I say, if you are in the group that believes that there is an intelligence community, your view of the intelligence community is something like this. It's a fairly simple structure organized along functional lines with clearly defined areas of responsibility.

Oettinger: Don't let me derail you too far, but having peeked ahead a little bit, the FBI doesn't show up anywhere. Where does it fit in your concept of community, real or schizophrenic or otherwise?

Grant: Well, it's not included two slides further on (figure 5) for a reason. That's a good question: where is the FBI in all of this? There are lots of agencies missing here ...

Oettinger: ... which consider themselves as members of the intelligence community.

Grant: Absolutely.

Oettinger: ... which is why I am bringing up the question.

Grant: The Federal Bureau of Investigation, on intelligence matters, is responsible for domestic counterintelligence: counterintelligence within the United States, operations involved in the United States. If you listened to what I said about the Central Intelligence Agency, it also is responsible for counterintelligence activities, which then gets to the question of, is this a rational organized bureaucracy with common goals and clearly defined responsibilities, or is it a little more messy than that? Two slides further on (figure 5), still in a very simplified fashion, you'll see that I'm going to suggest to you that it is not a clearly defined community. It has many overlapping responsibilities, and there are many arguments that continue to go on about their respective responsibilities.

For example, in the area of the Federal Bureau of Investigation, the famous Ames spy case received a lot of play in the press. The committee whose staff I am on became very concerned because of the overlap with counterintelligence activities, and our committee's view is explained in our report on the Ames spy case. The fact that there were these overlapping responsibilities had a lot to do with why Ames got away with what he got away with for so long, because the responsibilities and functions were not clearly defined. Turf wars went on between the CIA and the Federal Bureau of Investigation, and information wasn't shared as fully and completely as it should have been. As a result of those things, and others of course, Ames went on for five or six years.

Oettinger: Let me just add a footnote to that, because for many, many years the explanation for what Art has just indicated was the personality of J. Edgar Hoover. Hoover is dead now, and so it's clear that

these issues have a deeper root in institutional phenomena that outlast particular individuals. These are deeply rooted organizational structural things.

Grant: I've spent a lot of time in the bureaucracy of various sorts, as you can see from my biography, and I am not of the school of thought (I'm probably in the minority here) that says bureaucracies spend most of their time protecting turf and less time on matters of substance, on common goals which all the bureaucracies share. I know lots of examples where that is true, but I also know lots of examples where that is not true. I come down on the side that says bureaucrats don't spend a lot of time worrying about their turf. They spend more time on goals that are shared throughout the government. Here is an example: this issue of counterintelligence as it relates to Ames.

The fundamental question between CIA and FBI is not: "Whose turf is it? You've got overseas and I've got domestic." The FBI says, "Yes, but if we've got a law enforcement issue, because we're trying to arrest somebody for counterintelligence violations, we need to be overseas with our own people collecting information and intelligence, gathering evidence to build a case against that person within the continental United States. So therefore, we've got to be overseas, too." The Central Intelligence Agency says, "Hey, it's clear. I mean, there are directives and laws and executive orders that say, 'We, the CIA, are overseas. That belongs to us, so don't bother sending anybody overseas.'"

That is not really what was going on in terms of a turf war. The turf war was this: the FBI is interested in building a case to send somebody to jail. There are clearly defined rules of evidence, as you're all aware, within our judicial system that say, "You cannot do illegal wiretaps, you cannot do this and that, because if you taint the evidence, it won't be admissible in a court of law." Therefore, the FBI works under very strict legal guidelines. They're building a case so that they can use evidence in a court to convict somebody.

The CIA is not particularly concerned if anybody's convicted of spying in a court of law. They're in the business of finding out who the spy is and then making a decision: "Do we let the other side know that this spy is a spy, and therefore he's taken out of the game—he's declared *persona non grata* and withdrawn and goes back to the home country? Or do we turn this person into a double agent? Do we try to recruit him for our goals? And so, in the process of getting the information to make that decision, do we turn him or just reveal him so that he or she is no longer an effective spy?" They're not concerned about rules of evidence. They don't care about illegal wiretaps overseas. None of that makes any difference to them. So, the fundamental difference is the goal of the organization. The FBI wants to send people to jail. The CIA wants to get people out of the spy business or turn them into the spying business on behalf of the United States. That is the fundamental question that separates them, not turf.

Oettinger: Thank you very much for clarifying that. I think this is a much more profound and much more important problem. Part of my reason for interrupting again is to call your attention to a couple of presentations last year and the year before dealing with similar issues in counternarcotics and other kinds of problems where an attempt is made to put military intelligence and police functions together.* Well-intentioned policy makers who say, "Why don't you guys cooperate?" forget that there is the fundamental kind of tension that Art has just outlined between a police function, where the aim is to convict, and an intelli-

* See, for example, Michelle K. Van Cleave, "Intelligence: The Science and Technology Connection," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1993*. Program on Information Resources Policy, Harvard University, Cambridge, MA, August 1994; Albert R. Lubarsky, "C^{3}I in Transition," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1992*. Program on Information Resources Policy, Harvard University, Cambridge, MA, August 1994; Joseph Zadarecky II, "The Role of the Air Force in U.S. Counternarcotics Policy," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1989*. Program on Information Resources Policy, Harvard University, Cambridge, MA, August 1990.

gence function, where the aims are different. That is unavoidable. It has nothing to do with personalities or turf in some kind of nasty bureaucratic sense.

Grant: It's no easy task to make that decision. If you know of a spy, at what level of the government should the decision be made to put him or her in jail or recruit him or her on behalf of the U.S. government to work for the government? That's a tough question. The way the structure is now, you have to be at the cabinet level to figure that out, and maybe that's the appropriate level at which to make those kinds of decisions. But it is no easy task answering the question.

Student: I read an article that basically, to paraphrase the title, asked "If government is so villainous, why do government officials seem so nice?" What I think the article was pointing out is that what you're saying is really just semantics. We may look at it from one end and say, "It's a turf war," and you may say, "Well, it's just a conflict of the missions and charters," but it's really the same thing. It's just that you're looking at it from two different perspectives. But really, it's a fundamental problem. People are following their mission, but it creates a turf war, not because they're necessarily out to create a turf war, but just because what they think is in the best interest of their organization and mission fundamentally creates the turf war as a byproduct.

Grant: Of course, that's a good point, and that gets to the whole reason for existence of bureaucracies. If you assume that bureaucracies exist for a good purpose, then you incur in that decision all the baggage that goes with it. Part of the baggage is that because you have specialized bureaucracies, they are pursuing goals on behalf of the entire organization of which the bureaucracies are a part, and there may be times when those goals conflict. You can call that "turf war." I find that a pejorative term. "Turf war" means to me that "I'm a bureaucrat, I'm interested in my paycheck and not much else, and therefore, I want to do whatever I can do to make my bureaucracy look good because that means I get promoted, I become the assistant secretary of something, or secretary of something, and I get more money, and I get more power, and I feel very important." The popular perception is that that's the way government bureaucrats are, and that's why we don't like big government in America right now—according to the new congressional leadership. But there is the other side that says, "I don't think turf war, in the pejorative sense, is an appropriate term. There is a bureaucracy that is pursuing a goal on behalf of the overall organization."

Now, let's get out of the abstract and into the specific. What is the national interest of the United States as it relates to a specific spy case where you know the identity of the spy? That's the fundamental question. Now, I have a bureaucracy to help me as a policy maker answer that question. I've got one part of the bureaucracy that's going to come to me and say, "Throw him or her in jail!" As a policy maker, I've got another bunch of bureaucrats who come to me and say, "No, what we want to do is recruit this person and make him work for us for the next 10 years and give us very valuable information." Or, "We want to reveal this person. He's been a dangerous spy against us for 10 years; we know we'll never be able to recruit him; therefore, let's get him out of business." So now as a policy maker, I have alternatives presented to me so that I can make a decision. I can say, "Throw him in jail!" or "No, turn him," or "Reveal him, and throw him out of business." To me that's a healthy thing. That's not turf. That is presenting to me, a policy maker, a set of alternatives on which I can make a national interest decision because that's my responsibility as a senior policy maker.

Student: But it seems to me, then, that the tension is not so much that, but more like what was in your example: whether we want a hierarchical structure or a centralized one. Someone has to make the decision eventually (not in this specific case), and do we want a structure where it always has to go to the cabinet level or whatever when someone's got to decide?

Grant: That's the fundamental question that all bureaucracies face. At what level do we decentralize authority for decisions? How low do we push that decision so it's appropriate?

Oettinger: I just want to echo that and add to it. You're giving a bum rap to government bureaucracies. Let me present to you exactly the same problem in a profit-making corporate entity that is the XYZ Gee Whiz Corporation, which has one divisional vice president in charge of selling an on-line service, and for efficiency, there's another divisional vice president who sells CD/ROMs for the same database. In the first place, why were those separated; shouldn't they be brought together? Second, assuming that they are separated, at what level should the decision be made: "You guys compete in going to see the same client," or, "You guys get in cahoots beforehand and choose up who goes and sells this guy." I can tell you of any number of companies where there are agonies every day over that question. First of all, do you organize yourselves in this divisional form? Second, if you are in the divisional form, how do you resolve the "turf war" over who is doing the marketing for two interchangeable products? If you sell one, you don't sell the other, which is, again, the nasty trade-off here. So I'm grateful to Art for presenting what is an absolutely fundamental managerial problem in any organization.

Grant: And if the manager doesn't pay attention to that fundamental question, the organization is doomed. You see it in the literature now: matrix organizations versus hierarchical organizations versus flat organizations. Businesses and the government are going around reinventing government again, trying to figure out the right way to do business. Why? Because there's a best way to do it? No, because you have to pay attention to the questions of: "How low can I push decisions in my organization? How low can I delegate the authority—not responsibility—so that my organization is ... you know, all the neat adjectives ... lean, mean, more responsive than my opponent's, whoever that may be, business or government or foreign government? How low can I push that decision making without losing control, so that the interests of my organization remain paramount, which they must, but yet let it get down there low enough so that the decision can be made effectively?"

That's why I say—with the Ames case specifically—Congress last year, good or bad, passed legislation that said the decision about that question of who makes the determination whether or not you turn the spy or throw him in jail is too high in the government. The way it was set up in the Ames era was that it had to be virtually the President of the United States or the National Security Advisor acting on his behalf. Our Senate committee said, "No, that's ridiculous, because that's why Ames went on for six years." Nobody wanted to put it on the National Security Advisor's desk or the President's desk and say, "We have a problem. What do you think?" The President may say, "Well, what's the answer?" If you say, "I don't know, but we've got this problem," then the President will throw you out of the office.

