

Moving Targets: The U.S. Intelligence Community and Changing World Context¹

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Introduction

In 1975, Senator Frank Church described the CIA as a “rogue elephant rampaging out of control”—going about its destructive business with impunity; accomplishing its covert tasks with overwhelming power and little regard for those in the way (Ameringer, 1990:348). In the aftermath of the September 11, 2001 terrorist attacks, however, the very same agency is facing inquiry, along with other members of the intelligence community such as the FBI and NSA, into its ineffectiveness and failure to predict the attacks. Has the intelligence community changed so much over time?

The context and circumstances of global politics are rapidly changing, and with them change the threats and problems with which the state is concerned. With the growing importance of non-state threats to security such as terrorism, weapons proliferation, and the drug trade, the state-based system finds itself countering problems increasingly further removed from the historical issues and assumptions of the system. The intelligence community, while effectively structured against state-based threats, is insufficiently prepared for the emergence of new non-state actors. This shortcoming is significant, but it can and should be overcome to allow intelligence organizations to retain their effectiveness in the changing world context.

Establishment of the Intelligence Community

The modern intelligence community was founded in the wake of World War II by the National Security Act of 1947. Preceding the war, American leaders (including President Roosevelt) were disappointed with the rivalry, lack of coordination, and lack of expertise within the intelligence community, which was made up of the information gathering and analysis services from each branch of the armed services. An example of the military intelligence system’s colossal failure was the attack on Pearl Harbor by Japanese planes on December 7, 1941. Investigation of the attack has shown that while much information indicating a possible attack was known ahead of time, the lack of

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coordination between the branches of armed service prevented this information from being used in time to protect the U.S. from the attack (Ameringer, 1990:130).

During World War II, “Roosevelt and his advisers sensed the need for an expanded clandestine service and for a centralized agency to provide strategic and national intelligence” (Ameringer, 1990:157). To this end, the Office of Strategic Services (OSS) was created. The OSS functioned well throughout the course of the war, but its charter was only valid during the wartime years. In order to prevent another debacle like Pearl Harbor, President Truman felt that a peacetime intelligence-coordinating institution was necessary. The result of this decision was the National Security Act of 1947 and the construction of the modern U.S. intelligence community.

The major change in the intelligence community was the idea of interagency coordination. To achieve greater intelligence coordination, the National Security Act established the Central Intelligence Agency (CIA), whose role was to gather, collate, and present intelligence from throughout the intelligence community for senior government policymakers. The Director of the Agency, called the Director of Central Intelligence, or DCI, became the head of the entire intelligence community. Theoretically, then, nearly all intelligence gathered and processed by the United States was to pass through the CIA. This system was meant to ensure that rivalries and communication disconnects did not affect the ability of the government to use intelligence. These problems, however, continue to plague the modern intelligence community.

Structure of the Intelligence Community

The task of the U.S. intelligence community is to gather, interpret, and use intelligence, described as “timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons” (United States, 2003a) The oldest members of the intelligence community are those that deal with military intelligence. The army, navy, air force, and Marines all have military intelligence divisions, which specifically focus on collection and interpretation of intelligence “relevant to their particular Service need.”(United States, 2003b) The military intelligence branches still retain much autonomy in intelligence that focuses on strategy, tactics, enemy movements, and the like—such information does not need to pass through the CIA. The Defense Intelligence Agency provides more general military intelligence for policymakers, war planners, and strategists.

The National Security Agency specializes in signals intelligence. More widely known as the NSA, this agency has the dual role of monitoring and deciphering foreign communications, as well as ensuring the integrity of the nation’s own communication safety. (United States, 2003b) The NSA has an extremely integral mission, as communications intelligence is a vital and quickly developing field in the intelligence business. It is also more flexible than most other agencies, and therefore can handle more varied threats. In fact, many feel that this agency is the real heart of U.S. intelligence; James Bamford declares that within the intelligence community, “the most influential individual is the Director of NSA” (Bamford, 1982:3)

The FBI, or Federal Bureau of Investigation, “deals with counterespionage and data about international criminal cases” (United States, 2003b) It also investigates federal crimes committed within the United States. While the FBI is often overlooked as part of the intelligence community due to its domestic investigative emphasis, it plays a crucial and growing role in intelligence, both domestic and foreign.

