Hunters not Gatherers: Intelligence in the Twenty-First Century

CHARLES COGAN

Because of its origins in a sort of anti-Elizabethan paranoia against centralised government, the United States is poorly set up institutionally to cope with the major danger to itself in the twenty-first century: the threat posed by Islamist terrorism. The Director of Central Intelligence is neither central nor fully directing. A large part of the intelligence community, especially in terms of budgets and supervision, is outside his direct control. There is a ‘waters edge’ separation between the Federal Bureau of Investigation (FBI) and the CIA. Essentially the CIA collects foreign intelligence and counter-intelligence overseas. The FBI, primarily a crime-oriented organisation, has had only a secondary function of domestic counter-intelligence. It is a case-oriented agency focused on establishing past facts in order to bring suspects to justice. It is psychologically ill-adapted to conceptualising threats that lie upstream, that is, in the future. In this context, September 11 can be most properly described as a failure of imagination. Remedies being proposed range from creating an internal security service à la Britain’s MI5 to establishing a semi-autonomous domestic counter-intelligence agency within the FBI. In the field of covert action, intelligence in the twenty-first century likely will be characterised by what could be termed an offensive hunt strategy. Put in another way, intelligence operatives in the twenty-first century will become hunters, not gatherers. They will not simply sit back and gather information that comes in, analyse it, and then decide what to do about it. Rather they will have to go and hunt out intelligence that will enable them to track down or kill terrorists. This will involve sending operatives into countries with which we are not at war, indeed in some cases countries with which we have correct relations. In many circumstances, however, terrorist leaders will be hunted down with the help of host country elements. The likelihood is that this new strategy will be implemented primarily in terms of Special
Forces operations aided by CIA elements. Modalities will have to be worked out between the Department of Defense and the CIA as to how such offensive hunt operations are to be carried out and how congressional oversight will be exercised.

THREE ASPECTS OF OUR SECURITY WOES

In his Congressional testimony on 17 October 2002, a year after the devastating attacks on the World Trade Center and the Pentagon, George Tenet, the Director of Central Intelligence, stated that, ‘The threat environment we find ourselves in today is as bad as it was . . . in the summer before 9/11.’ This view was echoed by the report of a panel sponsored by the US Council of Foreign Relations (CFR), released a week later on 25 October 2002, the central conclusion of which was that, ‘A year after 9/11, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on US soil.’ This being so, we have to ask ourselves some urgent questions as to how we are organised and conditioned to conduct intelligence in the twenty-first century. This paper highlights three aspects of the US security problem.

The first point is that the United States is not properly set up or, put another way, not properly centralised, to conduct the intelligence operations that are required to meet the security threats of the twenty-first century. Second, because of the built-in distrust of government that is central to US political culture and tradition, we are relatively weak in the domain of internal security. Third, intelligence is not a perfect world; indeed it is more imperfect than most other activities.

The threat we face is not that of a potential nuclear Armageddon, as during the Cold War. It is nevertheless a huge threat and from sources more varied and more unpredictable than our erstwhile enemies of the Cold War. It follows from this fact that the United States needs to restore on a permanent and continuing basis a culture of risk that hitherto it has had only in times of war. If we are not at war in the conventional sense, we are in a sort of para-war. We face the greatest threat to our homeland in US history, following on the greatest humiliation in our history: 3,000 people killed by 19 Arab terrorists with box cutters whose sponsors had repeatedly told the world over the previous years that they were going to carry out an attack. Yet our innate suspicion, from the birth of the Republic, of the Elizabethan model of a strong and even repressive government inhibits us, in some degree, in taking drastic measures to cope with this new problem of Islamist terrorism that seeks nothing from us except to do us damage.
THE DIRECTOR OF CENTRAL INTELLIGENCE: NEITHER DIRECTING NOR CENTRAL

Let us begin with a discussion of why the United States is not organised to conduct integrated intelligence operations. The United States was created not in the model of a centralised and unitary Jacobin state, as in the French revolutionary tradition, but in that of a decentralised federal state with a rather loose authority at the centre, where power was split between the executive, the legislature and the judicial branches, in the manner of the checks and balances philosophy of Montesquieu. There was a conscious aversion to the Elizabethan model of a strong central authority, and indeed an aversion to government in general.¹

The checks and balances built into the theory and practice of US political structures at every level is also reflected in the organisation of the intelligence community. When the CIA was created in 1947, there was considerable opposition from the military to the idea of a central (and civilian-led) intelligence service. As Anna K. Nelson observed, ‘In 1946, the military services were opposed to a Central Intelligence Agency because they recognized the importance of military intelligence in wartime.’² In other words, if a war broke out, a civilian intelligence service would not be of much help to the military. Today, the opposition of the military to the CIA is still there, and the military and civilian intelligence cultures are still in the process of getting to know each other, but the military does not challenge the very existence of the CIA. Rather, it is a matter of the military calling into question the CIA’s prerogatives, or more properly, its roles and missions. This questioning relates to the very issue of when we are, and when we are not, at war, because properly speaking, in a time of war – for example such as the Second World War – the CIA overseas comes under the orders of the military. But even now, without an official declaration of war, the military is already taking very substantial steps to create a CIA-like clandestine operational capability within the Department of Defense so it will not be required in the future to rely on the civilian-led CIA.

