Working Group on Intelligence Reform

Relating Intelligence and Law Enforcement: Problems and Prospects

L. BRITT SNIDER
General Counsel
Senate Select Committee on Intelligence

with

ELIZABETH RINDSKOPF
General Counsel
Central Intelligence Agency

JOHN COLEMAN
Assistant Administrator for Operations
US Drug Enforcement Administration

About the Working Group

In early 1992, the Consortium for the Study of Intelligence (CSI) created the Working Group on Intelligence Reform. Co-chaired by Roy Godson of Georgetown University and CSI, and Ernest May of Harvard University, the Working Group meets periodically to provide an unclassified forum for specialists on intelligence to discuss proposals to reform the Intelligence Community and to exchange ideas on improving US intelligence. The Working Group also provides an opportunity for those outside government to obtain accurate information on the changes the Intelligence Community is making to address the evolving post-Cold War security environment.

Britt Snider's paper was first presented at a meeting of the Working Group on June 21, 1994. The paper was later revised, and the ensuing discussion edited prior to publication.

The papers and edited proceedings of Working Group meetings are available on request

Consortium for the Study of Intelligence
1730 Rhode Island Avenue, NW
Suite 500
Washington, DC 20036
(202) 429-0129

Working Group on Intelligence Reform Papers

Relating Intelligence and Law Enforcement: Problems and Prospects

CONTENTS

RELATING INTELLIGENCE AND LAW ENFORCEMENT: PROBLEMS AND PROSPECTS

L. Britt Snider

In September of 1992, Congress enacted new legislation to set forth missions and functions for the Intelligence Community. One of the responsibilities of the Director of Central Intelligence, as head of the Central Intelligence Agency, was to "collect intelligence through human sources and other appropriate means, *except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions.*" [Emphasis added.] This latter phrase was a verbatim reenactment of the proviso contained in subsection 403 (d)(3) of the National Security Act of 1947 as originally adopted.

When Congress considered new organizational legislation for intelligence in 1992, the Bush administration urged that the language of the law enforcement proviso not be changed. While no one was certain precisely what it meant, or what its effects had been, the proviso had been on the books so long that no one was precisely sure what Congress might be upsetting if the wording were changed. So without a great deal of reflection, and in the interest of letting sleeping dogs lie, the old language was left intact.

Coincidentally, this decision was made about six weeks before the Senate Select Committee on Intelligence began its investigation of the Banco Nazionale del Lavoro case -- the BNL case -- an investigation that took about four months and resulted in a 130-page unclassified staff report which was published in February of 1993.

Had the BNL investigation happened before the legislation was enacted, the Committee might not have been so eager to avoid the issue. For the BNL investigation demonstrated that there is a great deal of confusion on both sides of the great divide between intelligence and law enforcement and, to some degree, the statutory formulation contributes to the confusion.

To be sure, BNL demonstrated much more than confusion over the statutory proviso. The case brought to the surface numerous practical problems in the day-to-day coordination of these activities that need to be addressed. These have, in fact, been the subject of a year-long inquiry commissioned in April 1993 by the attorney general and the Director of Central Intelligence. The interagency task force that conducted this review is expected to issue a public report on its findings by the end of 1994.

Rather than going into the shortcomings in the coordination process, however, I take this opportunity to trace the development of the policy which governs the relationship between intelligence and law enforcement generally, and what its impact has been at the operational level. Then, I will consider whether the rules, such as they are, should be changed; and, if so, how they should be changed.

THE NATIONAL SECURITY ACT OF 1947

The sum total of congressional direction on the subject is contained in the language I began with: the law enforcement proviso from the National Security Act of 1947, which survived the 1992 revision of the law. It says only that the CIA shall have no "police, subpoena, or law enforcement powers or internal security functions." The legislative history of this provision is not especially illuminating. Essentially, in 1947, there appear to have been three predominant concerns:

- Congress clearly wanted the focus of the newly created CIA to be foreign and not domestic. The dividing line between the two domains was seen as quite clear: law enforcement was "domestic" and intelligence was "foreign";

- Congress was also concerned, in the wake of World War II, that it not create a "Gestapo-like" organization. Although the legislative history is not crystal clear on this point, the formulation that appears in the proviso denying the CIA "police,

subpoena, or law enforcement powers" largely reflected a desire that the CIA not be able to arrest, detain, interrogate, or otherwise compel information from US citizens against their will; and

- Finally, there was a concern, in creating the CIA, that Congress not encroach upon the jurisdiction of the FBI. "Internal security functions" were the FBI's responsibility, and Congress sought to make it clear that the FBI and not the CIA would remain responsible for monitoring the activities of foreign intelligence services or "subversive elements" within the United States.

Beyond this, however, the legislative history said very little about how the fledgling CIA, or intelligence agencies in general, were expected to relate to law enforcement.

It is not until the mid-1970s that one finds more light shed on the issue in public documents, in the reports of the Rockefeller Commission and the Church Committee. Both found it necessary to interpret the law enforcement proviso as part of their respective analyses of the CIA's domestic collection activities in the 1960s and early 1970s.

The Rockefeller Commission did not construe the statute as prohibiting the CIA from sharing foreign intelligence information with law enforcement agencies. Similarly, the Commission did not find it inappropriate for intelligence agencies to share with law enforcement information pertaining to criminal activity that had been collected incidental to its intelligence mission. Indeed, the Commission saw an affirmative duty on the part of intelligence agencies to pass along such information to law enforcement.

The Church Committee, for its part, acknowledged that the law permitted the CIA to operate domestically to the extent of seeking foreign intelligence from American citizens who had traveled abroad. But it concluded that the law did not permit the CIA to collect information on domestic political groups in order to determine whether there were foreign connections to these groups. The Rockefeller

Commission had addressed the same point and found that this sort of collection was appropriate, but concluded that the CIA collection had far exceeded what was necessary to ascertain foreign involvement. The Commission also noted three instances where the CIA had collected information on "strictly domestic matters" and found this to have exceeded the CIA's statutory charter.

Finally, the Rockefeller Commission recognized that the CIA might legitimately provide technical assistance and expertise to law enforcement agencies so long as the Agency did not "actively participate" in the activities of these agencies.

