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Security by injunction

THE MARCHETTI CASE: NEW CASE LAW

John S. Warner*

The Marchetti case is truly a landmark case in the annals of the law—and it has far-reaching implications for the Central Intelligence Agency, the intelligence community, and the federal government as a whole, as will be demonstrated.

Actually, the legal story consists of two separate but related legal actions:

(1) The first case was initiated at the request of CIA by the United States of America, represented by the Department of Justice. CIA sought an injunction which would prevent a former employee, Victor Marchetti, from publishing a proposed magazine article by enforcing the secrecy agreement he signed upon entering into employment with CIA. After hearings, appeals, trials, and further appeals, a permanent injunction was issued. The decision of the United States District Court for the Eastern District of Virginia in Alexandria, Va., was appealed to the U.S. Court of Appeals for the Fourth Circuit. There the original decision was affirmed, and a petition for a writ of *certiorari*** was filed with the U.S. Supreme Court. That court declined to review the decision of the Circuit Court, which is cited as *U.S. v. Marchetti*, 466F 2d 1309(1972).

(2) The second case was initiated by Alfred A. Knopf, a publisher, and Marchetti and John D. Marks, co-authors of a proposed book, *The CIA and The Cult of Intelligence*, submitted to CIA on 27 August 1973 pursuant to the terms of the injunction issued in the first case. This latter case, against the United States, was filed in the U.S. District Court for the Southern District of New York. On motion of Department of Justice lawyers, and after hearing arguments, that court ordered the case removed to the Alexandria District Court which had heard the first case and had issued the injunction. The basic issue in this second case concerned the appropriateness of the deletions CIA had made from the Marchetti-Marks manuscript. After trial, the Alexandria District Court made a decision which was extremely adverse to the government's position. Upon appeal, the Fourth Circuit Court of Appeals reversed the District Court, fully approving the government's position—i.e., agreeing with all the deletions requested by CIA. This case too was appealed to the Supreme Court, but *certiorari* was denied. This case is cited as *Knopf v. Colby*, 509F 2d 1362(1975).

Perhaps this is the place for some background on the central figure, Victor Leo Marchetti. Marchetti served for two years, 1951-1953, in France and Germany as a corporal in Army Intelligence, including six months of Russian Area study at the EUCOM Intelligence School in Oberammergau. Returning to the United States to complete his college studies, he graduated from Penn State in June 1955 with a bachelor's degree in History (Russian Area Studies), worked three months as an analyst at the National Security Agency, and entered on duty with CIA as a GS-7 on 3

*The author wishes to acknowledge the assistance of Lawrence R. Houston and John K. Greaney in the preparation of this article.

**A writ of *certiorari* certifies that the Supreme Court agrees to hear the case in question; when such a writ is denied, it means the Supreme Court sees no reason for taking the case to the Supreme Court.

October 1955 at the age of 25. He rose relatively rapidly, primarily through the Office of Research and Reports, but also with tours in the Directorate of Operations and the Office of National Estimates. From ONE, as a GS-14, he went to the Office of Plans, Programs, and Budget in January, 1966, and served there for two and a half years. In July, 1968, having reached the GS-15 level, he became Executive Assistant to the Deputy Director of Central Intelligence for a period of nine months. He was then assigned to the Planning, Programming, and Budget Staff at the National Photographic Interpretation Center, and five months later resigned for "personal reasons" in September, 1969.

In his assignments with the CIA PPB office, where he handled the papers for the "303 Committee" (later the "40 Committee") which passed on Covert Action proposals, and particularly with the DDCI, Marchetti got an overall view of the Agency and access to sensitive information afforded to extremely few Agency employees. There was no evidence of serious disillusion or disenchantment with the Agency before he left.

After his departure from the Agency, Marchetti began writing, first a novel, *The Rope-Dancer*, and then non-fiction articles concerning Agency activities. In March 1972, the Agency received a draft of an article Marchetti had written for *Esquire* magazine, together with the outline of a proposed book on CIA. The source expressed the opinion that the Agency might be concerned with the content, because many aspects seemed classified and sensitive. Indeed, the Agency was concerned. Very serious classified matters were discussed. Included were names of agents, relations with named governments, and identifying details of ongoing operations. There were items which might have led to the rupture of diplomatic relations between the United States and other countries. Disclosure would cause grave harm to intelligence activities of the U.S. Government and to CIA.

William E. Colby, then Executive Director, telephoned me in my capacity of Deputy General Counsel at the time, asking what legal action could be taken. The answer was that no criminal action would be successful once the material were published, but this might be the proper situation for seeking an injunction. Colby asked whether we were certain of our legal position as to an injunction. We noted that extensive legal research within the Agency and consultation with the Department of Justice had taken place five or six years before. Colby asked for some documents on this as quickly as possible, and had them within 30 minutes.