Today, more than a half-century after the passage of the National Security Act of 1947, the position of the military in US society has been incomparably strengthened. From having an army in the inter-war period that was about the same size as that of Bulgaria, the United States has transformed itself since the Second World War into what Kenneth Oye has described as ‘a national security state’.³ Under an aggressive Secretary of Defense, and spurred on by the shock of the events of September 11, the US military is in a phase of adaptation, some would say encroachment, both on the traditional intelligence terrain of the CIA and on the traditional policy role of the State Department.
In the operational domain, this change is evident in at least three areas. First, the Secretary of Defense moved to tighten his control over those organs of the intelligence community that are under his budgetary authority, by means of naming an Under Secretary of Defense for Intelligence, Stephen Cambone. Second, he created an intelligence analysis unit, the Office of Special Plans, headed by Douglas Feith, which undertook, among other things, to monitor CIA and Defense Intelligence Agency (DIA) production to make sure that these traditional bureaucratic entities were not overlooking indications of proliferation of Weapons of Mass Destruction (WMD) in Iraq. And third, the Pentagon’s Defense Science Board, an advisory body, envisaged in a study in the wake of September 11 a role for Special Forces in the war against terrorism that would move the military into terrain which has traditionally been that of the CIA. Though the study proposed that the CIA and the military jointly increase their paramilitary capability, the military apparently sees the giant part of such an increase as applying to them.

Initiatives such as those described above are part of a continuum in the jockeying for power between civilian and military intelligence that has been going on for some 50 years. However, they are also a recognition that, with the onset of quasi in seriatim wars – Bosnia, Kosovo, Afghanistan, Iraq – the demands of the military for intelligence support is crowding out other intelligence priorities. Finally, these moves reflect the fact that the boundary between peace and war has become blurred, with the effect that the military’s Special Forces are being committed in overseas missions that heretofore were those of the CIA.

In the policy domain, the Secretary of Defense, by dint of press conferences held almost daily in the aftermath of September 11, began to make statements of a political nature that gave the impression of his being a maker of foreign policy at least on a par with Secretary of State Colin Powell. These included such indelicate references in the Arab–Israeli context to the ‘so-called Occupied Territories’, as well as an assertion that Kofi Annan does not represent the United Nations but rather that the Security Council does – the latter being true enough in the strict sense but surprising coming from the mouth of a Secretary of Defense.

Additionally, the Secretary of Defense appeared to be challenging the DCI’s role as the chief intelligence adviser to the President, at least in the context of assessments regarding Iraq. Beyond the creation of an Office of Special Plans described above, the Pentagon began to question the CIA’s own assessments, such as the one contained in a letter that DCI Tenet wrote to the chairman of the Senate Intelligence Committee on 7 October 2002: ‘Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical and biological weapons against the United States.’ It was judgements such as these that seemed to raise hackles among the
hawks in the Administration. According to the *New York Times*, “[Secretary] Rumsfeld and his senior advisers are laboring to strip away risk assessments that they say should be left to policymakers.” In other words, this role should not be performed by the analysts of the CIA. This, of course, would make a mockery of the intelligence process, which is supposed to provide objective analysis so that policy makers can be aided in coming to decisions which are theirs to make.

Alongside the mammoth US military machine lies the CIA, bereft of a domestic constituency and almost entirely dependent on the aleatoric nature of the relationship between a given Director of Central Intelligence (DCI) and a given President. This one-on-one relationship between the President and his chief intelligence adviser is crucial to whether the CIA is regarded as an effective and influential player in Washington. A few years ago, when a light plane accidentally crashed on the White House lawn, Washington wags had it that this must have been the then DCI, James Woolsey, trying to get an appointment with President Clinton. Fortunately for Woolsey’s successor, George Tenet, Clinton’s successor has reportedly said that he does not want Tenet very far from his side.

But let us come back to the founding act of the CIA, the National Security Act of 1947. The authors of this Act ensured that, in the spirit of checks and balances so central to the US political tradition, the Director of Central Intelligence would in fact be neither truly directing nor truly central. The DCI controls only about one-fifth of the Intelligence Community’s budget. The technical collection agencies, the National Security Agency (NSA) for electronic intercepts, the National Reconnaissance Organisation (NRO) which puts the surveillance satellites into the sky, and the National Imagery and Mapping Agency (NIMA) which interprets the imagery that the NRO produces, plus the Defense Intelligence Agency and the intelligence branches of each of the military services, are all under the budget and management of the Pentagon. The DCI can establish collection priorities for these agencies, but in practical terms he has no direct control over these agencies: for quarters and rations, as they say in the military, these agencies are part of the Defense Department. Under the bureaucratic adage that ‘where you stand is where you sit’, one can be sure that the real master of these technical collection agencies is the Secretary of Defense.