EXECUTIVE ORDER LIMITATIONS

In any event, in February 1976, after the Rockefeller Commission had reported, and while the Church Committee was still investigating, the first executive order on intelligence, EO 11905, was issued by President Gerald Ford. This order, which applied to all intelligence agencies, not simply the CIA, reflected several of the conclusions of the Rockefeller Commission:

- It provided that nothing in the order prohibited the dissemination to law enforcement agencies of "incidentally gathered information indicating involvement in activities which may be in violation of law"; but

- Prohibited intelligence agencies from participating in or funding any law enforcement activity within the United States, but excluded from this general prohibition cooperation between law enforcement and intelligence for the purpose of protecting the personnel and facilities of intelligence agencies, to prevent espionage or "other criminal activity related to foreign intelligence or counterintelligence."

These elements of the Ford order were largely repeated by the Carter order -- EO 12036 -- which was issued in January 1978.

Interestingly, the wording of the provision in the Ford order saying it was permissible for intelligence agencies to disseminate "incidentally gathered information" to law enforcement was dropped by the Carter order. The updated language provided that nothing prohibited the dissemination to law enforcement of information "which indicates involvement in activities that may violate federal, state, local, or foreign laws," whether it was incidentally gathered or not.

In 1981 came the Reagan Executive Order 12333, which remains in effect today. The Reagan order was deliberately drafted to be more positive than the Carter order in this respect. Gone was the prohibitory language where assistance to law enforcement was concerned. The effect of the Reagan order was to authorize the Intelligence Community to render whatever assistance it wished to law enforcement that was not precluded by law (presumably referring to the law enforcement proviso in the 1947 National Security Act). At the same time, the Reagan order returned to the concept of "incidentally acquired information" as used in the earlier Ford order, requiring intelligence agencies to adopt procedures to provide for the dissemination of "incidentally obtained information that may indicate involvement in activities that may violate federal, state, local, or foreign laws."

This is essentially where the policy remains today. To summarize, the CIA is precluded by law from having "police or law enforcement powers" or "internal security functions," but the Executive Order does not elaborate on what the law means. It does require the CIA, as well as other intelligence agencies, to adopt procedures providing for the dissemination of information to law enforcement -- i.e., information that they acquire incidental to their collection operations -- if the intelligence agencies determine the information may indicate possible violations of US or foreign laws.

One notes, however, that while the Executive Order requires intelligence agencies to have procedures governing dissemination to law enforcement, it does not necessarily require such dissemination. In addition, the Executive Order does not contain any language expressly prohibiting intelligence agencies from deliberately (as opposed to

incidentally) collecting information for law enforcement purposes. Indeed, the order specifically includes, within the mission of intelligence agencies, collection of information which could be directly relevant to US law enforcement authorities in two categories: information on international narcotics trafficking and international terrorism. But beyond these, there is no express authorization to collect information for law enforcement purposes, and the absence of such express authorization might be read to suggest an intent to preclude such collection.

INTERPRETING EXISTING POLICY

Given the ambiguity in both the statutory proviso and Executive Order, it is not surprising that the Senate Intelligence Committee in the course of its BNL investigation found considerable confusion at the operational level in terms of precisely what existing policy permits and what it does not. While there was a general perception on both sides that the CIA is prevented "by law" from engaging in law enforcement activities, there were widely disparate views on how this translates into practice.

As far as intelligence operatives are concerned, practical considerations tend to dominate. While few of those interviewed could explain precisely what existing law or the Executive Order allowed, there is an instinctive recognition that using intelligence assets to collect law enforcement information could lead to their disclosure in court and, thus, is something to be avoided, if at all possible. There was some awareness that there are ways to protect classified information in court (e.g., the Classified Information Procedures Act), but how and whether this could be counted on is far too murky for most to risk a valuable asset. Most also sense they are somehow precluded from deliberately collecting information for law enforcement purposes, although opinion varied in terms of whether this policy applies overseas as well as within the United States. It is generally perceived that if intelligence agencies come across something useful to law enforcement incidental to their foreign intelligence activities, it could be shared in appropriate circumstances, but most see this as a matter of case-by-case determination.

Understanding of applicable policy is no more consistent among law enforcement officials. Some think the CIA is precluded from domestic operations, but not from collecting information overseas which relates to criminal investigations in the United States. Others see no reason why law enforcement should not get whatever information the intelligence agencies have. Still others see intelligence agencies as more to be avoided than cultivated -- as more trouble than they are worth.

In fact, the "historical separation" which has characterized the relationship between law enforcement and intelligence probably owes more to the operational concerns of each side, to their difference of purpose and, indeed, to the difference in their cultures, than it does to applicable law and policy. This is not to say that law and policy necessarily lead to a different result, but rather that the ambiguities in law and policy have left it largely to the working level to determine the contours of the relationship between the two disciplines in the context of particular circumstances.

That we ought to leave things in their current state of ambiguity seems questionable. Leaving relations between law enforcement and intelligence to *ad hoc* determinations in the field inevitably fosters inconsistent results and may or may not serve broader US interests. Clearer guidance is needed.

WHAT THE APPROACH SHOULD BE

If a case is made for clarifying applicable law and policy, what should the approach be? Do we adopt a policy to reinforce and maintain the *de facto* separation between the two disciplines, or do we adopt a policy that permits or requires greater interaction?

My approach would be the latter. While the historical reasons for keeping law enforcement and intelligence separate have not changed, US interests in bringing them into closer harmony have grown. While, clearly, the need to protect intelligence sources and methods from disclosure will require a great deal of thought if this approach is taken,

I no longer believe it is necessary, or even desirable, to continue to maintain the "Chinese wall" between the two disciplines.

Why do I come to this conclusion? It is essentially for two reasons.

First, crime in the United States is becoming more international in character. The old notion that "crime is domestic, and intelligence is foreign" is growing increasingly obsolete. As the extent of foreign ownership in US businesses increases, as the number of foreigners doing business in the United States continues to grow, as international communications make it possible to shift funds in and out of the United States in a matter of seconds, and as US business, itself, becomes more international, criminal enterprises within the United States increasingly have a foreign element. We had this in the BNL case. Was the parent bank in Italy aware of or involved in the fraudulent activities of its Atlanta branch? We had this in the BCCI investigations. Did BCCI officials deliberately deceive the likes of Messrs. Clifford and Altman in terms of their control of First American? We had it in the prosecution involving a Florida company owned by Carlos Cardoen, the Chilean arms manufacturer, for violating US export control laws. Foreign entities and individuals are increasingly being targeted for criminal investigation within the United States. These entities and individuals may also be of interest to foreign intelligence agencies of the US government, which may be uniquely positioned to obtain information of law enforcement value.