So what the committee did, and it's now a matter of law, is put the Attorney General in charge of that. Why did we go on the law enforcement side? Well, the committee's belief, at the time that it was passed, was that right now, given the world situation and conditions and so forth, law enforcement is probably more important than turning spies. We don't have this great Soviet Union trying to eat us for lunch, so we'll let it fall on the law enforcement side for now. If that gets locked in concrete (and it is a matter of law), it could be changed 10 years from now if the threat or the international environment changes. But that's the way the committee decided it, because it couldn't see, literally, the executive branch solving that question. There was a year-long debate, public and private, between the Director of Central Intelligence and the Director of the FBI about who was going to be in charge, and it was very acrimonious. Finally, Congress got tired of the debate and said, "Here's the answer," and made it a matter of law.

Student: Art, does security classification create a problem? I ask that because I've seen some cases, not about the FBI and CIA in particular, where classification prevents visibility, so that even with the pushing of the decision making either down or towards one location, visibility is inhibited by classification.

Grant: You're absolutely right, and that was the Director of Central Intelligence's argument during this debate about Ames-like cases. The Director of Central Intelligence, by executive order, is responsible for protecting intelligence sources and methods. If an intelligence source or an intelligence method is leaked (revealed), the Director of Central Intelligence is responsible for resolving that case. So the Director of Central Intelligence's argument was that, "We, the Central Intelligence Agency, need to protect these sensitive sources and methods, and that's why, all during the Ames time, we weren't revealing them to the FBI; not because we can't trust them, it's just that we didn't want to widen the circle of knowledge about our intelligence sources and methods and what we were doing. The more people you bring into your little world the greater the opportunity that something gets out."

Yes, sources and methods are key to the argument, and that was a little bit of a twist when the CIA was saying why they don't want the FBI to be in charge of this. The FBI is not responsible for sources and methods, and being in charge of counterintelligence now, the Director of the FBI may, in individual cases, not decide in favor of the sources and methods. He may say, "In this case, I'm going to lose this source or this method, but put that person in jail."

Student: But has it been decided, as part of this, that at least one person in the FBI is permitted to see everything in all cases? Or is that a decision someone has to make: will we take it up so that he even knows it?

Grant: There are some bureaucratic things that have been done to make that happen. In other words, there is a counterintelligence center, which is an interagency group that's designed to do that. There's an FBI person who sits in, and in fact is in charge of, the counterintelligence center and supposedly has access to all information relating to a counterintelligence matter. Now notice, I'll put in a couple of caveats when I said "counterintelligence matter." When is it a counterintelligence matter and when is it not? That's another bureaucratic decision that needs to be made sometime.

Student: Does the director of that office shift back and forth between CIA and FBI on a bureaucratic basis?

Grant: Yes, absolutely. I'm sorry if that was unclear.

Student: Let's say FBI determines somebody's spying. Is there anything written in the law that requires that they at least notify CIA, so that they limit this guy's access to do more damage, even if they make the decision that they're going to go for prosecution?

Grant: We turned it on its head. The law says the Director of Central Intelligence is responsible for telling the FBI, because it's more likely that the Director of Central Intelligence, given the business the CIA is in, will get the information first. But yes, the law requires sharing.

Student: One further question related to the Ames case. If we do shift the emphasis toward law enforcement, it seems to me we can jeopardize the foreign intelligence process. As an example, I recently heard that in the Ames case, had Ames not pled guilty, there was going to be a constitutional issue over the fact that the warrants were pursued under foreign intelligence rather than the espionage criminal process, which might have made the (I forget the exact evidence sources) taps or whatever they'd used unlawful. My question is: if we wait to meet the law enforcement standard, are we possibly jeopardizing our foreign intelligence capabilities and needs?

Student: Law student!

Grant: We're off in a legal issue, and I'm not a lawyer, but this is how I understand the issue. There is a Foreign Intelligence Security Act, which is used for wiretaps. It establishes separate courts and a separate process, but it is a court.

Student: It is a weaker scrutiny than the domestic espionage laws.

Grant: The rules for getting a warrant and having a tap are less than they are for a warrant in a nonespionage case. Congress, at the time they passed the law, felt that for those kinds of things that appear to have a greater national security interest than a simple criminal burglar and so on, it's worth decreasing the liberties of Americans to allow a lesser requirement for getting the judge to permit foreign intelligence wiretapping as opposed to a court.

But there was nothing in the law about breaking and entering, so, as I understand it, the Attorney General, under her national security responsibilities, was the one who authorized breaking and entering in foreign counterintelligence issues. The Attorney General was very nervous about that because on the one hand the law is clear. She now has that responsibility, but obviously there would be numerous court battles to decide whether or not the law was clear enough to give her, the Attorney General, that responsibility. So that's why the Administration, in the wake of the Ames case, said, "We would like you, Congress, to write into the law, 'Let's do for breaking and entering the same thing we do for criminal courts, so you have search warrants and the same sort of arrangement we have for wiretaps,'" and so that has been remedied in that regard. It's still a lesser requirement in terms of the degree of proof you need, but it is now a matter of law whether or not you can do a search for foreign counterintelligence.

Student: But there is a third party I'd be interested to know about: the person whose information is being stolen while all this is going on. Let's assume it was very classified, and it was owned neither by the CIA or the FBI in the sense of their mission area. It's the country's, of course, but not theirs. Where does that fit into this? Let's say we knew that person was stealing the submarine information at the time,* and these guys were mucking around; who decides whether to capture them or leave them be?

Grant: In this discussion, I forgot the third party that stands up, which is the Department of Defense. It says, "Hey, look at us. This involves lives. If you don't get us in this argument, the sub will get sunk, or the airplane will crash, or the soldiers will get shot, and you, FBI, never worry about that stuff. You're only worried about throwing a guy in jail. We get some people killed and you don't care. And, CIA, you're only worried about sources and methods, so when we get people killed, you say, 'Sorry, you're in a tough business.'" So DOD is also in the same argument, and when Congress was debating what to do legislatively, DOD was in the fray. The decision was for law enforcement.

Student: But where do they play? Must they give the court access to the information for someone to judge its security—that is, to decide to let the thing linger, or to capture him? That's part of the decision: let the guy stay there and get more information.

Grant: I believe that a lot of the thought behind putting the FBI in charge of it was that they were the most likely to bring it to resolution the quickest, even though the rules of evidence in that department were stringent and so forth, because they have a very clear goal—throw them in jail—and they're going to be working very hard to do that. Whereas the CIA says, "Let's take six or seven years and develop this source." The military wouldn't have the same impetus to bring it to resolution that quickly. So, yes, the idea is that all three are talking to each other, and there is an interagency group, as I say. The counterintelligence center has DOD people in it for the same reason: to bring to the table and keep the Department of Defense advised that, "By the way, there's this ongoing case and it

* A reference to the Walker case.

could involve ship designs or something, and it could jeopardize the lives of soldiers, sailors, and airmen." That then allows the Secretary of Defense to call the Director of the FBI and say, "Oh, Judge Freeh, by the way, don't forget we've got lives involved here. Don't take too long."

Student: So, this committee has access to all players, in other words?

Grant: Yes, absolutely—in theory.

Oettinger: I think it's important to underscore that, in practice, even though you don't have to assume incompetence or any underhanded motive, the various parties to this—each doing what they see as their legal, professional duty—are as sure as hell going to come to contention again. I think if there's any message here, it's that this is an unending problem that requires continuing management because there are no saints or villains. There are people trying to do difficult jobs that are at odds with one another. Let's move on. I think that your point is an extremely valuable one, and you'll see many other instances of it throughout the seminar record.

Grant: Okay, a good discussion, thanks.

The second part of the intelligence community that I want to talk about is military intelligence. This (figure 4) shows the Secretary of Defense in charge of a bunch of comparable agencies. Of course, you look at this slide and the last slide and you say, "Wait a minute. It looks the same to me with one exception. Here the only difference is that we have the Defense Intelligence Agency instead of the Central Intelligence Agency, so this can't be right." But, of course, the answer is right. This is in fact the top-level organization of the Secretary of Defense's intelligence organization. So if you are a believer in the intelligence community, then if you want to tweak this to make it more efficient, you start moving these blocks around and changing the deck chairs on the ship (which they sometimes talk about), and so forth, to make this more efficient. What you're looking at here is the defense intelligence community. DIA, the Defense Intelligence Agency, provides all sorts of intelligence to the U.S. armed forces. There's a very descriptive mission statement! But anyway, that's what DIA does.

So there is the theory. Of course, this is still a very simplistic chart, but here is more what it's like in actuality, as opposed to the two previous slides, and it's a little bit more confusing (figure 5). This is where the schizophrenia comes together. Notice the Director of Central Intelligence. He, in fact

