INTELLIGENCE, CIVIL-INTELLIGENCE RELATIONS, AND DEMOCRACY

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

INTELLIGENCE: NECESSARY AND DANGEROUS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE ANALOGY OF CIVIL-MILITARY RELATIONS

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

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

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

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

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

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

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

THE WAR ON TERROR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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