Second, international crime is having a growing and an increasingly adverse effect on US security. In August of 1993, the National Strategy Information Center (specifically, Roy Godson and William Olson) published a report entitled *International Organized Crime: Emerging Threat to US Security*, which documents many of these activities and their effects on US security. *Newsweek* magazine, last December, also had a lengthy article on the same topic. More recently, the director of the FBI has spoken out publicly regarding the effect of organized crime activities in Russia and their potential impact on US security.

Of particular concern are the narcotics activities carried out by these criminal groups that have had huge costs to the United States in terms of the criminal justice and health care systems as well as the toll they take on what may otherwise be useful, productive lives. But what about groups outside the United States who smuggle aliens into the United States, or who extort money from ethnic groups here, or perpetrate large-scale fraud here? This, by the way, is no longer speculation, as the *Newsweek* article demonstrates. It *has* happened and continues to happen. What about organized crime activity in countries like Russia or Italy that debilitates the governments concerned and works against what the United States is attempting to do bilaterally? What are the costs here? And, finally, is it unthinkable that organized crime might attempt to obtain a nuclear, biological, or chemical weapon, or the components of such weapons from a former Communist state that is hard up for cash?

The Intelligence Community is focused on things foreign: foreign governments, foreign entities, and foreign individuals. It has capabilities to collect information abroad that are not available to law enforcement authorities within the United States and cannot be provided through cooperative law enforcement arrangements or by international law enforcement organizations like Interpol. To forswear use of these capabilities to deal with problems of significant importance to US interests hardly seems prudent.

On the other side of the coin are those who would argue that using these capabilities for a law enforcement purpose makes little practical sense. Such capabilities are often expensive and time-consuming to develop and maintain. Take, for example, a technical collection system that cost billions of dollars to develop and field, or a reliable human source with access to critical intelligence. These assets might provide important information to the United States for long periods of time, which would easily outweigh their benefit in a particular criminal case. Since secrecy is jeopardized by employing these assets in support of a criminal investigation and prosecution, employment for law enforcement purposes should be avoided. In any case, the opponents would say, intelligence agencies can never be as conversant with the facts

of a particular criminal investigation as the investigators themselves and, as a practical matter, can contribute relatively little of importance to prosecutors.

I believe one can concede the validity of these points in most circumstances and still reject the absolutist "either/or" position. One can envision circumstances, for example, where a human source might be a provider of marginally used intelligence, but holds the key to conviction in a significant prosecution in the United States. One could envision cases where a technical collection capability might be employed in a way that was not intrusive and could be used to develop "lead" information for investigative purposes which need not become evidence in a criminal trial. There might also be cases, perhaps infrequent, when the analytical capabilities of the Intelligence Community could provide valuable insights to criminal investigators, for example, in providing leads to similar conduct carried out by a particular foreign national or entity which is the subject of the investigation.

Even if one were to take the view that separation should be maintained "at all costs," where would the line be drawn if the subject of a US criminal prosecution also happened to be someone of significant foreign intelligence interest (e.g., a General Noriega or a Carlos Cardoen)? Which interest should predominate? Should intelligence gathering cease while the criminal case is ongoing? If not, should intelligence refrain from collecting information that might be useful to prosecution? Even the absolutist must have qualms about maintaining purity in these circumstances.

In sum, while the use of intelligence capabilities for law enforcement purposes needs to be carefully weighed against the consequences of possible disclosure, to determine *a priori* that the interest of the United States will always lie in keeping intelligence assets away from problems that have serious repercussions for its security and well-being seems neither practical nor appropriate.

WHAT THE RULES SHOULD BE

If one concludes that it is desirable to foster greater interaction between intelligence and law enforcement, what rules should govern this relationship and what might such interaction properly consist of? I address this question below from the standpoint of the Intelligence Community's three functional areas: collection, analysis, and other types of assistance, overt and covert.

Collection

The most obvious, and yet most problematic form of interaction, would be using intelligence collection capabilities to collect information for law enforcement purposes.

Within the United States, I believe a prohibition on intelligence agencies deliberately collecting information for law enforcement purposes should be maintained in law and, indeed, should include intelligence agencies in addition to the CIA. Intelligence agencies should be permitted if not required, however, to acquire and disseminate information for law enforcement purposes which is gathered in the United States incidental to their foreign intelligence activities (for example, by interviewing foreign individuals within the United States for foreign intelligence purposes). If followup within the United States is required, it should be accomplished by appropriate law enforcement authorities, not intelligence.

Outside the United States, intelligence agencies should be given wider berth. Although collection for a law enforcement purpose that involves a "US person" should be subject to the same standards that apply to criminal investigations within the United States, the law should expressly authorize intelligence agencies to collect information outside the United States regarding a foreign person or entity for a law enforcement purpose if the attorney general and the director of central intelligence, or their respective representatives, have authorized such collection as consistent with the overall interests of the United States. As

part of the bargain, where such collection is undertaken by intelligence agencies, the attorney general should be directed to take such measures as may be lawful and appropriate at each stage of the criminal justice process to preclude the public disclosure of any intelligence sources and methods that might be employed.

Requiring such collaboration would presumably ensure that the important competing interests involved would be sorted out within the context of the particular facts involved. Requiring a decision "at the top" would presumably result in greater consistency and uniformity in terms of the decisions that are ultimately reached. Finally, committing the attorney general at the outset to the protection of the intelligence sources and methods employed would presumably require consideration of how information is collected and, subsequently, how it is used by criminal justice agencies.

New bureaucratic mechanisms to accomplish these functions in a timely fashion would be needed since none currently exist. New procedures would also be required at both intelligence and law enforcement agencies (including US attorneys' offices) to facilitate the initiation and handling of such requests. Again, none currently exist.

Yes, this framework would require some effort to build, and expertise and commitment to make it work. Some would undoubtedly argue that the value added by intelligence would be so marginal that it would not justify the effort. We will not know until we try.

Analysis

Law enforcement agencies routinely receive intelligence reports and estimates relevant to law enforcement concerns, particularly in the areas of counternarcotics and counterterrorism.

But there is relatively little communication taking place between the law enforcement and analytical community in terms of requesting intelligence analysis -- either in terms of analyzing broad topics, e.g., the

nature and extent of international organized crime, or to meet the needs of a particular prosecution.

In the latter case, law enforcement is often concerned with whether persons proposed for indictment have had relationships with the Intelligence Community and, therefore, may complicate the prosecution. However, there is rarely consideration of what the Intelligence Community might do to support a criminal investigation or prosecution, even where it involves foreign entities or individuals. To be sure, specific analytical support to individual cases would raise the same types of concerns as collection -- i.e., increase the risk of disclosure of intelligence sources and methods, and could complicate the criminal justice process if the analysis proved at odds with the prosecution's case. (The BNL case provides an excellent example of this phenomenon.) But it also appears to me that intelligence analysts may well be able to provide analysis that might suggest new avenues to criminal investigators or provide evidence of past conduct of foreign entities or individuals not available through other sources.