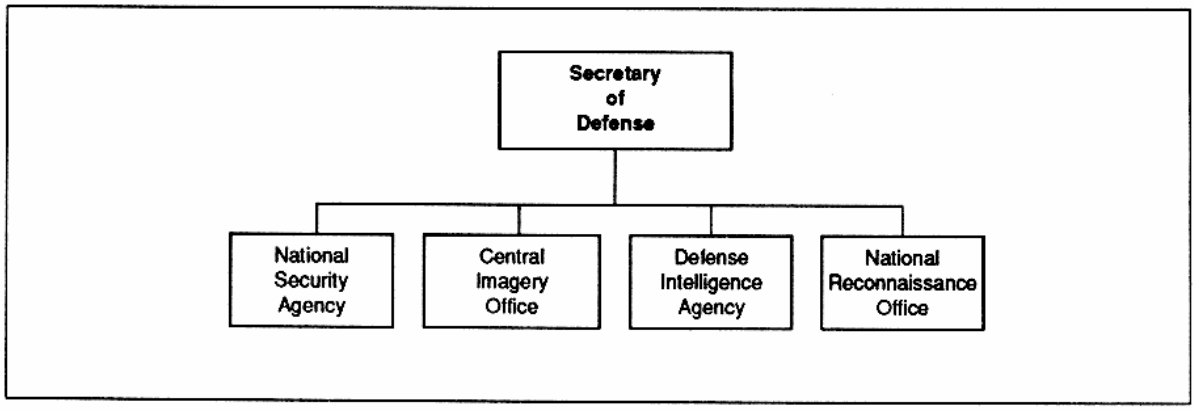

Figure 4
Military Intelligence

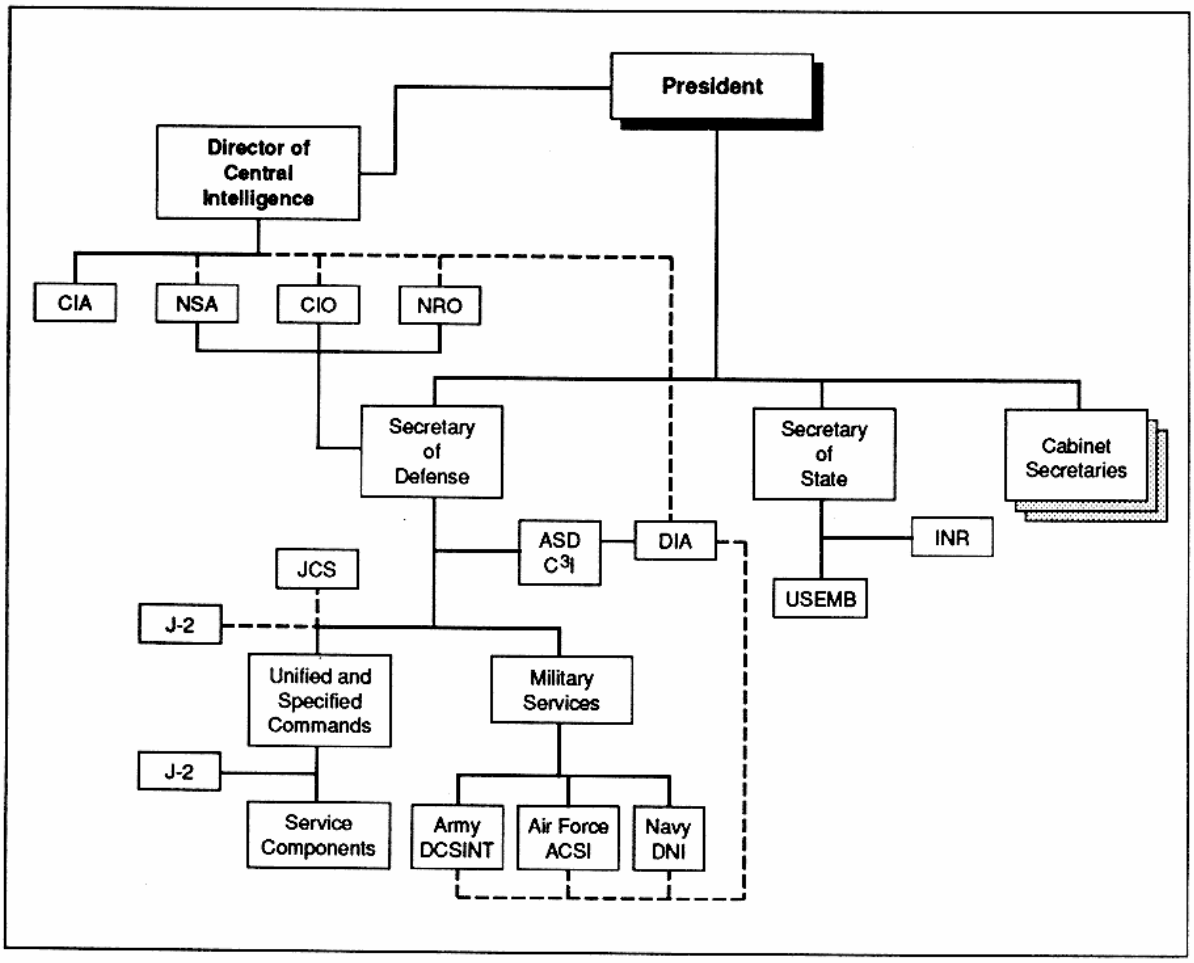

Figure 5
Intelligence: Community and Staff Aspects

(if we had one*), is dual hatted. He is not only the Director of Central Intelligence, he is also the Director of the Central Intelligence Agency. By the way, there is a clear, legal distinction between those two, and the authorities are very different, and the media often just mumble-jumble the two together. There are very important differences between the two, and this person, in the execution of his duties, keeps that distinction in mind.

Oettinger: Art, it may be worth dwelling on that for a moment because it's a long-standing argument, which of course will be revived again in the current arguments over reorganization of the intelligence community. Let me give you my view of it, and then see if Art can either corroborate or contradict it and set it right. The gist of this argument is that it would be nice to have somebody who is in charge of putting all this stuff together and is dispassionate—is really working for the President and the country. That would be wonderful if it weren't for the fact that if such a person existed, he'd be so toothless that then we'd have to re-create a staff, in which case the staff would be something called the Central Intelligence Agency, which works for him. You say, "Oh, well, but the minute you have a staff, then this guy is the captive of his staff and naturally, because he's the director of the CIA, he then is in favor of his own staff, namely of that agency, and can-

* This presentation was given before John Deutch was confirmed as the DCI.

not be trusted to be even handed with respect to all these other dotted-line folks whom he is supposed to supervise as the Director of Central Intelligence." That's my understanding of a debate that has raged since the National Security Act of 1947, and which I think is fundamentally unresolvable. I'd be interested in Art's views on that.

Grant: You characterize it exactly. In fact, the current Intelligence Committee Chairman, Senator Arlen Specter (R-PA), has introduced legislation to create what he calls a Director of National Intelligence. The idea is that you change the name in the DCI box on the chart to Director of National Intelligence, and this person then is not also responsible for the direction of the Central Intelligence Agency. He would only be responsible for all national intelligence.

Again, this is schizophrenia. This is the view that there is this community out there, and there should be somebody in charge of it. The arguments against it are as Tony has mentioned. Right now the Director of Central Intelligence has a staff that exists outside of the Central Intelligence Agency. It's called the Community Management Staff, CMS. It's responsible for staffing the DCI—the Director of Central Intelligence—in his role as the Director of Central Intelligence. There is a separate staff inside the CIA that staffs the Director of Central Intelligence as well as the Deputy Director of Central Intelligence.

Oettinger: Rich Haver, who is the Director of that Community Management Staff, was at an earlier session of this seminar. You can find some details on that there.*

Grant: Exactly right, and he's still in that job.

Oettinger: If I may add one additional footnote, if you look up the seminar presentation by Beal, he was a National Security Council staffer who, absent this kind of legislation of Arlen Specter's, was trying to create a National Intelligence Office inside the White House.* His account of the difficulties that idea ran into is very, very interesting. My own personal footnote on that is that unfortunately he died between the time he came to the seminar and the time we published the proceedings, and unless you've ever tried to get a document cleared posthumously by the White House, you cannot imagine what a bureaucratic struggle is like. But we did. It's an interesting story. I commend it to you.

Grant: It's even tougher getting it edited.

Oettinger: Never mind. Move on.

Grant: The dotted lines here (figure 5) are supposed to reflect what was on two charts back. The Director of Central Intelligence is responsible for the NFIP (National Foreign Intelligence Program) budget. Now the way this works is that at the beginning of the budget cycle, the Director of Central Intelligence and the Secretary of Defense agree on how much should be spent on intelligence. Then the Director of Central Intelligence manages the allocation of that money among the agencies that you see these dotted lines going to, including the Defense Intelligence Agency. Most of the budget of the Defense Intelligence Agency comes from the authority of the Director of Central Intelligence. This is called the GDIP, the General Defense Intelligence Program, and it is supposedly all the higher-level, if you will, joint intelligence kinds of programs that the Department of Defense runs.

Since they are joint—that is, between military services—and fairly high up in the

* Richard L. Haver, "The Process of Reorganization Within the U.S. Intelligence Community," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1992.* Program on Information Resources Policy, Harvard University, Cambridge, MA, August 1994.

* Richard S. Beal, "Decision Making, Crisis Management, Information and Technology," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1984.* Program on Information Resources Policy, Harvard University, Cambridge, MA, February 1985.

Defense bureaucracy, it is viewed that they're probably national intelligence kinds of functions as well. Hypothetically, if we were to have a U-2 aircraft (remember the old U-2 that got shot down over the Soviet Union a long time ago?) flying near a foreign country collecting intelligence, is that military intelligence? Well, it might be. It depends on what the adversary is doing. Is it national intelligence? Yes, probably, since we're not at war right now. The President is still very interested in what they might be doing. For those reasons, that kind of military intelligence is seen as having a national intelligence utility and therefore belongs under the authority of the Director of Central Intelligence. So that's why you see that dotted line. These other dotted lines show that, as I say, there are budget responsibilities that the DCI has for the NRO, the CIO, the NSA, and the CIA as well.

Now, of course, you see the Secretary of Defense depicted, and there's a solid line to three of those four, and then to the Defense Intelligence Agency because these organizations, as the slide before this showed, are, in fact, defense agencies, and they, therefore, belong to the Secretary of Defense.

Then, of course, you have all kinds of other intelligence organizations sprinkled throughout the intelligence community. Over in the Department of State, you have the Bureau of Intelligence and Research—INR, as it's called. They are the intelligence analysts for the Secretary of State. There are others tucked away in various cabinet departments, as Tony mentioned. For example, over here under the Attorney General is the Director of the FBI, who has a function in domestic counterintelligence. And, by the way, at all levels of command, as shown here, you have J-2s. The J-2, the intelligence officer, for the Joint Chiefs of Staff also happens to be dual hatted and has a position in the Defense Intelligence Agency.

Then you've got intelligence officers in the unified and specified commands—like European Command, Pacific Command—working for all these warfighting CINCs, as they are called. Also, don't forget that in the U.S. defense system, you have a different group of folks who raise, train, and equip forces. They're the military services: Army, Navy, Air Force. If you're going to raise, train, and equip forces for future fighting, you have to have intelligence people in there to tell you what the world's going to look like five years from now when the forces go to war. So you have an Army Deputy Chief of Staff for Intelligence, and Air Force Assistant Chief of Staff for Intelligence, and in the Navy, a Director of Naval Intelligence.

