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Intelligence and Responsibility

A study on intelligence and responsibility in modern
democracies

Investigations on three case studies

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Abstract:

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The paper deals with the problems of responsibility in modern intelligence agencies. The paper's central part is a central chapter of identifying the challenges of conducting intelligence inside the democracies, and how to legitimize such activities. To identify whether such legitimization is found in today's intelligence organization, three case studies are investigated. The cases investigated are the United States, the United Kingdom and Denmark. For the Danish case, the paper draws on material collected from interviews with politicians involved in Danish intelligence from the political point of view.

Keywords: *Intelligence, Democracy, Responsibility, Accountability*

Intelligence and Responsibility

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1. Defining the field of research

The main purpose of this paper is to identify the various levels of responsibility in intelligence matters concerning intelligence on a national level. By directly observing today's organizational structures of various western intelligence agencies, you can sometimes catch a glimpse of how the politicians behind the agencies have thought intelligence ought to be structured and governed. As one quickly learns when diving into the field of intelligence studies, intelligence can hardly be controlled in a matter that is normally desired by politicians. This is due to the very ways intelligence agencies are operating and the communication problems all agencies are facing:

How much do we tell our bosses, and how much do I tell the guy next to me?

There are several reasons for such questioning in intelligence agencies. On an individual level, a person can have personal ambitions of advancing inside or outside the agency itself. Subsequently, it can be harmful to bring certain things to the boss' attention, whether it be too early or at all. This is hardly any different than most other organizations, public or private.

One of the most debated issues, when it comes to national intelligence, are the problems employees are faced with when it comes to "lateral" and "horizontal" information sharing. What differs intelligence agencies from other organizations is the need for secrecy. Any set of eyes that are observing intelligence material are potentially an enemy agent and thereby a threat, and the shorter the distance in the chain of communication of intelligence is from the source of the collected information to the intelligence consumers, the better. However, the more comprehensive the information flow is, the more possible it is to catch cases of bad intelligence and steer away from failures.

This give and take situation is common in the intelligence world. Whenever a failure does occur, the question of who is responsible for that incident arises. When talking of day to day intelligence work, both vertical and horizontal information sharing is very important. This is due to both the actual conducting of intelligence matters, as well as for supplying the "consumers" of intelligence with good products of intelligence. When observing the vertical information sharing problems in intelligence agencies, a certain situation called "plausible deniability" is part of everyday life. Explained, plausible deniability is a situation where a politician or agency leader of some sort can with 100% certainty say that he or she did not know of a certain issue inside the agency or of its methods. This is due to the fact that the agency employees are working on their own initiative and that he or she was never really informed of the findings or lack thereof. The conducting of intelligence matters lies in somewhat of a grey zone in a democracy. Most politicians and bureaucrats have ambitions of keeping their jobs and advancing. Combine this with intelligence analysts' ambitions or patriotic feelings toward the

agency or its leaders, and the means of plausible deniability can be thought to be applied quite often.

The problem which we intend to investigate is this: when things go wrong, and a nation or agency ends up with a case of “bad intelligence” or “intelligence failure”, where does the responsibility belong, and how is it localized inside the organizational structures? To identify these problems in responsibility placement, we are going to do a backtracking through the levels in intelligence agencies in order to show various applications of oversight and responsibility in order to make intelligence agencies more acceptable in today’s modern democracies. We will also give some thought to show how agencies or communities are structured to give the politicians control and the possibility of conducting oversight of their intelligence communities.

In this paper, we are making a description of the central elements of intelligence in western democracies, based on research material and newspaper articles. With the use of this knowledge we are going to build up a model with respect to conducting intelligence in democracies¹. This model will serve as our base rules for outlining how a theoretic ideal for responsibility in conducting intelligence should be handled and placed. Second, we are going to show three case studies on how three western countries are organizing their intelligence agencies to cope with responsibility and intelligence failures, and give an assessment on how the respective country fits into our theoretic model of intelligence and responsibility. For the Danish case we have been blessed with the opportunity to get input from politicians who have previously been part of the Danish intelligence community serving as ministers responsible for each of the two Danish intelligence agencies.

¹ We can only debate intelligence in democracies, since these are the only forms of government where intelligence is treated as part of the democratic institution, with the need for oversight and political management to keep the agencies and agents democratic in nature. An autocratic or totalitarian government does not answer to its public like a democratic one does, and therefore does not have to structure their agencies the same way democracies do.

2. Democracy and Intelligence

2.1.1. Failures & bad intelligence

When talking of intelligence in general, failure and bad intelligence are key issues in most democracies, it is therefore necessary to understand how such failures or breakdowns occur but also to understand the difference between *bad* and *failure*.

Since most organizations find themselves in situations where information turned out to be wrong, so do intelligence organizations. The major difference between bad knowledge from intelligence organizations and other types of knowledge is that in the case of intelligence failures, the result might be fatal and devastating in the case of armed conflict as a result of bad intelligence. One can easily imagine the situation in a courtroom where an innocent person on trial is convicted based on bad detective work, by actual evidence placement or neglecting information presented during the investigation. The same situation can be thought applied in various governments' national assessment groups e.g. the American National Security Council (NSC) or the British Joint Intelligence Committee (JIC). When we recall the time leading up to the coalition's invasion of Iraq in 2003, American and British intelligence agencies/governments vigorously argued that Iraq was in possession of weapons of mass destruction, and presented an armada of arguments and cases where Iraq had sought to acquire nuclear technology and materials. If we were to go over each case by case, how many of these cases will today be identified as failures would vary a little depending on the eyes looking at the cases. However, if observing the overall mission of identifying, whether Iraq possessed WMD's or not before the invasion, it must be said to be a failure.

This particular intelligence mission was a failure for several reasons.

1. Because the assessment of the intelligence provided by the agencies was interpreted with a motivation of proving that Iraq possessed WMD's, not actually to figure out whether they actually did or not. Another reason could be that the analysts were anticipating certain patterns or information, and therefore came to conclusions too early in the analysis process.²
2. Much of the information collection was incompetent and ended up providing the policy makers with faulty information or *bad* intelligence.

This failure can therefore be said to be based in the two following parts of the intelligence process:³

- Evaluation: The level in intelligence agencies with the task of evaluating source reliability and credibility. When recalling what happened in the

² Ref. to Intelligence failure sources Herman 1996 : p. 228

³ Ref. to the elements of the NATO Intelligence doctrine: Herman 1996: p. 100

pre-Iraq invasion debate, it now appears that some of the intelligence collected for this purpose was nothing more than college reports and rumors in the intelligence world.⁴ Further arguments for incompetent work in the evaluation level can be found in the US Senates' report of "*Report on the US intelligence community's prewar intelligence assessments on Iraq*", where it is showed that the Nation Intelligence Estimate (NIE) on Iraq's WMD's capabilities was put together in matter of weeks, unlike other estimates of this kind and depth which normally takes months. And according analysts who took part in the production of the NIE, the deadline of the NIE established by the DCI (Director of Central Intelligence) had a negative influence on the quality of the final estimate.⁵

- Interpretation: The level which interprets the collected and analyzed intelligence by the various agencies. This level is to assess what is important enough to act on, and what is not. This is the level closest to the policy makers, and is likely the level with the most influence but also with the most pressure from those in power to present usable intelligence for the current issues at hand. Like the Iraq case in 2002-2003 where this level ought to have seen the missing quality of the NIE on Iraq's WMD's capabilities, instead they did not, the estimate reached the policy makers in Congress and the President, providing them with *bad* intelligence based on poor sources and bad evaluation work.

