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INTELLIGENCE REFORM:
THE "PHOENIX" OF 9/11?

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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ABSTRACT

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On Wednesday, 12 September 2001 before the dust had settled in Lower Manhattan, the attacks began on the Intelligence Community. Someone had to shoulder the blame and the most logical target was the Intelligence Community which is responsible for warning policy-makers of looming crises and threats to our national security. Shortly thereafter, Congress launched a joint inquiry, conducted by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. The inquiry concluded that the Intelligence Community had plenty of strategic warning regarding an imminent "spectacular" event prior to 11 September, but lacked "actionable" intelligence to tell specifically when, where, and how such an attack might occur.

This paper argues that the pre-9/11 national security structure was not optimized to deal with complex transnational threats, such as international terrorism, which blur the lines between national security and crime. It shows how our strategic focus which served U.S. policymakers well during the Cold War fell short in warning against terrorism. It explains how the mandate to protect civil rights and preserve enduring American values has clashed with security concerns and U.S. interests. Further, the paper reviews the recommendations of various recent committees regarding intelligence reform. It concludes by recommending a revised national security structure that more effectively integrates foreign and domestic intelligence collection and analysis without compromising the rights of U.S. citizens—and one that will enhance our ability to preempt, disrupt and defeat terrorism.

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THE "PHOENIX" OF 9/11?

On Wednesday, 12 September 2001, it started. Before the dust had settled in the streets of Lower Manhattan, the attacks began on the intelligence community. The finger-pointing came from all sides—journalists, congressional leaders, academia; all echoed the same sentiment—the tragic terrorist attacks of 9/11 represented an intelligence failure of unspeakable proportions. Someone had to shoulder the blame and the most logical target was the Intelligence Community (IC) which is responsible for warning policy-makers of looming crises and threats to our national security.

So, Congress launched a joint inquiry, conducted by the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI). The Joint Inquiry Staff (JIS) focused on the Intelligence Community's counterterrorism (CT) efforts, or more accurately, its deficiencies prior to 11 September 2001. The JIS heard testimony from the community's leaders to include, the Director of Central Intelligence (DCI), George Tenet, and the past and present directors of the Foreign Bureau of Investigation (FBI), Louis Freeh and Robert Mueller, respectively, as well as Counter Terrorism (CT) directors and analysts from the Central Intelligence Agency (CIA), Defense Intelligence Agency (DIA), and FBI.[1]

The inquiry concluded that the Intelligence Community had plenty of strategic warning regarding an imminent "spectacular" event prior to September 11, but lacked "actionable" intelligence to tell specifically when, where, and how such an attack might occur. According to the final report, "The Community did, [however] have information that was clearly relevant to the September 11 attacks,"[2] which if pieced together may have helped to disrupt or unravel al-Qa'ida's deadly plot. The JIS concluded that the Intelligence Community had failed to "appreciate both the individual and collective significance" of those pieces of troubling information, as it had "demonstrated[d] an [in]sufficient initiative in coming to grips with the new transnational threats."[3]

This paper argues that the pre-9/11 national security structure was not optimized to deal with complex transnational threats, such as international terrorism, which blur the lines between national security and crime.   It will show how our strategic focus which served U.S. policymakers well during the Cold War fell short in warning against terrorism. It will explain how the mandate to protect civil rights and preserve enduring American values has clashed with security concerns and U.S. interests. Further, the paper reviews the recommendations of various recent committees regarding intelligence reform. It concludes by recommending a

revised national security structure that more effectively integrates foreign and domestic intelligence collection and analysis without compromising the rights of U.S. citizens—and one that will greatly enhance our ability to preempt, disrupt and defeat terrorism.

COLD WAR NATIONAL SECURITY ESTABLISHMENT

The national security establishment in place on 11 September 2001 was largely unchanged from when it was founded in 1947.   After World War II, the most menacing threat to U.S. national security was the growing influence and power of our ideological competitor, the Soviet Union and ultimately its arsenal of ballistic missiles. The world was divided into communist and non-communist states. The enemy was well-defined and organized with a vast military apparatus which could be closely monitored via covert operations and clandestine technical means. Spies were easily recruited, lured by money or disillusioned with their nation's ideology. In the United States, foreign espionage and occasional internal security matters necessitated counterintelligence measures. However, throughout the 20th Century, U.S. national security concerns focused largely outward—on foreign governments and militaries.

Reflective of the postwar world order and intent on preventing another "Pearl Harbor," as well as protecting citizens' rights, Congress passed the National Security Act of 1947 which established the basic U.S. security structure which stands largely intact today. The framework included creation of the National Security Council to coordinate national security policy, the position of the Secretary of Defense under which the separate military departments were unified, the establishment of the Joint Chiefs of Staff, as well as the CIA with the Director of Central Intelligence as its head. The National Security Act specified the CIA's role in foreign intelligence gathering and explicitly prohibited the agency from having any "police, subpoena, law enforcement powers, or internal security functions."[4] This reflected congressional and public desire to prevent the creation of a U.S. "Gestapo" and to protect the FBI's primacy in domestic matters.[5] Thus, from the start, the basic U.S. security structure segregated the realms of foreign and domestic intelligence matters with an overwhelming emphasis on external foreign threats.

At the time, CIA was the sole organization tasked with a "national" intelligence mission. It was responsible for providing national policymakers with accurate, comprehensive, and timely foreign intelligence on national security topics. The Agency's focus was, and remains today, to predict future threats and provide strategic warning so policymakers can respond appropriately. The CIA served as "the focal point within the Government where intelligence would be gathered and evaluated. As such, [it] would necessarily require access to information collected by other

agencies."[6] The Army and Navy, nested within the Department of Defense, agreed to a coordinating role as long as they could maintain their own collection and analytical capabilities to support military operations. The FBI residing in the Department of Justice, however, "insisted on limiting the CIA's access to FBI files only if written notice was given first and only if access was 'essential to the national security.'"[7] From the outset, the fractured nature of the intelligence structure challenged information-sharing and collaboration needed to develop accurate and comprehensive assessments. The DCI's limited authority to manage the IC, stemming back to the position's creation, has exacerbated the situation.

DIRECTOR OF CENTRAL INTELLIGENCE AUTHORITIES

The 1947 National Security Act identified the DCI as the President's principal advisor for intelligence matters. It also charged the DCI, as head of the CIA, with providing the National Security Council with recommendations regarding the coordination of U.S. intelligence agencies, as well as correlating and evaluating national intelligence.[8] The Act purposely left vague the issue of the Director's role regarding the other agencies due to bureaucratic sensitivities.[9]

The failure to clearly establish the DCI's role and authorities in relation to the other intelligence organizations hindered fulfillment of the DCI's responsibilities.[10] The problem grew worse as new intelligence organizations were established in the 1950s and 1960s (e.g., the National Security Agency (NSA), the Defense Intelligence Agency (DIA), and the National Reconnaissance Organization (NRO)), and placed within the Department of Defense. Many have called for the DCI to have a stronger coordinating role among these agencies in order to improve efficiencies and effectiveness. The concern has focused on eliminating duplication and waste, however, rather than information-sharing and cooperation.[11]

In 1971, President Nixon tasked the DCI with increased responsibilities in order to manage the growing community. In a classified memo, the President "directed the DCI to establish requirements and priorities for intelligence collection, and to combine all 'national' intelligence activities into a single budget."[12] These and related responsibilities were itemized in the first Executive Order on intelligence, issued by President Ford in 1976. Subsequent Executive Orders issued by Presidents Carter and Reagan further clarified the DCI's authorities and responsibilities.[13]

In 1992, Congress enacted amendments to the 1947 National Security Act which "defined the 'Intelligence Community' in law for the first time" [14] and codified many of the DCI's responsibilities and authorities previously identified in Executive Orders.[15] In addition to the

tasks previously mentioned, the amendments specified that: "the DCI…formulate guidance for and approve the budgets of agencies within the Intelligence Community and that the concurrence of the DCI must be obtained before agencies could use or 'reprogram' appropriated funds for other purposes;"[16] it also "gave the DCI authority to shift personnel and funds within national intelligence programs to meet unexpected contingencies, *provided the affected agency head(s) did not object* (italics added)."[17] Further, it stipulated that the Secretary of Defense "consult" with the DCI prior to appointing the directors of NSA, NRO and DIA, and appoint the head of the Central Imagery Office (now the National Imagery and Mapping Agency (NIMA)) with DCI recommendation.[18]

On paper, the DCI appears to wield substantial authority vis-à-vis the other elements of the Intelligence Community. "In practice, however," as explained in the 1995 report, Preparing for the 21st Century: An Appraisal of U.S. Intelligence, prepared by the Presidential Commission on the Roles and Capabilities of the United Intelligence Community (also known as the Aspin-Brown Commission), "this authority must be exercised consistent with the authority of the department heads to whom these elements are subordinate."[19] This is easier said than done when dealing with organizations having competing priorities, allegiances, and the bulk of the intelligence budget, like DoD.

The funds appropriated for national intelligence activities are distributed directly to the parent department or agency for execution. This means that the DCI, responsible for formulating the national intelligence budget, in effect, controls *only* the funds he receives to run the CIA and to manage the Intelligence Community Staff. And since the Defense Department receives approximately 85 percent of the estimated 37 billion dollar intelligence budget[20], the DCI has "little recourse when these agencies chose to ignore his directives."[21] In addition, DoD agencies such as NSA, NRO, and the National Imagery and Mapping Agency (NIMA) see themselves first as combat support agencies answering to the Secretary of Defense, rather than national intelligence elements working for the DCI.[22]

According to the Aspin-Brown Commission, these issues have resulted in "more than 26 proposals over the past 40 years" to strengthen DCI authorities over Intelligence Community agencies."[23] Yet, to date, no subsequent executive orders have been issued nor legislation enacted which substantially enhances the DCI's authority.

THE FEDERAL BUREAU OF INVESTIGATION

Over the past 95 years, the FBI has established itself as the nation's premier criminal investigative and law enforcement agency. However, a brief review of the Bureau's history

reveals that counterintelligence, counterterrorism, and counterespionage have also been key responsibilities of the organization. The Justice Department's Bureau of Investigation, the forerunner of the FBI, was established in 1908 to serve as the nation's federal investigative force "designed to fight crime and corruption."[24] However, by 1916, the Bureau's charter expanded to include "internal security, Mexican border smuggling activities, and neutrality violations."[25] The following year when the United States entered into World War I, Bureau responsibilities expanded again to include "Espionage, Selective Service, and Sabotage Acts.[26] During the inter-war years, the Bureau returned to fighting federal crimes—investigating gangsters, federal kidnappings, and neutrality and antitrust violations.

In 1935, under the directorship of J. Edgar Hoover, the Bureau was renamed the Federal Bureau of Investigation. As war broke out in Europe in 1939, FBI responsibilities "escalated" and once again focused on subversion, sabotage, and espionage as Special Agents investigated potential threats to national security.[27] After the war, the FBI investigated subversive activities and alleged disloyal federal employees.[28] During the Vietnam War, the FBI played a significant role as "crime, violence, civil rights issues, and potential national security issues" converged.[29] In 1982, FBI director, William Webster, made counterterrorism a fourth national priority (along with foreign counterintelligence, organized crime, and white-collar crime) after an outburst of worldwide terrorist incidents. Increasing the Bureau's effectiveness in combating international crime, the Department of Justice authorized the FBI in 1986 "to arrest terrorists, drug traffickers, and other fugitives abroad without the consent of the foreign country in which they resided."[30] A natural outgrowth of this new authority was the FBI's increased overseas involvement in the 1990s by opening Legal Attaché (Legat) offices and tracking down international criminals.

Today, the FBI is in the process of shifting its mission focus on the home front from criminal enforcement to protecting and defending the nation against terrorist and foreign intelligence threats.[31] This has entailed a comprehensive reorganization effort to include the reassignment of more than 500 agents to fight terrorism and hiring of more than 330 linguists to translate Middle Eastern languages.[32] The FBI has also "established Joint Terrorism Task Forces in each of [its] 56 field offices to strengthen information-sharing with federal, state, and local law enforcement agencies"[33] as well as a National Joint Terrorism Task Force at its headquarters to "aggressively pursue intelligence leads and to coordinate intelligence gathering."[34] In addition, the FBI has doubled resources devoted to analyzing intelligence data

and has set up an Office of Intelligence to foster intelligence sharing within the FBI and other U.S. Government agencies.[35]

FOREIGN & DOMESTIC INTELLIGENCE BARRIERS HARDEN IN 1970'S

The barrier erected between domestic and foreign intelligence collection when the CIA was created in 1947, significantly hardened in the 1970s in response to Congressional investigations that found widespread abuses by the FBI and CIA regarding collection and surveillance activities.   Historically, fewer restrictions have been placed on overseas foreign intelligence gathering where U.S. laws do not apply and collection is usually conducted clandestinely under the guise of plausible deniability in support of national security interests. However, some covert actions undertaken by the CIA have come under fire for clashing with long held American values. Domestic intelligence collection against foreigners and U.S. citizens was, and remains a separate, more sensitive and regulated issue, as our nation prides itself on the protection and preservation of individual liberties and freedom set forth in the U.S. Constitution and public law.