It is useful to digress to look at this novel legal approach. For years the Agency had recognized the practical impossibility, under existing law, of applying criminal sanctions to employees and former employees who disclosed classified information to unauthorized persons. In the mid-Sixties, however, under threat of a revealing book by a disgruntled former employee, the lawyers looked into the possibility of civil sanctions—namely, an injunction to enforce his contract based on the secrecy agreement each employee signs at the beginning of his employment. It was known, of course, that various industry agreements had been enforced in the courts—agreements that protected industrial processes and other proprietary rights from disclosure by employees, both during and after employment. Why shouldn't the U.S. Government also be protected on the simple basis of a valid contract? The conclusion was reached that a court action had a good chance of success. The Department of Justice was consulted, and after thorough review agreed. The pending threat went away, but the papers were preserved against later need.

What did Colby do with the documents when we produced them? He discussed them with the then-Director, Richard Helms, who took the matter up personally with

the President. The President said he would turn this over to John Ehrlichman, then his Counsel. Helms asked CIA General Counsel Lawrence R. Houston and me to go to the White House to see Ehrlichman and discuss possible action on the proposed article and book by Marchetti. In late March 1972 we were shown into Ehrlichman's office in the White House. In a few minutes Ehrlichman appeared, accompanied by an assistant, David R. Young. They had done their homework, knew the factual situation, had studied the pertinent criminal law, and had the proper law books in their hands. After thorough discussion, it was agreed that the criminal statutes would provide no remedy for the problem facing us. Talk then turned to the injunction possibility. We presented our view in favor of a try in the courts for an injunction, conceding that there was no precedent involving the U.S. Government in the case law.

Finally it was mutually agreed to have a try at an injunction. Talk then turned to the means of preparing the case. Houston and I urged care with respect to which Department of Justice attorney would handle the case, on the grounds that dealing with classified intelligence information would require considerable understanding to prepare a complaint, briefs, and oral argument while at the same time protecting the sensitive aspects; this, after all, was what the case was all about. He then suggested Daniel J. McAuliffe, an attorney in the Internal Security Division of the Department of Justice, who was on detail to the White House. Ehrlichman described McAuliffe as very able and discreet. Within a day or so, McAuliffe came to the Headquarters Building to begin his study of the case and to start his education into the intricacies of classification and intelligence. There were to be many hours of joint study and consultation. McAuliffe was indeed a thoroughly competent professional who performed the research and prepared the documentation which was the basis for the subsequent court action. When it came time to go to court, the matter was turned over to Irwin Goldbloom, another thoroughly expert and capable lawyer in the Civil Division of the Department of Justice.

One of the first problems came with the realization that if Marchetti published the information about which we were concerned, then the injunction proceeding would be useless. Normally, in seeking an injunction, the person against whom it is sought is served with appropriate papers and given an opportunity to be represented before the judge. We were afraid, however, that Marchetti, if served, might immediately get in touch with the media and broadcast the very items about which we were concerned. Accordingly, we took the backup documentation, together with the proposed temporary restraining order, to Judge Albert V. Bryan Jr., of the U.S. District Court for Eastern Virginia, sitting in Alexandria. We met Judge Bryan in his chambers, showed him quotations from Marchetti's manuscript which, to us, appeared most damaging if made public, and explained our theory of an injunction based on the secrecy agreement. We also stated that Marchetti had not been served and explained why we came in with an *ex parte* proceeding under these circumstances.

Judge Bryan agreed with the argument put forward by Goldbloom and signed the temporary restraining order without hesitation on 18 April 1972. He then called in one of the marshals and ordered him to serve Marchetti immediately with the executed order.

This set in motion the proceedings leading to the first court hearing before Judge Bryan, at which Marchetti was represented by counsel for the American Civil Liberties Union. The defense counsel appealed on technical grounds on an urgent basis, and the appeal was heard within a few days by the U.S. Fourth Circuit Court of Appeals sitting in Alexandria. While the appellate court refused to stop the

proceedings, they did raise some troublesome questions, particularly about clearance of witnesses for the defense who would have access to the classified material. They warned that nothing could be done which could be construed as intimidating or warning off witnesses.