Less problematic would be analysis of broader topics of particular law enforcement interest: How does the system for smuggling Chinese aliens into the United States operate? What is the likelihood that international organized crime would be able to obtain plutonium from a country which is dismantling its nuclear weapons, and sell it to a rogue state? What countries are engaging in economic espionage within the United States or against US-owned firms overseas? Where and how are narcotics traffickers laundering their money? Are other countries able to circumvent US trade controls by getting their goods into the United States through a third country?

This kind of analysis is currently done by the Intelligence Community, but to a relatively small degree and typically on its own initiative rather than at the request of law enforcement agencies. In part, this is because of the confusion over precisely what intelligence agencies can and should do to support law enforcement activities.

As with collection, it appears to me that the policy with respect to analysis in support of law enforcement needs to be clarified. Analysis of broad topics relevant to law enforcement should be specifically authorized, and mechanisms established to ensure that such analyses address the most pressing law enforcement concerns. With regard to analysis in support of particular criminal investigations, while the value of such analysis and potential involvement in the prosecution must be carefully weighed, such support ought to be routinely considered in significant criminal investigations with foreign targets. At present, it appears that such support is minimal and largely a function of the investigator or prosecutor's familiarity with the capabilities of intelligence agencies. The interests here seem too substantial to continue in this *ad hoc* manner. It ought to be made clear that intelligence has a role in analyzing criminal activities abroad that impact directly on US interests. Mechanisms are also needed to systematically consider intelligence support in major cases involving foreign elements.

Other Forms of Assistance to Law Enforcement

Other possible forms of intelligence assistance to law enforcement come to mind -- some controversial, some benign.

Among the controversial possibilities, I would place covert action. Should the CIA undertake covert operations to disrupt major criminal enterprises overseas if they are having a significant adverse effect on the United States? For example, should the CIA attempt to covertly disrupt the operations of international narcotics traffickers who are planning to introduce drugs into the United States? Should it attempt to disrupt the activities of international smuggling rings which are trying to get illegal aliens or prohibited goods into the country? If intelligence agencies themselves should not engage in such activities, should they be authorized to provide money, equipment, or technical assistance -- covertly or overtly -- to other governments to have them disrupt such activities before they can affect the United States?

Whether or not such activities could be undertaken consistent with existing law and policy is not the issue. Rather, should applicable law and policy permit such activities in appropriate circumstances? It does not appear to me that the US government has thought through what its approach should be in this regard. Clearly there has been more US involvement (covert and otherwise) in the areas of international narcotics and terrorism, where the United States has often provided assistance to other governments to help them cope with, and disrupt, the activities of narcotics traffickers and terrorists. But beyond these two areas, the application of covert measures to disrupt international criminal enterprises affecting the United States seems to have received relatively little consideration.

Finally, there is the question of providing surveillance equipment or expert personnel to assist domestic law enforcement agencies -- whether or not the targets are foreign entities or individuals. Under the existing Executive Order, intelligence agencies are permitted to provide "specialized equipment, technical knowledge, or the assistance of expert personnel" to federal law enforcement agencies and, "when lives are endangered," to state and local law enforcement agencies. Interestingly, of all the forms of possible assistance to law enforcement, this type of assistance, which involves the use of intelligence personnel and collection assets within the United States, appears to me the most developed, regulated, and coordinated. Intelligence personnel assigned to such duties typically do not participate in the operational aspects of a criminal investigation (e.g., surveillance, arrests, interrogations), but rather assist with the operation of technical equipment, translations, and other tasks where specialized skills are required. Use of specialized surveillance equipment is carefully assessed for legal implications (e.g., does its use require a search warrant?) as well as the likelihood of its being publicly disclosed in a judicial proceeding.

LAW ENFORCEMENT ASSISTANCE TO INTELLIGENCE?

Until this point, the discussion has focused upon what intelligence might do to assist law enforcement. Is there any area in which the reverse might make sense?

Sharing information which relates to a particular criminal activity would seem to hold little potential. On one hand, law enforcement authorities are typically proscribed by law, grand jury secrecy rules, or applicable policy from providing the details of criminal investigations to nonlaw enforcement agencies. Moreover, investigations of particular crimes are likely to have little value in terms of the interests of intelligence agencies.

On the other hand, sharing of information collected by law enforcement agencies at a "macro" level might merit further consideration. Information that comes to federal law enforcement agencies through their foreign counterparts, or through Interpol, concerning criminal activities abroad that directly affect the United States might be one area of possible sharing. Various types of statistical information maintained by law enforcement agencies (e.g., information on immigration flows into the United States, or the types and quantities of imports to the United States, or information regarding foreign investment in US business), might also be useful information to intelligence agencies. To some extent, such information may already be available, but intelligence agencies are unaware of it. In other cases, it may not be currently available but could be made so with little effort or expense. It is an area that merits further exploration.

CONCLUSION

Again, the time has passed when "crime" could be regarded as something domestic, and "intelligence" as something foreign. The time

has also passed when one could think of "international crime" as someone else's problem and not a US problem.

While it will continue to be wise policy in most circumstances to maintain separation between law enforcement and intelligence, the US interest may not always lie in blindly maintaining "separation at all costs." More thought has to be given to how these two disciplines might profitably interact to benefit broader US interests. Clearer laws and regulations are needed, as are better bureaucratic mechanisms to provide adequate and timely coordination. Perhaps the forthcoming report of the joint Attorney General-DCI taskforce will provide the impetus for change.

COMMENT
ELIZABETH RINDSKOPF

To begin, it is an honor to provide comments on Britt Snider's fine paper. Well-reasoned and lucid, this is the type of paper I might wish to have written myself. In fact, as many of you know, I have been one of several people working on the joint Department of Justice - Intelligence Community report on the relationship between law enforcement and intelligence during the last year. From that experience, I know how difficult discussing the issues raised in Britt's paper can be. The worlds of law enforcement and intelligence are far apart. They have different roles, different rules, and different cultures. And often they do not speak the same language. For that reason, writing about these subjects is extremely challenging. Doing it well is a rarity. Britt's paper, nonetheless, handles this topic with ease and insight, and shows that the relationship between law enforcement and intelligence is a timely topic on which more discussion is needed. For this reason, I must compliment the Working Group for holding this session. More such dialogues need to take place as the two worlds of law enforcement and intelligence begin to overlap.