History demonstrates an earnest effort to preserve these ideals, but also illustrates the natural tension that exists between the two spheres.   For instance, in the aftermath of the Watergate affair in the mid-1970s, the press increasingly began to report disparagingly on intelligence activities. The Commission on the Roles and Capabilities of the United Intelligence Community's 1995 report relates that "Press articles covered allegations of collection efforts undertaken against U.S. citizens during the Vietnam era, [and] attempts to assassinate foreign leaders or destabilize communist regimes."[36]

Further, reports of the CIA assisting the non-Communist resistance forces in Angola prompted Congress in 1974 to pass an amendment to the Foreign Assistance Act, referred to as the "Hughes-Ryan amendment."   This amendment requires presidential authorization of any CIA covert action along with the reporting of such action to the relevant oversight committees which then included the armed services committees, foreign relations committees, and appropriation committees in each house of Congress.[37]

Scrutiny over intelligence activities continued with the 1975 Commission on CIA Activities Within the United States (also known as the Rockefeller Commission), commissioned by President Ford. The Rockefeller Commission found that while the "great majority of CIA's domestic activities comp[lied] with its statutory authority," the commission did "confirm the existence of a CIA domestic mail opening operation; [and also] found…the Agency had kept

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files on 300,000 U.S. citizens and organizations relating to domestic dissident activities.[38] Further inquiries examined the CIA's foreign intelligence charter.

The Senate followed suit with its own investigative body, the Committee to Study Government Operations with Respect to Intelligence Activities. Also known as the Church Committee after its chairman, this committee undertook one of the Senate's largest investigative efforts and was charged with "looking at CIA domestic activities; covert activities abroad, including alleged assassinations of foreign leaders; alleged abuses by the Internal Revenue Service and the FBI; alleged domestic spying by the military; and the alleged interceptions of the conversations of U.S. citizens by the National Security Agency.[39] After nearly a year of inquiry, the Church commission published a six-volume report that recommended, among other things, separation of the DCI from the CIA, strengthening the DCI's authority over the Intelligence Community, publication of the National Foreign Intelligence Budget, and prohibition of "clandestine support to repressive regimes that disregarded human rights."[40]

In June 1975, yet another congressional group, the Commission on the Organization of the Government for the Conduct of Foreign Policy, was completing a three-year look into the organization and performance of the Intelligence Community. This commission, headed by diplomat Robert Murphy, also suggested elevating the DCI's role and status and recommended further "that covert action should be employed only where it is clearly essential to vital U.S. purpose and only after a careful process of high level review."[41]

The upshot of the investigations in the 1970s resulted in restrictions on CIA's domestic activities as well as those conducted by the NSA and the intelligence elements of the military departments. They also led to the establishment of congressional oversight committees to more closely monitor intelligence activities.[42] The Senate Select Committee on Intelligence was created in 1976 with the House Permanent Select Committee on Intelligence established the following year. Both committees were charged with authorizing expenditures for intelligence activities and performing oversight which required they be kept "'fully and currently informed' of intelligence activities under their purview."[43] Also during this period, President Ford issued Executive Order 11905 in 1976 which banned political assassinations as "an instrument of U.S. policy."[44] And despite numerous calls to strengthen the DCI's authorities vis-à-vis the burgeoning Intelligence Community, little was done except to establish the position of Deputy DCI to run the CIA so the DCI could focus more exclusively on community wide matters.[45]

More recently, the "Torricelli Principle," adopted in 1996 by CIA Director John Deutch under pressure from the Clinton administration, further undermined CIA's activities. Then Democratic Congressman from New Jersey, Robert Torricelli blasted the CIA because a

Guatemalan military officer "on the agency's payroll" was said to have been involved in the killing of an American and a leftist guerilla in Guatemala."[46] As it turned out, however, a congressional panel later showed that the Guatemalan military officer in question had not killed an American, nor had there been illegal funding of the Guatemalan army as alleged.[47] However, the panel's findings did not stop the Clinton administration from "implementing a rule restricting CIA agents from employing sources who may have done something illegal."[48] Bill Gertz, author of <u>Breakdown: How America's Intelligence Failures Led to September 11</u> claims that the restrictions, also known as "Deutch Rules," "led to the firing of about one thousand of its recruited agents"[49] and prevented the Agency from "recruiting 'unsavory' spies in the field without obtaining approval from Washington D.C. bureaucrats."[50]

New stipulations were imposed on domestic intelligence gathering as well in the late 1970s. During that decade, NSA and other DoD intelligence personnel intercepted radio communications of civil rights and anti-war demonstrators, and the FBI routinely wiretapped "dissident" U.S. persons who were exercising their First Amendment Rights.[51] The FBI conducted such activities "based upon a claim of constitutional authority of the President."[52] However, due to the political intrusiveness and the implications for the privacy of U.S. persons, Congress passed the Foreign Intelligence Surveillance Act (FISA) in 1978 "which established a legal regime for 'foreign intelligence' surveillance separate from ordinary law enforcement surveillance."[53] The 1978 Act created a secret court to authorize wiretaps and communications interception in the United States for national security purposes. Under FISA, "NSA may only target communications of a U.S. person in the United States if a federal judge finds probably cause to believe that the U.S person is an agent of a foreign power."[54]

In 1978, the Attorney General instituted guidelines further restricting FBI agents' surveillance and tactics. Referred to as the "See-No-Evil Rule," these restrictions barred the FBI from "clipping and filing newspaper articles about openly violent anti-American organizations unless there was evidence they either had committed, or were planning to commit, a criminal act."[55] Arnaud de Borchgrave and Ronald Marks writing in the <u>Washington Times</u>, describe the "See-No-Evil Rule" as the "most absurd restriction in the history of intelligence."[56]

From the inception and maturation of the postwar national security system, protection of civil rights and adherence to American values have restricted domestic and foreign intelligence activities and served to hamper close cooperation between the foreign intelligence and law enforcement. Until the collapse of the Soviet Union and the rise of transnational threats such as

international terrorism, the proliferation of Weapons of Mass Destruction (WMD), and global crime in the 1990s, this "wall" was deemed necessary.

Today, the distinctions between enemy and criminal, and peace and war have blurred. In a global world, the enemy has proven it can slip into and out of our country undetected, reside unnoticed, move money invisibly, and communicate unhindered via everyday means with leadership elements thousands of miles away. International terrorism, the most immediate threat facing our nation today, knows no bounds and transverses the foreign and domestic realm. Charles Lane of the Washington Post relates that an administration official described the challenge of terrorism as "a form of war as well as a form of crime, [which] must not only be punished after incidents occur, but also prevented and disrupted through the gathering of timely intelligence."[57]

INTELLIGENCE KEY IN COUNTERTERRORISM

Intelligence "will be Uncle Sam's lifeblood" in combating terrorism exclaimed the authors of a recent article in Washington Quarterly. The authors, Frank Cilluffo, former chairman of a committee on combating terrorism, along with Ronald Marks, a former CIA officer, and George Salmoiraghi, research associate at the Center for Strategic and International Studies, add that "Accurate and timely information is the foundation of every element of this [counterterrorism] campaign, including U.S. diplomatic, military, financial, and political operations;" and adequately fused together it also provides warning of future attacks.[58]

Traditional intelligence activities will continue to play a major role in the "war on terrorism." However, the use of the "need to know" control to restrict the flow of intelligence unnecessarily must be modified to allow for increased dissemination of terrorist threat-related data. US Northern Command's (USNORTHCOM), Chief Information Officer, Air Force Major General Dale Meyerrose posits a "need to share" information environment that meshes defense, law enforcement, intelligence and homeland security cultures. The mission of USNORTHCOM and the Department of Homeland Security is to work with states and local governments to prevent, and respond if necessary to terrorist threats. NORTHCOM is presently mapping out "the lowest common denominator of data information exchange requirements at the tactical levels" to facilitate sharing of information.[59] Once established, this effort will require the Federal Government to push sanitized intelligence down to the lowest common denominator for state and local governments to access.

The tendency of intelligence collection agencies to hoard and closely control information must be overcome. Raw intelligence gleaned from classic espionage, such as clandestine

human intelligence--HUMINT and signals intelligence—SIGINT must be shared as fully as possible with all-source analysts to be useful. As Senator Richard C. Shelby aptly pointed out, "perfectly secure information is perfectly useless information."[60]The director of DIA, Vice Admiral Lowell E. Jacoby, in testimony before the joint inquiry panel explained, "Information considered irrelevant noise by one set of analysts may provide critical clues or reveal significant relations when subjected to analytic scrutiny by another. This process is critical for the terrorism issue where evidence is particularly scant, often separated by space and time."[61]

In addition to traditional methodology, an expanded notion of intelligence must be employed to defeat the new enemy.   Open sources must continue to be tapped. Information gleaned from websites and foreign newspapers provides valuable insights into the cultures and mindsets of terrorist organizations and may even contain hidden messages conveying instructions to terrorist cells. Lieutenant General (Ret) William Odom (and former Director, NSA) in testimony on Creating a Department of Homeland Security before the Senate Government Affairs discussed the importance of a type of intelligence collection analogous to the "tactical" intelligence reporting performed by non-intelligence military units on mission. He contends that, "the same kind of tactical reporting by all [law enforcement] subunits and field operators will be extremely important where useful information can be observed."[62]   For instance, suspicious terrorist-related information discovered by a local police unit or a border patrol agent performing a routine activity may hold a key piece of the puzzle to tracking down a terrorist suspect or preempting an attack. Such information must funnel directly upward for inclusion into an analytical fusion center. Odom proposed that this center reside in the Department of Homeland Security's (DHS) Information and Analysis and Infrastructure Division. At the same time, the lowest level subunits must be able to access DHS fused intelligence and watch lists to interdict threats and manage the consequences of an attack.[63]

INTERNATIONAL TERRORISM: A DIFFERENT KIND OF ENEMY

The ancient Chinese strategist, Sun Tzu, wrote over 2000 years ago that if you "Know the enemy and know yourself; in a hundred battles you will never be in peril."[64] This law of war, *Know Your* Enemy, key in the war on terrorism is very challenging. We face a new enemy--a unique type of terrorist difficult to find and understand. Osama bin Laden and his loosely knit group, al-Qa'ida are not affiliated with any particular state. According to Rand analyst, Brian Jenkins, "religious conviction gives them strength, but the armed struggle is what holds them together."[65] Further, "they measure success differently: They define death and destruction as achievements in themselves….Adversity is seen as a test of their commitment.[66] It is an honor

to die fighting for Islam. According to Al-Qurashi, author of "Fourth Generation Wars" found on a now defunct al-Qa'ida website, deterrence is obsolete because the "principle is based on the assumption that there are two sides that seek to survive and defend their interests…but it is completely eliminated when dealing with people who don't care about living but thirst for martyrdom."[67] He adds that deterrence "works well between countries; it does not work at all for [such an] organization."[68]

Even if al-Qa'ida could be deterred by threat of attack, its members are difficult to track down, and capture or target. Their loosely knit organization spans the globe with small cells in over 60 countries.[69] They don't have elaborate headquarters or palaces easily monitored by satellite coverage, nor a dedicated communication system to exploit. Rather, al-Qa'ida operates clandestinely, communicating via one-on-one meetings in hotel rooms and apartments, hard to track Internet correspondence and cellular phone conversations.[70] They live quiet lives and do not draw attention to themselves. Former DIA CT analyst Kie Fallis adds, "The frequent use of ever-changing actors, aliases and codewords is another unique challenge and significantly increases the chance of confusion and incorrect assessments."[71] Terrorists operate both internationally and domestically. They are expert money launderers and operate often using *hawala*, "an informal and unregulated system of money transfer that relies on shared codes and trusted emissaries—a way to avoid using the banking system."[72] Since operatives generally know only their part of a plan, their capture and interrogation provides only a piece of the puzzle which must be fused with other scraps of information to reveal a plot. Counterterrorism collection is tough.