Some details of the actual trial are appropriate here because of their relevance to the second case. Judge Bryan permitted the government to file classified briefs and classified exhibits. Much testimony of witnesses was *in camera*—court closed to the public. The judge issued appropriate protective orders, binding on all parties and their attorneys, and at the close of the trial ordered all classified records sealed. This sealed record, of course, was made available to the Fourth Circuit Court of Appeals. There were affidavits and oral testimony by Agency personnel as to which matters in the proposed *Esquire* article and the book outline were considered classified. Judge Bryan had some difficulty in accepting simple testimony that a matter was classified. The issue was not whether a matter had been properly classified, but rather whether it was in fact classified at all, in instances where the defendant argued that it was not. For example, in a situation involving the true name of an agent, the judge was satisfied when shown an acknowledgment of an assigned pseudonym on a card showing the agent's true name and stamped "Secret." Similar types of documents for other situations were exhibited to support the testimony of Agency employees, and the judge appeared satisfied as did the defendant's lawyers. Judge Bryan issued a permanent injunction on 19 May and an appeal was taken.

Now, what were the basic legal issues reviewed by the Circuit Court? From the beginning, Marchetti's lawyers (from the American Civil Liberties Union) urged that an injunction was a prior restraint in violation of the First Amendment providing that "Congress shall make no law . . . abridging the freedom . . . of the press." By case law the amendment has been applied to the Executive Branch and to the courts. The Circuit Court reviewed the constitutional basis for secrecy within the Executive Branch and its right and duty to maintain secrecy. The Court went on to say that First Amendment rights and freedom of speech are not absolute rights, and that the secrecy agreement was a reasonable and constitutional means for the Director of Central Intelligence to implement his statutory charge to protect intelligence sources and methods from unauthorized disclosure. In other areas, the Court said that the Agency must review any submission within 30 days, and that Marchetti, if dissatisfied with the Agency action, could seek judicial review. This burden, the Court added, should not be on CIA. The Court went on to say:

Indeed, in most instances, there ought to be no practical reason for judicial review since, because of its limited nature, there would be only narrow areas for possible disagreement.

The Court also held that:

The issues upon judicial review would seem to be simply whether or not the information was classified and, if so, whether or not, by prior disclosure [by the Government], it had come into the public domain.

Inasmuch as the Court held that "the process of classification is part of the Executive function beyond the scope of judicial review," CIA would have no obligation to establish the *propriety* of classification, but would be required to establish only the *fact* of classification.

The three judges, Clement F. Haynesworth, Harrison L. Winter, and the late J. Braxton Craven, Jr., agreed on the basic opinion except that Craven would not

subscribe to a flat rule that there should not be any judicial review of classification. As he put it,

I would not object to a presumption of reasonableness [on the part of the Government], and a requirement that the assailant demonstrate by clear and convincing evidence that a classification is arbitrary and capricious before it may be invalidated.

The opinion of the Circuit Court remanded the case to the District Court to limit the injunction to classified information so that on 15 March 1973 it finally read as follows:

ORDERED:

That the operative provisions of the permanent injunction entered by this Court on May 24, 1972 be and they hereby are revised and that the "Ordered" provisions of said permanent injunction shall now provide:

That the defendant, Victor L. Marchetti, his agents, servants, employees and attorneys, and all other persons in active concert or participation with him, and each of them, be, and they hereby are permanently enjoined from further breaching the terms and conditions of the defendant's secrecy agreement, dated 3 March 1955, with the Central Intelligence Agency by disclosing in any manner (1) any classified information relating to intelligence activities, (2) any classified information concerning intelligence sources and methods; *Provided*, however, that this Injunction shall not apply to any such information, the release of which has been authorized in accordance with the terms and conditions of the aforesaid contract, and *Provided*, further, that this Injunction shall apply only with respect to classified information obtained by said defendant during the course of his employment under the aforesaid secrecy agreement and which has not been placed in the public domain by prior disclosure by the United States; and it is

FURTHER ORDERED:

that the defendant shall submit to the Central Intelligence Agency, for examination 30 days in advance of release to any person or corporation, any manuscript, article or essay, or other writing, factual, fictional or otherwise, which relates to or purports to relate to the Central Intelligence Agency, intelligence, intelligence activities, or intelligence sources and methods, for the purpose of avoiding inadvertent disclosure of classified information contrary to the provisions and conditions of the aforesaid secrecy agreement, and such manuscript, article, essay or other writing shall not be released without prior authorization from the Director of Central Intelligence or his designated representative.

CIA had fashioned a workable tool in a court of law, based on a simple contract theory. This tool could prevent serious damage to the interests of the United States or threats to the personal safety of individuals, by acting *in advance* of the threatened disclosure. Even if the government were able to take criminal action on a disclosure, the damage would already have been done. Other agencies in the Intelligence Community were urged to establish secrecy agreement procedures. In the face of increasing concern over publication of classified information, CIA had taken the initiative in the courts and won a significant victory in a landmark legal case.

