

CONFRONTATION OR COLLABORATION?
CONGRESS AND THE INTELLIGENCE COMMUNITY



DEFENSE INTELLIGENCE

ERIC ROSENBACH AND AKI J. PERITZ



HARVARDKennedy School
JOHN F. KENNEDY SCHOOL OF GOVERNMENT



BELFER CENTER
for Science and International Affairs

DEFENSE INTELLIGENCE

Largely due to its size, mission and capability, the Department of Defense (DoD) controls a significant portion of the nation's intelligence resources. As both a consumer and producer of intelligence, defense intelligence assets play a crucial and unique role in the Intelligence Community (IC).

This memo provides an overview of the structure of the nation's defense intelligence resources, defines the respective functions of defense intelligence, and highlights challenges to coordinating defense intelligence efforts with the rest of the IC.

What is Defense Intelligence?

Unlike the rest of the IC, DoD's intelligence capabilities primarily focus on providing units at all levels of the armed forces with the information necessary to successfully accomplish their respective missions. Some functions of defense intelligence include:

- Providing early threat warnings for deployed military forces.
- Supporting the decisions behind the technology acquisition process.
 - DoD uses evaluations of future threats to determine the appropriate investments in specific combat platforms and technologies.
- Informing commanders at the operational and strategic levels of military operations.
- Supplying critical tactical intelligence to smaller units and individual warfighters on the ground.

The DoD's intelligence assets are diverse and reflect a broad spectrum of military capabilities. Key components include:

- *Defense Intelligence Agency (DIA)*: A joint agency focused on intelligence collection and all-source analysis to support military customers and integrating products of military service intelligence activities and the Combatant Commands.
- *Military Service Intelligence*: Each branch of the armed forces has its own service intelligence center and intelligence organization. These units collect and analyze information to support that service's specific intelligence requirements while also contributing to larger IC information needs.
- *National Security Agency (NSA)*: This agency manages the nation's primary cryptologic and signals intelligence capabilities.

- *National Geospatial-Intelligence Agency (NGA)*: This agency administers the imaging and mapping of the Earth's surface.
- *National Reconnaissance Office (NRO)*: This agency oversees the design and operation of U.S. overhead reconnaissance systems.

Different Products for Different Customers

The IC serves two distinct customer sets—the President and senior civilian policymakers, and military commanders. While intelligence requirements for both sets of customers often overlap, each has information and programmatic requirements specific to its missions.

- This distinction is reflected in the congressional budgetary and oversight processes between the Military Intelligence Program (MIP), associated with defense intelligence, and the National Intelligence Program (NIP), which is essentially comprised of the rest of the IC.

The Need for Military Intelligence

When the National Security Act of 1947 created the CIA, a number of military intelligence organizations already existed. Because of perceived inadequacies in CIA's analysis of military matters, the armed services continued to provide intelligence support to the Pentagon and the Joint Chiefs of Staff.

- The Secretary of Defense and the Joint Chiefs of Staff insisted that DoD retain its own intelligence capability, because there were concerns that intelligence agencies outside the DoD could not provide flexible and sufficient support for the warfighter.
- DIA was created in 1961 to coordinate these various streams of intelligence, as well as coordinate information from across the armed forces.

During the debate over the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), senior defense intelligence officials testified to Congress that a non-DoD Director of National Intelligence (DNI) who completely controlled DoD intelligence assets might allow degraded support to defense and military requirements.

Because of the need for both civilian and DoD intelligence capabilities, some overlap naturally evolved within the IC, particularly in the areas of HUMINT and MASINT. Overlap in some areas promotes concentration of effort and alternative viewpoints; however, duplication of effort wastes resources, leads to clashes of jurisdiction, and may result in a sense of 'turf' that precludes information sharing.

The Under Secretary of Defense for Intelligence

The Under Secretary of Defense for Intelligence (USD(I)) provides oversight and policy guidance for DoD's intelligence activities under the joint authority of the Secretary of Defense (SECDEF) and the DNI. The USD(I) enables the DoD to accomplish its stated mission of supporting the “national, defense and international partners with ‘knowledge-rich’ all-source defense intelligence, counterintelligence, and security.”