Planning for operations can span several years, complicating analysis and warning. And, bin Laden is in no hurry to achieve his goals. After the June 1996 bombing of Khobar Towers, bin Laden described the killing of the nineteen Americans there as the beginning of a war between Muslims and the United States. He subsequently issued a *fatwa* or religious decree in August 1996 entitled, "Declaration of War," which authorized attacks against Western military targets on the Arabian Peninsula.   When asked in November of that year why he hadn't yet conducted such attacks, bin Laden answered, "If we wanted to carry out small operations, it would have been easy to do so…but the nature of the battle requires qualitative operations that affect our adversary, which obviously requires good preparation."[73]

Planning for the September 11 attacks was reportedly under way for at least two years.[74] During this time, the CIA and FBI were working furiously together to thwart potential Ramadan and Millennium threats. According to DCI George Tenet, efforts at the time were focused on three groups of al-Qa'ida personnel: those known or suspected to have been involved in

terrorist attacks, senior al-Qa'ida directors or coordinators outside Afghanistan, and those in Afghanistan close to bin Laden.[75] In January 2000, the CIA surveilled two suspected al-Qa'ida operatives, Khalid al-Mihdhar and Nawaf al-Hamzi who had traveled to Malaysia; it was hoped that their surveillance would lead to key al-Qa'ida members or provide other threat information. While surveillance revealed the two were engaged in suspicious activity, there was no evidence to suggest their involvement in an impending attack. The CIA passed a copy of al-Mihdhar's passport to the FBI for further investigation.   The CIA did not submit his name to the State Department for watch list consideration until 23 August 2001 despite having the detail required to do so in January 2000. Al-Mihdhar and al-Hamzi turned out to be two of the hijackers aboard the aircraft that struck the Pentagon. Tenet acknowledged that failing to earlier watch list the two was "one of our mistakes."[76]

This incident highlights one of the many challenges of counterterrorism intelligence efforts. What exactly is the threshold for reporting and disseminating suspicious activity—how do analysts separate the "signal from the noise"? Who determines the standard? How do you standardize the threshold across agencies? What is the follow-up mechanism? Information that may seem of lesser significance or which is overshadowed by more pressing concerns—to one intelligence or law enforcement agency may be the missing link when supplemental information is discovered. Paul Pillar, former Chief of Assessments and Deputy Chief of the DCI Counterterrorist Center describes the analysts' challenge: "The material [is] voluminous but fragmentary and ambiguous reporting, much of it of doubtful credibility, that provides only the barest and blurriest glimpses of possible terrorist activity…the analysts have long been faced with blizzards of flags or dots…that could be pieced together in countless ways. If pieced together in the most alarming way, the alarm bell would never stop ringing."[77]

Testimony during the Joint Intelligence Query revealed that CIA and FBI personnel working the bin Laden issue were "simply overwhelmed"[78] by the workload prior to 9/11, and even today are "panic-stricken" out of fear that they are going to "miss something."[79] One counterterrorism official offered, "They said we were asleep…the problem wasn't that we were asleep. We didn't get enough sleep."[80] The State Department's watch list today contains more than 70,000 names of "members of foreign terrorist organizations, known hijackers, car bombers, assassins, or hostage-takers."[81] The threshold for making the watch list now is low. The fear is suspected terrorists either on or off the list who may have already entered the U.S., but are unnoticed due to serious, long-standing gaps in information-sharing between the CIA and State Department. Carl Ford, Assistant Secretary of State for Intelligence and Research, said that "clean" terrorists who have no prior record in intelligence or police files and are in the

U.S. legally "will remain a significant threat."[82] One U.S. intelligence official told a reporter, "[This] gives you some idea of the enormity of the challenge we face; it's a lot more complicated than is generally acknowledged for a variety of reasons."[83]

AL-QA'IDA: A TOUGHER TARGET TODAY?

In some ways, tackling counterterrorism is more difficult since 9/11. Deprived of sanctuary in Afghanistan, al-Qa'ida has dispersed and is on the run. Rand analyst, Brian Jenkins states that while "more than 2000 suspected al-Qai'da operatives have been captured or arrested, others have disappeared underground."[84] Further, the organization has "morphed into an even looser network, devolving more initiative and resources to local operatives."[85] James Harris, a former CIA analyst, likens al-Qa'ida to a "virus that morphs as its environment changes…with individual nodes capable of evolving their own strategy."[86] Operating in a less-permissive environment, al-Qa'ida will be forced to establish smaller and less accessible centers which are more difficult to find and exploit.

Further complicating analysis, al-Qa'ida appears to have shifted tactics to adapt to worldwide heightened security and protective measures. The terrorist bombings of a Bali nightclub and Kenyan resort in late 2002 reflect expansion of the group's tactics to include attacks on vulnerable, more accessible "soft" targets.[87] These targets are difficult to predict and even harder to protect. Former counterterrorism officer, Vincent M. Cannistraro, stated in a New York Times article that "There are targets all over the world, and tourists are totally defenseless."[88] The terrorist has the inherent advantage as there are unlimited target sets, and it is impossible to protect everything. The attack on the Israeli-owned resort in Kenya and missile firing on an Israeli airliner departing Mombassa were disturbing as they represent a broadened strategy. Previously, al-Qa'ida "has aimed its strikes primarily at American targets…rather then Israelis or Jews."[89]

Increasingly, new intelligence assessments reveal al-Qa'ida's intent and ability to produce radiological and chemical weapons. Officials are particularly concerned that al-Qa'ida may strike with a "'dirty bomb,' a device that would use conventional explosives to spew radioactive material into the air."[90] The discovery of the deadly poison ricin in an apartment rented by four Algerians in Britain has raised further concerns regarding the terrorists' "arsenal."[91] Even more frightening is the potential linkage of al-Qa'ida with rogue states like Iraq which are suspected of possessing weapons of mass destruction. This has been a controversial aspect of the debate over the justification of war with Iraq. Patrick Tyler of the New York Times writes, "The administration's theory is that the threat from Saddam Hussein's weapons of mass destruction

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could merge with the large-scale terror tactics of Al Qaeda to pose an unacceptable threat."[92] Such provisional "marriages of conveniences" can not be discounted and would pose a formidable threat.

Non-state sponsored terrorism like al-Qa'ida is a particularly "hard" target to exploit, requiring the coordinated efforts of the entire Intelligence Community—not just the core organizations, down to non-affiliated IC intelligence units at local police departments. Further, assistance from foreign partners is crucial to track, disrupt, and bring terrorists to justice. Disrupting al-Qa'ida requires extracting and fusing information from foreign and domestic law enforcement sources—a job the Intelligence Community has not been optimized for. Unlike other countries, the U.S. does not have a domestic intelligence organization.

TACKLING TERRORISM PRIOR TO 9/11

The media and congressional fixation on intelligence failures tends to overlook counterterrorism efforts undertaken and achieved prior to 9/11. The Intelligence Community started working counterterrorism issues in the mid-1980s and began coordinating with the FBI in the mid-1990s. A series of high profile terrorist acts in the 1980s, to include the Hezbollah bombing of the U.S. Embassy and Marine Corps barracks in Beirut combined with years of hostage-taking, prompted the Reagan Administration to form a task force in 1986 to address international terrorism. The task force concluded that government agencies collected terrorist information, but did little to disrupt terrorist activities.[93]

THE CIA AND THE DCI COUNTERTERRORISM CENTER

In response, the Director of Central Intelligence, William Casey, established a Counterterrorism Center (CTC) in 1986 and directed it to "preempt, disrupt, and defeat terrorists."[94] The Center is the DCI's primary mechanism to coordinate the Intelligence Community's counterterrorism efforts. It accomplishes this by "implementing a comprehensive counterterrorist operations program to collect intelligence on, and minimize the capabilities of, international groups and state sponsors; exploiting all-source intelligence to produce in-depth analyses of the groups and states responsible for international terrorism; and coordinating the Intelligence Community's counterterrorist activities."[95] The Center's charter permits the use of all CIA resources and "the talent of other US Government agencies.[96] In addition, the CTC works closely with friendly foreign security and intelligence services around the globe through information-sharing and counterterrorism training. The CTC tracks down major terrorists

overseas to "help the FBI render them to justice"[97] and since 9/11 to assist CIA operatives to target and kill key terrorist leaders.[98]

Today CTC analysis includes "every source of reporting on terrorists from US and foreign collectors" as well as fusion with operations.[99] Since its formation, the CTC has resided within the CIA's Directorate of Operations, integrating CIA analysts and operators to work together on terrorist issues. Paul Pillar declares that "this step was a bureaucratic revolution…[as]…it involved slicing across longstanding lines on the organization chart," creating vital synergy.[100] The Center has undergone subsequent refinements over the years. Pillar created a permanent cadre of CT analysts, replacing a system where analysts rotated in and out of the Center on loan from other CIA offices. In 1996, he established a multidisciplinary unit focused exclusively on bin Laden "before UBL became a 'household' name."[101]

The DCI issued a directive in 1990 establishing an "'Interagency Intelligence Committee on Terrorism' charged with assisting the DCI to coordinate national intelligence and promote the effective use of Intelligence Community resources on terrorism issues."[102] This prompted increased representation from other agencies at the Center. By 1996, CTC manning included officers detailed from more than ten agencies—to include among others the NSA, DIA, FBI, and State. Despite representation from other governmental agencies, the bulk of CTC analysts are CIA personnel. Tenet writes "by 2001 the Center had more than 30 officers from more than a dozen agencies on board, ten percent of its staff complement at that time."[103] The non-CIA representatives appear primarily to facilitate the flow of information from their parent organizations. DIA Director, Vice Admiral Jacoby complains that "'sharing' employees by assigning say DIA analysts to…the Center, still doesn't solve the problem, because these shared employees aren't allowed to take information they see at one agency back to their home base."[104] This illustrates the tendency of intelligence agencies to hold onto "their" data which continues to challenge information-sharing today.

THE FBI'S COUNTERTERRORISM ROLE

The 1993 bombing of the World Trade Center served as a wake-up call within the FBI that terrorists were willing and able to strike American soil. Early FBI efforts focused on the investigative aspects of counterterrorism---finding those responsible for bold and horrific acts such as the 1996 bombing of Khobar Towers in Saudi Arabia, the 1998 Embassy bombings in Kenya and Tanzania, and the 2000 U.S.S. Cole bombing in Yemen harbor. That is after all the FBI's specialty…solving crimes—gathering evidence to prosecute alleged criminals. In 1996, the FBI established a Counterterrorism Center at FBI Headquarters. Dale Watson, Executive

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Assistant Director of the FBI's Counterterrorism and Counterintelligence Division admits that in the early years, "the FBI's Counterterrorism Program was relatively low-priority" with about 50 people at the headquarters working all aspects of terrorism.[105]

Starting in May 1998, however, the FBI made Counterterrorism a Tier I priority giving it increased attention and resources. The Department of Justice indicted bin Laden in June 1998. The following year, the Bureau placed bin Laden on the FBI's Top Ten list and stood up an operational unit focused solely on UBL matters.[106] Further, during Louis Freeh's tenure as director, the FBI established over 56 Joint Terrorist Task Forces (JTTFs) at FBI field offices in cities across the U.S. These task forces integrate the *investigative* abilities of the FBI, state, and local law enforcement agencies.[107] While a noble initiative, these efforts have tended to reflect law-enforcement's "case-mentality." Agents are trained to be brilliant crime solvers; they get a tip and gather the evidence required to convict a suspect. They are not likely to "seek rumors or gossip that could never stand up in court,"[108] yet this information could hold clues necessary for unraveling a terrorist plot. The CT intelligence analyst, on the other hand, thirsts for every scrap of information, analyzes, synthesizes and archives it—and there is "no end-point" to information requirements. [109]

After the 1998 Embassy bombings in Africa, Freeh and Watson realized that increasing resources alone would not stop acts of terrorism. CT efforts needed to be more proactive. The FBI, therefore, initiated a nationally directed program, referred to as MAX CAP 2005, aimed at improving and standardizing JTTF efforts. The program emphasized building preventive capacities and "knowing the environment" rather than solving cases. This program was underway on 11 September 2001 but wasn't scheduled for completion until 2005.[110]

On the international front, Freeh significantly expanded the FBI's Legal Attache (Legat) program during his tenure. From 1992 until he left office in June 2001, the program increased from 16 to 44 legats. This program, according to Watson, "put more people on the ground in more places, contributing to better investigations of terrorist acts abroad, and better coverage of leads generated in domestic investigations."[111] Legats coordinating with colleagues in the Departments of Justice, Defense, and State also helped extradite terrorists wanted for killing Americans.[112]

Meanwhile, the relationship between the CIA and FBI improved markedly in the mid-1990s despite legalistic and cultural differences. There was a growing recognition throughout government that fighting global crime (to include counterterrorism) required the cooperative efforts of law enforcement and intelligence. A 1994 Joint Task Force on Intelligence and Law

Enforcement led to the establishment of an Intelligence-Law Enforcement Policy Board and a Joint Intelligence-Law Enforcement Working Group to facilitate coordination and consultation. The Joint Task Force, however, "did not consider that a need existed for statutory changes."[113] Demonstrating commitment to the "new" relationship, Freeh and Deutch began to exchange senior level officers in 1986 to help manage the CT offices at both agencies.[114] Also, collaboration in the field—both domestic and overseas, expanded. Paul Pillar adds "there was increased communication between CTC and Justice Department prosecutors working key terrorist cases."[115] Since 9/11, the CIA has begun detailing analysts to the FBI's JTTFs and has provided intelligence analysis and methodology training Bureau CT officers.