In the spring of 2002, an outside panel of experts headed by General (Ret.) Brent Scowcroft recommended that a rationalisation of the Intelligence Community be effected which overall would draw a distinction between national and departmental intelligence. A Director of National Intelligence (DNI) would have complete control over all the ‘national’ agencies; that is, those that would be directly responsible to the President: NSA, NRO, NIMA and the CIA, the latter to be headed by a separate Director under the DNI.
The Scowcroft panel’s proposal was quickly countered by Donald Rumsfeld, a bureaucratic infighter at least on a par with Henry Kissinger, with whom he had had some jousts when they were both in the government back in the 1970s.

Mr Rumsfeld’s counter-move was not only to reject Scowcroft’s proposal openly but, as mentioned above, it was to create a post within the Pentagon for an Under Secretary who would control all the intelligence collection done by the Pentagon. Though Rumsfeld painted this change, which was subsequently approved by the Congress, as a way to assure better cooperation between the Pentagon and the CIA, it was clearly aimed at stopping Scowcroft’s reform proposals. Despite the fact that Scowcroft remains an influential figure in Washington and is the chairman of the President’s Foreign Intelligence Advisory Board (PFIAB), he is in the camp of former President George H.W. Bush and clearly out of step with the ascendant hawks of the current administration (Messrs Cheney, Rumsfeld, Wolfowitz, *et al.*).

The joint Congressional panel that spent nearly a year investigating the background to the September 11 attacks recommended, similar to the Scowcroft group, the creation of a cabinet-level post of Director of National Intelligence (DNI), who would be over the DCI. But unless such a cabinet officer would be able to assume budgetary control over the national agencies (NSA, NRO, NIMA and the CIA), such a recommendation would fall far short of the Scowcroft proposals. Thus, assuming that the present system remains more or less intact, we are faced with the continuing prospect of jockeying between the Pentagon and the CIA, because the lines of authority between the Secretary of Defense and the Director of Central Intelligence are not clear; and concomitantly, the continuing accrual of power by the Pentagon at the expense of its weaker partner, the CIA.

**THE FBI: NOT THE SAME AS MI5 OR THE DST**

The DCI has no control over the Federal Bureau of Investigation (FBI), which is in part, and in part only, an internal security agency. The function of overall control over those aspects of the FBI that have to do with foreign and national security matters should be the work of the National Security Council (NSC), which was also created by the National Security Act of 1947. But the NSC, for historical reasons having to do in part with the fundamental US distrust of government, is reluctant to consider an amalgamated approach to foreign intelligence and counter-intelligence on the one hand, and internal security on the other. There is a so-called ‘water’s edge’ separation between the CIA as an overseas agency and the FBI as a domestic agency that makes the process of overall control and co-ordination difficult.
Similarly, the recently created Office of Homeland Security, created as a result of the September 11 attacks, has control over neither the FBI nor the CIA – although there are some in Congress who would like to have the intelligence unit that is part of this Office centralise all information of a security nature coming in to the President. It is doubtful this will happen in the future, however, because it would negate a primary role of the DCI: that of the President’s chief intelligence adviser.

So what we are faced with, given what Washington officials somewhat facetiously referred to as the first threat to our homeland since the War of 1812, is no interior ministry in the proper sense of the term – since our Interior Department concerns itself with national parks and monuments and the like – and no agency fully devoted to internal security. There is an MI5 in Britain and a Direction de la Surveillance du Territoire (DST) in France, but there is no full-fledged equivalent in the United States. To establish such a service would require, as one MI5 official has noted privately, an acceptance that the task of such a service would be to connect the external and internal security threats and as such would amount in some cases to spying on United States citizens. It will be recalled that Harry Truman disbanded the CIA’s predecessor, the Office of Strategic Services (OSS) immediately after the Second World War, because he was concerned about it becoming an ‘American Gestapo’, that is, it might spy on American citizens. (He also did not like the cosy relationship General William Donovan, the Director of OSS, enjoyed with his predecessor, Franklin Roosevelt. Donovan’s plan for a post-war centralised intelligence service outside of the military, which had been approved by Roosevelt, disappeared along with the OSS.)

As the authors of *The Age of Sacred Terror* put it, ‘The FBI is not a domestic intelligence agency, like Britain’s MI5, because the American people do not want to put their civil liberties at risk by permitting such an agency to entrench itself in this country.’7 Hence the FBI is primarily a law-enforcement organisation, and some 80 per cent of its personnel at any one time are devoted to crime. There is, besides the Criminal Division, a National Security (counter-intelligence) Division and, since 1999, a Counter-terrorism Division. Officers rotate in and out between the latter two and the Criminal Division which is hardly conducive to building up a cadre of intelligence-oriented officers as distinct from crime-oriented officers.