The CIA is the cornerstone of the intelligence community, serving as the central authority for collection and analyzing of foreign intelligence, as well as presentation of the intelligence to the appropriate government policymakers. Because of its large and important place in the intelligence community, it is this agency that will be the main focus of this discussion of the drawbacks and future of the country’s intelligence capabilities.

Finally, the National Security Council oversees the workings of all the member institutions in the intelligence community. The NSC is made up of the President, Vice-President, the Secretaries of State and Defense, and some full-time national security staff. The Director of Central Intelligence, in his role as coordinator of the intelligence community, reports directly to the NSC in order to present intelligence analyses to the policymakers in the government (Ameringer, 1990:186). While the members listed here do not make up all of the intelligence community, they are perhaps the most important and certainly the most visible.

The entirety of the intelligence community is also responsible to congressional oversight committees, which undertake regular and as-needed audits of the actions and progress of the intelligence community in the execution of its role. Congressional oversight consists of permanent intelligence oversight committees in the Senate and the House of Representatives, as well as specific committees to investigate certain cases as they arise (Ameringer, 1990:389). For example, after the September 11, 2001 attacks on the Pentagon and the World Trade Center, a committee was convened to inquire into alleged intelligence failures.

Changing World Circumstances

Much has changed since the intelligence community was founded in 1947. After World War II, the country was still reeling from interstate conflict on an unprecedented scale, and the Cold War was beginning to take form, plunging the world into a decades-long bipolar conflict between the United States and the Soviet Union, two extremely strong states. Thus, the mission, procedures, and precedents of the CIA and other members of the intelligence community were rooted in the essentially realist perception of an anarchical world system in which states are the key actors.

In the world today, states are still important, but they are losing ground to non-state actors in many areas. New threats that are often partially or wholly independent of state borders are emerging as significant problems for individuals and states worldwide. In fact, the five ‘tiers’ of security threats specifically mentioned by the U.S. intelligence

community—chemical warfare, biological warfare, terrorism, narcotics trafficking, and information infrastructure attack—are to a large degree non-state concerns (United States, 2003c). To this list we can add other non-state problems that cause major security threats to the U.S., including proliferation of weapons of mass destruction, organized crime, and environmental degradation. While some of these concerns do deal with state actors (such as chemical and biological warfare), they all have significant non-state effects. For example, the use or proliferation of weapons of mass destruction may be a state action, but when these weapons fall into the hands of non-state actors the circumstances of the situation change drastically, as we will see below. This situation is the focus of this paper.

Chemical and biological warfare, while they can be carried out by states, are more threatening in the case of non-state actors. It is a relatively easy prospect for individuals and small groups to bring small but deadly amounts of chemical or biological agents into the country, thumbing their noses at the protected borders that stymie enemy states. In addition, the psychological effect on a populace of the possibility of biological or chemical attack by unknown persons is extremely great—witness the terror that was caused by the proliferation of anthrax in the postal system soon after September 11. In addition to chemical and biological agents, the proliferation of any weapons of mass destruction, including nuclear weapons and some conventional munitions, to non-state actors makes it relatively easy for motivated individuals and groups to acquire extremely deadly weapons.

Similarly, terrorism is a real and growing concern, primarily after its danger was made clear to people both in and outside of America following the terrorist attacks in 2001. Terrorism is defined by the intelligence community as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience” (United States, 2003c). According to Paul Wilkinson (1986:3-4),

[t]errorism has characteristics which distinguish it from other forms of violence. It is indiscriminate in its effects in that nobody is sacrosanct, and this helps to create an atmosphere of fear and helplessness... Terrorists do not recognize any rules of conventions of war for combatants, non-combatants or the treatment of prisoners. They use particularly ruthless weapons and methods to attack civilians.