Why is the subject of law enforcement and intelligence worthy of extended conversation, discussion, and writing? These are complicated areas of human endeavor, but understanding how the two worlds interact and the impact of their interaction is not simply a matter of deciphering complicated rules and regulations. These two areas are fundamentally distinct; they have different world views and missions. As a lawyer -- never previously exposed to intelligence -- I was surprised when I first joined the NSA Office of General Counsel in 1984 to see the vast, but highly classified, regulatory structure which governed how intelligence was both defined and used. Learning about these classified structures from an outsider's point of view, I came to recognize some important, even essential, facts which, I believe, explain why these two communities find comprehending one another so difficult.

To understand their differences, I believe, requires that we return to "first principles." As a lawyer, I look to the United States Constitution for guidance -- this is where government lawyers in particular like to begin any analysis. In fact, ensuring that their clients operate *within* the constitutional framework is at the heart of their professional existence. The government lawyer spends his or her time in the search, first, for authority and, second, for its limitations. Because ours is a government of limited powers, we must ask again and again: where is governmental action authorized and what limits does the law place upon that authority?

These questions about legal authority are surprisingly less commonly asked and answered in the intelligence world. Gradually, I have come to understand why. Operating, in the main, *outside* the United States and well beyond the constitutional and legal interests of US citizens, the Intelligence Community evolved with less need for concern about such limits. As has been said, at home, intelligence must follow all applicable domestic law, but when abroad it supports the Constitution. In short, intelligence has grown up not so much *above* the law, as *outside* its normal reach.

The framers of the Constitution and courts which have interpreted it appear to have anticipated this difference in the way they allocated various responsibilities to the three branches of our government. The president's role, as it is constitutionally defined, contains several types of authority. You know these better than I do. In brief, the president serves as commander in chief; is principally responsible for the conduct of our nation's foreign affairs; and, finally, is charged with executing all domestic laws. Each role is different, particularly with regard to the citizenry served. Thus, the president's conduct of foreign affairs has little directly to do with the legal rights of individual citizens; yet when the president is responsible for executing the laws, the reverse is true. Citizens' rights are directly affected. The great differences in these responsibilities over time have produced different roles, rules, and cultures for the agencies charged with executing the president's various authorities.

Historically, foreign and domestic responsibilities remained separate. But today, this has changed, and the president no longer functions in his three roles "one at a time." His responsibilities may overlap in any given situation. An example is the prosecution of General Manuel Noriega. As you recall, he was the leader of a foreign nation which the United States ultimately engaged militarily. Yet he was also the subject of a domestic law enforcement investigation which ultimately led to a federal criminal prosecution. In such a situation, which of the president's responsibilities takes precedence: the president's role as commander in chief, his role in foreign affairs, or his responsibility to enforce domestic criminal law?

The problem of overlapping areas of responsibility and interest becomes more difficult because the approaches that intelligence and law enforcement take to problem solving are necessarily different. Intelligence looks at the total picture, focusing on broad, strategic fact patterns. In contrast, law enforcement is more tactical in its view of the world: it gathers specific information in support of individual investigations and prosecutions, but is little concerned with the broader picture if it does not assist the investigation or prosecution of the moment. Not surprisingly, the analytic processes employed by these two communities differ as a result. The logic employed by intelligence and law enforcement is akin to the distinction between inductive and deductive reasoning.

To confuse matters more, some of the techniques that both communities employ are essentially the same, but are described differently and operate under different rules. For example, both gather information, and sometimes the means that they employ, although differently described, are essentially the same. An example is the intrusive collection provided for law enforcement by wiretap authority under the Constitution and specific enabling legislation. Similar collection capabilities might also be employed by the Intelligence Community under the label of "signals intelligence," operating outside constitutionally protected areas and pursuant to a far different regulatory framework. Different rules and regulations are employed because

different purposes are intended to be served, even though the collection activity itself may appear objectively to be the same.

This overlap in both the means and ends of achieving different missions creates other problems. Sometimes these two communities use the same words to mean different things. It might be said that we have become separated by a common language. And, indeed, I believe it is often difficult to have effective discussions between law enforcement and intelligence officials until these language differences are understood. For example, when intelligence analysts speak of "evidence," they do not have in mind the type of "evidence" that lawyers think of when they seek to introduce information in a court of law. Intelligence analysts are including in this term information that may be untested, more akin to rumor than fact -- intelligence analysts rely upon a much broader range of information than could be considered factual and admissible in a court of law. But the intelligence analyst is an expert, trained in the art of evaluating such information. And to him or her, it is indeed "evidence." This difference in the use of language was the basis of the confusion that gave rise to the BNL matter where an intelligence analyst spoke about evidence "confirming" a conclusion, failing to recognize the impact that this use of language might have on persons whose training was in the law enforcement world.

Thus, we have a double task today. We must first understand the fundamental differences that exist in the missions, methodologies, and limitations of law enforcement and intelligence. We must then decide how these two great capabilities can work together. To do this, we may need to make important decisions. We must decide which of the differences between intelligence and law enforcement are essential to be maintained if our constitutional democracy is to be preserved and which are not.

Frankly, at this junction, I will make a personal confession. Like many in the Intelligence Community, I have long believed that keeping intelligence and law enforcement in their individual, hermetically sealed, and isolated worlds was essential to preserving important constitutional guarantees. Perhaps this view flows from lessons learned in the Watergate period and specifically in the hearings of the Church

and Pike Committees during the late 1970s. Many of you have heard me say before that the results of this period, over time, seem to have been reduced to two simple rules: intelligence should not "do law enforcement," and it should not "collect on" US persons. Such simplistic statements are easy for conveying a general message to a large, decentralized, and very busy work force. Yet while these "slogans" may be easy to keep in mind, and certainly convey some general truth, they are far too simplistic to describe in a useful way the real underpinning of the Constitution, law, and regulations as they direct the ways in which intelligence agencies function in the complicated modern world. Learning lessons from events such as BNL and BCCI, we in the Intelligence Community have been forced to look carefully at our authority. We must distinguish what is legally required from what is simply convenient or traditional. We must, of course, take care to ensure that the fundamental principles of our Constitution are maintained; but we must also use our authorities fully for the purposes they are intended: the protection of our national security.