FINDINGS REVEAL GAPS

Despite law enforcement and intelligence community counterterrorism efforts prior to 9/11, significant gaps existed within and across agencies. The Final Report of the Joint Intelligence Query cites fifteen "factual findings" which represent "missed opportunities to disrupt the September 11th plot."[116] These findings, in turn, reflect a number of systemic weaknesses which hindered the Intelligence Community's pre-9/11 counterterrorism efforts. For example, the findings revealed the ineffectiveness of the U.S. domestic intelligence capability. The report cited the FBI's failure to successfully identify and monitor international terrorist activity operating in the U.S.

The now famous "Phoenix Memo" episode exemplifies this weakness. In July 2001, the Phoenix Field Office sent an "electronic communication" (EC) to FBI Headquarters and the FBI New York Field Office. The memo expressed concern that an "inordinate number" of Middle Eastern men with potential terrorist connections were attending flight schools in Arizona, possibly training for future terrorist activity. The memo offered four follow-up recommendations (to include discussing the theory with the Intelligence Community).[117] Testimony revealed that FBI headquarters analysts reviewed the memo, but did nothing with it despite earlier concern regarding similar activity and an overall increasing threat during the summer. The Phoenix memo was an internal issue and the information was not passed to the IC. In fact, neither the White House, nor FBI Director Mueller nor Attorney General Ashcroft was informed about the memo until after 9/11.[118]

The FBI investigation of Zacarias Moussaoui, a French national, in the summer of 2001 reveals similar flaws as well as misunderstandings regarding the legal standards required to obtain FISA warrants. A Minneapolis flight school reported Moussaoui to the local FBI because he suspiciously wanted to learn how to fly jumbo jets, but didn't have a private pilot's license.

According to Eleanor Hill, Director of the Joint Inquiry Staff, the Minneapolis field office shared their concerns with both FBI Headquarters and the DCI's CTC, but "neither apparently connected the information to warnings emanating from the CTC about an impending terrorist attack…The same unit at FBI Headquarters handled the Phoenix EC, but still did not sound any alarm bells."[119]

In August 2001 the FBI arrested Moussaoui on immigration violations. Suspecting he may be involved in a hijacking plot, the local Field Office requested a special warrant to search his laptop computer, but was turned down. FBI Headquarters attorneys said they had to produce evidence showing that Moussaoui was affiliated with a terrorist group on the State Department's list of terrorist organizations in order to get a FISA. The Minneapolis agents spent three weeks trying to find such evidence, but came up short.   As it turns out though, "this legal advice was patently false and has no basis either in the FISA statute or in DOJ policy or guidelines.[120]" Over the years, "misconceptions and mythologies" had developed regarding implementation of surveillance under FISA. These fallacies coupled with the lengthy process entailed, discouraged FISA requests and created according to Senator Richard Shelby "fallacious conventional wisdom that effectively, but unnecessarily prevented meaningful LEA/IC [law enforcement agencies/Intelligence Community] coordination."[121]

The Joint Inquiry's Final Report criticized the U.S. Government and the Intelligence Community for failing to develop a comprehensive counterterrorism strategy against al-Qa'ida. Despite telling key leaders at CIA and across the community in 1998 that "we should consider ourselves 'at war' with Usama Bin Ladin,"[122] the report found the DCI "unwilling or unable to marshal the full range of Intelligence Community resources necessary to combat the growing threat."[123] Technical collaborative capabilities weren't aggressively pursued; there was no central collaboration database to populate or use. NSA hadn't modernized to keep pace with the changing signals environment and cautiously approached requests to collect intelligence inside the U.S.[124] Foreign intelligence agencies paid insufficient attention to the possibility of a domestic attack. The report cites, "The CIA's failure to watchlist suspected terrorists aggressively reflected a lack of emphasis on a process to protect the homeland from the terrorist threat."[125]

While these findings identify numerous shortfalls, there is no way of knowing whether "more extensive analytic efforts, fuller and more timely information sharing, or a greater focus on the connection between these events would have led to the unraveling of the September 11 plot."[126] However, Joint Staff Inquiry Director Ms. Hill believes it is at least possible that "increased analysis, sharing and focus would have drawn greater attention to the growing

potential for a major terrorist attack in the US involving the aviation industry [resulting in] a heightened state of alert [which would have] promoted more aggressive investigation, intelligence gathering, and general awareness based on the information our Government did possess prior to September 11, 2001."[127]

FAILURES OVERSHADOW SUCCESSES

Prior to 9/11, law enforcement and the intelligence community achieved some remarkable counterterrorism successes. Working together, they thwarted plans "to bomb New York City's Lincoln and Holland Tunnels, to bring down 11 American airliners in Asia in 1995, to mount attacks around the millennium on the West Coast and in Jordan, and to strike U.S. forces in the Middle East in the summer of 2001."[128] The problem is, however, that intelligence successes are always overshadowed by failures---especially when lives are lost. Richard Betts, former member of the National Commission on Terrorism, points out that "great successes…are too easily forgotten" after a catastrophe such as 9/11.[129] Testifying before the Joint Committee, Lieutenant General Michael Hayden, Director of NSA, stated, 'Everyone knows when an adversary succeeds."[130] Dale Watson, former CT Director, likened the dilemma to that of a soccer goalkeeper, "We can block 99 shots and nobody wants to talk about any of those. And the only thing anyone wants to talk about is the one that gets through."[131] Intelligence successes are generally invisible and go unnoticed due to the need to protect sources and methods. This is a great source of frustration for the intelligence community which is routinely attacked in the media for a "bad call," but is rarely recognized for its achievements.

NO SUCH THING AS PERFECT INTELLIGENCE

Over the years, U.S. policymakers have developed unrealistic expectations regarding intelligence. Technical collection systems developed during the Cold War enabled the U.S. to closely monitor the Soviet regime. The NRO spent huge sums of money developing and fielding unobtrusive imagery and signals collection platforms. The U.S. became increasingly reliant on "clean" technical collection systems which collected huge amounts of data. Sophisticated satellite systems, however, cannot get inside the enemy's mind where thoughts and motivations lie. Determining enemy intent can best be revealed by getting close to the source to penetrate an organization or recruit an insider to learn enemy plans and motivations.[132] However, even HUMINT is no panacea. According to Richard Betts, "It is close to impossible to penetrate small, disciplined, alien organizations like al Qaeda, and especially hard to find reliable U.S. citizens who have a remote chance of trying."[133] Further, the foreign

agents we employ are not always reliable. And the captured terrorists we interrogate may give false information to purposely mislead and cause undue alarm.

COLD WAR STRATEGIC WARNING INADEQUATE TODAY

Today, hostile nations and non-state actors know the "tricks of our trade," and they can circumvent satellite surveillance via camouflage, concealment, and deception. Surveillance satellite orbit information is freely available on the Internet. Our enemies can employ sophisticated encryption techniques to counter our signals collection. These factors, combined with an enemy like al-Qa'ida render traditional strategic warning largely impotent.

During the Cold War strategic warning was well-defined with unquestionable devastating consequences if the U.S. failed to respond. Accordingly, the National Command Authorities devised a set of graduated responses which included the ultimate launch of nuclear weapons under a prescribed set of circumstances. The decision to act was unequivocal under those circumstances. Bruce Berkowitz contends "our Cold War policies implicitly assumed that intelligence would usually work. That we would detect an overt military buildup or an arms control violation in time to react."[134]

Al-Qa'ida activity, dispersed and often difficult to track, does not present an unambiguous hierarchy of indicators to which we can respond. Joshua Sinai, Ph.D. of ANSER has developed an Indications and Warning (I&W) methodology to forecast terrorism, but it, too, cannot provide with certainty when a terrorist attack might occur. Rather, it is a tool to explore possible scenarios. Sinai identifies seven "attack indicators" he recommends be continuously gamed to determine a risk assessment and anticipate events: "1. previous attacks, failed attacks, or plots not yet executed form the basis of the blueprint; 2. identifying a terrorist group's 'modus operandi;" 3. use of particular weaponry or devices that a group perceives will achieve its objectives; 4. the objectives of a group's state sponsor; 5. the geographic factor—the location, of a group's logistical capability to reach, conduct surveillance, and attack the target; 6. consideration of significant historical dates, and 7. triggers that propel the group to launch attacks."[135] Indicators aside, the challenge is that terrorists thrive on carrying out surprise attacks. And, as Betts points out "surprise attacks often succeed *despite the availability* of warning indicators (italics added)."[136] He cites Japan's bombing of Pearl Harbor, North Korea's attack into the South in 1950, and the Iraqi invasion of Kuwait. This pattern he believes, prompts observers to blame "derelict intelligence officials or irresponsible policymakers. The sad truth is that the fault lies more in natural organizational forces, and in the pure intractability of the problem, than in the skill of spies or statesmen."[137]

STRENGTHENING CENTRALIZED CONTROL OF INTELLIGENCE

The call to strengthen centralized control of the Intelligence Community is virtually unanimous. However, how to do so is greatly debated as competing interests and funding are at stake.

THE ASPIN-BROWN COMMISSION

The 1995/6 Aspin-Brown Commission recommended the DCI be granted greater control over the DoD collection agencies, given tools to better manage the budget, and granted new authority over the intelligence personnel system. "To give the DCI greater bureaucratic weight," the DCI would concur (vice consult) in the appointment of Defense Department "national" intelligence heads (e.g., Directors of NSA, NIMA etc.) and be consulted regarding the appointment of other senior officials within the Intelligence Community. Further, the Directors of NSA and the Central Imagery Office (now NIMA) would be dual-hatted as "Assistant Directors of Central Intelligence for signals intelligence, and imagery respectfully" with the DCI rating their performance in those capacities.[138]

The Commission also recommended instituting a DCI managed Senior Intelligence Service to increase community responsiveness to national intelligence needs as well as realignment of the budget to more efficiently manage intelligence spending. The Commission proposed grouping "similar types of intelligence activities" into specific budget programs under the direction of 'discipline' managers (e.g. all signals and imagery intelligence activities would be grouped under the Directors of NSA and NIMA respectively) who would report to the DCI. "The discipline managers should coordinate the funding of activities within their respective disciplines in the defense-wide and tactical aggregations of the Defense Department, thus bringing greater consistency to all intelligence spending."[139]

While some argued the Commission's recommendations to strengthen the central intelligence apparatus weren't radical enough (i.e., instead suggesting establishment of an Intelligence Czar), DoD stakeholders opposed them. Ultimately, the Commission's recommendations were largely ignored. Implementing such measures would be messy. For instance, it would require sweeping changes in an already complex budget system/process, create potential conflict for "dual-hatted' agency heads, and increase bureaucratic "head-butting" among other issues. The battles in Congress would be vicious as the various committees (e.g., the Armed Services Committees, Intelligence Committees, and/or Appropriations Committees) debated contentious issues and lobbied to protect their vested interests.

THE SCOWCROFT PROPOSAL

More recently former Air Force General Brent Scowcroft, now head of the President's Foreign Intelligence Advisory Board, chaired a study on the issue. He boldly recommended to the President that all national intelligence collection agencies be subordinated to the DCI. This recommendation drew so much fire from Defense Secretary Rumsfeld that Scowcroft's report has yet to be officially released. Speaking at a Washington dinner last December, Scowcroft told the audience, "For years, we had a poorly organized intelligence system, but it didn't matter because all the threats were overseas."[140] He continued that it's not reasonable to ask Tenet "'to take responsibility' for all intelligence matters when he 'has authority over only some of them…I think it's time we give him al the tools he needs to do his job.' "[141]

THE JOINT INQUIRY COMMISSION RECOMMENDATIONS

Most recently, the Joint Inquiry Committees released their recommendations regarding intelligence reform. They believe Congress should amend the 1947 National Security Act to create and staff a statutory Director of National Intelligence (DNI) which "should be a Cabinet level position." The DNI "shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities [italics added] needed to make the entire U.S. Intelligence Community operate as a coherent whole."[142] The plan stipulates the DNI shall not be "dual-hatted" as director of any other intelligence organization.