Because of the need for increased cooperation and mutual support in national security, the USD(I) also plays a significant role beyond the Defense Department as a leader in the greater IC.

- In 2007, the SECDEF and the DNI signed a memorandum of agreement that ‘dual-hatted’ the USD(I) as the Director of Defense Intelligence. Therefore the USD(I) now reports directly to the DNI as well as the SECDEF.
- Revisions of Executive Order 12333, the critical policy document that guides the organization and function of the IC, strengthened the relationship between the DNI and DoD and facilitated coordination between NIP and MIP resources. This new EO 12333 further integrated military and national intelligence activities and requirements.

In practice, the DNI sets national-level priorities—many of which draw on MIP programs, personnel, and assets—while the DoD retains direct tasking authority over its intelligence enterprise to meet the needs of the warfighter and the policymaker.

- This arrangement has not eliminated redundancies in the system. For example, CIA has military analysts and DIA has political analysts. These redundancies, however, can offer value in terms of competitive analysis and interagency cooperation.

Oversight Challenges

The recent changes in the IC's structure and the growing role of the DoD in combating terrorism abroad raises important oversight questions for members of Congress, including:

- *Extending the DNI-DoD “division” into Congress.* Splitting intelligence functions and resources into NIP/MIP categories effectively transferred some of the debate over national and military intelligence issues into the various oversight committees on the Hill. While the Senate and House Intelligence Committees both oversee the NIP, oversight responsibility for the MIP is shared in the House and mostly controlled by the Senate Armed Services Committee in the

Senate. This division of responsibility creates some uncertainty and tension about oversight roles of defense intelligence activities.

- *Oversight of “covert-action-like” defense intelligence activities.* Some clandestine defense intelligence activities may seem similar to covert action, but are not governed by reporting requirements established under the legal regime for covert action. Since Congressional notifications have not traditionally been required for clandestine actions authorized by military orders, DoD intelligence activities may receive less formal oversight than official covert actions or CIA clandestine activities.
- *Ensuring strong coordination between the DoD, the CIA, and the State Department.* Since 9/11, DoD has deployed military forces more frequently to non-combat environments and increased its clandestine collection to support military planning for future contingency operations. While these efforts are important and necessary, continued interagency coordination of defense intelligence activities overseas will be critical to avoid potential problems in national security operations and intelligence activities abroad.

SOURCES

DEFENSE INTELLIGENCE

The Intelligence Budget Process. United States Intelligence Community. 2009. United States Intelligence Community. 19 March 2009 <http://www.intelligence.gov/2-business_nfip.shtml>.

Lowenthal, Mark. *Intelligence: From Secrets to Policy*, 2nd Edition. CQ Press: Washington DC, 2003.

“Testimony Before the House Permanent Select Committee on Intelligence.” Testimony of William E. Odom. 5 July 2004.

Tyson, Ann Scott. “New Plans Foresee Fighting Terrorism Beyond War Zones.” *The Washington Post* 23 April 2006.

ODNI News Release No. 16-07 “Under Secretary of Defense for Intelligence to be Dual-Hatted as Director of Defense Intelligence.” 24 May 2007. Office of the Director of National Intelligence. 19 March 2009 <http://www.dni.gov/press_releases/20070524_release.pdf>.

Richelson, Jeffrey. *The U.S. Intelligence Community*. 5th Ed. Boulder: Westview Press, 2008.

Tyson, Ann Scott. “New Plans Foresee Fighting Terrorism Beyond War Zones.” *Washington Post* 23 April 2006: A01.

United States Cong. House. Permanent Select Committee on Intelligence. William E. Odom. Testimony. 4 August 2004. 19 March 2009 <http://64.233.169.104/search?q=cache:SFxtmO88yIgJ:www.globalsecurity.org/intell/library/congress/2004_hr/040804-odom.pdf+william+odom+testimony+DIA+intelligence+reform&hl=en&ct=clnk&cd=1&gl=us&client=firefox-a>.

United States Cong. Senate. Select Committee on Intelligence. General Michael V. Hayden, Director, Central Intelligence Agency Statement for the Record. 11 Jan. 2007. 19 March 2009 <https://www.cia.gov/news-information/speeches-testimony/2007/statement_011107.htm>.