The question is, of course, whether the failure comes from purely bad evaluation work done by the CIA, or from the lack of decisive interpretation of the NIE later presented to the policy makers, or if the pressure from the President and Congress pushed the CIA and DCI to quickly deliver the intelligence needed to go to war on a "legitimate" basis? There have in several articles in newspapers and in other media providing allegations of such pressure; however during the Senates' investigation on pre-war Iraq intelligence there has been no evidence of such pressure from either the Office of the Secretary of Defense (OSD) or from the DCI or other leading members of the intelligence community and administration.⁶ However, there have been recordings of individuals presenting the CIA ombudsman with specific cases of political pressure regarding the investigation of Iraq's ties with Al Qaeda and Osama Bin Laden. In these cases after 9/11, there was intense pressure to get it right, but also many

⁴ Ref. To college report for use in Iraq arguments see Idaho Observer article : <http://proliberty.com/observer/20030207.htm>

⁵ Ref. To the NIE and the quests for such an estimate see Senate Iraq WMD report page 299 (print edition) 309 (PDF edition), the report can be found at <http://intelligence.senate.gov/iraqreport2.pdf>

⁶ Ref. To the Senate WMD report page 359 (print edition) 369 (PDF edition)

misunderstandings in various agencies' analysis departments, in particular the DIA,⁷ but never with orders like, "*change this*" or similar pressure.

When all this is said, we must argue that the Iraq WMD intelligence provided in 2002-2003 cannot with a 100% certainty be said to be an actual intelligence failure. The argument of pressure on the intelligence communities cannot be proven, and locating the mistakes done in the pre-war time is quite hard due to limitations in what has been released by the US Senate, The White House and the CIA. We are therefore also forced to speculate a little on the events leading up to the invasion.

It seems like that there was a general understanding in the US intelligence communities that evidence regarding Iraq's WMD projects (especially with the case of the use of college reports) was used in the final arguments presented to policy makers in Washington. Whether this understanding came from actual pressure from the administration or from a case of group thinking in a common feeling of patriotism or similar is hard to guess and argue for, however it seems like that the US intelligence community failed in catching its own mistakes and poor investigation of sources and material in the leading up to the invasion of Iraq 2003.

Where the case of Iraqi WMD's can be discussed whether to be actual failure or not, the case of the Allied landing on D-Day during World War II, is a true testimony to intelligence failure in its finest definition. As part of the amphibious landing in Normandy on June 6 1944 the allies had provided the known German spies in London with the information that the landing would happen some place else and at some other time than it actually did. This meant that the majority of German forces were localized farther up north in Holland and Belgium where the invasion was believed to take place. This of course meant the allies were given less resistance at the landings and the Sword, Juno, Gold, Omaha and Utah beaches than had the main German defense systems been located there. Like most failures through time, this German intelligence failure was based on an intelligence success on the other side.⁸

One of the major sources for intelligence failures is the lack of imagination, or at least intellectual imagination. This was for instance the case of the Allied success of the breaking of the German Enigma cipher suit during World War II, where German intelligence officers and researchers were absolutely sure that the enigma code could not be broken. This is a kind of intellectual hubris, where the technological advantage is lost due to lack of imagination and self critique followed

⁷ Ref. to OSD understandings of Iraqi involvement in the World Trade Center bombings 1993 and possibly 9/11 to. See Senate Iraq WMD report: 359 (print edition) 369 (PDF edition)

⁸ Ref. to Intelligence failure balance between the opposing forces, Herman 1996 : p. 227

by further developments and new technology.⁹ This is clearly one of the main arguments for why the western intelligence agencies need to maintain their current levels of funding.

2.1.2. A Democratic Model of Intelligence

As one of the goals for this paper, a model of intelligence conducted in democracies is to be constructed, we take our initial viewpoints from the basic rules in realism in IR theory that every nation strives for continued survival. Intelligence about enemies and friends serves the government to know of ill will towards its nation. Because of the power intelligence has provided so many power holders over time, practically all states has some sort of intelligence community, this includes democratic states also. One of the most troubling aspects of intelligence activities is their perceived lack of accountability. Operating in secrecy, intelligence agencies are seen not simply as mysterious, but often as uncontrolled.

Compared with other institutions of governments, intelligence agencies do pose unique difficulties when it comes to providing accountability. They cannot disclose all their activities to the public without disclosing them to their targets at the same time. As a result, intelligence agencies are not subject to the same rigors of public or congressional debate or the same scrutiny by the media as other government agencies. Their budgets are secret; their operations are secret; their assessments are secret.

Intelligence agencies, however, are institutions within a democratic form of government, responsible not only to the government, but to the elected representatives of the people, and therefore ultimately, to the people themselves. Since the public in any given democratic state chooses representatives for parliaments and governments to rule on behalf of them, the representatives are intended to rule the wishes of the people, even though sometime the people have not uttered it explicitly¹⁰, hence the public are entitled to answers about government activities.

What can be concluded from this democratic viewpoint is that, even though intelligence is often seen as a “necessary evil”, intended to serve and protect the interests of whatever nation’s population, the public is served by intelligence through the politicians elected to represent the public and secure their wishes for security and stability in order to strive for the fundamental desire for survival. The administration of intelligence is therefore conducted by the political majority, thereby potentially producing classic political polarization between the

⁹ Ref. to source of Intelligence failures, Herman 1996 : p. 232

¹⁰ Ref. to the public demand’s realization, Gilljam & Hermansson 2003: Chapter 2.

government and the opposition; it should therefore come as no surprise that those who often question intelligence operations are typically either the people or the political opposition.

Intelligence, whether used to thwart a terrorist attack or prevent an overthrow of the democratic establishment clearly serves a vital role in any democratic state. All of the points listed above further serve to reinforce the fact that most people in democracies accept a certain degree of intelligence activity by their government.

But the role of intelligence in a democracy is a slippery slope. It's not terribly difficult for a government to politicize intelligence. This is due to the fact that most governments are in charge of the intelligence communities and the means of oversight. This reinforces the concept that if a government were to make the decision to go to war (based on political motives and/or private interests), it could use whatever means at its disposal to "justify" its case. Intelligence is one of the most (if not *the* most) important tools to substantiate a need for armed intervention. As mentioned earlier, there were theories of such abuse of power during the pre-war debate of Iraq's alleged weapons of mass destruction, however no proof was found for these allegations.