That's really what it's like. Is it schizophrenic? Yes. There's this idea that there's this community and there's this guy sitting up over the top of it, and there's legislation to make a new Director of National Intelligence to bring the community together. But the other side of schizophrenia is composed of, by the way, intelligence officers who advise policy makers at all levels. This diagram (figure 5) stops at the service component level. If you go down to wings, squadrons, boats, battalions, companies, etc., you've got intelligence officers advising policy makers on intelligence matters. Confusing? Well, I haven't finished yet.

There is another part of the budget: tactical intelligence and related activities (TIARA). All this stuff in here that I talked about—intelligence kinds of things for battlefield support—are in the TIARA budget. That's run by the Secretary of Defense. The Director of Central Intelligence doesn't own that. But clearly, as I mentioned before, you might have a U-2 collecting intelligence. That has a military intelligence component and a national intelligence component to it. Theoretically, what about an army unit sitting in Korea on earphones listening to North Koreans talking (if they could hear them)? Does that have a national intelligence function? Sure, the President of the United States is interested in what's going on in North Korea, which means, therefore, that what you do here budgetarily (in TIARA) has impact on the person who operates through the office of the Director of Central Intelligence on all matters of intelligence. The DCI is responsible for all intelligence collection. Confusing? Yes. It is real confusing.

Student: I was going to give an example from my own experience when we flew collection missions in an EP-3 off a country. We fly two types of mission series: one, which is considered a national mission, where you're working for the National Command Authority, mostly through NSA; and there are also fleet missions, where you're flying in support of dedicated fleet Navy assets. We went through a real struggle within the community as to which was our most important mission. The decision, I think rightly made for survival, was that we're a fleet asset because our budget comes from the Navy. That's how it was justified. From whatever mission we fly, the NSA would always get a copy of it, but the bottom line was: who pays for our services? That's the Navy, and that's whom we primarily serve.

Grant: Supporting the warfighters. Yes, exactly right. I guess you said you were listening or doing signals intelligence collection. Whom you listen to makes a difference. The person sitting in a foxhole wants you to listen to some fairly low-level folks. In fact, he'd like you to be listening to that guy on that other hill over there, if you could, whereas the President would like you to be listening maybe to a corps commander or army commander, fairly high up, because that's the one who is going to give the order to make a surprise attack. You've only got so many receivers on this airplane. So how do you resolve it? As you generally said, the Navy pays the bill, so you collect for the Navy.

Student: Money talks.

Student: It's interesting that you use that term "survival," because when you used it, my original thought was physical survival because you're operating in a hostile area.

Oettinger: He means peacetime bureaucratic survival.

Student: ... but what you mean is financial survival. In the times of large defense budgets, it didn't matter. There was money for all of that. When the Navy has to make decisions about what do we get rid of, and what are our most valuable assets, you tend to tell them how valuable you are.

Oettinger: He's right, because his literal survival might depend on the opposite decision, because he may be in part of something that looks tactical, but is really a very strategic presidential-level kind of a mission. Folks, these tensions are unavoidable. You tweak it one way, and somebody else is going to get unhappy for a very good reason. I can't tell you how grateful I am to Art for highlighting these things concretely. It requires continuous management. There is no pat answer to this because the tensions are unavoidable.

Let me just add one other footnote, which is that last year there were several presentations—Jim Davis comes to mind, and one other, Tom Quinn from ASDC^{3}I—that give some much more gory detail about what Art just single-boxes on this particular diagram, and those don't get to the end of the complexity.* Again, to those of you who might be then tempted to say, "Why are you doing all of this?" I say that, yes, some of it may be bureaucratic cancer, but it's a large effort and coordinating and managing it is not easy.

Grant: I have a chart that I didn't bring because of some of the parts on it are classified, but the overall chart, of course, isn't classified. It was an attempt that somebody made to try to understand the imagery community. There is this concept called "the intelligence cycle." When you think about intelligence, there is collection—just the raw information—and there is what they call "production." You collect the information, you analyze it, and you draw some conclusions about that—and it's called production—and then you disseminate it. You tell the policy makers what you found out. So, that's the intelligence cycle.

---

* James D. Davis, "The Role of Army Intelligence in the National Foreign Intelligence Program," and Thomas P. Quinn, "Acquiring C^3 Systems for the Department of Defense: Process and Problems," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1994.* Program on Information Resources Policy, Harvard University, Cambridge, MA, January 1995.

In the imagery business, all three parts are worried about imagery. There is an analyst who says, "I need this collected." There is the disseminator who says, "Once I collect it, I've got to get it out to the folks who want the answer." And then there is a collector who is trying to figure out, "Well, how do I collect it? I've been told to do it, now how do I go ahead and do that? Do I do it with airplanes? Do I do it with satellites? Or do I buy commercial imagery?" (which very soon will be on the horizon).

The chart I mentioned shows, "Here are all the people who really have a very strong interest in imagery." There are at least 55 blocks on that chart, and that's just in the imagery business! It's only upper level, and when you have those kinds of lines connecting all of the organizations, you can't follow it. They're going all over the place in terms of interest and who's talking to whom, and who has responsibility for what, and who coordinates with whom, and so on and so forth. So this (figure 5) is a very simplistic diagram. When you get down into the bowels of this, it becomes very complex (and it's interesting to manage).

Student: Art, let me take your point up. While this looks like the most unholy mess of all time, let me say that in my experience it really works fairly well, it's very flexible, and things seem to get done quite well, much more than if you go on the military side. You say, "What is the ability of our U.S. Air Force and Navy to conduct joint operations in any other area you may pick?" You'll find that it doesn't work nearly as well as if you say, "How about the Navy and the Air Force working together on that intelligence mission?" So while it looks like a mess, I think it's perhaps more functional than the operational forces side in trying to mix and match forces. That's my personal view.

Grant: I appreciate that, and you certainly know the business. I would say it only looks like a mess because intelligence is a staff function and advises policy makers at all levels. If that is true, then it's going to be a mess because policy makers at all levels are asking different questions. Because they're more creative? No, because they have different concerns. They have different problems they've got to answer or confront. Therefore, you want intelligence at that level to be answering the questions being asked so that the policy maker can do what he or she wants to do, and therefore you've got a mess out here on a wiring diagram trying to connect it together.

Let me tell you, in the Gulf War, however, this was real clean. There was no doubt in anybody's mind, on the policy side—from the President of the United States to the platoon leader sitting in the foxhole—what the business was all about. So, when it all comes together in wartime, the lines become very clear. The problem then becomes more people helping than you want.

Student: Let me make one last comment on the imagery points you made. One thing that galvanizes the intelligence community is that the assets for collection are so very expensive that they can afford only one of them—one satellite collection system, one high-value airplane. We can't afford a whole host of them because they're just so bloody expensive. That's what sort of galvanizes this. To make it work together, you have to take advantage of the one asset that is affordable by all.

Grant: That kind of problem drives you to this community question. "This stuff is so expensive, in some cases, that can't we just strengthen the DCI to make the rational decisions, to buy the right things, to answer all the questions that might be asked?" So that's part of schizophrenia. It drives you in the direction of consolidation.

Oettinger: It just occurred to me to tie in what you're saying about the schizophrenia with Admiral Owens' remarks about systems of systems,* which I now interpret in the light of Art's comments as one way of reconciling this schizophrenia. It's recognizing that for some purposes these assets—in whatever shape or form, technical or otherwise—need to be tied to their policy makers in particular boxes, but there's got

* See Admiral Owens' presentation in this volume.

to be flow across the boundaries, and that's one way, conceptually, to try to reconcile that. Now, again, it will have its own difficulties even if it ever gets beyond the conceptual stage, but the central problem is the one that Art is so accurately and eloquently outlining here.

Student: I was wondering whom the President turns to for national assessment. Is there one single person? Is it just the National Security Council?

Oettinger: It depends on the President. It depends on the issue.

Grant: By law, it's the Director of Central Intelligence. The Director of Central Intelligence was created in the wake of Pearl Harbor as part of the decision that caused the creation of this agency (based, in my mind, on a faulty assumption—that Pearl Harbor was an intelligence failure).

Student: Is it the National Intelligence Council?

Grant: Yes, the Director of Central Intelligence—not the Director of the CIA—has working for him an organization called the National Intelligence Council, which has national intelligence officers as members who look at various issues on a functional or a regional basis. They're responsible for looking across the community and saying, for example, "What's the future of Korea?" The whole community comes together and helps write the analysis, and when there are disagreements, a national intelligence officer adjudicates the differences of opinion, and then they publish a report to the President and the National Security Council.

Oettinger: That is the theory. If you want to look at the practice, there are accounts in earlier years of the seminar by Ken Duberstein, who was the President's chief of staff for a piece of the Reagan Administration; Beal, whom I mentioned before, who worked early Reagan; and Grimes, who worked for several Presidents, that show that the ways in which a particular President informs himself bear little relationship to what the diagrams about national intelligence estimates and so forth say.* They are best explained by saying that he or she does it by whatever means are congenial to an 800-pound gorilla who does anything he wants. By the way, they sometimes want to do it in a manner that doesn't signal the rest of the government about what the hell they're up to. So, you have to read the biographies and histories of every particular President to begin to get a flavor of the complicated relationship between what they actually do and what is purported to be the aim of national intelligence.

Grant: Yes, I agree, absolutely.

Student: The national systems were brought up again, and I think that this idea that you have the expensive satellites and there is one national asset to collect that information is an important way of showing that the system of systems might not in fact be the way things are going in the future. But if you do have these systems of systems, you're going to have to make use of commercial technology to have that in place. My question is, if we have that commercial technology that's doing all this collection, are each one of these separate little boxes going to hire out, or will they collect that information from different corporate sources?

Grant: It depends.

Student: Then what happens to that picture? The thread is gone now.

Grant: It depends. It depends on whether you believe it is a community, or whether you believe it is a staff function. If you be-

---

* Kenneth M. Duberstein, "The White House Information Process," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1990.* Program on Information Resources Policy, Harvard University, Cambridge, MA, December 1991; John Grimes, "Information Technologies and Multinational Corporations," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1986.* Program on Information Resources Policy, Harvard University, Cambridge, MA, February 1987. See also previous reference to Richard Beal's presentation.

lieve it's a community, then clearly there ought to be one person buying it. In the case of commercial imagery, satellite imagery, for example, the Central Imagery Office, on behalf of the U.S. government, should be buying it. Is that your question?

Student: Yes, essentially, but the thing I want to point out, though, which was pointed out before, is that these expensive data collection systems are the thread that ties these things together. I'm concerned about that, because if you're going to have a system of systems, then that thread is going to have to go away. You're going to have to have one or the other.