Moreover, the FBI is a case-oriented organisation whose main focus has been to look back into the past in order to accumulate evidence aimed at bringing to justice those who have or are about to violate a statute. This is a different mindset from that of an intelligence officer, who must look into the future, seeking to identify threats upstream that may develop into an attack or an operation against the United States. As intelligence writer Thomas Powers has put it, ‘The first task of any intelligence organization is to establish where
the danger lies.8 What is deficient in the US system is the same kind of
upstream intelligence look applied inside the United States, in the manner of
MI5 and the DST. Also, there seems little doubt that the overseas–domestic
symbiosis would work better between a proper internal security service and
the foreign intelligence service (the CIA).

It is likely that, if the United States had had a full-fledged internal security
service along the lines of MI5 or the DST, the report of 10 July 2001 prepared
by FBI agent Kenneth Williams in Arizona would not have remained mired
in an in-tray. This report concerned the possibility of al-Qaeda members
taking flight training. Nor would the request from the Minneapolis office of
the FBI for technical and other surveillance on Zacharias Mussaoui (who was
under arrest at the time for a visa violation) have been refused on the quixotic
ground that Mussaoui was not connected with a ‘recognised foreign power’ –
especially given the fact that a query to the French (presumably the DST) had
yielded the information that Mussaoui was connected with terrorists.

The surveillance request from the Minneapolis office to FBI Headquarters
was dated 21 August 2000, well before September 11, and it stated that there
was reason to believe that Mussaoui was acting with ‘others yet unknown’ to
hijack an airliner and divert it to Washington. Mussaoui had reportedly told
his flight instructor in Minnesota that he would ‘love’ to fly a simulated flight
from Heathrow to JFK airport in New York. The Minneapolis office noted
that if Mussaoui seized an aircraft flying from Heathrow to New York it
would have the fuel to reach Washington. The CIA, learning of this report,
sent a cabled advisory to its stations describing Mussaoui as a ‘suspect airline
suicide hijacker’ who might be ‘involved in a larger plot to target airlines
travelling from Europe to the US’.9

All this came before September 11. In the ensuing investigation, not only
was incriminating evidence found in Mussaoui’s possession; it was
established that Mussaoui received some $14,000 from Germany prior to
September 11. The fingerprints of Ramzi al-Shibh, the al-Qaeda leader
arrested in Pakistan in 2002, are allegedly on the bank transfer draft that was
sent from Frankfurt to Mussaoui. (Since the blunders revealed by the
Mussaoui case, the system for obtaining a technical surveillance warrant
under the Foreign Intelligence Surveillance Act (FISA) has been made less
strict.)

Another example of blunders committed in the period prior to September
11, this time imputable to the CIA and not the FBI, is the following: the CIA
obtained information that two individuals suspected of al-Qaeda ties and who
were known only as Khalid and Nazir, were going to attend a meeting in
Kuala Lumpur in January 2000 with other terrorists. The Malaysian
government was notified and photographed the meeting, enabling the
identification of the two individuals, who were Khalid al-Midhar and Nazir
al-Hazmi. Though the FBI was informed, the CIA failed to inform the State Department so that the latter could decide whether to put them on the watchlist. They were not put on the watchlist until the CIA recommended this be done in a memorandum dated 23 August 2001. By that time they were both in the United States. In fact, the CIA had received a report from overseas in March 2000 that al-Hazmi had already entered the United States at Los Angeles in January 2000 – but because the cable was marked ‘Action: none; for information only’, the report sat in the CIA. Furthermore, the FBI had an informant, whose identity I believe is still not disclosed publicly, who was al-Midhar’s and al-Hazmi’s landlord while they were living in southern California prior to September 11.

Al-Midhar and al-Hazmi were among the hijackers on Flight 77 which struck the Pentagon. What was particularly unfortunate about this lapse in the notification process is that these were the only two of the 19 hijackers who were known prior to September 11 to have ties to al-Qaeda. The rest all had clean records. The point here is that if we had a fully functioning internal security service along the lines of MI5 or the DST, acting in seamless co-ordination with the CIA, it seems likely that this al-Qaeda pair would have been picked up on their arrival in the United States. This in turn would have had a major effect on the unfolding of Osama bin Laden’s operation, perhaps even to the extent of wrapping it up before it could have taken place.

INTELLIGENCE: NOT A PERFECT WORLD

The third point I would like to make is that intelligence is not a perfect game. It never will be. The military has a tendency to want perfect information on the situation on the ground before undertaking an operation. This is simply not possible. Since intelligence is not perfect, it requires political will and determination to drive an operation forward. A counter-example is that of the failure of US forces to rescue 53 American hostages in Tehran in April 1980.