Terrorism shares many of the qualities of chemical and biological weapons that create widespread public fear, and quite often terrorists find that these weapons suit their programs quite nicely. There are numerous examples of terrorist acts that involved such weapons; for example, in 1995 religious fanatics released sarin, a deadly nerve gas, in the Tokyo subway (Kemp, 2001:78).

Narcotics trafficking has become a major focus of government policy within the past few decades. Drug traffickers often have little difficulty in penetrating national borders to deliver their product—which is an illegal commodity—to consumers within a state. Narcotics rings often become centers of violence and organized crime, threatening

the ability of the state to maintain law and order within its own borders. This threat is essentially a violation of sovereignty, attacking the integrity of the state from the inside out. Drug rings and organized crime constitute just as sizeable of a threat to state security and sovereignty as does terrorism.

Information infrastructure attack, often termed “cyberterrorism” (Kemp, 2001:79) or “hactivism,” (United States, 2003c) involves the use of the Internet to advance political causes. This area involves many categories of attacks, from simple defacement of websites (such as the attack on the Al-Jazeera website, as well as numerous U.S. government websites) to more destructive incapacitating of essential information servers (United States, 2003c). The most likely and most damaging targets would be those of governments, financial institutions, and military branches.

Finally, environmental problems span the globe and affect people without prejudice, regardless of state boundaries. As the environment is a sort of global “commons” shared by all, it has suffered a great deal at the hands of pollution, indiscriminate resource extraction, and other forms of decay brought on by human activities. In the past, states have proved to be poor at relieving these environmental stresses. While present attempts such as the Kyoto Protocols to decrease greenhouse gas emission are underway, it is clear that states are more inclined to do harm than good to the environment.

Limitations of the Intelligence Community

In light of the increasing influence of non-state-based actors and effects in world politics, the U.S. intelligence community is growing ever more ineffectual. As a result of the changing security situation in the world (and the intelligence agencies’ inability to change in response), the agencies have gone from immensely powerful to nearly impotent in just a few decades. The problems the intelligence community confronts in trying to handle these new threats are largely structural, although some problems reside in their historical reputation and their relationship with Congress.

The structural problems of the intelligence agencies have proved to be the most intractable in attempting to counter the new trends of recent years. Created in the aftermath of interstate warfare, the structure of the intelligence community is well equipped to handle state threats to national security, but is increasingly unable to cope with non-state threats. The reasons for this lie in the makeup of the separate agencies, the divisions of labor between agencies, and the different missions and perspectives of intelligence agencies.

The internal composition of each agency is geared towards confronting state threats. Within the CIA and other agencies, intelligence analysis and collection management is divided into areas of geographical interest (Ransom, 1959:223). For example, the CIA has a department, with a department head and separate staff, for each region of the world within both the intelligence gathering and analysis wings of the agency. These separate departments are charged with the task of processing and

evaluating all of the intelligence that is gathered from their assigned areas of concern. There is little communication or cooperation between area staff (Gates, 1996:248). In terms of intelligence collection, most CIA operations officers, who are responsible for gathering information, are posted overseas in embassies or consulates, posing as diplomatic officers (Ransom, 1959:25). Thus, it is mostly states and governments that are naturally targeted by intelligence officers, and non-state sources are consequentially much more difficult to acquire and therefore less often sought out and developed.

In addition, until recently the NSA mainly focused on breaking codes used by foreign governments and surveilling state communications. In fact, the Intelligence Requirements List (which laid out specifically to which targets the agency was intended to devote its energies) is divided into categories by country (Bamford, 1982:48). Until recently, the NSA put little effort into breaking codes and communications used by non-state groups.