When observing the two classic types of intelligence, Security Intelligence and Foreign Intelligence, there is a clear cut difference between those when discussing their role in a democracy. Some security intelligence activity seems necessary to secure the public's safety, however enforcing too much could easily escalate to a violation of the public's civil liberties. The level of acceptance is likely to left up to the individual and his or hers ideas of safety and need for intelligence to secure that safety. What can often be seen in today's intelligence communities is that most agencies will use whatever methods they are allowed to within the law, and to secure that no one in the agencies interprets the law wrong or act outside of the law intentionally, several levels oversight is needed. These levels could be imagined to be controlled by both the public in some way, the courts and by the legislating politicians. When observing the reheated debates of freedom of speech and other civil liberties in Europe following the recent Muslim extremist activities such the as the murder of Theo Van-Gogh, it seems understandable that many people value their democratic liberties very much. To nurture these values and help satisfy the public, the model of having a multilayered oversight system, can definitely be said to bring a high degree of legitimacy to the intelligence activities in democracies.

So when does the role of intelligence in a democracy go too far? Are things such as the Patriot Act really in the best interests of the people, or another thinly-veiled tool used by the government to prevent political dissent and take away people's personal liberties in the name of national security? In this age of

information technology, can an Orwellian state where “big brother” is always watching our every move really be so far-fetched?

If we are try to summarize this into a theory for conducting intelligence in a modern western democratic state, and then we will have the four following points:

- Security is needed to secure a nation’s survival, and intelligence has several times proved that it is a very strong tool for providing alert mechanisms against future attacks.
- Intelligence material can be manipulated by governments and individuals in the agencies though a variety of motives. At times certain intelligence operations and initiatives also need to be kept secret in order to maintain the advantage compared to the enemies. All of this serves to alienate intelligence agencies from the public, who cannot get precise information of what the intelligence agencies are doing.
- To secure the democratic rights for freedom of the people and help prevent abuse of power, oversight mechanisms can be installed. If structured correctly, such mechanisms can help bring legitimacy to otherwise illegitimate and secret organizations such as intelligence agencies.
- Through a correct balance of intelligence policies, budget revisions and oversight mechanisms, a stable intelligence community with acceptance of the people can be created. But in order to achieve this situation, one very important factor is needed form all sides, and that is trust. The politicians needs to trust some independent body of conducting some of the oversight, and the public needs to trust that such oversight procedures are done in their interest, and that some things needs to be kept secret if the nation is survive based on good intelligence about adversaries

3. Case Studies

This part of the paper concerns the investigation of three countries intelligence communities, and ways of dealing with the conduction of intelligence, oversight and intelligence failures.

The method of investigating each country varies a little from case to case. This is due to the very different amounts and types of material associated with each country.

- For the US case we have been able to rely on a vast amount of literature and government reports as well as newspaper and other articles. The openness of the American intelligence communities has also provided good information about their conduction of day to day intelligence work.
- For the UK case the material were somewhat more limited in case of research literature and government reports, however due the British media interest in intelligence, there have still been more than enough to cover this papers needs.
- For the Danish case, which has proven to be really interesting, we have been severely limited when it comes to research literature. This is partly due to the fact that it is normally only the Danish media that is concerned with Danish intelligence, and the amount of articles is also very limited compared with that of the US and UK cases. But we have been fortunate enough to conduct interviews with two former ministers both in charge of one of the two Danish intelligence agencies. This has produced some very interesting material, but with a slightly different approach than the two other cases due to the fact that some of the case concerns the chapter of political input, which investigates politicians views on oversight on political influence on conducting intelligence.

3.1. *The United States*

3.1.1. History

Of all the major powers of the last 100 years, the United States has the briefest history of national intelligence¹¹. The U.S. did not have a permanent national intelligence office until the creation of the Central Intelligence Agency (CIA) in 1947. In 1947, President Truman signed into the law the National Security Act, which created a post-war national security framework. Among the creation of institutions such as the National Security Council (NSC) and the Secretary of Defense position was the CIA. At the time of its creation, the CIA was the only agency charged with a “national” intelligence mission. From the beginning, the

¹¹ Ref. To. “The Role of Intelligence in the United States Today”.

language regarding the CIA's functions and authorities was rather vague. Words such as "espionage" and "spying" were intentionally left out of the statute. The 1947 act also expressly prohibited the CIA having any police, subpoena, law-enforcement powers, or internal security functions, which was reflective of the common desire not to have a U.S. "Gestapo".

The 1950s and 1960s saw the continuing intensification and expansion of the Cold War, with a subsequent expansion in the scope and power of U.S. intelligence agencies. The CIA was making enormous progress, establishing itself as a key player in the defense and foreign policy arenas during the Korean War. Further revisions were to come for the CIA, among them the establishment of a permanent "watchdog" commission (consisting of House and Senate members) to oversee the CIA to make sure its steadily increasing powers were not abused.

The 1970s was characterized by turmoil and reform within the intelligence communities. The intelligence functions of the government continued, but Congress began to take a much more active role in determining their cost and overseeing their execution. Press articles covered allegations of collection efforts undertaken against U.S. citizens during the Vietnam war, as well as attempts to assassinate foreign leaders or destabilize communist regimes. In 1974, in reaction to reports of CIA's support to the non-Communist resistance forces in Angola, Congress passed an amendment which for the first time required that the President to report any covert CIA operations in a foreign country (other than for intelligence collection) to the relevant congressional committee¹².

In 1975, President Ford ordered measures to provide improved internal supervision of CIA activities; additional restrictions on CIA's domestic activities; a ban on mail openings; and an end to wiretaps, abuse of tax information, and the testing of drugs on unsuspecting persons. A number of restrictions on intelligence agencies were also instituted, including a ban on assassinations as an instrument of U.S. policy.¹³ To monitor compliance with the order, a new Intelligence Oversight Board was established within the Executive Office of the President. The Intelligence Oversight Act of 1980 provided that the heads of intelligence agencies would keep the oversight committees fully and currently informed of their activities, which included any significant anticipated intelligence activity.

The 1980s was characterized as a decade of growth and scandal. The vast majority of rules and guidelines adopted during the Ford and Carter Administrations remained in place. However, by the middle of the decade, the U.S. experienced a series of spy scandals, and the first serious breach of the

¹² Ref. to "The Evolution of the U.S. Intelligence Community-An Historical Overview".

¹³ Due to Posse Comitatus Act proscribing that the Army and other military services may not "Execute Laws" the possibilities of assassinating foreign leaders becomes even more limited.

oversight arrangements with the Congress. Various efforts were taken within the Executive branch to identify and correct shortcomings in counterintelligence and security. No legislation was enacted for some time. This was due in part to the fall of the Berlin Wall, and dramatic changes taking place in the Soviet Union, which lessened the intensity of focusing on problems with spies.

The three years following the election of President Bush saw profound changes in the world that had enormous impacts on the Intelligence Community. With the end of the Cold War, some began to question whether an intelligence capability was needed any longer; others urged significant retrenchment. Leaders within the Intelligence Community began streamlining their agencies and reorienting toward new missions, with a greater focus on transnational threats.

Any significant change in the American Intelligence community during the 1990's seemed fairly trivial in comparison to the massive shake-ups that ensued in wake of the catastrophic events of September 11. Prior to this tragedy, the intelligence community often emanated an aura to the outside world as being on the cutting-edge of worldwide intelligence; one could say the self-appointed standard-bearer. The likelihood of a failure so widespread and that revealed shortcomings on so many levels of the Intelligence community as 9/11 seemed impossible. Simultaneously with the collapse of the twin towers, the Cold-War-inspired infrastructure of the American Intelligence Community instantly became out-dated. Reforms were needed, and demand for increased oversight of the American intelligence community was urged by several members of congress. In November 2003 the House and the Senate passed the biggest intelligencereform since World War II (at least on paper that is). The reform is intended to implement many initiatives, the most profound being the new post of National Intelligence Director (NID) which were one of the recommendations by the 9/11 Commission.