Prior to the rescue operation, the military had been critical of the lack of intelligence on the exact location of the hostages. Even when they were finally pinpointed as still being kept in the embassy, according to a Pakistani cook who had escaped from the compound, the military were sceptical of the information because it did not come from American eyes. However, intelligence, sketchy as it was, was not the main problem in the rescue operation. Rather, it was an operational failure and also, it could be said, a failure of political will.

I am not going to go into the details of the operation which failed at the refuelling point inside Iran that was designated Desert One and which became the name commonly used for this unfortunate operation. The
command relationships at Desert One were diffuse, and the chief of the overall Joint Task Force was back in Egypt. When the number of helicopters became unexpectedly reduced, due mainly to malfunctions, the question was whether to continue with the operation. An intelligence officer within the Task Force had this observation:

Although it is easy to say in hindsight, the bottom line is that a daring commander in wartime could have and would have continued with five or even four helicopters. The Delta Force commander [at Desert One] was a fine Special Forces soldier, but his country was not at war . . . [In addition] the Joint Task Force Commander did not order the mission to go forward; and neither did the Chairman of the Joint Chiefs, the Secretary of Defense or the President.10

Desert One was an immense lesson and an immense turning point. We vowed that we would never again be found impotent in the face of a small group of individuals like the Iranian hostage-takers. The legislation that followed, in 1986, the Goldwater-Nichols Act, accompanied by the Cohen-Nunn Act, changed everything. Goldwater-Nichols spelled the end of the large independence that the various branches of service (Army, Navy and so on), had enjoyed, and also it strengthened the role of the Chairman of the Joint Chiefs of Staff. From then on, the emphasis was on joint operations; no more fractionalised command arrangements as in the Iranian hostage rescue operation. The accompanying Cohen-Nunn Act involved the reorganisation and the consolidation of all the Special Forces under a sole command called the United States Special Operations Command (USSOCOM) and located in Tampa, Florida.

INTELLIGENCE AND POLITICAL WILL

The Iranian hostage-takers had practised soft terrorism. By the time they were released, after negotiations, and at the moment Ronald Reagan became President, it turned out that none of them had been hurt. The hostage-takers had billed themselves as not beholden to a state but to a religious leader, Ayatollah Khomeini. Islamism had become a problem for the United States. It was to assume a much more diabolical and nihilist form in the 1990s in the person of Osama bin Laden.

During the 1990s, it gradually became apparent that Osama bin Laden had been involved in one way or another in a series of operations against US interests dating back to Mogadiscio in 1993, to the first World Trade Center attack in the same year, to the bombings of two US embassies in east Africa on 7 August 1998, and to the attack on the USS Cole in Aden harbour in
October 2000. Then the culminating attack took place on September 11, 2001. During this period bin Laden issued two fatwas, or supposed Islamic legal opinions. The first, in 1996, authorised attacks against Western military targets on the Arabian Peninsula. The second, in 1998, just before the east Africa bombings, stated that Muslims have a religious obligation to attack US military and civilians world-wide.\(^{11}\)

By 10 September 2001, and for several years before that, the CIA knew bin Laden’s location almost every day – sometimes within 50 miles, sometimes within 50 feet. This was known from information provided by foreign governments, from CIA’s own human sources and from technical sources like the ‘Predator’ unmanned aerial drone. The United States clearly had the capability to remove bin Laden, to take him out of Afghanistan, and/or to kill him. Special Forces capabilities had been developed over the previous 15 years following the legislative reforms that followed Desert One. The irony, and the tragedy, is that somewhere between 15 and 30 Special Operations personnel died or were injured during this period preparing for just that mission that would have removed bin Laden.

Through the late 1990s, policy makers repeatedly informed the CIA and the military that they lacked the necessary information to act against bin Laden. The instructions were to: ‘Go back and try again. Collect more information. We need to know well in advance exactly when bin Laden will be in such-and-such a house or on such-and-such a convoy trail.’ But the fact is that intelligence alone will never deliver the kind of certainty which the policy makers say they require.

Instead, in a retaliatory gesture in response to the bombings in east Africa, on 20 August 1998 the United States launched cruise missile attacks on six bin Laden training camps in Afghanistan and on a pharmaceutical plant in Khartoum North formerly used by bin Laden and thought to be involved in producing precursor chemicals. ‘We only missed him by half an hour’, ruefully – but also futilely – remarked a White House aide about bin Laden. The uproar over the Khartoum North target, whose validity was never clarified one way or another, was such that no further attacks were carried out by the United States until the shock of September 11. Thus the 75 cruise missiles that were launched on 20 August 1998, at a cost of $1 million apiece, went for naught.