The divisions between the members of the intelligence community are also problematic in a world where threats can come from a multitude of directions, not solely within or outside of a state's borders. As we have seen, the FBI is responsible for domestic intelligence, and the CIA for foreign intelligence. However, as was made abundantly clear on September 11, 2001, and as the subsequent congressional hearings highlighted, the distinctions between 'domestic' and 'foreign' intelligence are increasingly fading. As the hearings found, the intelligence agencies' ability to work together to confront problems such as terrorism were "fragmented, uncoordinated, and politically unaccountable" (APA, 2003). Increasingly, as non-state actors begin to work both outside of and within state borders, the distinctions in the intelligence community between these 'different' areas of intelligence become more of a hindrance than an effective organizational separation. Similarly, the 'war on terrorism' will likely target terrorist cells and training camps even more than before. In these military actions devoid of state conflict, the distinction between military and civilian intelligence may preclude policymakers and war planners from receiving all useful information in order to make decisions.

The problem arises not only from questions about which agency has responsibility, but also from competition among shared duties. To continue the example above, the 'war on terrorism' may not only confuse different agencies about exactly what their roles are, but may lead to intense 'turf wars' and rivalries over overlapping duties. Since both military and CIA operatives may be active in this situation, each may claim responsibility over intelligence for the war. In this case, the problem is especially sharp, as the military intelligence structures are not required to channel their intelligence through the CIA for distribution to policymakers. Thus, while military intelligence may claim primacy due to their interest in enemy strategies and tactics, the civilian intelligence agencies may attempt to wrest control from the military based on their interest in gathering information on certain terrorist groups. In fact, a 'turf war' similar to this began to unfold following the September 11 attacks between the FBI and the CIA over who will lead the domestic fight against terrorism.

Another problem related to this is the different missions and perspectives within the intelligence community. Despite the necessity for cooperation, many agencies have such different roles within the intelligence community that cooperation seems nearly impossible. The FBI, for example, is by its nature a law enforcement agency. Its task is, according to its most famous Director, J. Edgar Hoover; “securing facts, apprehending violators of federal laws within its jurisdiction, and servicing law enforcement agencies” (Whitehead, 1956:ii). The CIA, on the other hand, is a foreign intelligence agency. Its role is merely to collect and interpret intelligence, and sometimes to carry out covert action using such intelligence. These different missions can lead to severe conflicts between the agencies. When dealing with a known narcotics trafficker, for example, the FBI may wish to apprehend the target while the CIA may want to keep the criminal under surveillance and hopefully discover more information about other operations within the U.S.

“Intelligence and law enforcement,” British spy Ian Fleming wrote in a June 1941 memo, “simply do not mix.” The two functions proceed from opposite and irreconcilable imperatives. Intelligence takes pains to protect sources; law enforcement uses sources to convict criminals in public. Secret intelligence goes on offense to stifle nascent threats; law-enforcement agents react to crimes that have already occurred (Riebling, 2002).

Thus, often in pursuit of the same targets but for different objectives, intelligence services and law enforcement agencies are likely to step on each others’ toes from time to time.

Aside from the many structural problems, there are also problems with congressional oversight that prevent it from successfully accomplishing its tasks. When Senator Church uttered his now famous condemnation of the CIA, the agency was being subjected to thorough investigation by Congress in response to alleged misuse of their power through assassination attempts, domestic spying, and so on. As a result of these hearings, Congress established many regulations limiting the ability of the CIA to use what had become nearly unlimited power. Permanent congressional intelligence oversight committees were established to periodically audit the actions of the intelligence community. The CIA was required to submit all covert actions for Presidential approval, and notify Congress within a specified time of the operation’s commencement. The agency was restructured, giving less power to the Directorate of Operations (which organized intelligence gathering and covert action) (Clarridge, 1997:160).