3.1.2. Organization

The American Intelligence Community was not created, nor does it operate, as a single, tightly knit organization. Rather, it has evolved over nearly 50 years and now amounts to a confederation of separate agencies and activities with distinctly different histories, missions and lines of command. Not surprisingly, the oftentimes shortsighted nature of their growth resulted in some duplication of activities and functions. All but the CIA reside in policy departments and serve departmental as well as national interests. Their directors are selected by the Secretaries of the departments they serve, although in some cases consultation with the DCI (Director of Central Intelligence) is required.

The agencies are split into three groups. The first is those agencies concerned with counter intelligence within the U.S. borders. The second is counter-intelligence, offensive intelligence activities, and covert operations outside of the U.S. And lastly, those groups concerned with military intelligence inside and

outside the U.S. Management of the intelligence agencies is conducted by the President of the United States, through the Director of Central Intelligence, who also is the Director of the Central Intelligence Agency (CIA) and intelligence oversight is conducted via the Congress' Intelligence Committees.

The only agency which can conduct intelligence activities (at least according to publicly disclosed intelligence documents or charters) is the Federal Bureau of Investigation (FBI). The individual military intelligence groups may cooperate with the FBI to catch spies in their areas of control, but only the FBI can actually conduct surveillance and make arrests on their own. In practice though, it is probably more accurate to say that the FBI is involved in all surveillances and arrests, whereas the military intelligence groups are legally bound to coordinate with the FBI. The only other exception is the Drug Enforcement Agency (DEA) who may conduct drug related surveillance on their own. And of course city, county and state police may conduct their own surveillance as necessary.¹⁴

Intelligence in the U.S. is controlled by the Executive Branch, with the President acting on guidance from the Director of Central Intelligence and the Department of Defense. Presidential directives establish the high level goals of the U.S. Intelligence Community, and organizations authorized by the President then define the collection, analysis, and interpretation of intelligence data, and control the content and dissemination of the end product of intelligence gathering.

The major branches of the military have their own intelligence agencies, all reporting to the Pentagon via the Defense Intelligence Agency (DIA). The military agencies remain in the U.S. because of the ever increasing need for intelligence on the technologies of each of the service areas. For example, the Navy needs up-to-date intelligence on the submarine technology of American adversaries, the Air Forces concentrates on aircraft and space vehicles.

Despite their separate responsibilities, lines of authority, and sources of funding, the United States has sought to operate these agencies as a "Community" in order to best serve the nation's interests. Today, intelligence remains the only area of highly complex government activity where overall management across department and agency lines is seriously attempted.

The (vast) majority of U.S. intelligence agencies are within the Department of Defense. Together these agencies spend 85 percent of the total U.S. intelligence funds and employ 85 percent of intelligence personnel¹⁵. Nearly two-thirds of all the DoD intelligence personnel are active duty military.

¹⁴ Only when legitimate by law of course!

¹⁵ Ref. To "Preparing for the 20th Century: An Appraisal of U.S. Intelligence"

Most of these agencies have multiple roles. Not only are they responsible for producing intelligence and analysis in response to national requirements, but they also respond to departmental and tactical requirements. Certain DoD intelligence agencies are designated by law as "combat support agencies," signifying their roles in supporting tactical military operations.

The Department of Defense also is the largest single user of national intelligence. In times of war or crisis, its requirements take preeminence over those of other agencies. In addition to supporting military operations, national intelligence contributes significantly to other DoD functions such as planning force structures, making weapons acquisition decisions, and conducting relationships with foreign governments.

While the elements of the intelligence community that belong to departments other than the DoD are, by comparison, very small, some of the same dynamics come into play. They receive their funding from their parent department; their personnel report, directly or indirectly, to the head of the department; and they have departmental duties and responsibilities wholly apart from their roles as members of the intelligence community.

3.1.3. Oversight

To solve the dilemma of producing good intelligence and at the same maintaining democratic control of the intelligence agencies, special oversight arrangements for intelligence have been established within the Executive and Legislative branches. In the Congress, special committees in each House are charged with the oversight function, serving as surrogates for their respective bodies and for the public as well. Within the Executive branch, Inspectors General have been established within the agencies themselves or within their parent organizations. The White House also has an intelligence oversight office. Because of the need for secrecy, these bodies normally carry out their oversight functions in private, reporting as necessary and appropriate to the public without exposing the intelligence activities they are overseeing.

Many Americans believe that U.S. intelligence agencies do not obey the laws of the United States or the policies of the President. This is simply not the case. U.S. intelligence agencies are bound, and consider themselves bound, by the Constitution and laws of the United States, including treaty obligations and other international agreements entered into by the United States. They also are bound by Presidential orders, guidelines issued by the Attorney General, and numerous internal directives. Employees who violate those laws and policies can be held criminally liable or subjected to administrative sanctions, like any other government employee.

There are many restrictions on the powers of intelligence agencies in the U.S. Among these are restrictions on undisclosed participation by intelligence agency personnel in organizations in the U.S., restrictions on experimentation on human subjects, and a ban on engaging in assassination. Intelligence agencies also are bound by guidelines approved by the Attorney General that govern the collection, analysis, and dissemination of information on U.S. citizens and aliens admitted for permanent residence. These guidelines prohibit intelligence agencies from collecting information about U.S. citizens relating to the exercise of their First Amendment rights, effectively precluding a return to the large-scale domestic surveillance programs undertaken by intelligence agencies during the Vietnam era. Internal guidelines also limit the use of clergy, journalists, and academics for operational purposes. In addition to the policy restraints on their activities, intelligence agencies and their employees are subject to the judicial process. Like other government agencies and employees, they can be sued for actions undertaken in the course of their official duties. They can be subpoenaed in civil and criminal cases, and they must produce information when ordered by the courts.

The most substantive public disclosures of intelligence information have come at the initiative of the intelligence agencies themselves. Especially since the end of the Cold War, intelligence agencies have released to the public significant information of historical interest, including thousands of photographs taken by the first satellite system (known as CORONA), decrypted KGB messages regarding espionage activities in the United States (codenamed VENONA), and sanitized versions of NIEs on Soviet military strength. General information about the organization and functions of intelligence agencies also has been released, and, where possible, responses to media inquiries are provided. Most of America's intelligence agencies, in fact, maintain public affairs offices which serve as official channels of information to the outside world. Thus, substantial accountability to the public is achieved in a variety of ways, wholly apart from the accountability achieved through the special oversight mechanisms.

The law specifically obligates the President to ensure that intelligence agencies keep the committees "fully and currently informed" of their activities, including all "significant anticipated intelligence activities" and all "significant intelligence failures," and make available any information requested by either of the two committees. The law does not define the categories of information to be reported, leaving intelligence agencies to ignore or misinterpret them at their own peril (which occasionally happens). The President also is obligated by law to notify the intelligence committees (or, in special cases, the congressional leadership) of all covert action "findings" once they have been approved by the President. The committees have no authority to disapprove these findings, but can prohibit the expenditure of funds for such activities in subsequent years. As a practical matter, therefore, their views on covert action programs are given considerable weight.