Grant: It depends on what you see in the future. If the patient is mentally healed, if he's no longer schizophrenic, then one of two things will happen. You will have a community with a Central Imagery Office, a system of systems on behalf of imagery, that buys images on behalf of the whole U. S. government. The pitfall is: that picture may not mean anything to the poor soldier sitting down in the foxhole in North Korea, and, by gosh, tomorrow the enemy comes across the hill and he gets killed. But if he or his boss had the right image at the right time, maybe that soldier wouldn't have been killed.

Well, the other part of the schizophrenic says, "No, we can't buy one image to cover all cases. We've got to have some other way to manage imagery so that the brigade commander, the division commander, or whoever, way down in the bowels of the Defense Department, has a way of making sure that the image we're asking this commercial satellite to collect is the image that he needs, too, and that we have some kind of board, forum, or group to sit down every day and argue about which images to take. Do we buy the image for the President, or do we buy the image for the soldier in the foxhole?"

I don't know if the patient will be healed. You don't know. None of us knows. So the resolution will be that we'll have to set up some kind of process to have that argument made. Probably sometimes it will make the wrong call, and hopefully most of the time it will make the right call. That's why I say it depends, and it's part of this what I call "schizophrenia."

There are purists. There are those who really believe there's an intelligence community, and they will spend the rest of their lives trying to make that happen. They will be lobbying Congress. They will appear at fora like this. They will go to defense groups. They will hire contractors to come in and prove that, by gosh, there ought to be an intelligence community. There will always be somebody dragging in that direction. Why? It's attractive, it's cheaper, it looks like it's efficient. It creates cleanliness. Cleanliness is next to godliness in a bureaucracy. "Get clean lines of authority"; oh boy, isn't that wonderful!

I had one intelligence officer explain to me once that the fundamental tension here—we have been talking about tensions all day—is efficiency versus effectiveness, and they're not the same. You sometimes can do both, but you often sacrifice one on behalf of the other. So as you increase efficiencies, you lose effectiveness, or, as you increase effectiveness, it becomes very expensive. The extreme case is that every soldier has got his own satellite. I mean, wow! But who can afford it? That's the tension resolved in exactly the wrong direction.

Horowitz:* I was just going to make the comment that I think you have to differentiate between the sensors and the rest of the systems. When you start talking about this, the rest of the system can be very low-cost commodities, whereas the sensors are extremely expensive and singular. I think the previous question really is related to the sensors. What I think is happening in the exploitation and computing and all that is that you need centralized designs to create the standards so that you can create a cohesive system. But the last thing you want to do is have a central person controlling every little workstation that somebody else buys to become a part of the network. So I think people get mixed up between distributed and centralized design and centralized procurement. You must have central-

* Dr. Barry M. Horowitz, president and CEO of The MITRE Corporation.

ized design to get the standards, but the last thing you want in the commodities is centralized procurement.

Grant: Tony and I had a discussion before the seminar. He made the analogy between this question and the military services—Goldwater-Nichols and the "purple" military, and isn't that the way we want to go. I made the point that the services are very different for very good reasons. Fighting in the air is not like fighting on the ground. It's also not like fighting on the water. If you think you can hire and have one kind of person who can do all those things, you're going to sacrifice effectiveness on behalf of efficiency. But there is the other issue that Goldwater-Nichols tried to solve, and that is "Yes, but if the guy on the ground can't talk to the airplane overhead that's supposed to drop the bomb and save him, isn't that stupid?" You betcha, and so that's what you're talking about here. If you've got an intelligence community that can't talk to each other—the data links have different computer protocols—isn't that dumb? You betcha. So those are the kinds of efficiencies from a community view that we all should have. This is not an either/or. It's a little bit of both, and interoperability is key.

Oettinger: There are ends where the solution is pretty clear. I think you've outlined one there: there's no argument for centralization of the desktop set that the end user uses. It's clearly decentralized. The sensor, as you point out, is clearly a centralized thing. But there is an inevitable struggle in between, as, for example, the targeting of the sensors. In any given crunch, the President of the United States, to take one extreme, and the grunt in the foxhole will have very different views of what they want that particular expensive sensor to be targeted on at that particular moment, and everybody in between will have slightly different opinions. That part requires constant management. There are clearly polar things, and there's a lot in between. There's that unavoidable, continuous dogfight over whose work this common resource is doing. The only reason why anybody is yoked into that mess is because it's too expensive to have more. The minute that somebody can figure out how to make two of them, or three of them, and so on, you'll find, it seems to me, that things will move in the direction of decentralization, because nobody likes to be in hock to the other guy for their important asset.

Grant: I agree, absolutely.

Student: Can I ask a question about the organization? It seems to me that the agencies like NSA, CIA, and NRO all have a matrix kind of situation where they report to the DCI and the Secretary of Defense, because you said that the DCI has got budgetary control. Does it mean that these agencies tend to report more to the DCI rather than to the defense folks?

Grant: It depends. That's a good question. Again, it's getting at what Tony was just talking about: the daily resolution of what they're going to do, whom they're going to report to, on what issue, depending on what the importance is to whomever has the question that is being asked that particular day. (A long sentence.) It really does depend on the circumstances. The National Security Agency, responsible for signals intelligence, tries to reconcile every single day what the Army wants in one region of the world versus what the President wants in another region. You can't say that the decision is always one way or the other. The President doesn't always win. That's why you have an admiral in charge who wears three stars, because you hope he has the courage to stand up and say to the President, "Sorry," and to you, the soldier, "Yes, we're going to do that for you today."

Oettinger: ... or vice versa.

Grant: ... or vice versa: "Sorry, soldiers, today it's the President."

Student: It's no wonder that right after the Gulf War there were lots of complaints that the national intelligence network was well staffed, and the national decision makers were well served, but the tactical com-

manders got short shrift. The intelligence, even if available, was not going to them. For certain intelligence assets, they were not getting the allocation that the national folks were getting.

Grant: That's an accurate description of the complaint. It gets to what Barry* was just talking about. In many cases it was that the national intelligence systems couldn't talk to the person because of interoperability questions. So at some point, instead of a complete digital link between the soldier in the foxhole and whatever the sensor is out there, an intelligence product had to be turned into a hard copy. Somebody had to sit down and type it out, or they had to put an actual photograph in a briefcase and run over and hand it to the soldier. It was very cumbersome, and that's what the complaint was. You didn't have a direct link from sensor to shooter, as they're calling it now. Your comment is correct. A major initiative is to try to solve that through interoperability questions, to make sure everybody can talk to everybody else as effectively as possible, as quickly as possible.

Student: I had a question about the accountability issue, especially of the foreign intelligence operations and how they fit into this policy-making picture. For example, how does the law define the legitimate operations to be carried out by the Central Intelligence Agency, and to which institution is the CIA responsible in that respect?

Grant: It is public record. There is nothing classified that tells those things. Executive Order 12333 lays out what is legal and what is not legal. For example, in Executive Order 12333, it says the U.S. government does not conduct assassinations against foreign leaders. It just isn't done. It's a matter of policy. That executive order lays out the dos and don'ts. There are some laws that restrict what can be done; there's a whole panoply of those kinds of acts that have happened over the last 15 or 20 years. I can't go to a single handbook. The Director of Central Intelligence public affairs office has put out a little unclassified book called *The United States Intelligence Community*, and it lists on one page the roles, missions, functions, and responsibilities for each of the little blocks that you see up there, and it's unclassified.

Student: Art, you might offer them the Richelson books.

Grant: I'm not familiar with them, I'm sorry.

Student: Richelson, who writes on the intelligence community. He defines it. He has several books out.*

Oettinger: We'll get you the reference. The book by Shulsky, which is due later in this semester, is another place where you can get some more details on that.** There is also a book by Mark Lowenthal, who has just become the staff director of the counterpart committee in the House, which is very good.***

But there is also an underlying question here that what we're describing, in a way, is the intelligence function in the sense of getting information, and you're addressing the operational questions. That is a whole other set of issues: why intelligence operations, in the sense of covert operations, are under the same administrative umbrella as an information gathering one. Both in the record of the seminar, and certainly in the records of the U.S. Congress, there is a massive record of debates over that issue, because you can make a very good case that says there is no earthly, sensible reason why paramilitary operations of the covert kind, and so on, had anything to do with this information processing function, and they should be in the military or someplace else: special forces or whatever. Then

---

* Dr. B. M. Horowitz (see previous footnote).

---

* Jeffrey T. Richelson, *The U.S. Intelligence Community*. Cambridge, MA: Ballinger, 1985; and *The Ties That Bind*. New York: Allen & Unwin, 1985 (with Desmond Ball).

** Abram N. Shulsky, *Silent Warfare: Understanding the World of Intelligence* (2nd revised edition). McLean, VA: Brasseys US, 1993.

*** Mark Lowenthal, *U.S. Intelligence: Evolution and Anatomy*. New York: Praeger Publishers, 1984.

there's a set of issues that says, "You have to have them together because the covert relies in an intimate sort of way on the gathering of information, and the gathering of covert information relies on covert operations, et cetera, and if you don't have them under the same roof you're in trouble." That is another one of those debates that I think will go on forever.

Grant: That's best demonstrated in the Iran-Contra incident in the mid-1980s. Again, the idea of a Central Intelligence Agency that President Truman had in mind back in 1946 (it was originally called the Central Intelligence Group, and in the National Security Act of 1947 it became, as a matter of law, the Central Intelligence Agency) was: no more Pearl Harbors. The assumption was that an intelligence failure caused Pearl Harbor. (I don't agree with that.) What was the intelligence failure? Well, you had a national security apparatus responsible for defense, and you had a State Department responsible for foreign policy, who weren't looking in the right directions on behalf of the President to see that the Japanese were going to attack Pearl Harbor. Therefore, it was believed that we needed a central intelligence agency separate from the policy community. Intelligence wouldn't care what policy the President, or the Secretary of State, or the Secretary of Defense, or the Secretary of War, or whoever, has got. They don't care. They're just going to tell it like it is.