While this construct sounds promising—intended to strengthen the leadership and facilitate centralized management of the intelligence community, it could worsen the present situation. Granting *legal authority* to the DNI to approve or modify intelligence budget submissions/execution, could result in heated budget/resource battles particularly in Congress, and less cooperation from the various intelligence agencies. Disgruntled agencies, working through the Defense Department, may lobby various oversight committees, e.g., the Senate Armed Services Committee, to plug a program that didn't make the DNI's cut. If the program is authorized, the Appropriation Committees could, in turn, "dock" the DNI's program to fund the "new" requirement. Further, the proposed construct offers the DNI little control over budget execution. The DCI will not be able to manage the intelligence budget effectively and ensure his direction is followed unless he has *budget authority and* "wrests control of the budget away from the Pentagon."[143] Congressional oversight committees, though, will always maintain a significant role in program funding.

TURNER'S TWIST

Former CIA Director, Stansford Turner offers a radical twist to the DNI proposal. He contends that DCI deferral to the Defense Secretary was fine during the Cold War when the primary threat to the nation was a military one. But, he states "the battlefield has changed. The primary threat to the US is terrorism – a threat to which the military is only a partial answer."[144] He proposes subordinating military intelligence requirements to those of the DNI, acknowledging it will not be an easy sell. He recommends cleaving off seven "tactically-focused" agencies from the intelligence community (to include the Intel elements of the four services and the Coast Guard as well as the Treasury Department and Drug Enforcement). The remaining half would have more of a national look. He claims this streamlining would "encourage greater exchange of highly sensitive data and close teamwork."[145] While Turner's proposal has some merit, the service intelligence agencies have become inextricably connected with the "strategic intelligence process" and the distinction between strategic and tactical intelligence is largely blurred today. For instance, the al-Qa'ida fingerprints taken from a cave in Afghanistan by US military forces were entered into a national database. The prints matched those of alleged terrorists entering the U.S. and the men were detained.[146] The interconnectedness of intelligence entities is crucial despite the unwieldy nature of the beast.

MAKE A DECISION AND RUN

There are no clear cut or easy solutions to this issue. However, Congress and the Administration need to take action now to improve the situation. If the cataclysmic events of 9/11 don't propel the disputed parties to overcome the obstacles and bureaucratic infighting inherent to reform, nothing will. The recommendations from the Aspin-Brown Commission should be readdressed as they offer compelling solutions to strengthen centralized management of the intelligence community. Grouping similar intelligence activities into distinct programs will require major realignment of the budget structure, but should give the DCI better visibility into programs and an increased capability to redirect intelligence spending when requirements change. The DCI should be granted budget authority over those collection disciplines (with exception of tactical intelligence funds appropriated to the military) to ensure guidance is followed. The DNI/DCI should maintain CIA directorship to guarantee dedicated and responsive intelligence support for the President.

DOMESTIC INTELLIGENCE A SEPARATE ISSUE

Proposals to strengthen DCI leadership do little to solve domestic intelligence issues. The FBI has been lambasted for its shortcomings in countering terrorism, hindered by a highly

decentralized structure, outmoded information technology, and an investigative/crime solving bent. FBI Director Mueller, however, is determined and has been directed to "strengthen counterterrorism as a national FBI program by clearly designating national counterterrorism priorities and enforcing field office adherence to those priorities."[147] Shifting the FBI's focus from law enforcement to domestic intelligence, however, may not be the best answer. What happens when organized crime operates unchecked and drug trafficking increases?

Several congressmen have suggested stripping the FBI of its CI/CT responsibilities and creating a separate domestic spy agency that operates independently (similar to Britain's M15 agency) or within the new Department of Homeland Security (DHS). Others propose establishing an organization that encompasses both domestic and foreign intelligence. The Markle Foundation, in alliance with the Center for Strategic and International Studies and the Brookings Institution, favors a plan that bolsters the role of domestic intelligence within DHS and maintains a role for the FBI.

The analytical aspect of domestic intelligence has been seriously lacking in the United States. No one agency has been tasked to collect and fuse the domestic intelligence available from every part of the government. The Markle Foundation proposes that "DHS be the lead agency for shaping domestic intelligence products to inform policymakers."[148] It would collect publicly available or volunteered information, fuse it with intelligence from all sources, and work within the interagency process to set overall priorities for new collection efforts. The report recommends the President develop guidelines to balance privacy and security and that DHS create a "single point of coordination [to] provide accountability for privacy concerns…and allow for effective and efficient use of information."[149] The foundation envisions that DHS should "coordinate the national organization of homeland security task forces in states, regions, and metropolitan areas across the country."[150] This would give the DHS "Information Analysis and Infrastructure Protection" division increased responsibilities regarding domestic intelligence (more than simply addressing vulnerabilities) and allow the FBI to focus on law enforcement and catching criminals. The Markle Report recommends FBI continue to manage clandestine collection operations, "like FISA, wiretaps or the recruitment of undercover agents, under the supervision of the Attorney General"[151] and track down and arrest terrorists overseas. The report also recommends that the FBI build "a dedicated and specially trained collection staff, with its own structures for accountability and oversight," possibly with its own career path.[152] This division of responsibility between the DHS and FBI makes sense, allowing each agency to specialize in an aspect of domestic intelligence. Close coordination and cooperation between the two parties as well as with other governmental agencies will be key for optimal results.

INTELLIGENCE/LAW ENFORCEMENT NEXUS

The passage of the USA Patriot Act in October 2001 and subsequent confirmation by the Foreign Intelligence Surveillance Court of Review allows implementation of measures which grant legal authority to integrate fully the functions of law enforcement and intelligence. The act gave the FBI and Justice Department broad new authority to use wiretaps, electronic eavesdropping, and a number of other information-gathering techniques. Attorney General Ashcroft contends the Court of Review' Appellate Court Decision last November "revolutionizes our ability to investigate and prosecute terrorist acts."[153]

Before passage of the Patriot Act, prosecutors weren't allowed to disclose federal grand jury and electronic, wire, or oral information to federal law enforcement or intelligence officials, even if it indicated terrorist planning for an attack, unless the officials were involved with the criminal investigation. Now, dissemination of such information is allowed (even if unrelated to a criminal investigation) to protect national security. Guidelines issued last September by Attorney General Ashcroft are intended to "provide important privacy safeguards to U.S. citizens identified in the information disclosed to the intelligence community."[154] Further, the Act formalizes the requirement for federal law enforcement agencies to "expeditiously disclose" to the DCI foreign intelligence obtained while conducting a criminal investigation. In addition, the Act specifies that the Justice Department must notify the DCI "of its intent to commence or decline investigation of possible criminal activity involving" potential or actual foreign intelligence sources.[155]

FOREIGN/DOMESTIC INTELLIGENCE NEXUS

In his 2003 State of the Union Address, President Bush announced plans for a new center to better "close the 'seam' between foreign and domestic intelligence on terrorism."[156] The new Terrorist Threat Integration Center (TTIC) under supervision of the DCI, will be staffed by top counterterrorism officials from the Department of Homeland Security, the FBI's Counterterrorism Division, the DCI Counterterrorism Center, and the Department of Defense. The TTIC will fuse and analyze all-source information regarding terrorism. Specifically it will: 1. "conduct threat analysis and inform collection strategies;" 2. "Create a structure to ensure information-sharing;" 3. "Integrate terrorist-related information collected domestically and abroad" to form a comprehensive threat assessment; and 4. "provide terrorist threat assessments."[157] The plan also creates a new FBI executive assistant director who will focus on intelligence analysis and "direct intelligence units to be established at all FBI field offices."[158] The TTIC plan appears to deflate the "central clearing house" role (to fuse foreign and domestic intelligence) previously

articulated for the DHS Information Analysis and Infrastructure Division. One official, quoted in the Washington Post said DHS would still maintain its intelligence analysis section, "but its primary job will be 'to address vulnerabilities.'"[159]

CONCLUSION

The shocking attacks of 9/11 clearly revealed that our nation was not adequately postured to counter the terrorist threat. As President Bush states in his National Security Strategy, "The major institutions of American national security were designed in a different time to meet different requirements. All of them must be transformed."[160] In the war on terrorism no institution is more important than those that collectively provide intelligence—foreign and domestic to our nation. Intelligence "is our first line of defense against terrorists,"[161] so we need to get it right.

The Intelligence Community needs a strong leader with the requisite authority to "lead the development and actions of the Nation's foreign intelligence capabilities"[162] and work effectively with domestic intelligence and law enforcement organizations. Regardless of the hurdles to surmount, DCI authorities have to be strengthened so the intelligence community can transform capabilities to keep pace with changing threats. The DCI must have budget and personnel management authority to shift resources to meet priority needs. While it will take years, the DCI must invigorate HUMINT capabilities and hire or train substantially more linguists. The DCI needs to carefully review classification methodology and revise the "need to know" caveat to allow increased dissemination/sharing of terrorist-related intelligence. Bureaucracies must no longer hoard and monopolize information. What can be shared must be shared—with the focus on "shared" knowledge, not just shared data/material. Information systems need to be optimized for collaboration and "two-way" communication—not simply dissemination from central agencies.

Domestic intelligence requires retooling. The intelligence division within DHS offers tremendous potential. That is where the bulk of domestic intelligence analysis should be fused and shared with organizations working foreign intelligence. This is also the logical place to maintain the watch list that the State Department manages. Instead of waiting to acquire the list, local law enforcement agencies and border patrol agents could simply click onto a web-site to obtain this information. The FBI should be freed of the burden of shouldering domestic intelligence analysis and remain foremost a law enforcement agency. The Bureau should, however, continue to manage clandestine collection operations under the supervision of the Attorney General and consider creation of a separate career track for CT collection officers.

The New York Times warns that very clear distinctions must be maintained "between the permissive rules of foreign intelligence gathering and the much stricter ones limiting government snooping on Americans."[163]

Implementation of the USA Patriot Act has significantly eased restrictions on domestic collection and facilitated cooperation and information-sharing between law enforcement agencies and intelligence. However, the changes haven't come without protest from citizens who fear government infringement on civil liberties. And the battles in this arena have just begun. A delicate balance must be met between public safety and civil liberties. The President is charged not only with upholding Constitutional rights, but also with preserving the nation's security. An excerpt from The Economist, "Preparing for Terror," describes the dilemma, "the puzzle at home is how rich and open societies should brace against terrorism without at the same time inflicting needless damage on their ability to remain rich and open."[164] If we "shut down" our society and take away fundamental American rights, the terrorists have won. The key is to "clamp down" only when absolutely necessary and let the public know what is at stake.

Unfortunately there are no easy solutions for combating terrorism. Intelligence reform is painful for bureaucratic organizations. But we have no choice but to make it work. Dan Thomasson of the Scripps Howard News Service writes, "Mere congressional clucking over the awfulness of it all while waiting for another crisis won't suffice."[165] Remember though, that intelligence usually does not offer crystal clear answers and that the enemy thrives on surprise attacks. Policymakers need to acknowledge that there is no such thing as perfect intelligence and formulate policies less dependent on perfect intelligence. Bruce Berkowitz warns, "Today we need to understand that even the best intelligence will periodically fail. Prepare for failure to make sure that the costs will not be too high."[166]

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ENDNOTES

[1] Eleanor Hill, <u>Hearing on the Intelligence Community's Response to Past Terrorist Attacks Against the United States from February 1993 to September 2001</u>, Joint Inquiry Staff Statement, 8 October 2002, 1; available from http://www.fas.org/irp/congress2002_hr/100802hill.html; Internet; accessed 5 November 2002.

[2] Joint Inquiry Staff, <u>Final Report of the Congressional Joint Inquiry Into 9/11</u>, 10 December 2002, 1; available from http://www.fas.org/irp/congress/2002_rpt/recommendations.html; Internet; accessed 5 January 2003.

[3] Ibid., 2.

[4] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, <u>Preparing for the 21st Century/An Appraisal of U.S. Intelligence</u> (Washington, D.C.: GPO, 1 March 1996), A-9.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8] Ibid., 47.

[9] Ibid., A-9.

[10] Ibid., A-10.

[11] Ibid., 48.

[12] Ibid.

[13] Ibid.

[14] Today, the Intelligence Community (IC) is comprised of a federation of 14 executive branch agencies and organizations that work separately and in concert to provide the information and analysis U.S. policymakers and military commanders need to meet national security challenges. Eight of the IC agencies reside within the Department of Defense (DoD) and include: Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Imagery and Mapping Agency (NIMA), and the intelligence agencies of the Army, Navy, Air Force, and Marine Corps. The others include CIA, the State Department Bureau of Intelligence and Research (INR), and the intelligence elements of the Energy Department, the Treasury Department, Federal Bureau of Investigation (FBI), and the United States Coast Guard, as well as the staff elements of the Director of Central Intelligence. Legislation passed establishing the Department of Homeland Security (DHS) specifies the DHS Information Analysis and Infrastructure Protection Division as an IC member.