An enormous amount of detailed information-some extraordinarily sensitive-is provided to the legislative overseers by the Intelligence Community. Hearings are held frequently; meetings with staff occur daily. Disputes over access have arisen from time to time and occasionally the oversight process has broken down (e.g. the Iran-contra affair), but, by and large, the system has worked well. Over time, the agencies have come to appreciate what the committees expect, and the committees have come to appreciate the security concerns of the agencies and been willing to accommodate them. Both committees have established secure environments for the discussion and storage of classified information and have maintained good track records in terms of protecting the information shared with them.

3.1.4. Case Conclusions

The intelligence community's more out-of-date capabilities are devoted to exploitation of clandestinely acquired information that collectively sheds only a narrow light on the broad array of national security threats. Intelligence (in its boiled-down essence) is information, and information is critical to the power of terrorists as well nation-states. In order to gain greater access to the secrets that transnational organizations and nation-states seek to deny the U.S. as well as to exploit the explosion in public information, the community must sharpen its collection and analytic tools. As it stands, agencies have produced failures based on incompetence and bad structure, while simultaneously eluding responsibility when the failures happen. Reforms need to be aimed at finding where to lay the accountability (and fixing the problem) when things go wrong. Rather than blaming mistakes on bad analysis or faulty sources, reforms should be implemented that would prevent such shortcomings in the first place. Rather than pointing the finger and firing a "fall guy" (such as the dismissal of George Tenet) as a "quick fix" solution, sweeping reforms need to be carried through on all levels of the intelligence community.

Such reforms instigated by independent reviews and implemented either by executive order or by congressional legislation need to be aimed at transforming the intelligence community from failed top-down institutions based on obsolete business models of the 1950s to the nimble, bottom-up, flat, and networked organizations that thrive in the age of information technology¹⁶. Such networked organizations would also increase the efficiency of oversight and responsibility and would likely serve to limit blunders such as the inability to prevent 9/11 and the overblown belief in Iraq's WMD capabilities. The United States needs to reforge its obsolete intelligence community if it is to match wits with transnational threats to American security such as al Qaeda and traditional threats stemming from

¹⁶ Ref. To Russel, Richard L. "Intelligence Failures"

nation-states with the political intent and military means to challenge American interests and power.

The controversy surrounding the American pre-war intelligence assessment of Iraq's weapons of mass destruction programs dominates the media. Behind-the-scenes investigations birthed by the Iraq performance as well as the events of September 11, 2001 offer a chance to chart and implement much-needed reforms of a beleaguered intelligence community. The American policymaking community and the general public can definitely be argued to have the right to ask: What is the intelligence community's contribution to national security — expert analysts who make sense of the world for our decision makers or bureaucrats who push paper?

Another symptom of this densely layered bureaucratic structure is the capacity for individuals to evade responsibility. Given the fact that gathered information passes through so many hands and floats over so many desks before it is finally labeled as “valued intelligence”, the blame for faulty intelligence can be conveniently placed wherever those who have the most power and influence would find it most suitable or believable to the public. As an example: Where would American policy makers be more inclined to lay the blame for the failed intelligence regarding Iraq's WMD programs? On some “shady inside source in Baghdad”, or on the policy makers and/or private interests pushing equally shady agendas? The former portrays a much more believable story to the public, and it absolves the policy makers of blame.

There are also concerns that the Pentagon put a political spin on analysis to press the president into war in Iraq. Nevertheless, charges of politicizing intelligence are oftentimes overblown (but still crave deeper investigation regardless). The CIA is indeed best positioned bureaucratically to produce intelligence analysis that is separate from policy interests. But (and it's a big but) as long as the DCI continues to have access to the president it is not likely that Pentagon analysis will limit the president's policies.

There has also been widespread criticism of Secretary of Defense Donald Rumsfeld's support for the establishment of an undersecretary of defense for intelligence. Critics argue that the position will allow the secretary of defense and the military to dominate the IC. These criticisms may have some merit, but they miss a larger point. To be sure, the intelligence community is increasingly dominated by the Pentagon, which controls about 85 percent of the intelligence budget (as was mentioned earlier). That budgetary power undermines the authority and control of the DCI, who in theory is to be calling the shots for American intelligence. Unless the DCI controls the largest share of the intelligence budget, the Pentagon (with or without an undersecretary for

intelligence) will be able to wield supreme power, potentially separating the DCI more from the decisions on intelligence directives.

The call for amending the National Security Act of 1947 to establish a “National Intelligence Director (NID)” statutory post in and of itself will do little to correct the drift of intelligence toward military prerogatives. The role and responsibilities of the director of national intelligence are basically a rehash of the theoretical responsibilities and authority of the DCI. The problem of the law passed in both house and senate establishing the NID, is that the original ideas presented by the 9/11 commission recommending the installment of a NID as part of the cabinet, has been changed a lot, and the NID now only holds some power over intelligence budgets, and the DoD still holds power over its “own” agencies, without either the NID or DCI wield any control of those agencies. The establishment of the NID post is likely to do more harm than good by superimposing yet another ponderous layer of bureaucracy onto an already top-heavy intelligence community superstructure¹⁷. The intelligence community already has its hands full trying to cope with the challenges posed by the new bureaucracy of the Department of Homeland Security, and the U.S. doesn’t need to add to this burden the establishment of a director of national intelligence in its current form.

3.2. *The United Kingdom*

3.2.1. History

One of the oldest organized intelligence communities in the world is the UK communities. It dates back to before World War I¹⁸, and in 1909 the Secret Service Bureau (SSB) was created. In 1911 the SSB was renamed to Military Section 6, hence the name MI6, and in 1916 the MI5 is created. From the beginning the MI5 has been charged with domestic security intelligence, and is officially known as The Security Service, whereas the MI6 today is known by its official name The Secret Intelligence Service. Like the leaders of the MI6 in the movies of James Bond, the leader of the agency is identified by a letter, however not by the letter of “M” and in the movies, but by the letter “C” after the original chief of MI6 Captain Mansfield Cumming. The MI5 also uses this identification of its chief by the use of the letter “K” again named after the original chief Captain Vernon Kell.

In 1919 the Government Code and Cipher School (GC&CS) was created. This was first organized school of teaching decryption and code breaking in the world.

¹⁷ Ref. To. Russel, Richard L. ”Intelligence Failures”

¹⁸ For information about British intelligence history se BBC Crime Fighters Intelligence Section at <http://www.bbc.co.uk/crime/fighters/intelligence.shtml> and Herman 1996 Chapters 1-3

The GC&CS was in 1922 put under the administration of the Foreign Office and were in 1946, based on World War II experience in code breaking, reestablished as the Governments Communication Headquarters (GCHQ) which also is its current name. The GCHQ was the agency that produced the world's first electronic computer, which was used for the famous breaking of the German enigma code during World War II. This has served the GCHQ to be reckoned as one the world's best SigInt agencies. Today the GCHQ is the British version of the American NSA. Despite GCHQ's quite longer actual existence, it has only been recognized as an actual British intelligence agency since 1983, when the parliament acknowledged its existence. Similarly, the MI5 was recognized 1989 and the MI6 in 1994. These relatively late recognitions have served the fact that a lot of myths have existed about the British intelligence services, and that the British media has for several years been very interested in British intelligence activities, in order to prove the agencies existence, and provide the public with information of these agencies activities.