But wait a minute. If you have an arm of that organization that conducts paramilitary operations, it's no longer independent. Operations are the execution of policy, and it's sitting inside the Central Intelligence Agency. In the Iran-Contra debates you can find reams of information on that. It became very clear in the public view that the CIA's selling TOW (tube-launched, optically tracked, wire-guided) missiles to the Iranians was a policy question. The policy said, "We think this will work." Well, what were the analysts telling the President at that time? That it wouldn't work? That it would work? What was going on? Can the Director of Central Intelligence or the head of the CIA, who is responsible for both, tell the President, "This is a dumb idea, but I'm going to go ahead and do it anyhow. Just give me the order! My analysts are telling me it's stupid, but the guys who are supposed to do it are telling me, 'Yes, we'll make it work.'" How can you make that situation work? That is this tension that Tony is talking about, of having a covert capability residing inside the same agency that's supposed to tell the President the unvarnished truth about the results of policies.

Student: It seems there is also a definition problem here. The CIA, from time to time, thinks that this is good for national security or national intelligence activities, and they define certain tasks by themselves in this case.

Grant: There is no covert action undertaken by the United States that the President of the United States does not personally approve. It's called a "finding." It's gotten that term because that's the wording that the President uses: "*I find* that for national security reasons, the following things must occur." Nobody signs on his behalf. It's a matter of law, and it's a matter of policy, and it's continually reinforced as part of the tension that exists between Congress and the President: to make sure that is in fact what's going on. Congress spends a lot of time making sure that's what is happening.

They don't do any more rogue operations. There probably was a time when they did. In the 1950s and the 1960s, the CIA was off doing stuff that the President might not have known about, and that's what generated the current arrangement.

Oettinger: In fact, from that point of view, Art is the enemy, because the committee that he works for got created precisely to keep an eye on such things not happening. There are still a lot of folks running around, some of them out of office, some of them in office, who say that's the worst thing that has ever happened because it has taken a wonderful organization and tied its hands, et cetera. So there is room for argument on that point as well.

Grant: Yes, and that's the origin of these two committees: the Senate, on which I am a staffer, and then there are our House col-

leagues. Mark Lowenthal, whom Tony just mentioned, is the staff director over there. It was set up in 1976 on the Senate side, 1977 on the House side, just because of that. They said, "We can no longer countenance the previous activities, and they require more aggressive oversight on behalf of Congress," which makes us, then, the enemy for those who think that they shouldn't have Congress meddling in their affairs: "We know what's good for the United States—get Congress out of the business." That's the fundamental tension, which is the third thing I want to talk about. (This is the second, which is oversight [figure 6].)

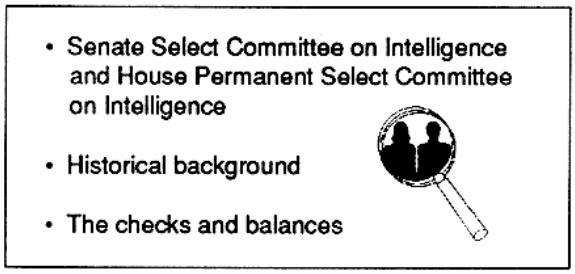

Figure 6
Oversight

Student: I just have a question about oversight. How often do you run into this tendency of an intelligence agency to expect everybody just to do whatever they say because they're dealing with something secret or whatever? Do you get a sense of "You should stay out of this? We understand much better. It's very secret, it's classified, and we understand what we're doing and you have no business," and so on?

Grant: Every day. Absolutely. There's a dialogue that goes something like this: "If you only knew what we know, you'd agree with us." Then we say, "Tell us what you know." "Well, this is what we know." "Well, we don't agree with you." "Well, if you only knew what the national security implications are ..." "Well, we think we do. The people in Montana tell us what the national security implications are." "Yes, but that's not what we think. I mean, we're the experts in the field. We know what the foreign policy of the United States ought to be, and we know what our objectives are. Who cares about the people in Montana? We're the experts, aren't we? So, get out of our hair." That goes on every day.

Oettinger: But I think it's worth emphasizing that this is not unique to the Congress or to intelligence in general. I spent a great deal of my life working for the executive branch on supervision and getting exactly the same reaction: "Who the hell are you, coming from the White House and asking us questions? We know better." But that is no different from somebody in this university going to some department and saying "Why do you want to appoint professor so-and-so?" "Why do you ask me those questions? We are the physicists or the Indic philologists or whatever, and you guys in the central administration stay the hell out of here. You don't know anything." Or, "Why are you asking this question of engineering or of marketing when you are a bunch of staffers for the CEO, and we know marketing, and we know engineering and you don't." It is a perennial, fundamental, organizational problem.

Student: Could you respond to a criticism that was brought up here two years ago in a seminar in this class: basically, that the oversight committee is not so much the enemy but, being facetious, the hindsight committee, and that it responds to facts after they've already occurred, instead of being more proactive. We'll just take, as an example, the Ames thing: saying, "Look, we recognize there's this conflict between the two, and you should solve it," instead of saying, "Well, the Ames case happened, and that's why the problem occurred; why didn't you fix it?"

Grant: Isn't that what accountability is all about? Accountability is always hindsight. You don't hold people accountable for the future. You make them responsible for the future, but you don't hold them accountable. So, even if you are a manager of a company, or a supervisor in the executive branch, accountability is always a hindsight

question. "You work for me; why *did* you do that?" Then you must stand up and say, "These are the reasons." Then as the manager, you'd say, "Okay, it was a good idea," or, "No, it was a bad idea, you're fired!" That's an extreme case. Hindsight is always 20-20. You know more facts in hindsight than you do in foresight, no question about it.

It's a good criticism, and it's part of the accountability that Congress should be held to. That's why Congress often is not held in high esteem, because people say, "You, in Congress, take cheap shots at people who don't deserve it. What are you doing that for? I won't vote for you anymore." So the person leaves office or whatever. It is always hindsight.

I would like to think that our response on the accountability side is less to find blame and send people to jail and more of: "Okay, let's fix it. How do we get together with you in the intelligence community, and figure out a better way of doing business?" In the case I cited with Ames, the argument between the FBI and the CIA was not going to get solved. It was an ongoing argument for a year, and at the DCI level he said, "I ain't doing it, and nobody can make me." Congress then said, "Okay, we'll pass a law." But as I say, I would like to think that Congress—sometimes, often, most of the time—acts responsibly by trying to fix problems rather than just laying blame and having fun in the press about "Weren't they stupid?" That's terrible. It's sinister. It shouldn't happen.

Student: But you say that there's no role then for the committee maybe to see potential problems down the road and bring them up?

Grant: Yes, there is. For example, while we were talking before the seminar started, there is a question of foreign threats. Right now our committee is in an ongoing debate with the intelligence community. Our committee is saying, "Please tell us what the threats to the United States are over the next 5 or 10 years, and prioritize them for us. You're the intelligence community, this is your business." So far, all you get is a laundry list of 25 things that might happen, all of which are terrible. The committee is saying (we think responsibly), "Look into the future, and tell us the answer so that we can make sure that the right things are funded and the right laws are in place. For example, if counternarcotics is a big thing, you might want one set of laws to help you, or it might be law enforcement against international crime in the former Soviet Union, in Russia. You've seen the press on this, and it's awful. Are there new laws that you need? We're truly here to help you, the intelligence community, pursue organized crime. But if you can't tell us what's very important, we can waste a lot of time, and given the option, that's what we may do: just argue forever on the floor of the Senate about things that nobody can decide on." So, the committee would like to help look into the future, but ...

Oettinger: But again, these things depend on the times. There was a period when the President's Foreign Intelligence Advisory Board in the executive branch took the initiative in a number of forward-looking things, and some of the overhead assets are the product of the work of Edwin Land and others years and years ago. Then there was a period when that institution kind of disintegrated and the select committees, maybe a decade or so ago, were the source of ideas and initiatives that couldn't come out of the executive branch. So I think the answer to your question also depends on the period. There certainly have been periods where these two select committees were, in fact, the fountainhead of forward-looking ideas because the executive branch was paralyzed.

Grant: Another example is that two years ago our committee introduced legislation to reorganize the intelligence community. There was lots of really wild stuff in there. It was really creative thinking. It didn't come from anybody on the intelligence committee. It all came out of the intelligence community, based on that wiring diagram, and asking them what's wrong, and what should be fixed. We put out some pretty creative things.

We got massacred! The Administration came in and said, "That's the dumbest thing

we ever saw in our lives! What do you mean, doing this to us?" We ended up by backing off and saying, "Okay, you know better than we do, so we'll back off and we'll essentially charter the existing organization, make it a matter of law that there is a DIA, NRO, NSA, and so on. Now it's your turn, intelligence community. Figure out what should be done." They keep telling us, "It's okay, we're doing fine. We don't need to change." We'll continue to have the argument.

Student: This idea of committees is actually quite uniquely American, if I'm right. I was wondering if I should see its function as a kind of a strategic audit that it is doing of the executive branch, in the sense that you're trying to make sure they don't fall too much out of line. How do you go about doing that? Do you actually try to get the opinion of the other members of the Senate and the House and win them over?

Grant: That's a good question, and I want to spend a little bit of time here about oversight, because I feel very strongly about it (figure 6). I think it's important. Unfortunately, if you think the wiring diagram on the intelligence community is complex, the way Congress works is *very* complex, and knowledge about it is very arcane stuff: rules and procedures and so on. I will try to simplify this as much as possible, but stop me along the way if it's getting out of control.

There are two committees that have oversight responsibilities for intelligence. Their responsibilities are similar in some ways, very different in others. There are some unique differences. One of those is the tenure and the composition of the committees. On the Senate side, the Senate Intelligence Committee believes it is a bipartisan committee, and that is reflected in its organization. As you may or may not know—that's why I say you've got to get into Civics 101—the committees of the Senate are organized according to the majority and minority parties in proportion to the minority and majority strengths in the Senate at large. That's not true for the Senate Intelligence Committee. On the Senate Intelligence Committee, the majority party has one more person than the minority party. So in the current case, there are nine Republicans and eight Democrats on the Senate Intelligence Committee. Why? Because they wanted it to be bipartisan. They didn't want intelligence oversight to be Democrats and Republicans arguing. There's one more member on the majority side, but, believe me, it's virtually never been an argument of that kind. (There are some exceptions.) There have been arguments between conservatives and liberals, arguments between people who see the roles of government differently, and arguments between people who have different views on civil liberties, but not about, "I'm a Democrat, so I'm voting with the majority leader or minority leader, or whoever it might be." So that's one difference, and I believe it helps to make the Senate Intelligence Committee a bipartisan committee.