In the event, Washington went ahead and gradually applied sanctions against Afghanistan while at the same time negotiating secretly with the Taliban, in an attempt to get them to hand over bin Laden. This series of fruitless discussions continued right into the summer of 2001. The Saudis, in the person of former intelligence chief Turki bin Faysal (now the Saudi Ambassador to London) also tried in vain to pry loose from the Taliban his former protégé, bin Laden.\(^{12}\)
On 17 October 2002, in testimony before the joint House and Senate select intelligence committee investigating the September 11 attacks, George Tenet judged that:

we should have taken down that [bin Laden] sanctuary [in Afghanistan] a lot sooner . . . there may have been lots of good reasons why in hindsight it couldn’t have been done earlier . . . but we let them operate with impunity for a long time without putting the full force and muscle of the United States against them.\(^\text{13}\)

In covert terms, what did Washington do in the wake of the August 1998 bombings of its embassies in Nairobi and Dar-es-Salaam? Following these attacks, President Clinton had signed a Presidential Finding, authorising a covert action to capture bin Laden, using lethal force if necessary. The President amended the finding three times, under a document known as a Memorandum of Notification. The first was to use lethal force without necessarily having to take bin Laden into custody. The second was to expand the targets of the covert action beyond bin Laden, to include a number of his lieutenants. The third was to shoot down an aircraft or helicopter that bin Laden might use to try to get out of Afghanistan.\(^\text{14}\) But there were two red lines, or limitations, to this planned use of force. One was that US troops would only use weapons fired from a distance, in other words, not on the ground in Afghanistan. The second was that the enemy was defined as al-Qaeda and not also as the people protecting al-Qaeda – in other words the Taliban.\(^\text{15}\) The upshot was that surrogate forces were used to try to capture bin Laden – Pakistanis, Uzbeks and Afghans. No Americans were used except for a few reconnaissance missions. These surrogate forces were unable to do the job.

In December 1998, in a memorandum to his deputies and to officials in the Intelligence Community, George Tenet stated that they should consider themselves at war with bin Laden. This message, however, seems not to have penetrated to the top echelons of the US government. The marriage between intelligence and political will was still not there.

INTELLIGENCE IN THE TWENTY-FIRST CENTURY: THE ‘OFFENSIVE HUNT’ STRATEGY

It took the shock of September 11, 2001, to produce the political will to go over to the offensive. ‘The National Security Strategy of the United States’, published a year later, on 20 September 2002, advanced the doctrine of pre-emption. It evoked the case ‘for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s
attack. To forestall or prevent such hostile attacks by our adversaries, the United States will, if necessary, act pre-emptively.\textsuperscript{16}

The title of this collection is ‘Understanding Intelligence in the Twenty-First Century’. I would submit that the hallmark of intelligence in this new century is going to be what I would term an ‘offensive hunt’ strategy. It will be outside the Westphalian mode; it will be markedly different from what went on in the twentieth century, which was essentially one of rivalries and conflicts among nation-states, the false cloak of ideologies notwithstanding. In the twenty-first century the clashes will be mostly between nation-states and what are called in social-science parlance non-state actors. The exception to this trend, which may not last long, is that of United States actions against so-called rogue states, in other words those seeking to acquire weapons of mass destruction.

The ‘offensive hunt’ strategy can be characterised as the intelligence and operational manifestation of the New Strategic Doctrine of the Bush administration. Such a strategy far outstrips the capability of an intelligence service, even such a large one as the CIA. It involves the hunting down of thousands of al-Qaeda and allied terrorists of the ‘global reach’ variety. It will be a combined intelligence and operational function, and it will have to involve, à la Afghanistan and Iraq, the CIA and Special Forces working together. In a peacetime situation, juridical underpinnings will have to be found, though not for the CIA, for whom a Presidential Finding and Congressional oversight system for covert action has been in place starting in 1970.\textsuperscript{17}

The ‘offensive hunt’ strategy will also involve methods which were not the norm prior to September 11, 2001. The methods will involve not only hunting down and, if need be, killing terrorists but also, again where necessary, ignoring local sensitivities and the operating rules of local intelligence and security services.

What happened in the war in Afghanistan that followed the events of September 11 is instructive in understanding both the new ‘offensive hunt’ strategy and the symbiosis that is being imposed on the CIA and the US military. Within days after the attack, and according to a ‘war plan’ submitted by George Tenet to President Bush that included a new Presidential Finding authorising the outright elimination of bin Laden and his principal lieutenants, CIA elements arrived on the ground in Afghanistan, to renew contacts with the Northern Alliance and to forge contacts with Pushtun leaders in the south. In both the north and the south, saddlebags of CIA money played a key role.\textsuperscript{18} In his Congressional testimony on 17 October 2002, and in an implied criticism of the policy that was previously in force, that is before September 11, George Tenet stated that, ‘Nothing did more for our ability to combat terrorism than President [Bush’s] decision to send us
into the terrorist sanctuary. By going in massively, we were able to change the rules for the terrorists. Now they are the hunted.’