In 1992 the National Criminal Intelligence Service (NCIS) was created. This service deals only the criminal cases, which require intelligence like organizing and collection of information. The NCIS is also the UK link to Interpol.

3.2.2. Organization

The organization of British intelligence is somewhat different from the two other cases in this paper. Unlike both Danish and US intelligence, British intelligence is not divided into military intelligence and non-military intelligence, however the Ministry of Defense (MoD) holds a vital role the assessment of intelligence, and of course in the use of intelligence. The strict division between foreign and domestic/ security intelligence is similar to most other countries' intelligence organizations. The central analysis department is vitally different from that of US intelligence, where the CIA operates as both the central analysis department and the agency which conducts covert operations. In the UK case, the MI6 operates all covert and clandestine operations, and the analysis of the collected information is done by the Central Analysis department.¹⁹

All British intelligence is managed by the Joint Intelligence Committee (JIC), which operates the agencies and sets out intelligence needs and guidelines. The chairman of the JIC reports to the ministers in charge of the various agencies whenever his of her agency needs approval for some operation or other politically related business.²⁰ Like the American NSC the JIC also functions as national assessment group and provides warning whenever British interests around the world are threatened.

¹⁹ Ref. to Herman 1996 p. 31 for a organizational chart of British intelligence

²⁰ Ref. to the work of the JIC see <http://www.fas.org/irp/world/uk/jic/>

Each of the intelligence agencies have a minister in charge of its activities. This means that the pattern of providing top level responsibility inside the government also applies to the case of British intelligence.

3.2.3. Oversight

The oversight procedure in the matter of British intelligence is vested with the Intelligence and Security Committee (ISC), which is a committee appointed by the Prime Minister in consultation with the leader of the opposition, and consists of 9 members, all of which are members of parliament. The ISC provides governmental oversight of MI5, MI6 and the GCHQ by gaining access to highly secret information from these agencies, and are on the basis of their findings, preparing reports for the government, which ultimately will be made public (with the removal of several classified information) by presenting them to the Parliament.²¹

3.2.4. Case conclusions

Like the Danish case, the British intelligence community lacks independent oversight mechanisms. However, the fact that the public has access the most of the correspondence between the ISC and the government (by accessing the reports online) provides good legitimacy for British intelligence.

Like the other cases, British intelligence is vested with the ministers of Defense, Home and Foreign affairs. This places the responsibility, in the case abuse of power or intelligence failures, with the ministers. The organizational structure of the British intelligence community does however provide the ministers with some cover for political fallout. In cases of bad intelligence or actual failures, the JIC and the Central Analysis Department are located centrally in the analysis and assessment structure, so that in case of incompetence or bad luck, the ministers don't necessarily have to answer directly to the critique, but can hand over some of the responsibility to these sections of national intelligence.

British intelligence has played a vital role in western intelligence during both world wars and the cold war, for British intelligence to "survive" the democratic battle of governments abilities to conduct good intelligence in the 21'st century, the openness of the agencies needs to be rethought and changed. If this are to happen, the British intelligence community could continue to play vital role in future, this is clearly through the UK's close friendship with the U.S., and intelligence history, which has taught the British the value of good intelligence and analysis.

²¹ ISC reports can be found at <http://www.cabinetoffice.gov.uk/intelligence/>

3.3. Denmark

3.3.1. History

Danish intelligence predates World War II, but became much more operative and efficient after the war. In 1948 Danish military intelligence (FET), which at that point still was divided into several smaller intelligence groups attached to the army and the navy (much like the current service intelligence agencies in the American military) introduced a signal Intelligence agency (Søværnets Radiotjeneste) based on the equipment captured from the German departure from Denmark. This service has later been a vital part of NATO's surveillance of the East Sea. During the cold war, Denmark was ideally located where it could have unrestricted access the East Sea (Østersøen) where the Russian/Soviet East Sea fleet was to travel in and out of while patrolling in either the Atlantic or parts of the Polar Sea. Denmark's cold-war military intelligence was therefore very valuable for NATO and in particular the US, who of course were very interested in soviet movement and troop locations. Furthermore the radar facility in Thule in Greenland provided the US with the vital function of covering the entire arctic area with a radar warning system. To mention actual historical events, the Danish intelligence services provided early information about the halt of Soviet transport ships during the blockade of Cuba during the missile crisis of 1962²². All of this earned Danish intelligence political willingness to cooperate and good recognition in the intelligence communities around the world.

The post-cold war period has been somewhat more displeasing for the Danish military intelligence organization. Several political scandals have occurred, and the Danish public's views on both services fell dramatically during the 90's. The (at times) almost absurd secrets of the FET, has served for it to be a quite unfamiliar service for the public, and has only just recently installed a new open information policy, in particular based on its pre-Iraq estimates, which can be argued to have turned out to be somewhat wrong.²³ And like many other western intelligence agencies, FET has recently experienced a whistleblower case. Currently the previous FET analyst Frank Grevil is under charge for having handed out secret documents to the press, thereby disclosing the Danish government's estimate on Iraq's WMD capabilities before the invasion in 2003.²⁴

²² Ref. to FET History see website <http://forsvaret.dk/FE/Om+FE/Historie/>

²³ Depending on who in the Danish parliament you ask, they will answer somewhat differently on whether the intelligence provided to the Parliament was correct or not. The government argues that the intelligence never mentioned WMD's, whereas the opposition argues otherwise. No formal investigation has been launched in Denmark concerning this matter.

²⁴ Frank Grevil was committed to 6 months in jail in November 2004, he immediately appealed the courts decision to the Danish National Court where it currently is waiting to be handled - see article in Berlingske Tidende 30'th November 2004
<http://www.berlingske.dk/indland/artikel:aid=511042/>

The Danish security intelligence service (PET) was initially known as the Copenhagen Discovery Police (Københavns Opdagelsespoliti) and was as the name indicates a purely Copenhagen-based agency. In 1939 the national security intelligence agency named The Security Police (SIPO). SIPO's activities were suspended during the German occupation of Denmark during World War II, and the agency was reinstated in 1945 and renamed to the National Police Commissioner's Intelligence Department (REA). The agency has until this point been a pure security agency with task of identifying domestic threats inside Denmark, in 1951 the intelligence community in Denmark were reformed and the PET was created, and guidelines for what where PET's and what where FET's tasks was issued. In 1958 the PET was installed under the chief police commissioner and has since 1960 been a 100% national service, covering the entire country.

3.3.2. Organization

The Danish intelligence community is organized into a classic divided structure with two different agencies, both with a top level management in the form of a minister and departmental staff.

- PET: The Police Intelligence Service, or the security agency.
- FET: The Defense Intelligence Service acts as both foreign intelligence service and as a normal military intelligence service.

The PET is administered by a police chief appointed by the minister of justice and the FET is administered by a military command, but is according to law²⁵ acting under the administration and responsibility of the minister of defense.