What makes this review of roles so very important today is the seriousness of the areas of overlapping interest we see emerging. For example, consider the potential overlap between these two communities on a topic such as weapons proliferation. It is appropriate for intelligence agencies to monitor closely the dangerous, illegal weapons trade around the world. Yet some part of that activity will also be of interest to domestic US law enforcement agencies as they seek to execute their own responsibilities under a variety of statutes, to investigate, and to prosecute weapons trafficking that violates US law. Here, then, is an overlapping area of interest and a corresponding need to sort out what our respective roles will be. At least initially, it may be necessary to "hand tool" each of the cases of overlap in order to ensure that we properly establish and execute our various roles and missions. Certainly, we can all agree that if we get this coordination wrong we may pay a very dear price: we may fail to apprehend a criminal of significance to domestic law enforcement; or we may inappropriately use intelligence methodologies in ways that trample constitutional protection as the law enforcement responsibilities are executed; or for fear of acting at all we may neglect critical national security intelligence. There are numerous other examples of such overlap: counternarcotics, counterintelligence,

and, more recently, international organized crime with its vast political implications for many emerging democracies.

As we attempt to coordinate the various roles and responsibilities of law enforcement and intelligence, we must keep in mind the difference in the mission that should and must separate these two large communities. The work of intelligence is to gather information for the use of policymakers who may choose to employ it in support of a variety of initiatives. In response to this intelligence, policymakers may consider taking a traditional diplomatic or military action, or they may, with increasing frequency, elect a law enforcement response. Those of us in intelligence understand how to support the military or diplomatic initiative. This has long been our business. Law enforcement initiatives, on the other hand, are new to the Intelligence Community. Moreover, because law enforcement actions ultimately result in court cases under a constitutionally imposed set of rules applied by the court system, they pose new risks. The court system with its constitutionally defined mission operates in the open: protection of information will often be inconsistent with justice. This must be kept in mind as we consider how intelligence can be coordinated with law enforcement initiatives. Stated another way, because the Constitution places great value on public trials, in many cases reliance on information produced by intelligence activities is likely to be problematic. The information typically cannot be publicly used in a trial if its source is to be protected. Thus, even when topics are appropriate for foreign intelligence collection, it may not be expedient to pursue them by intelligence means if to do so will lead to a public trial.

My conclusion is simple to say, yet the solution is difficult to achieve: the new post-Cold War world requires constant coordination between law enforcement and intelligence if the contributions of both to our national security are to be maximized. Among agencies trained to preserve the separation of governmental powers, in a way that also prevents their abuse, coordination is the hardest goal to attain. Too often our attempts to coordinate remind me of Pogo: "We have met the enemy and he is us." Britt Snider's paper helps us understand the solutions to this problem, and I thank him for it.

COMMENT
JOHN COLEMAN

I agree with much of what Britt and Elizabeth have to say. In my comments, I will give some practical perspectives on issues that they each have identified.

First, with respect to incidental data collection, this was part of the cooperation that law enforcement received from the military in the past. Previously, of course, the law enforcement community could not specifically task the military because of *posse comitatus*. But the military would tell the community if they happened to see something on a training mission that was of law enforcement interest. Over time, this grew into the law enforcement community asking the Intelligence Community to do training missions -- in effect we were working around the system, while still trying to adhere to its rules. Eventually, Congress changed the rules and gave the military the authority to detect and monitor on its own. Once we got away from having to work around the system, cooperation started to work much more smoothly and the contribution of the military has been even greater.

With respect to incidental data collection by the Intelligence Community, the relationship with law enforcement has been more complicated. First, intelligence is often difficult to work with; it is uncertain and somewhat unfocused. But the worst part about using information generated by the Intelligence Community is that you cannot easily go back and say "OK, now that you have these great leads, can you get me more?" A key feature of law enforcement really is following up on information and leads to develop further information. It is rare for a lead to have enough substance that you could conduct a major investigation based on it alone. An exception might be a lead which is keyed to interdiction: "there are 1,000 kilos of cocaine about to enter the port of Miami on the SS Michaels." You then go out, board the SS Michaels, and get your kilos. But such leads are not typical. More likely is information of the following sort: "there is an organization called the XYZ, and they are in charge of something, and they are going

to be moving drugs in the direction of the United States." It might be great information, but it still needs substantial development.

There is also frustration on the part of law enforcement agencies with some of the procedures followed by the Intelligence Community. For example, if the DEA tasks the NSA to collect some information, current regulations require NSA to report whatever it collects to all law enforcement agencies. The result is often a "food fight" among the agencies, causing duplication of effort, confusion, and possibly danger to law enforcement officers who might be acting on the information they think they alone have. (To address this problem, we have asked the Intelligence Community to review this procedure. One possible solution might be to "tag" the intelligence so that it is reported back to the agency that originally requested it. Or, if it has to be broadcast, at least the other agencies ought to be told that the information request originated with agency X in order to cut down on the confusion at the users' end.)

With respect to the law enforcement community, there is probably a need for a better understanding of the Classified Information Procedures Act (CIPA). I am not an attorney, but I am told that a technicality in the law has generated a number of motions where defendants have put in a request to the court for information on all relevant intercepts. Even though the government might be able to file a motion to suppress its own case, in order to avoid having to disclose sensitive and confidential techniques, the motion could have a life of its own. So, there is always a minor risk of disclosure. I think closing that loophole in CIPA would give the law enforcement community a greater ability to work with classified information.

Additionally, I agree that the stark division between the disciplines of law enforcement and intelligence has outlived its usefulness. However, law enforcement managers are very reluctant to embrace procedures that are not based solidly in law. The further away from the law one gets, the more likely it is that law enforcement officials are in situations in which they exercise discretion well beyond the normal course of their business. And again, unlike the Intelligence Community, the finished product of law enforcement will generally end up in the

court of law where every issue in every step of an investigation is likely to be examined and disclosed.

Regarding covert action, although vital and sometimes necessary, there are potential problems, especially in coordination. In the area of drug enforcement, for example, it is likely that covert action in a foreign environment is directed against and involved with drug shipments to the United States. Eventually, the information developed by the operation will touch directly on a violation of US laws. If that information is not acted upon at the US end of things, the operation will find itself involved in allowing a serious felony to take place within the United States. You may also have the possibility, as has happened on a couple of occasions in the past, of a law enforcement agency working on the same target but on the other end of the operation. So cooperation, as difficult as it may be at times, is essential.