[15] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community.

[16] Ibid.

[17] Ibid., 49.

[18] Ibid.

[19] Ibid.

[20] "Goodbye, DCI," Washington Times, 4 October 2002, editorial, p. A16 (1071 words) [database on-line]; available from Lexis-Nexis; accessed on 25 March 2003.

[21] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, xix.

[22] Richard C. Shelby, September 11 and the Imperative of Reform in the U.S. Intelligence Community, 10 December 2002, 15; Additional Views of Senator Richard C. Shelby to the Congressional Joint Inquiry Final Report; available from http://www.fas.org/irp/congress/2002_rpt/shelby.html; Internet; accessed 5 January 2003.

[23] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, 48.

[24] History of the FBI, Origins (1908-1910), 2; available from http://www.fbi.gov/libref/historic/history/origins.htm; Internet; accessed 15 January 2003.

[25] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, A-3.

[26] History of the FBI, Early Days (1910-1921), 2; available from http://www.fbi.gov/libref/historic/history/earlydays.htm; Internet; accessed 15 January 2003.

[27] History of the FBI, World War II Period (late 1930s-1945, 5-6; available from http://www.fbi.gov/libref/historic/history/worldwar.htm; Internet; accessed 15 January 2003.

[28] History of the FBI, Postwar America (1945-1960s), 8; available from http://www.fbi.gov/libref/historic/history/postwar.htm; Internet; accessed 15 January 2003.

[29] History of the FBI, Vietnam Era (1960s-1970s), 9; available from http://www.fbi.gov/libref/historic/history/vietnam.htm; Internet; accessed 15 January 2003.

[30] History of the FBI, The Rise of International Crime (1980s), 12; available from http://www.fbi.gov/libref/historic/history/rise.htm; Internet; accessed 15 January 2003.

[31] History of the FBI, Change of Mandate (2001-present), 15; available from http://www.fbi.gov/libref/historic/history/changeman.htm; Internet; accessed 15 January 2003.

[32] Curt Anderson, "FBI director says close to 100 terror attacks foiled," 15 December 2002, The Associated Press; available from http://216.47.179.40/advocate/advocate2/2002/december/12152002pB9.pdf; Internet; accessed 10 January 2003.

[33] Robert Mueller, "FBI Adapts to Nation's Needs," USA Today, 13 December 2002, 12; available from http://www.usatoday.com/news/opinion/editorials/2002-12-12-oppose_x.htm; Internet; accessed 13 December 2002.

[34] Ibid.

[35] Ibid.

[36] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, A-15.

[37] Ibid.

[38] Ibid., A-15, A-16. Also, President's Commission on CIA Activities within the United States: File – Narrative Summary, available from <http: www.ford.utexas.edu.library/faintro/ciacom1.htm>; Internet. Accessed on 27 March 2003.

[39] Ibid., A-16. Also, Final Report of the Select Committee To Study Governmental Operations with respect to intelligence activities, United States Senate (Washington, D.C.: U.S. Government Printing Office, 1976). Govt. Document no.: 94-2:S.rp.755/.

[40] Ibid. The House simultaneously conducted a similar investigation under the chairmanship of Congressman Otis Pike. The Pike Committee's report was never officially issued as it the House voted it down in January 1976.

[41] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, A-16.

[42] Ibid., A-17.

[43] Ibid., A-18.

[44] Ibid.

[45] Ibid., A-17.

[46] David Kocieniewski, "Challenger to Torricelli Attacks Curbs On the CIA," The New York Times, 17 September 2002, Sec. B, p. 5 (589 words) [database on-line]; available from Lexis-Nexis. Accessed 27 March 2003.   Also, Bill Gertz, Breakdown (Washington, D.C.: Regnery Publishing), 66.

[47] Paul Mulshine, "'Politically Correct Spying' Ties CIA's Hands," Newshouse News Service 13 September 2001 (1371 words) [database on-line]; available from Lexis-Nexis. Accessed 27 March 2003.

[48] Ibid.

[49] Gertz, 66.

[50] "New Jersey Conservative Network Calls on Senator Tom Daschle to Renounce the 'Torricelli Principle' and to Assert the Primacy of American Interests Over U.N. Authority," 23 September 2002; available from http://www.politicsnj.com/njcn092302.htm; Internet; accessed 9 February 2003.

[51] Mission and History: Assistant to the Secretary of Defense for Intelligence Oversight, 1, available from http://www.dtic.mil/atsdio/mission.html; Internet; accessed 27 March 2003.

[52] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, A-19.

[53] Lee Tien, "Foreign Intelligence Surveillance Act: Frequently Asked Questions," 27 September 2001; available from http://www.eff.org/Censorship/Terrorism_militias/fisa_faq.html; Internet; accessed 9 February 2003.

[54] Statement for the Record of NSA Director Lt Gen Michael V. Hayden, USAF, House Permanent Select Committee on Intelligence, 12 April 2000; available from http://www.fas.org/irp/congress/2000_hayden.html; Internet; accessed on 27 March 2003.

[55] Arnaud de Borchgrave and Ronald A. Marks, "Applying the See-No-Evil Rule," Washington Times, 8 October 2002, commentary, p. A15 (1063 words) [database on-line]; available from Lexis-Nexis; accessed 10 October 2002.

[56] Ibid.

[57] Charles Lane, "In Terror War, 2nd Track for Suspects," Washington Post, 1 December 2002, sec. A, p. A01 (1960 words) [database on-line]; available from Lexis-Nexis; access 26 March 2003.

[58] Frank J. Cilluffo, Ronald A. Marks, and George C. Salmoiraghi, "The Use and Limits of U.S. Intelligence," The Washington Quarterly 25:1 (Winter 2002): 61.

[59] Dan Caterinicchia, "Northcom cultures 'need to share,' Federal Computer Week 11 December 2002, available from <http://www.fce.com/, Internet, accessed 12 December 2002.

[60] Vernon Loeb, "When Hoarding Secrets Threaten National Security," Washingtonpost.com 26 January 2003 [journal on-line]; available from http://www.washingtonpost.com/wp-dyn/ nation/columns/intelligencia/>; Internet; accessed 22 March 2003.

[61] Ibid.

[62] William E. Odom, Testimony Before the Senate Government Affairs Committee on Creating a Department of Homeland Security, 21 June 2002, 3; available from <http://www.fas.org/irp/congress/2002_hr/062602odom.html>; Internet; accessed 5 November 2002.

[63] Ibid.

[64] Samuel B. Griffith, trans., <u>Sun Tzu: The Art of War</u> (New York: Oxford University Press, 1963), 84.

[65] Brian M. Jenkins, <u>Countering al Qaeda</u>, (Arlington, VA: Rand, 2002), 8.

[66] Ibid., 9.

[67] Scott Wheeler, "Terrorist Tactics for the War with the West," <u>Insight on the News</u>, 6 January 2003, p. 24 (1533 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[68] Ibid.

[69] Jenkins.

[70] Paul Pillar, former Chief of Assessments and Deputy Chief of the DCI Counterterrorist Center wrote in his 8 October 2002 statement to the Joint Inquiry of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence that "Terrorist groups—or more specifically the parts…that do the planning and preparation for terrorist attacks—are small, highly secretive, suspicious of outsiders, highly conscious of operational security, and for these reasons are extremely difficult to penetrate." Further, he adds, "The terrorist preparations that matter most tend to take place not in camps that can be bombed but in apartments in places like Hamburg, Beirut, or Kuala Lumpar." Available from http://www.fas.org/irp/congress/2002_hr/index.html; Internet; accessed 15 November 2002.

[71] Kie C. Fallis, <u>Statement for the Record: Lesson Learned and Actions Taken in Past Events</u>, 8 October 2002, 5; available from http://www.fas.org/irp/congress/2002_hr/100802fallis.pdf; Internet; accessed 15 November 2002.

[72] Daniel Benjamin and Steven Simon, <u>The Age of Sacred Terror</u> (New York: Random House, 2002): 448.

[73] George Tenet, <u>Statement for the Record of the Director of Central Intelligence Before the Joint Inquiry Committee</u>, 17 October 2002, 4; available from http://www.fas.org/irp/congress/2002_hr/101702tenet.html; Internet; accessed 5 November 2002.

[74] Jenkins, 11.

[75] Tenet, 13.

[76] Ibid., 12.

[77] Pillar, 1-2.

[78] Eleanor Hill, <u>Joint Inquiry Staff Statement</u>, Joint House/Senate Intelligence Committee Hearings, 17 October 2002, 3; available from http://www.fas.org/irp/congress2002_hr/10170hill.html; Internet; accessed 22 March 2003.

[79] John Diamond, "CIA Director's Allies Outrank His Enemies," <u>USA Today,</u> 10 October 2002, p. 4A (2002 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[80] David Johnston and James Risen, "Panel's Findings Take Intelligence Officials By Surprise," <u>The New York Times</u>, 28 September 2002, sec. 1, p. 25 (1460 words) [database on-line];available from Lexis-Nexis; accessed 22 March 2003.

[81] Josh Meyer, "At Least 70,000 Terrorist Suspects on Watch List," <u>Los Angeles Times</u>, 22 November 2002, home edition, p. 1, (1948 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[82] Carl W. Ford Jr., <u>The World Wide Threat: Responses to Questions for the Record, Asked of Assistant Secretary of State for Intelligence and Research Carl W. Ford, Jr. By the Senate Select Committee on Intelligence</u>, 6 February 2002, 1; available from http://www.fas.org/irp/congress2002_hr/020602dos.html; Internet; accessed 22 March 2003.

[83] Ibid., 2.

[84] Jenkins, 12.

[85] Ibid.

[86] James W. Harris, "The Path to Intelligence Reform," <u>USA Today</u> 131 (September 2002): 11 [database on-line]; available from ProQuest; accessed 25 November 2002.

[87] Mark Hosenball and Tara Pepper, "Al Qaeda's New Threats," <u>Newsweek</u> 4 November 2002, 6.

[88] Eric Lichtblau, "Terror In Africa," <u>The New York Times</u>, 30 November 2002, sec. A, p. 1 (1000 words) [database on-line]; available from Lexis-Nexis; accessed 27 March 2003.

[89] Ibid.

[90] Eric Lichtblau and David Johnston, "Confidential Advisory Warns of Rise in Possible Terror Threats," <u>The New York Times</u>, 6 February 2003, sec. A, p. 23 (863 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[91] Ibid.

[92] Patrick E. Tyler, "Intelligence Break Led U.S. To Tie Envoy Killing to Iraqi Qaeda Cell," <u>The New York Times</u>, 6 February 2003, sec A, p. 1 (1159 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[93] Central Intelligence Agency. Director of Central Intelligence, <u>The War on Terrorism: DCI Counterterrorist Center</u>, 1; available from http://www.cia.gov/terrorism/ctc.html; Internet; accessed 22 March 2003.

[94] Ibid.

[95] Ibid.

[96] Ibid.

[97] Ibid.

[98] Doyle McManus, "A U.S. License To Kill," <u>Los Angeles Times</u>, 11 January 2003, home edition, p. 1 (1924 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003. According to U.S. officials who requested anonymity, McManus reports that after 9/11 President Bush ordered the CIA via a secret intelligence finding to conduct a "target-killing campaign" against "high-value" terrorist targets.

[99] Central Intelligence Agency.

[100] Pillar, 4.

[101] Ibid.

[102] Central Intelligence Agency, 3.

[103] Tenet, 10.

[104] Loeb, 2.

[105] Dale L. Watson, <u>Statement for the Record of Dale L. Watson, Executive Assistant Director, Counterterrorism and Counterintelligence, Federal Bureau of Investigation on Joint Intelligence Committee Inquiry Before the Select Committee on Intelligence, United States Senate and the Permanent Select Committee on Intelligence, House of Representatives</u>, 26 September 2002, 2; available from http://www.fas.org/irp/congress2002_hr/092602watsonl.html; Internet; accessed 22 March 2003.

[106] Louis J. Freeh, <u>Statement of Louis J. Freeh, Former FBI Director, Before the Joint Intelligence Committees</u>, 8 October 2002, 18; available from http://www.fas.org/irp/congress2002_hr/100802freeh.html; Internet; accessed 22 March 2003.

[107] After 9/11, the CIA started detailing analysts to the JTTFs. See article by Dana Priest, "CIA Is Expanding Domestic Operations," <u>The Washington Post</u>, 23 October 2002, sec. A, p. 02 (979 words) [database on-line]; available from Lexis-Nexis; accessed 27 March 2003.