Under the new rules of congressional oversight, intelligence processes were subjected to the approval of elected officials who knew little to nothing about the business of intelligence. While oversight is useful and necessary in a democratic society, the type of oversight that was established was detrimental to the effectiveness of the CIA. A good example is the regulations placed on intelligence sources. In an attempt to avoid the CIA and, therefore, the U.S. government from getting bad publicity across the world and the country, Congress prohibited the CIA from having any dealings with known criminals (Clarridge, 1997:409). In intelligence gathering against the state, this has no major repercussions as most employees of foreign governments (who would be targets of

intelligence officers) are not criminals. However, to counter threats such as drug trafficking and terrorism, narcotics rings and terror cells must be penetrated. Terrorists and drug lords are known to be paranoid about their own security; therefore, the only way to gain inside information on these groups is by recruiting one of their own. However, under congressional oversight rules, a terrorist or drug runner is not a viable target for intelligence operations. Thus, it can be reasonably argued that part of the reason the United States was caught by surprise on September 11 was that our intelligence agencies were not legally allowed to investigate terrorist cells effectively.

Intelligence Reforms: Past, Present, and Future

Despite the current problems with the ability of the intelligence community to counter contemporary non-state concerns, a great deal of potential resides within the U.S. intelligence infrastructure's ability to readjust to meet the present conditions in the world arena. This readjustment has been the goal of a few recent reforms, and while greater steps need to be made in some areas, the past reforms have shown great promise for the future of the U.S. intelligence community. In order to overcome the large obstacles to their effectiveness in countering contemporary non-state threats, the intelligence agencies need to focus on more cooperation and communication between and among agencies, knowledgeable oversight, and more creative intelligence processing.

The problem of cooperation and communication, though crucial, is among the easiest to fix. In fact, this is the area where most reforms have already been implemented. The communication lapses and inefficiency of the CIA's processes for dealing with terrorists led to the creation of the Counterterrorism Center (CTC) within the agency. The CTC was a "centralized effort within the CIA with participants from all four directorates"—Intelligence, Operations, Science & Technology, and Administration (Clarridge, 1997:323). Its goal was to facilitate communication and cooperation within the agency in the fight against terrorism, and to focus on countering the terrorists outside of the traditional divisions by geographical region. Thus the Counterterrorism Center was the first explicit recognition by the CIA of the necessity of communication and cooperation in combating nonstate actors. Since the founding of the CTC in 1986, similar centers to contend with the narcotics trade, proliferation of weapons of mass destruction, counterintelligence, and global economic issues have been established (Clarridge, 1997:329).

A more recent example, the establishment of the Department of Homeland Security, illustrates the steps being made to provide for better interagency communication and cooperation within the intelligence community. The Bush administration created the Department after the lack of coordination between agencies culminating in the September 11 attacks. This department was created to better coordinate responses to national security threats by consolidating many response agencies into the department and facilitating communication within the intelligence community (US DHS, 2003). As a separate, but linked action, Bush pushed for an inter-agency terrorism working group between the CIA, NSA, and FBI that would resemble the Counterterrorism Center but with an interagency membership (US DHS, 2003).

These instances of cooperation between and within agencies are heartening, but are unfortunately far too infrequent. The progress towards more teamwork and mutual support within the intelligence community must continue and be a matter of course, not just in fighting terrorism, but other non-state threats as well. Narcotics trafficking, ethnic and intrastate conflict, information infrastructure attack, and the like are all broad, non-state issues that are rapidly becoming more important. Fostering more communication within the intelligence community will be essential in handling these threats in the future.

Another factor that would increase the U.S. government's ability to combat non-state threats is simply the establishment of knowledgeable congressional oversight. While oversight is of course necessary to prevent agencies from abusing their powers, experts in intelligence and foreign policy should be an integral part of the oversight committees in Congress. This would not limit Congress's ability to ensure that the agencies are operating within their charters, but would add more experienced and practical opinions to the oversight committees. While this may seem like an insignificant measure, it could have substantial effects. Many intelligence operations have been discarded because they have been imprudently banned by oversight committees or the intelligence officers responsible for them feared later repercussions by Congress (Clarridge, 1997:205-6). The influence of knowledgeable, experienced, and fair representatives on oversight committees may create an environment in which useful operations can be accomplished while continuing to deter or ban legitimately inappropriate operations.