There's a second way that it's made a bipartisan committee. On all other Senate committees (there may be one exception), there is a chairman who is from the majority party who runs the committee, and then there is a ranking member from the minority party. When the chairman is not sitting in a hearing or chairing a meeting, the leadership does not go to the ranking member; it goes to the next senior member in the majority party. On the Senate Intelligence Committee, the chairman is from the majority party, and the vice chairman is from the minority party. And so, in the current Congress, when the Republican chairman gets up and leaves the room, the Democratic vice chairman is in charge, again trying to emphasize bipartisanship.

Another unique thing about the Senate Intelligence Committee is the limited tenure of the members. The members, the Senators, can only be on the committee for eight years at one sitting. They have to leave, and then they can come back. In fact, we now have two members who have returned. That's the first time it's happened. A Senator is only on the committee for eight years for two reasons. One is: as we mentioned earlier, these oversight committees grew out of the public perception of the excesses of intelligence of the 1950s and 1960s and early 1970s, in the Vietnam era. So there was concern that if a Senator became a

member of an intelligence committee and sat there for 20 years, he or she might become an advocate for the intelligence community. The members might lose their objectivity, and then just become co-opted. It's a natural tendency for some people to have that happen. So that's one reason they said, "Eight years and then leave—and come back if you want."

The second reason was the idea that more people in the Senate should be aware of what intelligence is all about. A better-informed Senate can understand better what intelligence ought to be doing, what is excessive and what is not, how much money they should have, and how much they shouldn't have. So the idea was that after eight years' tenure you then might have, for example, nine Senators who go out to the Senate at large and know all about intelligence, and you have nine new members coming in, sitting down and learning about it. So that's a little about how support for intelligence is provided in terms of widening the awareness of the members of the committee.

The House is a little bit different. Again, that's where we get into this arcane stuff. House members are only on their intelligence committee for six years. They're organized according to majority and minority parties, so it's a two-thirds, one-third membership on the House side, not as it is on the Senate side. Again, it's important because the daily way of doing business is that on the Senate side we only have authority for the NFIP, not for TIARA. That belongs to the Armed Services Committee, which does the authorization of defense programs.

On the House side, the House Permanent Select Committee on Intelligence is responsible for both—for the NFIP and TIARA. This creates some very unusual relationships when you go to conference on your authorization bills, because you don't have jurisdiction over the same things. Because the Senate Intelligence Committee doesn't have jurisdiction over tactical issues, we recommend to the Armed Services Committee what we think ought to be done with their bill, and they generally follow our recommendations, but there are some notable exceptions.

I'm kind of running out of time. Let me talk a little bit how we execute oversight, another part of your question—how we make the intelligence community act responsibly and be accountable to the American people for their actions.

First, as you're well aware, the Senate confirms presidential appointments to certain positions. In the intelligence community, the President nominates and the Senate confirms the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Inspector General of the Central Intelligence Agency. The Senate Select Committee on Intelligence is then responsible for holding hearings and investigating the nominations for those positions, and it reports a recommendation to the Senate at large: yes or no. We recommend or don't recommend that the Senate at large vote in favor of the nomination put forward by the President. So that's one way we exercise oversight.

A second way, and it's a big hammer, is the budget process, and it's the way the Constitution set it up. Congress owns the money and gives it, on a yearly basis, to the executive branch to spend. The programs exist because Congress has approved them, not because the executive branch wants them. So there's a great deal of oversight leverage in terms of budgetary oversight.

Oettinger: Can you give any additional detail there? What about the budgetary appropriations committees? What's the substantive relationship there?

Grant: This is Civics 101. It's an important point and I hope I don't lose a lot of folks. You may or may not know that the executive branch gets money by two actions: one is the authorization action, and the second is the appropriations action. Unless money is both authorized and appropriated (two different committees), the money doesn't exist as far as the executive branch is concerned. The exception is when the appropriators say, "We don't care what the authorizers said; we want you to do this." They make it a matter of law. It's very arcane stuff, and that's what happens a lot, particularly in the defense area. In the

intelligence area, it tends not to happen because the National Security Act of 1947 is unusual. It says you cannot spend money on intelligence activities if they haven't been both authorized and appropriated. So as a result, the Senate Select Committee on Intelligence authorizes the National Foreign Intelligence Program and sends it through the Senate Armed Services Committee.

How do we do that? Well, as you all know, all the spending for intelligence is tucked away in a little tiny corner in this huge thing called the defense budget. You couldn't find it if you wanted to. The bill then goes to the Armed Services Committee, which then buries it. Therefore, there is a potential here—since they're the ones who are doing the burying—to bury it in different graves, I guess. (I don't want to carry the analogy too far, but they then have the opportunity to change what we've done.) They tend not to do that, but in theory they could because they're next in the process. Then this is reported to the floor, where the entire Senate authorizes the Defense Department budget, in which is the intelligence budget, which includes NFIP—and, oh, by the way, TIARA—because don't forget, I told you the Armed Services Committee does the tactical stuff. The Senate Intelligence Committee does the national stuff. The Senate then votes on the DOD bill, and that gives you an intelligence authorization budget.

Don't forget, there are two parts of the budget process. You have the appropriators. So over on the Senate Appropriations Committee you have 13 appropriations bills—13 subcommittees that look at the entire government's spending. There is an Intelligence Subcommittee that looks at appropriating money for national foreign intelligence and tactical intelligence. They may not agree with what we've done, and so they may appropriate entirely different money for entirely different reasons. Generally they are fairly consistent, but sometimes they're not, and that is a big problem because then you have to figure out how to fix it or the program doesn't get funded. So there is the second part of the process, the appropriations side. I don't know if that's getting too far down in the weeds or not.

Oettinger: No, that's fine.

Grant: Then you have the same things going on on the House side. (We call ourselves the HPSCI and the SSCI, by the way.) Don't forget, the HPSCI—the House Permanent Select Committee on Intelligence—authorizes both pieces, the NFIP and TIARA, but they also have to send it to the House Armed Services Committee, which buries it in the defense budget, which then is approved by the House at large. Then there is the House Appropriations Committee, which takes it in a subcommittee and appropriates money for the intelligence community.

Now, of course, the Senate never pays attention to what the House does. They're the lower body. Who pays any attention to them? And, of course, the House never pays attention to the snobs in the Senate; after all, they're closer to the people, they get elected every two years. So they pass their own bill, and we pass our own bill, and we don't pay any attention to what the other does.

Then what happens? We sit down, all of us, and we conference our bills. So the Armed Services Committees get together and say, "Gee, what are the differences? What are the similarities?" The Intelligence Committees get together and they say, "What are the differences? What are the similarities?" The Appropriations Committees get together and say, "What are the differences? What are the similarities?" Then they kick out a conference bill—an appropriations conference bill and an intelligence conference bill—where they have reconciled the differences, in theory. And—oh, by the way—it's all come together.

Well, it hasn't, obviously. It's the famous saying that there are two things that nobody should watch: one is making sausage, and the other is making the laws. It's very messy, and you probably wish you had never seen what comes out the other end. There are lots of problems and perturbations that make this a difficult process.

Oettinger: It's worth adding, though, that in all of this there are also the folks who are interested parties from the execu-

tive branch, as well as outsiders coming and talking to all of these people, so that this is not simply going on *in camera*, inside the legislature. Anybody can walk in off the street or hire a lobbyist to come and influence this. So it is a complicated and messy process, but the advantage, of course, is that ...

Grant: You think the accountability arguments are bad! "You fools are Monday morning quarterbacking us!" You should hear the comments about these bills. "You idiots! Why did you cut that? You fools, why did you put money there? That's the dumbest thing I ever saw! I'm the expert, I know what we're supposed to be doing. You fools in Congress, you just don't know what you're doing!" The lobbyists come in and say, "Oh, by the way, Senator, you know this is in your district, and you know we build this, and this means jobs. Don't you think you ought to try to support this?" Or you've got consultants who come in and say, "We're objective, we're on the outside, we've looked at this. This is a dumb idea, you ought to change the bill and appropriate or authorize money in this way." Yes, there's a lot of pressure that goes on.

But I have to tell you, you hear so much about pork as it relates to bills, but in intelligence, there is rarely anything in there about pork. The answer is simple. A Senator or Congressman who sits on this committee gets nothing out of it in terms of votes back home. The members are on that committee because they want to be there. They're interested in intelligence for lots of different reasons. As I say, they may be civil libertarians or they may be pro-defense, but that's why they're on the intelligence committee, and so, there tend not to be pork programs. There tend to be substantive arguments about intelligence, not about "I'm doing it just for jobs back home."

Horowitz: I have a comment, Art, and I'd like your reaction. One image of this process could be that it's like a board, which should be giving high-level guidance, like "Let's spend $1 billion on sensors. Go figure out the best thing to do and come back next year." But in reality, it gets down to, "Don't do this $10,000 study, do that $94,000 study." So the question of the fidelity, or the quantified level, at which this type of management is done is a national kind of issue.

Grant: One person's oversight is another person's micromanagement. The executive branch says, "What do you mean coming in here and telling me this $10,000 program is dumb and then cutting it? I mean, I'm the expert. I've been working on it for 20 years. Who are you to cut my $10,000 program?" The Senator says, "I'm from the state of Montana. If I told the people in Montana about that $10,000 program, they would think it's crazy. So from my perspective, on behalf of the people of Montana, get rid of the program! You don't hear from them, I do. I represent the American people. You don't. You may be the expert on the best sensor to do this particular job or the best covert action to do that particular job, but believe me, we're not in the business of doing what you want. You weren't elected by anybody." Only the President was elected in the executive branch. The 535 members of Congress believe that they represent the American people. So, that's the tension that creates what you're talking about (figure 7).

Horowitz: And accountability is the other side of that.

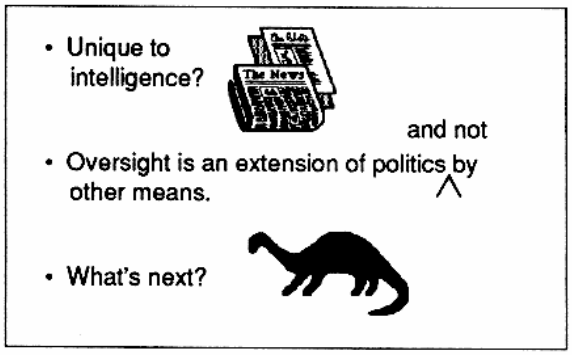

Figure 7

The Tensions

Grant: You'll have to explain your question to me.