In light of the relatively smaller size of the agencies area of coverage, compared to the other two countries in the paper, the intelligence picture changes a little. The main reason for this is clearly the size of the intelligence budget. The latest numbers on budgets of US intelligence is from 1997, where it was estimated to \$26.6 billion²⁶, this is estimated to be in the area of \$40 billion today if not double the 1997 numbers. This huge increase in US intelligence numbers comes clearly after the devastating attacks on the US September 11 2001. The US intelligence community took a severe beating in the aftermath, and needed refocusing and more funding, and the lawmakers where eager to give the intelligence communities the funds it needed to cope with the new threats of the

²⁵ Ref. To FET website <http://forsvaret.dk/FE/Om+FE/> concerning Danish law nr. 122 of 2001 §13 article. 2

²⁶ Ref. To FAS website <http://www.fas.org/sgp/foia/victory.html> concerning a lawsuit filled though the freedom of information act in 1997, the CIA yielded to provide the FAS with the budget of the fiscal year of 1997.

international terrorism. In comparison, the Danish combined intelligence efforts are still kept secret to some level. The FET has recently begun a campaign of actively informing of their activities²⁷ and is providing up to date information about their operating budget, which for 2005 is fixed at 447.4 million Danish kr²⁸ which is roughly the equivalent of \$80 million. The budget of the PET is still kept a secret, but deriving numbers from the national budget of the Danish government, we can make a guess to the amount of funds spent on the FET. The budget of the police department of Denmark in 2005 is fixed at 7.1 billion Danish kr²⁹ ~ \$1.2 billion. With this number concerning the entire police department, we can guess that roughly the same amount is spent on the PET as on the FET, estimating the total Danish intelligence budget to around 1 billion Danish kr ~ \$178 million. This modest budget presents Denmark with a range of challenges in the modern intelligence communities. One of the most fundamental “rules” inside the intelligence communities is the efforts put towards cooperation and the trading of intelligence. The basic rule is *“I’ll show you mine, if you show me yours!”* Or to put in another way, a country needs a good intelligence community with good intelligence to trade its knowledge with allies for their information.³⁰

Like many other countries in the western coalition, Denmark is becoming more and more dependent on U.S. intelligence cooperation. The Danish Royal Air force has no real possibilities of conducting any meaningful intelligence related reconnaissance, and with the recent decommission of the Royal navy’s submarine force, the SigInt situation can definitely said to have been even more crippled than it already was. With these changes in the Danish intelligence picture, new ways of obtaining information are necessary if the Danish intelligence communities do not wish to be detached from the developments in the rest of the world, in particular with respect to the War on Terrorism.

3.3.3. Oversight

There are several levels of oversight in the Danish intelligence communities, most of which really only are a sort of information of general intelligence activities conducted by the agencies. This includes the parliaments control committee,

²⁷ Informing in a manner of possibility, since most operations still will keep secret for some time, due to operational security and protection of foreign partner agencies.

²⁸ Ref. To FET website on FET budget for fiscal year of 2005

<http://forsvaret.dk/FE/Om+FE/Budget/>

²⁹ Ref. To the Danish ministry of Finance, budget report 3 of 2004, concerning 2005 government expenses can be found at http://www.fm.dk/db/filarkiv/10461/webBO_dec04.pdf page 61 (both print and PDF version)

³⁰ This trade of intelligence is of course limited to the kinds of intelligence concerning non-vital-security intelligence. One could simply imagine that any country would withhold information about terrorist attacks or similar.

which consists of members of 5 biggest parties in the national Danish parliament “Folketinget”. The members of this committee are to be informed of general intelligence activities, but are not allowed to disclose any information provided to them in the meetings. For oversight of the budgets of the intelligence agencies, the National Revision (Rigsrevisionen) is charged with conducting oversight on a secret basis. When it comes to actual oversight, where the agencies’ decisions are challenged, and the only real instance is the Wamberg-Commission. This commission conducts oversight concerning the registration of individuals. The ministry of justice installed in 1964 the Wamberg-Commission, which has since 1978 also included the FET’s activities. The members of the Wamberg-Commission are appointed by the government³¹. In the cases of intelligence failures, the Ministry of Justice and/or the Ministry of Defense are typically in charge of investigating the incident, and clear out what has happened so that the lawmakers in the parliament can take action. In instances of severe cases of intelligence failure, the parliament typically appoints some temporary (more or less independent) commission, which is to do the investigation on behalf of the parliament. Like the US and the UK, Denmark experienced a series of reports of bad intelligence leading up to the invasion of Iraq in 2003. Unlike in the US and the UK, no independent commission has been established to investigate that Danish intelligence services role in estimating the alleged WMD’s in Iraq. The opposition in the Danish parliament has been very displeased with this decision by the government. Due to the structure of the Danish parliamentary system, the government, with its supporting party, holds the power to block such a proposal. The argument for blocking an independent investigation has been that the piece of legislation voted into law, by the government parties support party with the votes 61 to 50³² allowing the war, did not use intelligence related allegations of Iraqi WMD’s as a foundation for going to war. When observing the questions answered by members of the government in the section of the Danish parliament’s website www.ft.dk³³ concerning the parliamentary debate up to vote of law point B118 on March 21st 2003, the answers do actually go to references to UN inspectors Hans Blix and other members or reports by either UNSOM or UNMOVIC, and not to intelligence related material.

³¹ Ref. to the rules set out by the Ministry of Justice 1964 see

<http://www.pet.dk/Kontrol/Wamberg-udvalget/Wambergudvalgets%20kommissorium%20af%201964.aspx>

³² Ref. to the Danish Parliament debate and vote 21st of March 2003 Law Point B118 – see www.ft.dk for more information

³³ The Danish parliament’s website uses a web system based on frame support, making it hard to make actual web link references to pages online, instead use the search engine for finding B118 of the 21 March 2003

3.3.4. Political Input

Part of this paper was to gain a greater understanding of how politicians see their own role in intelligence in democracies, as well as their experiences with such. This has been something we have pursued with unrelinquished vigor. We have been fortunate enough to be able to conduct interviews with two former ministers of the former Danish Government. The two individuals we have interviewed for this paper are:

- Frank Jensen: Served in the period of 1996 to 2001 as the minister of justice, he currently is the political speaker of the Social Democrats³⁴
- Jan Trøjborg: Served in the period of 2000 to 2001 as the minister of defense, he currently is the speaker of business politics for the Social Democrats³⁵

Both interviews were conducted in a very relaxed atmosphere and manner where we had a lengthy discussion, and they enlightened us with their viewpoints on intelligence as seen from both a purely Danish matter and from a more international point of view. We will now highlight some of what we learned from these two individuals during the interviews.

Both Frank Jensen and Jan Trøjborg took office before 9/11, and the Danish intelligence picture was at that time somewhat dominated by the political scandals of intelligence misuse during the 60s and 70s. This was given a lot of focus, in particular in the ministry of justice, due to the fact that it was the PET who had been registering a lot of left-wing political activists. When we asked about the progression of Danish intelligence over both believed that it has taken far too long to change the perspectives from cold-war Russian orientation to the new world order of trans national movement, particularly in regards to Al-Qaeda and its legion of. Jan Trøjborg emphasized this issue as one of the most important for Danish intelligence in a quite some time. According to Frank Jensen, the PET is now focused on the threats from international terrorists and fundamentalists.