In general, the remedy to these and related problems is greater cooperation and understanding. In all honesty, I have to say that everybody in the law enforcement business has grown up an awful lot in the past decade. There was a time when drug law enforcement was two guys and a cloud of smoke. Now there are SIGINT and HUMINT and all sorts of sophisticated collection techniques and esoteric operations, such as "reverses," international "stings," money laundering investigations, and the like. Yet precisely because such operations are complicated and sometimes global in character, there exist serious risks if everybody who is involved in these efforts is not reading from the same sheet of music.

International crime is an issue that has gained a lot of publicity of late, and rightfully so. There is no question that we are seeing crime on a global scale. And it is no longer just drugs and terrorism; we are seeing wide-scale fraud, white-collar crimes, and illicit financial schemes operating globally. As a result, there is probably room for greater cooperation between law enforcement and the intelligence agencies in some of these areas.

But, if this is to happen, I would suggest that one area that needs to be examined is the way in which the Intelligence Community develops

liaison relationships with foreign officials. Given responsibilities in these new law enforcement areas, it is natural that intelligence officers in the field will want to develop contacts with the appropriate law enforcement people in those countries. However, those law enforcement people are frequently the same people that the DEA is working with as well. You then have a situation in which separate US agencies are working with the same department, possibly different people within the same department, on related concerns. Conflict, competition, and confusion are the likely results if there is not proper coordination on the American government's part.

Another concern is how the host nation views the US side. In certain countries, it does not make a difference. In a number of countries, for example, where the DEA and the CIA work side by side, no one really cares if the DEA or the CIA is involved. However, other countries can be very sensitive about the presence of the CIA. There is not as much concern about the DEA because the DEA has a single mission that is well understood by the host government. That is not the case with the CIA, and its overt presence can be a problem. In addition, when the CIA and the DEA are involved in a mission within certain countries, this could cause a problem for DEA officers if they are construed to be something more than just DEA agents. This is an issue that I think we have to handle country by country, case by case.

Finally, the problems I have raised should not be taken as a sign that I think the relationship between the law enforcement and intelligence communities is in terrible shape. The fact is, many of the rules defining the spheres of intelligence and law enforcement were written in an era when different concerns were on the table. It is time to take a new look at these rules. Nevertheless, the overall relationship between the Intelligence Community and law enforcement is excellent, and the relationship between the CIA and the DEA is good. Of course, there have been some problems. But, generally, when those problems develop, it is because we are rapidly moving into new areas and facing new challenges. Part of the problems we face are a reflection of the dedicated effort of people trying to deal with these novel challenges. We have made a lot of progress in relating intelligence and law enforcement, and I think we will make more in the future.

DISCUSSION

Following the presentation and comments, participants debated the pros and cons of increased cooperation between intelligence and law enforcement. There was a general consensus that the partnership is often strained. There was less agreement, however, about whether this uneasy relationship should expand and, if so, under what conditions.

A number of participants argued that the firewalls separating the two disciplines are as valid today as during the Cold War. A former senior intelligence official said that increased cooperation would jeopardize criminal prosecutions and intelligence sources and methods. One way to illustrate this problem, he said, is to consider how criminal courts would interpret the use of signal intelligence (SIGINT). The National Security Agency does not need a traditional warrant to collect intelligence on foreign governments and certain categories of individuals. Police, of course, need both a warrant and probable cause to conduct a wiretap. The notion of law enforcement tasking intelligence to gather SIGINT in operations that eventuate in criminal investigation raises Fourth Amendment concerns, this official noted. Judges are likely to rule that SIGINT conducted for police agencies would need to meet the same legal tests as wiretaps. Another problem could develop in the discovery phase of criminal trials, in which the prosecution is required to turn over to the defense evidence and supporting documentation. Prosecutors and defense lawyers could make broad requests for intelligence files as part of discovery. Lastly, prosecutions could be dropped or curtailed if it is determined that national secrets or intelligence sources and methods would be disclosed. This problem is partially addressed through the 1980 Classified Information Procedures Act (CIPA), which provides a framework for the pretrial and trial disclosure of classified information. But CIPA is no guarantee that prosecutions would not be dropped to protect classified information. This intelligence veteran said that for these and other reasons, increased cooperation between intelligence and law enforcement should be viewed with skepticism.

A senior law enforcement official, while generally supporting increased cooperation, said the legal hurdles are significant. He recalled numerous prosecutions that were dropped when prosecutors determined the original indication of criminal activity came from intelligence collection.

A former intelligence specialist asked if there was a danger that increased cooperation would lead courts to revisit prior convictions, particularly in the area of narcotics, where intelligence and law enforcement enjoy their closest working relationship. He noted that a Supreme Court decision challenging the use of intelligence could generate numerous appeals.

A current intelligence specialist argued that there is a more fundamental impediment to the merger of intelligence and law enforcement -- they are too different to work well together. Police now operate within a relatively rigid legal framework. Also, the bottom line is prosecutions. Intelligence is designed to operate outside the legal frameworks of foreign governments. Its personnel are trained to circumvent laws, and criminal prosecution is rarely an issue. These differences cannot be easily reconciled and they taint any relationship between the disciplines. A senior intelligence official offered an example of the divergent methods and approaches. The Intelligence Community developed evidence that the Iraqis had attempted to assassinate former President George Bush. Agents and analysts were rigorously challenged about the validity of their information, but the goal was not evidence that would hold up in a court of law. No one envisioned bringing Saddam Hussein to trial. Prosecution in a case such as this, the official said, would be a retaliatory military strike. If this matter had been in the domain of law enforcement, it would have been impossible to successfully prosecute, this official said. A foreign assassination plot against a US president is an obvious national security concern. But several participants said there will be conflicts when the distinction between national security and law enforcement is less clear. A senior law enforcement official said a key to greater cooperation and coordination is determining where an intelligence case ends and a law enforcement case begins.

Another senior law enforcement official said issues raised by the critics partly explain why the relationship between police and intelligence agencies has been self-limiting. Information of interest to the Intelligence Community is often of lesser value to law enforcement, and vice versa. As the worlds of intelligence and law enforcement merge, even common language becomes confusing. Terms such as "surveillance," "reasonable doubt," and "evidence" mean vastly different things to intelligence and law enforcement professionals. Sometimes the two sides do not communicate at all, this official noted. For example, law enforcement has traced criminal activity to its source, only to find the source working with US intelligence. It's a frustrating experience that points to the need for constant coordination and cooperation.

Supporters of increased cooperation acknowledged the many hurdles and drawbacks. But they said the marriage of law enforcement and intelligence is one of necessity, not convenience. World events -- from weapons proliferation to terrorism to international organized crime -- have blurred the lines between national security and criminal activity. Arms merchants work with criminal smugglers to move weapons. Cocaine cartels have the power and wealth to undermine governments.