Put in another way, intelligence operatives in the twenty-first century will become hunters not gatherers. They will not simply sit back and gather information that comes in, analyse it and then decide what to do about it. Rather they will have to go and hunt out intelligence that will enable them to track down or kill terrorists. The ‘offensive hunt’ strategy involves sending operatives into countries with which we are not at war, indeed in some cases countries with whom we have correct relations. In some circumstances, obviously, we will hunt down terrorist leaders with the help of host country elements; in others we will not. The former was the case in Pakistan with the capture of the operational dispatcher of al-Qaeda, Abu Zubaydah. Together with the FBI and the CIA, the Pakistani authorities wounded and captured Abu Zubaydah after a chase. It was also the case in Yemen, referred to earlier, when a CIA drone with a Hellfire missile obliterated the al-Qaeda chief in the Gulf area, Abu Ali al-Harithi, and five of his followers, apparently done in co-ordination with the Yemeni authorities.

But the type of operation that would be envisaged in the new strategy – the hunting and capture of possibly thousands of terrorist leaders and technicians – is far above the scale of a law enforcement operation as practiced by the FBI and far above the limited paramilitary capability of the CIA. As it is carried out overseas, this will become primarily a military problem, involving the introduction of discreet military forces into a hostile environment, backed by a panoply of technical collection resources, and often without the agreement or knowledge of the country in question. It will be essentially a Special Forces mission aided by CIA elements.

The symbiosis on the ground between CIA officers, with contacts, money and intelligence collection capabilities, and Special Forces elements calling in artillery and air strikes, and participating in attacks, worked reasonably well in Afghanistan, albeit with some glitches. These CIA elements were instrumental in putting Special Forces personnel in contact with the Northern Alliance and other Afghan groups willing to fight the Taliban and al-Qaeda. But in the aftermath, Secretary Rumsfeld was dissatisfied with some aspects of the campaign, and he ordered the Pentagon’s Defense Science Board to study how things could be improved. Rumsfeld specifically posed the question, ‘How is it that I have to have CIA elements on the ground first before I can put in my Special Forces?’

Here we arrive at the nub of the problem regarding the ‘offensive hunt’ strategy in the future. Hitherto, it is the CIA that has operated abroad clandestinely in peacetime, through covert action operations requiring approval by the President in a Presidential Finding. This finding, in turn, must be briefed in near ‘real-time’ to the intelligence oversight committees of
the Congress. Normally, uniformed US personnel are not sent to sovereign foreign countries unilaterally. They must be asked in, to work with the local forces. The intelligence oversight committees of the Congress are generally reluctant to have the military take part in or take over this kind of activity; for one thing, this would escape their oversight, as they do not have jurisdiction over the armed forces.21

The military for some years have resisted this confinement or, to put it in another way, this privileged position of the CIA in peacetime. The military have maintained that, as a precursor to an operation abroad, it is necessary to send reconnaissance teams to collect intelligence on the area. In the past, this concept has been variously designated as a ‘commander’s reconnaissance’ prerogative or, more recently, the necessity for ‘preparation of the battlefield’. Now that we are in a situation of, if you will, ‘war by another name’ post-September 11, the Pentagon has pressed its case on an urgent basis.

The thinking of the Defense Department following the Afghan campaign was to find a juridical underpinning for the insertion of Special Forces abroad, whether with or without the knowledge of the host country, in Title 10 of the US Code. Title 10 deals with the employment of the armed forces. Specifically, Section 167 of Title 10 mandates a unified combatant command for special forces which may conduct certain missions not under the authority of the geographic combatant commands, if the President or the Secretary of Defense so directs; it excludes from Title 10 authorisation for any activity that would require giving notice to the intelligence oversight committees of the Congress; and it includes a broad range of operations as being within the writ of special operations, namely: direct action, strategic reconnaissance, unconventional warfare, foreign internal defence, civil affairs, psychological operations, counter-terrorism, humanitarian assistance, theatre search and rescue, and such other activities as may be specified by the President or the Secretary of Defense. The hunt for al-Qaeda operatives presumably would be carried out under the rubric of counter-terrorism.

Military analyst William M. Arkin has argued that fighting terrorism is the twenty-first century equivalent to the Cold War crusade against communism, and that the magnitude of the threat requires new, aggressive and unorthodox tactics.22 As indicated by the Title 10 provisions cited above, the Pentagon is most interested first in freeing Special Forces operations from the authority of the geographic military commands; and, second, in freeing these operations from the oversight of the Congressional intelligence committees. With regard to the former, Defense Secretary Rumsfeld in the autumn of 2002 gave USSOCOM, which is not a geographic combatant command, the lead in the hunt for al-Qaeda operatives.23 With regard to the latter, the problem arises of how to maintain the long-standing US principle of civilian control over the
military. Modalities will have to be worked out between the Department of Defense and the CIA as to how such ‘offensive hunt’ operations are to be carried out. DCI Tenet is described as not opposed to a role for the military in this arena.\textsuperscript{24} Clearly the assets of the military will have to be brought into play, as the threat is much too vast for an intelligence service to handle.