[108] Richard A. Best Jr., <u>Intelligence and Law Enforcement: Countering Transnational Threats to the U.S.</u>, CRS Report for Congress (RL30252), 3 December 2001, p. 16; available from http://www.fas.org/irp/RL30252.pdf; Internet; accessed 22 March 2003.

[109] Ibid., 15.

[110] Watson, 2.

[111] Ibid., 3.

[112] Ibid.

[113] Best, 16.

[114] Pillar, 4.

[115] Ibid.

[116] Joint Inquiry Staff, Final Report, 5.

[117] Ibid., 3.

[118] "Lawmakers Report Intelligence Gaps Before 9/11," CNN.com/Inside Politics 3 January 2003 [journal on-line]; available from http://www.cnn.com/220/ALLPOLITICS/12/11/attacks.intelligence/; Internet; accessed 27 March 2003.

[119] Hill, Joint Inquiry Staff Statement, 3. Despite Hill's statement, it is not entirely clear whether the "Phoenix Memo" or the information regarding Moussaoui reached the CTC prior to 9/11. In a 21 May 2002 letter to then Bureau Director Robert Mueller (included as an entry in Appendix A of Bill Gertz book, Breakdown, p. 199) regarding the investigation of Moussaoui, FBI special agent Coleen Rowley writes that "when, in a desperate 11th hour measure to bypass the FBIHQ roadblock, the Minneapolis Division *undertook* (my emphasis) to directly notify the CIA's Counter Terrorist Center (CTC), FBIHQ personnel actually chastised the Minneapolis agents for making the direct notification without their approval!" Gertz prefaced this written statement in the body of his book (p. 31) with "[the] Minneapolis FBI agents were so frustrated by FBI headquarters' failure to respond to the case they tried to bypass the chain of command and notify the CIA." Of note, DCI Tenet made no mention in his written testimony to the Joint Inquiry Committee regarding the "Phoenix Memo" or when information regarding Moussaoui was shared with the IC.

[120] Richard C. Shelby, September 11 and the Imperative of Reform in the U.S. Intelligence Community, Additional Views of Senator Richard C. Shelby Vice Chairman, Senate Select Committee on Intelligence, 10 December 2002, 53; available from http://www.fas.org/irp/congress2002_hr/shelby.html; Internet; accessed 22 March 2003.

[121] Ibid., 46.

[122] Tenet, 7.

[123] Joint Inquiry Staff, Final Report, 6.

[124] According to Lieutenant General Hayden, NSA Director, his agency downsized by approximately one-third both in manpower and budget over the course of the 1990s. He reminds the Inquiry Staff "that is the same decade when packetized communications (the e-communications we have all become familiar with) surpassed traditional communications…when mobile cell phone [usage] increased from 16 million to 741 million…[and] internet users went from about 4 million to 361 million." Demands from NSA's customers were going up, while the budget was fixed or falling. Funding was inadequate for recapitalization; Hayden states that NSA only received about one-third of the $200 million requested for recapitalization. Statement for the Record by Lieutenant General Michael V. Hayden, USAF, Director National Security Agency/Chief, Central Security Service Before the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, 17 October 2002, 3; available from http://news.findlaw.com/legalnews/us/terrorism/documents/; Internet; accessed 22 March 2003. Across the board, intelligence funding declined after the end of the Cold War when Congress and successive Administrations took intelligence monies "to pay the price of the 'peace dividend.'" In his testimony, DCI Tenet writes, "The cost of the 'peace dividend' was that during the 1990s our Intelligence community funding declined in real terms – reducing our buying power by tens of billions of dollars over the decade. We lost nearly one in four of our positions." Tenet, 18.

[125] Ibid.

[126] Hill, Joint Inquiry Staff Statement.

[127] Ibid.

[128] Richard K. Betts, "Fixing Intelligence," Foreign Affairs 81:1 (January/February 2002): 44.

[129] Ibid.

[130] Statement for the Record by Lieutenant General Michael V. Hayden, USAF, 2.

[131] Dana Priest and Susan Schmidt, "Intelligence Agencies Defended," The Washington Post, 27 September 2002, sec. A, p. A01 (1078) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[132] Cillufo et al., 62.

[133] Betts, 47.

[134] Bruce D. Berkowitz, "The CIA Needs to Get Smart," Wall Street Journal (1 March 1999): 3 [database on-line]: available from ProQuest; accessed 25 November 2002.

[135] Joshua, Sinai, Ph.D. How to Forecast the Next Waves of Catastrophic Terrorism. ANSER, February 2002; available from <http://terrrorismcentral.com/Library/causes/ForecastNextWaves.html; Internet; accessed 23 November 2002.

[136] Betts, 57.

[137] Ibid.

[138] Report on the Commission of the Roles and Capabilities of the United States Intelligence Community, xx.

[139] Ibid., xxi.

[140] Michael Duffy, "Another Jab From the General," Time, 23 December 2002, 18 [database on-line; available from ProQuest; accessed 22 March 2003.

[141] Ibid.

[142] Joint Inquiry Staff, Final Report, 1.

[143] "Intelligence Agencies Close Minds to Suggested Reforms," USA Today, 13 December 2002, p. 12A (979 words) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[144] Stansfield Turner, "Reforming Intelligence," Christian Science Monitor, 19 February 2003, p. 9 (878) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[145] Ibid.

[146] Seper, Jerry, "Al Qaeda Suspects Nabbed By Use Of Cave Prints," Washington Times 17 January 2003, p. A03 (695 words) [database on-line]; available from Lexis-Nexis; accessed 26 March 2003.

[147] Joint Inquiry Staff, Final Report, 5.

[148] Markle Foundation Task Force, "Protecting America's Freedom in the Information Age," October 2002, 3; available from http://www.markletaskforce.org/: Internet; accessed 23 March 2003.

[149] Ibid., 33.

[150] Ibid., 3.

[151] Ibid., 22.

[152] Ibid.

[153] John Ashcroft, "Attorney General Ashcroft News Conference Transcript Regarding Decision of Foreign Intelligence Surveillance Court of Review," 18 November 2002; available from http://www.fas.org/irp/news/2002/11/ag111802.html; Internet; accessed 30 November 2003.

[154] "Attorney General Announces New Guidelines to Share Information Between Federal Law Enforcement and the U.S. Intelligence Agency," United States Department of Justice Press

Release #541, 23 September 2002; available from <http://www.usdoj.gov>; Internet; accessed 22 March 2003.

[155] Ibid.

[156] "Strengthening Intelligence to Better Protect America," <u>White House Fact Sheet</u> 28 January 2003; available from http://www.whitehouse.gov/stateoftheunion/; Internet; accessed 22 March 2003.

[157] Ibid.

[158] Ibid.

[159] Walter Pincus and Mike Allen, "Terrorism Agency Planned," <u>The Washington Post</u> 29 January 2003, p. A12 (606) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[160] George W. Bush, <u>The National Security Strategy of the United States of America</u> (Washington D.C.: The White House, 17 September 2002); 22; available from http://www.whitehouse.gov/nsc/nssall.html; Internet; accessed 22 March 2003.

[161] Ibid., 23.

[162] Ibid.

[163] "Preventing Terrorist Attacks. <u>The York Times</u>, 30 January 2003, sec. A, p. 22 (463) [database on-line]; available from Lexis-Nexis; accessed 22 March 2003.

[164] "Preparing for Terror," <u>The Economist</u> 365 (30 November 2002): 11.

[165] Dan K. Thomasson, "How U.S. Spying Ought to Work," <u>Scripps Howard News Service</u>, 23 September 2002, commentary (784 words) [database on-line]; available from Lexis-Nexis; accessed 26 March 2003.

[166] Berkowitz, 3.

BIBLIOGRAPHY

Armitage, Richard, Deputy Secretary of State. "Intelligence Sharing and September 11 Attacks." Testimony before Senate Joint Intelligence Committee. 107th Cong., 19 September 2002. Available from http://www.state.gov/s/d/rm/2002/13566pf.htm. Internet. Accessed 30 September 2002.

Ashcroft, John. "Attorney General Ashcroft News Conference Transcript Regarding Decision of Foreign Intelligence Surveillance Court of Review." 18 November 2002. Available from http://www.fas.org/irp/news/2002/11/ag111802html. Internet. Accessed 30 November 2002.

"Attorney General Announces New Guidelines to Share Information Between Federal Law Enforcement and the U.S. Intelligence Community." United States Department of Justice Press Release 23 September 2002. Available from http://www.usdoj.gov. Internet. Accessed 22 March 2003.

Baer, Robert. See No Evil New York: Crown Publishers, 2002.

Bamford, James. "How to (De-) Centralize Intelligence." The New York Times. 24 November 2002, sec. 4, p. 3 (923 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Benjamin, Daniel and Steven Simon. "Al Qaeda's Dangerous Metamorphosis." Los Angeles Times, 11 November 2002, home edition, p. 11 (784 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Benjamin, Daniel and Steven Simon. The Age of Sacred Terror. New York: Random House, 2002.

Berkowitz, Bruce D. "The CIA Needs to Get Smart." The Wall Street Journal (1March 1999): 3. Database on-line. Available from ProQuest. Accessed 6 December 2002.

Best, Richard, A. Jr. Intelligence To Counter Terrorism: Issues for Congress. 21 February 2002. CRS Report to Congress (RL31292). Available from http://www.fas.org/irp/RL31292.pdf. Internet. Accessed 22 March 2003.

Best, Richard, A., Jr. Intelligence and Law Enforcement: Countering Transnational Threats to the U.S. 3 December 2001. CRS Report to Congress (RL30252). Available from http://www.fas.org/irp/RL30252.pdf. Internet. Accessed 22 March 2003.

Betts, Richard, K. "Fixing Intelligence." Foreign Affairs 81:1 (January/February 2002): 43-59. Database on-line. Available via ProQuest. Accessed 25 November 2002.

Bowers, Faye. "Al Qaeda: Shift to Smaller, 'Softer' Targets?" Christian Science Monitor, 17 October 2002, p. 2 (977 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Brinkerhoff, John R. "The Relationship of Warning and Response in Homeland Security." December 2001. Available from <http://homelandsecurity.org/journal/articles/BrinkerhoffJan02.htm>. Internet. Accessed 18 November 2002.

Bush, George W. A National Security Strategy for the United States. Washington, D.C.: The White House, 17 September 2002. Available from http://www.whitehouse.gov/nsc/nssall.html. Internet. Accessed 22 March 2003.

Bush, George W. National Strategy For Homeland Security. Washington, D.C.: The White House, July 2002. Available from <http://www.whitehouse.gov/homeland/book/>. Internet. Accessed 23 March 2003.

Carter, Ashton, John Deutch, and Philip Zelikow. "Catastrophic Terrorism: Tackling the New Danger." Foreign Affairs 77 (November/December 1998): 80-94. Database on-line. Available from ProQuest. Accessed 26 November 2002.

Caterinicchia, Dan. "Northcom cultures 'need to share.'" Federal Computer Week, 11 December 2002. Available from http://www.fce.com/. Internet; Accessed 12 December 2002.

Central Intelligence Agency. Director of Central Intelligence. The War on Terrorism: DCI Counterterrorist Center. Available from http://www.cia.gov/terrorism/ctc.html. Internet. Accessed 24 November 2002.

Cilluffo, Frank J., Ronald A. Marks, and George C. Salmoiraghi. "The Use and Limits of U.S. Intelligence." The Washington Quarterly 25:1 (Winter 2002): 61-74.

Clinton, William J. Combatting Terrorism (PDD 62) Fact Sheet. 22 May 1998. Available from http:www.fas.org/irp/offdocs/pdd-62.htm. Internet. Accessed 25 November 2002.

Clinton, William J. PDD-39 U.S. Policy on Counterterrorism. 21 June 1995. Available from <http://www.fas.org/irp/offdocs/pdd39.htm>. Internet. Accessed 25 November 2002.

David, Ruth, Ph.D. "Homeland Security: Building a National Strategy." July 2002. Available from <http://www.homelandsecurity.org/journal/articles/davidnatstrategy06282002html>. Internet. Accessed 18 November 2002.

de Borchgrave, Arnaud and Ronald A. Marks. "Applying the See-No-Evil Rule." Washington Times, 8 October 2002, commentary, p. A15 (1063 words). Database on-line. Available from Lexis-Nexis. Accessed 10 October 2002.

Deutch, John and Jeffrey H. Smith. "Smarter Intelligence." Foreign Policy (January/February 2002): 64-69.

Deutch, John. "Fighting Foreign Terrorism." Speech at Georgetown University. 5 September 1996. Available from <http://www/cia.gov/cia/public_affairs/speeches/archives/1996/dci_speech_090596.html>. Internet. Accessed 24 November 2002.