A senior intelligence official said threats in the post-Cold War world will force intelligence and law enforcement to work together. Indeed, for nearly a decade, there has been good cooperation on narcotics, the official said. Proliferation is emerging as the next major area of cooperation because criminal organizations may traffic in weapons of mass destruction.

Supporters did not, however, agree on the conditions under which intelligence and law enforcement should work together. Several said the arrangements must be developed case by case, while others strongly supported formal legislation. A senior congressional official said that in 1992, Congress informally investigated the possibility of amending the 1947 National Security Act, which created the Central Intelligence Agency. The Act states that the agency should have "no police, subpoena [or] law enforcement powers." The response from lawyers from both the Department of Justice and the CIA was

unenthusiastic. Both sides were troubled by the ambiguities in the 1947 law and subsequent directives, but most officials worried that amendments would further muddy the waters and disturb existing relationships. A senior intelligence official who opposes legislative remedies said that that reaction was not surprising. She described cooperation between intelligence and law enforcement as more art than science. New laws could actually hinder cooperation, she said, and weaken the efforts of both disciplines. A senior congressional staffer agreed, and said that lawmakers are likely to get bogged down in the minutiae of joint operations. He said that any effort to legislate cooperation would result in micromanagement rather than broad policy direction.

A former senior government official said that more important than legislation is the need for direction from policymakers. He said policymakers should clearly identify threats to be targeted by law enforcement and intelligence. Policymakers must also establish a conflict resolution system to arbitrate the disagreements that are bound to arise when two bureaucracies work together.

PARTICIPANTS

Lawrence M. Altenburg II
Office of Nonproliferation and National Security
US Department of Energy

John Antonitis
Defense Intelligence Agency

Stewart Baker
Steptoe & Johnson

Jack A. Blum
Lobel, Novious, Lamont & Flug

T.A. Brooks
Senior Vice President
AT&T Paradyne

Brian R. Bruh
Former Director, Financial Crimes Enforcement Network;
Peat Marwick

Patrick Clawson
Institute for National Strategic Studies
National Defense University

John Coleman
Assistant Administrator, Operations Division
US Drug Enforcement Administration

John Daly
Chief, Plans and Policy Division, Office of
Intelligence and Security
US Department of Transportation

Fred Demech
Director, Washington Systems Engineering Office
ESL

Randall Fort
Former Deputy Assistant Secretary of State, INR

Richard Giza
House Permanent Select Committee on Intelligence

Roy Godson
Georgetown University;
Consortium for the Study of Intelligence

W. Douglas Gow
Former Associate Deputy Director
Federal Bureau of Investigation

David Gries
Director, Center for the Study of Intelligence
Central Intelligence Agency

Bob Hanneberg
Commanding Officer, US Coast Guard
Intelligence Coordination Center

Douglas J. MacEachin
Deputy Director for Intelligence
Central Intelligence Agency

Sinclair S. Martel
Former Deputy Assistant Secretary of
State for Political-Military Affairs

John Millis
Professional Staff Member
House Permanent Select Committee on Intelligence

Willard H. Myers, III
Center for the Study of Asian Organized Crime

James Nolan
Former Deputy Assistant Director of Intelligence
Federal Bureau of Investigation

William J. Olson
Former Deputy Assistant Secretary of State
Bureau of International Narcotics Matters

Steven Peterson
Chief, Evaluations Section, Bureau of Narcotics Matters
Department of State

Peter Probst
Assistant for Terrorism Intelligence
Office of the Secretary of Defense

Elizabeth Rindskopf
General Counsel
Central Intelligence Agency

E.R. Riutta
Deputy Chief, Office of Law Enforcement and
Defense Operations
US Coast Guard

Abram N. Shulsky
RAND Corporation

L. Britt Snider
General Counsel
Senate Select Committee on Intelligence

Richard Strobel
Intelligence Operations Specialist, Office
of Intelligence
US Customs Service

W. Raymond Wannall
Former Assistant Director
Federal Bureau of Investigation

C. Norman Wood
Former Director, Intelligence Community Staff;
BDM Federal, Inc.

Papers Available from CSI's Working Group on Intelligence Reform

- **The FBI's Changing Missions in the 1990s** by Pat Watson, Deputy Assistant Director, Intelligence Division, FBI.
- **What Is Intelligence?** by Abram Shulsky, Deputy for Asia and Defense Strategy, Office of the Secretary of Defense, and Jennifer Sims, Professional Staff Member, Senate Select Committee on Intelligence.
- **Thinking About Reorganization**, by James Q. Wilson, James Collins Professor of Management, UCLA Graduate School of Business.
- **Covert Action in the 1990s** by Roy Godson with Richard Kerr, former Deputy Director of Central Intelligence, and Ernest May, Harvard University.
- **The Future of Defense Intelligence** by Walter Jajko, Director of Special Advisory Staff, Office of the Secretary of Defense.
- **Economic Espionage: Problems and Prospects** by Randall Fort, former Deputy Assistant Secretary of State, Intelligence and Research, and Special Assistant for National Security to the Secretary of the Treasury.
- **Fighting Proliferation: The Role of Intelligence** by Henry Sokolski, former Deputy for Nonproliferation, Office of the Secretary of Defense.
- **Reforming Intelligence: A Market Approach** by Henry Rowen, Professor of Public Policy and Management, Graduate School of Business, Stanford University and former Chairman of the National Intelligence Council, CIA.
- **Myths Surrounding James Angleton: Lessons for American Counterintelligence** by William Hood, Former Senior CIA Official and author of *Mole*, with James Nolan, former Deputy Assistant Director of Intelligence, Federal Bureau of Investigation, and Samuel Halpern, former Senior CIA official.
- **The Intelligence Industrial Base: Doomed to Extinction?** by Robert Kohler, Vice President & General Manager, Avionics and Surveillance Group, TRW.
- **The Tradecraft of Analysis** by Douglas MacEachin, Deputy Director for Intelligence, CIA, with Paul Wolfowitz, Dean, School for Advanced International Studies, Johns Hopkins University, John Despres, Assistant Secretary of Commerce, and Abram Shulsky, Rand Corporation.
- **Denial and Deception: Iraq and Beyond** by David Kay, Vice President, Science Applications International Corporation and Former Chief UN Nuclear Weapons Inspector for Iraq.
- **Estimating the Future?** by Joseph S. Nye, Assistant Secretary of Defense for International Security Affairs, and former Chairman, National Intelligence Council.

ISSN 1070-3403