The Defense Science Board completed its post-September 11 study referred to above\textsuperscript{25} in late October 2002. The 78-page classified document of the ten-member board, chaired by William Schneider, Jr., is entitled its ‘2002 Summer Study on Special Operations and Joint Forces in Support of Countering Terrorism’. The study recommended that new special operations of an offensive nature world-wide should be planned by the National Security Council through the aegis of a to-be-created ‘Proactive, Preemptive Operations Group’;\textsuperscript{26} but the operations themselves would be executed by the military and/or the CIA, as the case may be.\textsuperscript{27} At a level under the NSC there already exist joint inter-agency groups for the purpose of co-ordinating such special operations activities: at Fort Bragg, home of the Joint Special Operations Command; at Tampa, Florida, headquarters of the Central Command which is the geographical command for the southwest Asia and east Africa areas; and at Bagram airbase north of Kabul, Afghanistan.\textsuperscript{28}

\section*{CONCLUSION}

It seems as though we have been thrown back a century, to the beginning of the twentieth century, when the world was at peace, albeit an armed one, and the anarchist movement was the chief cause of unrest in the Western world, as evoked in Joseph Conrad’s novel, \textit{The Secret Sharer}. The anarchist movement did die out, however. The same cannot be forecast for the Islamist terrorist movement that reached a level of unprecedented ferocity with the attack on the Twin Towers on September 11.

The prospect now is that Islamist terrorism may last – with the United States as its chief enemy – for decades to come, indeed as long as Muslim aspirations remain far removed from cruel realities, and as terrorism, the weapon of the weak, continues to wreak unspeakable havoc among innocent people. In the face of this sombre prospect, ‘offensive hunt’ will have to become the strategy of choice for US intelligence. But unless the United States is willing to take radical steps to change its internal security structures, it will continue to remain vulnerable to further attacks against the homeland.

\section*{NOTES}

2. \textit{Miller Center Newsletter}, 18/3 (Summer 2002), p. 22.
6. In the view of Ernest May, the NSC was created in part to get the military involved in foreign policy. (Author interview with Ernest May, Cambridge, MA, 21 June 2001.)
10. Interview with Robert Mattingly.
11. Testimony of Cofer Black, former Director of the CIA’s Counter-terrorism Center, before the Joint September 11 inquiry of the Intelligence Committees of the Congress, 27 September 2002.
15. Ibid.
17. This system is in the form of successive amendments to the National Security Act of 1947. The Act itself and these amendments are incorporated into the United States Code Title 50, called Defense and National Security, in Chapter 15, Section 413b entitled, ‘Presidential Approval and Reporting of Covert Action’.
18. Washington Post, 17 November 2002. N.B. It is this finding, apparently, that provides the juridical basis for actions such as the ‘Predator’ attack in Yemen and which seems to render the 1981 Executive Order 12333 banning assassinations in effect caduc. Although the Executive Order states explicitly that ‘no person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination’, it appears to be obviated by the subsequent finding and by the fact that the President has stated that we are at war with al-Qaeda.
20. In a wartime situation in the normal sense, as in the Second World War, there is no question where the authority lies: the military takes command over all activities of war, including intelligence, just as the military exerted control over the OSS during the Second World War. From the military’s point of view, it is imperative that it has control over intelligence in wartime.
21. The military have a responsibility to the armed forces committees of the Congress and not to the intelligence committees and have nothing to do, in terms of budget or oversight, with the latter. Furthermore, the intelligence committees have evolved into exercising a close monitoring role of CIA covert actions. This is not the same case with the military, whose actions are subject to broad review under the War Powers Act, which is still a contested piece of legislation between the Congress and the President, but this kind of review does not resemble the close oversight exercised by the intelligence committees over the covert actions of the CIA.
25. See ibid., pp. 2–3.
27. Miller, ‘Wider Pentagon Spy Role’.
28. Arkin, ‘The Secret War’. N.B. In the Iraq war of March–April 2003, US Special Forces were active inside Iraq before the war started. The spearhead of this activity was Task Force 20, drawn largely from Delta Force. Its mission was to locate Weapons of Mass Destruction (it found none); to attack sensitive targets (it secured the Haditha dam above Baghdad); to
capture high-ranking Iraqi leaders (which it did with some success) and take them to Baghdad airport for joint interrogation with the CIA; and to rescue US prisoners (which it did in the case of Pfc. Jessica Lynch). According to Barton Gellman, ‘Task Force 20 employs the best-trained combat forces in the US military. It can launch a mission with less than an hour’s notice and communicate securely from anywhere in Iraq . . . It has full-time access to stealthy helicopters . . . that enable it to move covertly and defend itself.’ (Barton Gellman, ‘Covert Unit Hunted for Iraqi Arms’, *Washington Post*, 13 June 2003, p. 1.)
Copyright of Intelligence & National Security is the property of Frank Cass & Company Ltd. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.