The next big issue we took up was intelligence cooperation and intelligence trade. Whereas intelligence trade really isn't that debatable (due to the fact that it is still very secret who you trade what with), when talking of cooperation between agencies and countries the need for such was emphasized by both parties once more. Both said that a country like Denmark is dependent on its cooperation with allies, and as Jan Trøjborg put it: "Denmark is maybe strong on some points and weak on others. It is important to have a balance."

Which led to the question of what Denmark's strong points would be in the future? Both inclined that Denmark likely would have to rely more on analysis work and reduce the focus on the collection of information. Jan Trøjborg did also

³⁴ For more information about Frank Jensen see <http://www.frank-j.dk/>

³⁵ For more information about Jan Trøjborg see <http://www.socdem.dk/jan-troejborg/>

add the need for more open-source collection, which is something the 9/11 Commission found necessary in the U.S. also.³⁶

Our questions about responsibility and intelligence operations in democracies were answered with the same level of absoluteness: It is always the respective minister's responsibility. This is based on the needed link between the agencies the parliament. The minister is that link. When asked about when the minister receives bad intelligence by the agencies (if he or she still holds the responsibility) the answer remained the same, due to the fact that agencies operate under the minister's legitimacy.

Both saw Danish intelligence developing towards more analysis and less field work in the future, along with a changing roster of employees. Where the PET and FET normally have been staffed with policemen or military officers, the future would like hold more analysts with humanitarian and other academic backgrounds.

Our final round of questioning to both was about their views on a more centralized EU intelligence operation. Both answered that a European CIA was very unlikely to ever happen, but that more integration between the national agencies was very likely to happen in the very near future.

3.3.5. Case conclusions

Danish intelligence is, as mentioned earlier, facing several problems. Some are relating to the actual conduction of intelligence. These problems are of course very interesting to try to provide answers and critique to, however our task is to answer on the problems concerning oversight and management of the intelligence communities. Compared to that of the US and the UK, the Danish intelligence communities are quite small. It's seems much easier to get a good understanding of how things are done than compared to the two other cases we have dealt with thus far. Despite this, we must say that the Danish openness policy employed by the intelligence agencies and ministries is, despite good intentions, only scratching the surface of the agencies' activities. The policies behind it are all still covered with the classic politicizing of foreign and defense policy. This will probably serve the fact that the agencies might be more known because of their mere existence, but their activities will still be kept very secret, even many of the old ones from the cold-war. One Denmark's major intelligence problems is that hardly anyone seems to know of the oversight methods employed, when comparing to the US and the UK cases where the Senate intelligence oversight committee and the returning Lord investigations such as the Hutton and Butler reports in the UK. No willingness seems to be present in Danish politics today to

³⁶ Ref. To the 9/11 commission report page 413 with the proposed intelligence organizational structure, with the new Open-Source Agency placed in the same branch as the CIA

actually change the intelligence oversight methods. Denmark could apply the same type of oversight as the US, but establishing a parliamentary oversight committee that are not totally secret such as the present one. The public hearings in the US senate committees might be a waste of time for some, but it serves the public and in particular the press to get insight to secret government activities in order to bring more legitimacy to those activities.

Like so many other countries Denmark is, compared to US intelligence policy and declassification, still far behind, despite that Danish politicians are proud of the openness in the administration and intelligence agencies in general.

The basic idea of intelligence oversight is to get the public to understand that politicians are not trying to hide the events from them, but rather are only hiding some of the methods and knowledge gained as part of the larger intelligence picture. Some things need to be kept secret in order to conduct good intelligence. Like our interviews have shown, that is also what the politicians in charge think. Therefore, it seems to important to the Denmark that better oversight is to be implemented if the public should gain more trust in its intelligence agencies.

4. Conclusions

What seems to be the basic rule when it comes to responsibility inside democratic intelligence structures is that the ultimate responsibility always traces back to the minister, secretary or president in charge of that particular branch of intelligence. This is hardly a surprise to most people, what is interesting is that this ultimate responsibility is hardly ever invoked. What argues for this common thread of responsibility in democracies is the implementation of oversight committees and multi-layer analysis and evaluation of intelligence. A major problem is, as mentioned before, that most ministers, secretaries and other high ranking people in charge of the over-all intelligence conduction, are eluding their responsibility with references to bad agency management and poor investigatory skills by the agency employees. What can be observed in today's intelligence debates, is that upon the failures of estimating Iraq's possession of WMD before the invasion, and that of the 9/11 attacks, no minister, secretary or head of government has been forced from office in any of the three cases. Neither has the public voted³⁷ those in power out of office. The decision to hold those in power responsible is left to the people when they are choosing their elected officials. One of the classic virtues of democracy is that the public has a responsibility for choosing those they find best suited for the job. Part of the responsibility of conducting intelligence today falls back on the public. If the public is well informed of its nation's intelligence activities, they hold a responsibility to act whenever failures do occur, and can't simply wait for the politicians to act.

For the public to take this responsibility and act on it, it needs to be informed of the activities of its government, this is why oversight of clandestine government operations, such as intelligence activities, are so important. As this study shows, different intelligence communities and political environments produces various types of oversight mechanisms. One of the major problems with producing a legitimate oversight procedure, is to separate it from those it investigates. Since most politicians agree that they are ultimately responsible for the actions of their intelligence agencies, some oversight procedures needs to be separated from the politicians, and done by independent committees. Another key issue in modern democracies is information to the public. The level of information provided by in particular the Danish and British intelligence agencies are quite unsatisfactory compared to the U.S. disclosure on historical events concerning intelligence activities. For intelligence agencies and the democratic governments who run them to stay legitimate, more information about their intelligence activities are much needed.

³⁷ Currently only the US has hold general elections since the invasion of Iraq, however both Prime Minister Blair and Prime Minister Fogh Rasmussen seems in the latest polls to maintain power should there be elections at the time of publishing this paper, Blair are though somewhat challenged.

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The BBC - <http://www.bbc.co.uk/>

The United States Senate Intelligence Committee - <http://intelligence.senate.gov/>

The Pro Liberty Network - <http://www.proliberty.com/>

4.1.2. Abbreviations

C3I	Control, Command, Communications & Intelligence
C4I	Control, Command, Communication, Computers & Intelligence
CIA	Central Intelligence Agency
CIO	Central Imagery Office
DCI	Director of Central Intelligence
DoD	The Department of Defense
FET	Forsvarets Efterretningstjeneste, Danish Military and Foreign Intelligence Agency
GCHQ	Government Communications Headquarters
HumInt	Human Intelligence
Imagery	Optical and Photo Intelligence
MI5	Military Intelligence section 5, British Security Intelligence Agency
MI6	Military Intelligence section 6, British Secret Intelligence Service
MoD	Ministry of Defense
NID	National Intelligence Director
NSA	National Security Agency
PET	Politiets Efterretningstjeneste, Danish Security Intelligence Agency
SigInt	Signals Intelligence
SIS	Secret Intelligence Service

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