Finally, the most important change to be made to the intelligence process is the continuous search for more creative methods of intelligence collection, analysis, and operations. These methods should focus on those threats that are most important in today's world, specifically nonstate threats. In addition, they should focus on long-term solutions, not immediate patches, to the problems. While the very nature of creative ideas makes it impossible to list all alternatives in this paper, some examples can be given. One example of this type of creativity is the establishment of new institutions such as the new interagency counterterrorism group that build bridges between structural gaps within and among intelligence agencies to allow for better cooperation and more effective use of intelligence. These working groups can also be applied to a variety of the threats to security today beyond the traditional power struggles, such as environmental concerns. Indeed, such integrated working groups can provide quick and effective responses to and useful evaluations of problems such as terrorism, narcotics trafficking, intrastate violence, organized crime, weapons proliferation, environmental degradation, and other effects of nonstate actors.

In addition to integrated working groups, the mission and purpose of entire agencies can be revamped, or new agencies created. In response to technology developments and an increase in communications traffic among nonstate threats, the NSA has embarked on a widespread surveillance operation that could monitor cellular phone transmissions of suspected terrorists or international criminals. In addition, its Information Systems Security program protects government communications, computers,

and servers from debilitating “cyberterrorism” (US NSA, 2003). Likewise, after September 11, the FBI was largely restructured to become the agency with the “principal responsibility for investigating terrorist activities within the United States” (US IC, 2003). This ability to be flexible and accommodate for new threats is necessary for the continued effectiveness of the intelligence community.

However, merely adjusting the existing structures within the intelligence community will not eliminate the structural drawbacks in the intelligence community. The best we can hope for along this trajectory is to alleviate the problems and perhaps replace them with lesser structural inefficiencies. Instead, the most promising type of creativity that can be undertaken by the intelligence community is a radical adjustment of how threats are evaluated and managed. Often in intelligence, action follows some overt threat to U.S. security. Narcotics interdiction operations can only stop drugs that are being sold, not prevent the production or use of them. Counterterrorism units can only stop current terrorists; they cannot predict who will become one ahead of time. However, in some cases action can be taken to head off threats on a long-term basis.

Such long-term solutions would focus on eliminating the problem instead of merely fighting it. Rather than attempting to halt the production of drugs or stop the smuggling operations, intensive health-based operations involving rehabilitation, anti-drug propaganda, and better health care may help stop the domestic demand. Rather than aggressive unilateral actions against states aiding and abetting terrorists, a multilateral campaign for sustainable development, necessary aid, and domestic law and order (with organizational help from the U.S.) may placate some terrorists and leave the others with no friendly government behind which to hide. Rather than focusing all of our energy and budget on states of questionable danger, the intelligence agencies can turn their multitudes of satellites and surveillance equipment to measuring and predicting global warming, desertification, water shortages, and other environmental effects that are of concern to the entire planet—in fact, the CIA has already begun to do this (Auster, 2003). These are just a few examples of the ways the influence and resources of the intelligence community could be used to manage non-state threats in an increasingly globalized world.

Conclusion

In recent years the world has seen a shift in power. The threats to the national security of the U.S. used to be a laundry list of “rogue states” and “evil empires.” States can still bring credible threats to the United States and the world as a whole. However, non-state actors and conditions are increasingly being recognized as dangerous threats to the country, causing the ‘Global Trends 2015’ conference to label them among the top three important challenges to the U.S. in the next decade (US NIC, 2003). Terrorism, narcotics trafficking and organized crime, weapons proliferation, and environmental concerns are just a few of the contemporary problems that can effectively ignore state borders. Until recently, the United States intelligence community has failed to see this shift, and thus is still largely unprepared to deal with these non-state threats to security. However, within the current context of a changing and globalizing world, it has become

necessary to expand the very definition of security to encompass these newly emerging threats. In order to maintain their ability to protect the U.S. and its citizens, the intelligence agencies must recognize the importance of non-state threats and reform to develop effective defenses and proactive offensives.

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