Director of Central Intelligence. "The War on Terrorism, DCI Counterterrorist Center." Available from <http://www.cia.gov/terrorism/ctc.html>. Internet. Accessed 24 November 2002.

Duffy, Michael. "Another Jab from the General." <u>Time</u>, 23 December 2002, 15.

Eckert, Toby. "Spy Agencies Lack Linguists." <u>San Diego Union-Tribune</u>, 7 October 2002, p. A-1 (1098 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Fallis, Kie C. <u>Statement for the Record: Lessons Learned and Actions Taken in Past Events</u>. 8 October 2002. Statement for Joint Inquiry Committee. Available from <http//:www.fas.org/irp/congress/2002_hr/100802fallis.pdf>. Internet. Accessed 15 November 2002.

Fein, Bruce. "No License to Spy Indiscriminately." <u>Washington Times</u>, 26 November 2002, commentary, p. A16 (1071 words). Database on-line. Available from Lexis-Nexis. Accessed 27 March 2003.

<u>Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate: together with additional, supplemental, and separate views</u>. Washington, D.C.: Government Printing Office. 1976.

Ford, Carl W., Jr. <u>Responses to Questions for the Record, Asked of Assistant Secretary of State for Intelligence and Research Carl W. Ford, Jr. By the Senate Select Committee on Intelligence</u>. 6 February 2002. Available from <http://www.fas.org/irp/congress/2002_hr/020602dos.pdf>. Internet. Accessed 22 March 2003.

Freeh, Louis J. <u>Statement of Louis J. Freeh, Former FBI Director, before the Joint Intelligence Committees</u>. 8 October 2002. Available from <http://www.fas.org/irp/congress/2002_hr/100802freeh.pdf>. Internet. Accessed 5 November 2002.

Gertz, Bill. <u>Breakdown</u>. Washington D.C.: Regnery Publishing, 2002.

"Goodbye DCI." <u>Washington Times</u>, 4 October 2002, editorials, p. A16 (1071 words). Database on-line. Available from Lexis-Nexis. Accessed 25 March 2003.

Harnden, Toby. "US May Set Up M15 –Style Spy Agency In Security Shake-Up." <u>London Daily Telegraph</u>, 31 October 2002, p. 16 (530 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Harris, James W. "The Path to Intelligence Reform." <u>USA Today</u> (September 2002): 10-14. Database on-line. Available from ProQuest. Accessed 25 November 2002.

Hayden, Michael V. <u>Statement for the Record by Lieutenant General Michael V. Hayden, USAF, Director, National Security Agency/Chief, Central Security Service Before the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.</u> 17 October 2002. Available from http://news.findlaw.com/legalnews/us/terrorism/documents/. Internet; Accessed 22 March 2003.

Hill, Eleanor. <u>Hearing on the Intelligence Community's Response to Past Terrorist Attacks Against the United States from February 1993 to September 2001</u>. Joint Inquiry Staff Statement. Joint House and Senate Intelligence Committee Hearings. 8 October 2002. Available from http://www.fas.org/irp/congress/2002_hr/100802hill.html. Internet. Accessed 5 November 2002.

Hill, Eleanor. <u>Joint Inquiry Staff Statement</u>. Joint House and Senate Intelligence Committee Hearings. 17 October 2002. Available from http://www.fas.org/irp/congress/2002_hr/10170hitll.html. Internet. Accessed 5 November 2002.

Hill, Eleanor. <u>Proposals for Reform within the Intelligence Community</u>. Joint Inquiry Staff Statement. Joint House and Senate Intelligence Committee Hearings. 3 October 2002. Available from http://www.fas.org/irp/congress/2002_hr/100302hill.html. Accessed 5 November 2002.

Hosenball, Mark and Tara Pepper. "Al Qaeda's New Threats." <u>Newsweek</u> 4 November 2002, p. 6.

Howard, Russell D. and Reid L. Sawyer, eds. <u>Terrorism and Counterterrorism</u>. Guilford, CT: McGraw-Hill, 2003.

"Intelligence Agencies Close Minds to Suggested Reforms." <u>USA Today</u>, 13 December 2002, p. 12A (979 words). Database on-line. Available from Lexis-Nexis. Accessed 22 March 2003.

Isaacson, Jeffrey A. and Kevin M. O'Connell. <u>Beyond Sharing Intelligence, We Must Generate Knowledge</u>. Rand Study. Available from http://www.rand.org/publications/randreview/issues/rr.08.02/intelligence.html. Internet. Accessed 26 November 2002.

Jacoby, Lowell E. Rear Admiral, USN. <u>Statement for the Record for the Joint 9/11 Inquiry</u>. 17 October 2002. DIA Response to Joint 9/11 Letter of Invitation. Available from http://www.fas.org/irp/congress/2002_hr/101702jacoby.pdf. Internet. Accessed 22 March 2003.

Jenkins, Brian M. <u>Countering al Queda</u> Arlington VA: Rand, 2002.

Johnston, David and James Risen. "Panel's Findings Take Intelligence Officials By Surprise." <u>The New York Times</u>. 28 September 2002, sec.1, p. 25 (1460 words). Database on-line. Available from Lexis-Nexis. Accessed 22 March 2003.

Johnston, David. "Former F.B.I. Director Faults Lawmakers on Terror Fight." <u>The New York Times</u>, 9 October 2002, sec. A, p. 1 (1130 words). Database on-line. Available from Lexis-Nexis. Accessed 22 March 2003.

Johnston, David. "Administration Begins to Rewrite Decades-Old Spying Restrictions." <u>The New York Times</u>, 30 November 2002. Available from

http://www.nytimes.com/2002/11/30/national/30INTEL.html. Internet. Accessed 30 November 2002.

Kocieniewski, David. "Challenger to Torricelli Attacks Curbs on the CIA." <u>The New York Times,</u> 17 September 2002, sec. B, p. 5 (589 words). Database on-line. Available from Lexis-Nexis. Accessed 27 March 2003.

Lane, Charles. "In Terror War, 2nd Track for Suspects." <u>The Washington Post</u>, 1 December 2002, sec. A, p. A02 (1960 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

"Lawmakers Report Intelligence Gaps Before 9/11." <u>CNN.com/Inside Politics</u> 3 January 2003. Journal on-line. Available from http://www.cnn.com/2002/ALLPOLITICS/12/11attacks.intelligence/. Internet. Accessed 27 March 2003.

Lee, Rensselaer and Perl Raphael. <u>Terrorism, the Future, and U.S. Foreign Policy</u>. Issue Brief for Congress, Congressional Research Service. 8 January 2003. Available from <http:// www.fas.org/irp/crs/IB95112.pdf>. Internet. Accessed 26 March 2003.

Lichtblau, Eric and David Johnston. "Confidential Advisory Warns of Rise in Possible Terror Threats." <u>The New York Times</u>, 6 February 2003, sec. A, p. 23 (863 words). Database on-line. Available from Lexis-Nexis. Accessed 22 March 2003.

Lichtblau, Eric. "F.B.I. Officials Say Some Agents Lack A Focus On Terror." <u>The New York Times</u>, 21 November 2002, sec. A, p. 2 (1377 words). Database on-line. Available from Lexis-Nexis. Accessed 22 March 2003.

_____. "Terror in Africa." <u>The New York Times</u>, 30 November 2003, sec. A, p. 1 (1000 words). Database on-line. Available from Lexis-Nexis. Accessed 27 March 2003.

Medina, Carmen A. "What To Do When Traditional Models Fail." <u>Studies in Intelligence</u>. Available from http://www.cia.gov/csi/studies/vol46no3/article03.html. Internet. Accessed 24 November 2002.

Meyer, Josh. "At Least 70,000 Terrorist Suspects on Watch List." <u>Los Angeles Times</u>, 22 September 2002, home edition, p. 1 (1448 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

<u>Mission and History: Assistant to the Secretary of Defense for Intelligence Oversight</u>. Available from http://www.dtic.mil/atsdio/mission.html; Internet. Accessed 27 March 2003.

Mulshine, Paul. "<u>Politically Correct Spying' Ties CIA's Hands</u>." <u>Newhouse News Service</u>, 13 September 2001 (1371 words). Database on-line. Available from Lexis-Nexis. Accessed on 27 March 2003.

Pappas Aris A. and James M. Simon, Jr. "The Intelligence Community: 2001-2015." <u>Studies in Intelligence</u>. Available from http://www.cia.gov/csi/studies/vol46no1/article05.html. Internet. Accessed 24 November 2002.

Perl, Raphael, F. National Commission on Terrorism Report: Background and Issues for Congress. Issue Brief for Congress, Congressional Research Service. (RS20598)6 February 2001. Available from. http://news.findlaw.com/cnn/docs/crs/natlcomterr20601.pdf>. Internet. Accessed 28 March 2003.

Pillar, Paul R. Statement of Paul R. Pillar to the Joint Inquiry of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence, 8 October 2002. Available from <http:www.fas.org/irp/congress/2002_hr/index.html>. Internet. Accessed 15 November 2002.

Priest, Dana and Dan Eggen. "Officials Question FBI Terror Readiness." The Washington Post, 12 November 2002, sec. A, p. A01 (1571 words). Database on-line. Available from Lexis-Nexis. Accessed on 26 March 2003.

President's Commission on CIA Activities Within the United States: Files – Narrative Summary. Available from http://www.ford.utexas.edu/library/faintro/ciacom1.htm. Internet. Accessed 27 March 2003.

Priest, Dana and Susan Schmidt, "Intelligence Agencies Defended." The Washington Post, 27 September 2002, sec. A., p. A01 (1078). Database on-line. Available from Lexis-Nexis. Accessed 22 March 2003.

Priest, Dana. "CIA Is Expanding Domestic Operations." The Washington Post, 23 October 2002, sec. A, p. A02 (979 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Report on the Commission of the Roles and Capabilities of the United States Intelligence Community. Preparing for the 21st Century/An Appraisal of U.S. Intelligence. Washington D.C.: GPO, 1 March 1996.

Risen, James and David Johnston. "Little Change In A System That Failed. " The New York Times, 8 September 2002, sec. 3, p. 1 (2059 words). Database on-line. Accessed 26 March 2003.

Road Map for National Security: Imperative for Change. The Phase III Report of the U.S. Commission on National Security/21st Century. 15 February 2001. Available from http://www. nssg.gov/PhaseIIIFR.pdf>. Internet. Accessed 26 March 2003.

Rudman, Warren, B. and Gary Hart. "We Are Still Unprepared." The Washington Post, 5 November 2002, editorial, p. A25 (712 words). Database on-line. Available from Lexis-Nexis. Accessed 26 March 2003.

Sinai, Joshua, Ph.D. How to Forecast the Next Waves of Catastrophic Terrorism. ANSER, February 2002. Available from <http://terrrorismcentral.com/Library/causes/ForecastNextWaves.html. Internet. Accessed 23 November 2002.

Statement for the Record of NSA Director Lt Gen Michael V. Hayden, USAF. House Permanent
    Select Committee on Intelligence. 12 April 2000. Available from
    http://www.fas.org/irp/congress/2000_hayden.html. Internet. Accessed on 27 March
    2003.

Tenet, George. Statement for the Record of the Director of Central Intelligence Before the Joint
    Inquiry Committee. 17 October 2002. Available from
    http://www.fas.org/irp/congress/2002_hr/101702tenet.html. Internet. Accessed 5
    November 2002.

Thomasson, Dan K. "How U.S. Spying Ought to Work." Scripps Howard News Service, 25
    September 2002, commentary (784 words). Database on-line. Available from Lexis-
    Nexis. Accessed on 26 March 2003.

Tyler, Patrick E. "Intelligence Break Led U.S. To Tie Envoy Killing to Iraqi Qaeda Cell." The
    New York Times, 6 February 2003, sec. A, p. 1 (1159 words). Database on-line.
    Available from Lexis-Nexis. Accessed on 26 March 2003.

Ward, Steven R. "Evolution Beats Revolution in Analysis." Studies in Intelligence Available
    from http://www.cia.gov/csi/studies/vol46no3/article04.html. Internet. Accessed 24
    November 2002.

Watson, Dale L. Statement for the Record of Dale L. Watson, Executive Assistant Director,
    Counterterrorism and Counterintelligence, Federal Bureau of Investigation on Joint
    Intelligence Committee Inquiry Before the Select Committee on Intelligence, United States
    Senate and the Permanent Select Committee on Intelligence, House of Representatives.
    26 September 2002. Available from
    http://www.fas.org/irp/congress/2002_hr/020602watson.html. Internet. Accessed 24
    November 2002.

Wheeler, Scott. "Terrorist Tactics For The War With The West." Insight on the News, 6
    January 2003, p. 24. (1533 words). Database on-line. Accessed 22 March 2003.