Horowitz: Let's say you gave me the broad mission of "make something better, the public wants that." I think to do that I need $10,000 to do something. You tell me I can't have it. Then you tell me I'm accountable to make the thing better. So that mixture is where you lose some of that accountability to the detail in which you manage at the item level what the person you're holding accountable is supposed to be doing.

Grant: The only answer I have is that the weakness of a representative democracy is that the representatives respond to the people back home. The strength of a representative democracy is that they pay attention to the people back home. It is just inherently inconsistent. But believe me, again, it's why serving on the intelligence committee is really kind of fun, because it's not about pork, it's about substance. When they argue about these things, it generally is not about folks back home who need these jobs. It's generally about, "If I told the folks back home about this, they would just be livid. Whoever thought of this? So I am not going to let you do that." Somebody else will say, "Yes, but if I told my folks back home, they'd think that's exactly what we ought to be doing. That is the best program I've seen, and I'm going to support it." So you then have two members who line up and they argue it out. Then there may be a vote on the question among all the members. "Is this or is this not what we believe is in the interest of the American people?" That's the way it sometimes goes.

Horowitz: In a sense, though, the outcome that you just described is that the accountability is to get done exactly what we told you, which is very different than saying the accountability is to make the country better in this dimension, whatever that dimension is that you're dealing with holistically. I think in a sense that loop doesn't close back when the risks emerge.

Grant: What a member of Congress brings intellectually to the debate, which is different from a member of the executive branch, is that a member of Congress says, "In the great scheme of things, is this important?" An executive branch person says, "I'm doing the same thing. In the great scheme of things, is this important? You have asked me to build a program and are holding me accountable for that. This is my best shot, and I think it's right."

A member of Congress says, "Yes, but that's *this much* of what I have to consider. I've got to worry about school lunches. I've got to worry about health care. I've got to worry about lowering taxes. I've got to worry about agriculture. I've got to worry about disaster relief. I've got to worry about foreign policy. I have all these things that I am supposed to bring together to this debate and make a decision about your $10,000. And, bringing all these things together on behalf of the people of Montana, my decision is I'm not going to spend the $10,000. So, I am accountable for everything. You're accountable for your little tiny piece."

Horowitz: You could have asked me, "What's the best $10,000 to take out?" Not "Take out study number 4362." There's a difference in the way that accountability works.

Grant: As I say, one person's oversight is another person's micromanagement, and I'm not trying to skirt the issue. It is a constant debate, and it is an important one. But again, I would answer that the one thing the members of Congress or Senators do is spend a lot of time trying to figure out what the folks back home are interested in: what's important to them and what's not important to them. If they believe that the folks back home believe that you just ought to give big pots of money to the intelligence community and let them do what they want, then that's the way they'll vote. Some are like that. Some will say, "No, the folks back home are comfortable with my micromanaging."

But in other districts, in other states—and it really varies throughout the country—they say there are people who are very interested. They're micromanagers themselves and they want their representatives to

micromanage on their behalf. They'll say, "I don't like the $15 you're giving for something. I don't like building housing for Russian officers in the former Soviet Union. That's the dumbest thing I ever heard. Whoever thought of that?" Now, is that micromanagement? It's a fairly small pot of money in the big DOD bill, but I can tell you, it's a hot ticket issue in Montana right now. "What are we doing building housing for former Soviet officers when we've got homeless people in Billings? I mean, are you crazy?" The guy in DOD who thought it up says, "Wait a minute, I'm accountable for it. We're getting rid of nuclear weapons. Don't the people in Billings, Montana, care about nuclear weapons?" Yes, but I'll tell you, on balance, they say, "Find another way to get rid of nuclear weapons rather than paying for housing for Soviet military officers. I want housing for the homeless in Billings, Montana!" That's really what they bring to this debate. It's different. But as I say, if you're on the receiving end in the executive branch, it's micromanagement.

Student: I just wanted to ask if, during all the decades that the oversight committee has been in existence, you sense it has helped sensitize officers of intelligence, or heads of intelligence, to what oversight the Senators and Congress people bring to the debate—the kind of bigger perspectives issue? Do you think this has happened? If so, do you think it's a positive thing or is it better to have the intelligence community maintain its kind of tunnel vision so that it's balanced off?

Grant: I will not give you a specific answer according to agency. I will tell you that it varies significantly. Some are doing a lot better than others in believing that "Congress may be the 'enemy,' and they're certainly trying to impede what I think is important, but they are part of the process. I don't like doing it, but they're part of it, so I'll work as best I can with them." Others say, "You don't know what you're talking about. I'm not going to tell you anything until you find it out. If you don't ask me the right question, I'm not going to give you the answer, and I'm going to go off and do my own thing."

Oettinger: I would just add to that, if you look through the record of the seminar, you'll find three different appearances by Admiral Inman, who during his period as director of NSA—one of the agencies mentioned here—realized very explicitly that working with the Congress was not necessarily a bad idea. You'll see his ideas expressed on that score.* So, by virtue of that accident, that personality, that was one agency that early on fell on the side of "Let's work with the Congress." Others varied. But if you read Inman's presentations, you'll find an account of that from the other side.

Grant: What the executive branch sometimes misses is that Congress can play a very important role in this. Congress can be their cheerleaders. I don't know of any better way to get all Americans on board about something than to have all the Senators and Congressmen on board about it. If everybody agrees in Congress, believe me, people back home believe. It's frustrating sometimes because there is this obstructionist view.

I mentioned that Senator Arlen Specter is the chairman who has proposed setting up a Director of National Intelligence. He has legislation for that. The vice chairman, Senator Bob Kerrey from Nebraska, has got a couple of big issues right now on intelligence. One of these is in just that regard. He starts with the assumption that:

---

* Bobby R. Inman, "Managing Intelligence for Effective Use," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1980.* Program on Information Resources Policy, Harvard University, Cambridge, MA, December 1980; "Issues in Intelligence," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1981.* Program on Information Resources Policy, Harvard University, Cambridge, MA, December 1981; and "Technological Innovation and the Cost of Change," in *Seminar on Command, Control, Communications and Intelligence, Guest Presentations, Spring 1986.* Program on Information Resources Policy, Harvard University, Cambridge, MA, February 1987.

"Intelligence is important. A robust intelligence capability is important. It will be fairly expensive or very expensive, but we need it. We now need to build a consensus among Americans." We need an intelligence community that will help him build the threat picture that he can take home to the people of Nebraska and say, "You want to know why it costs a lot of money for intelligence? Here are the threats. Here are the most important threats. Here are the least important threats. That's why it will affect you in Lincoln, Nebraska." What a great way to get the people in Lincoln, Nebraska, saying, "Yes, I wish it didn't cost that much, but okay, I trust you and I trust the intelligence people." In the absence of that trust, the tension does not get better.

The news reports on Ames and those kinds of things don't help. Is it the news reports? No, it's the Ames case that doesn't help. It's not the fact that the media was reporting it.

I want to talk a little bit about this tension that's been sprinkled throughout my discussion (figure 7). It's like Tony mentioned earlier. I would argue that the public arguments going on are not unique to intelligence. "Do you need a CIA or don't you need a CIA? Weren't they stupid about Ames and all those sorts of those things?" Right now, there are people seriously considering getting rid of the Housing and Urban Development and the Health and Human Services Departments. There are people arguing strongly in favor of getting rid of the Department of Energy. That may happen. I don't know. There are influential Senators arguing that we need to get rid of the Arms Control and Disarmament Agency, the U.S. Information Agency, and the Agency for International Development, and collapse them into the State Department. That's a fairly significant attack on the executive bureaucracy.

So I would argue that the tension is not unique to intelligence at all. It happens throughout the government. Why? It's part of the system of checks and balances that America is all about. It's a bit of accountability. It is Congress trying to create efficiencies on behalf of the American people. That's why I said the second thing on the chart (figure 7)—with all due respect to Karl von Clausewitz's "War is an extension of politics by other means"—oversight is an extension of politics and *not* by other means. It's *all* about politics—politics not in a dirty sense, but in the sense of representing the views of the American people who don't agree on lots of things—and trying to resolve those differences in a forum called the United States Congress.

I am very influenced by an author named Gordon S. Wood, who wrote a book in the mid-1970s called *The Creation of the American Republic.** For me it is a seminal work for trying to understand what the U.S. Constitution does. His conclusion is that the U.S. Constitution makes one unique contribution to political thought—there is no other system in the world like it—in that the U.S. Constitution is set up and organized to resolve conflicting interests. It is a little bit about checks and balances. It is a little bit about the power of the President. It is a little bit about the power of Congress. It is a little bit about the power of the judiciary, and allocating all of those responsibilities, but the fundamental philosophy contained in the Constitution concerns conflicting interests. Interests among whom? The American people—all the people out there who've got their views on what's good and what's bad for them. How do you bring all of these views together in a single way so that there are institutions for change, that there is the ability to resolve these conflicts in some kind of meaningful manner? Wood argues that it's the Constitution. The framers were consciously thinking of that when they created the system they did.

Horowitz: Why do you have a dinosaur next to "What's next?" in the slide (figure 7)?

Grant: On purpose. It's something like, "Is the CIA a dinosaur?" I have to tell you, based on cards and letters, there are people, members of Congress, who have serious reservations about the future of the Central Intelligence Agency. It was clearly set up in

* Gordon S. Wood, *The Creation of the American Republic, 1776-1787*. New York: Norton, 1972 (© 1969).

the Cold War to look at the monolithic Soviet Union as the principal adversary of the United States. Is it time to think of that organization as having outlived its usefulness, and to rethink it completely? There are a number of things going on to answer this kind of question. There's the Roles and Missions Commission that's being taken on by the President's Foreign Intelligence Advisory Board—the Aspin and Rudman Commission. The House Intelligence Committee has said that they're going to look at what they're calling "IC21." The Senate Intelligence Committee is looking at the same question: is the community, as currently organized, extinct?

Oettinger: Before I thank our speaker formally, I just want to remind you all that if you haven't handed in your term paper drafts, now is the time. Art, I'm so delighted that the weather and everything collaborated so that you could be with us. We leave you with a very small token of our appreciation. Thank you so much.

Grant: Thank you, it's been a pleasure. Good questions.

INCSEMINARS1995

ISBN-1-879716-29-1