II

The second case starts with a letter from Marchetti's lawyer dated 27 August 1973 which transmitted a proposed manuscript of 517 pages pursuant to the terms of the permanent injunction issued in the first case. CIA had 30 days to respond. A task force was organized with representatives from the four directorates, and at the same time each of the four Deputy Directors was charged with reading the entire manuscript within a matter of days. At a meeting of the four deputies and the task force, it was agreed that the manuscript was in fact "Top Secret—Sensitive," and should be so marked. There were other difficulties: the manuscript included compartmented information and sensitive need-to-know projects, and not all of the task force members or Agency lawyers had the requisite clearances (which were quickly granted). Also, some items were of prime interest to other agencies, including State, NSA, and Navy. Excerpts were sent to other agencies as appropriate. The task force was informed that for each item adjudged as classified, the judgment would have to be backed up with documentation. The process also began of sorting out which items would be assigned to which Deputy Director for final judgment.

Colby—by now DCI—was of course kept fully informed of precisely how this mammoth judgmental and mechanical task was being planned and pushed forward. There was careful consideration of which items, although classified, were so widely known that no serious harm would result from publication. Colby made the decision that we should proceed to list all classified items consistent with the language of the injunction, with the view that at a later date, possibly at trial, CIA could withdraw on the softer items. I debated this with Colby—probably insufficiently and not vociferously enough—on the grounds that the authors and their lawyers would publicize the items withdrawn with the simple theme that CIA had listed them as classified and then changed its mind. The inference drawn would be that CIA thereby confirmed the validity of each item previously deleted but subsequently cleared. When the book was published, this was precisely what happened—all of the items which CIA first deleted and then cleared were printed in boldface type so that any reader knew what CIA regarded as classified as of the submission of the manuscript.

It is impossible to overemphasize the massive job of reviewing these 517 pages of manuscript. Some reviewers had a tendency to delete three or four pages at a time so as to drop an entire subject, when in fact deletion of a few sentences, names, or places would have done the job. This happened particularly with the other agencies involved, but inasmuch as the Agency was responding on behalf of all (no volunteers here to go on the record or to provide witnesses in court), there had to be consistency. Finally the job was done, and a letter dated 26 September 1973 was sent forward attaching a listing of 339 deletions, referring, for example, to words three through eight on line 17 of page 276. This was done to avoid putting the classified words in the letter, so that the letter itself could remain unclassified for use in the open court record. In the letter, an offer was made for a conference to ascertain if by modest word changes some of the listed deletions could be made acceptable to CIA.

Such a conference was held on 4 October 1973 with Marchetti, his ACLU lawyer Melvin Wulf, myself as CIA General Counsel, and John K. Greaney as Assistant General Counsel. It was an all-day session which got nowhere. They presented a quantity of newspaper clippings which contained information similar to items in the manuscript and urged that such information in the clippings in effect made the items in the manuscript unclassified. We countered that this was not so, and that if Marchetti would simply attribute the information in the manuscript to the media sources, CIA would have no problem. But no, they wanted whatever authenticity could be gained from asserting the information as Marchetti's knowledge. Other

suggestions were made, such as deletion of names of people, substitution of a general geographical area for a specific capital or country, or deletion of certain details of operational projects. These too were rejected, and by the end of the day it became clear that they were not going to make any changes. One can wonder whether they came to negotiate, or simply to make a record that such a conference had been held. The Agency in the next few days considered its position on the full 339 items, and made the decision that it would withdraw its objections to the "soft" items, which totalled 114. Later, after a thorough review of the remaining deletions, and more careful study by the four deputies and the lawyers as to what they would face as witnesses in the actual trial, CIA withdraw on another 57 items, leaving 168 deletions on which CIA stood fast.

Marchetti, in submitting the manuscript, had included John D. Marks as co-author. Marks was a former State Department employee, who had worked in intelligence and had signed a secrecy agreement. It also developed that Marchetti had signed a contract for the publication of the book with Alfred A. Knopf, Inc.

The court aspect of this second case now began with the filing of a legal action in the U.S. District Court for the Southern District of New York. The plaintiffs were Knopf, Marchetti, and Marks, seeking an order which would permit publication of the remaining 168 deleted items. One can only speculate about the motives behind their choice of a court: sheer legal tactics, easier jurisdiction in terms of the subject matter, or physical convenience for plaintiffs' lawyers, who were all based in New York City. The case law and court rules clearly favored jurisdiction where the injunction had been issued on 15 March 1973. Upon motion and after oral argument, the action was transferred to the Eastern District of Virginia (Alexandria) where the first case had been tried and where it would come before Judge Bryan, who had tried the first case. So much for tactics or whatever.

Now came the depositions preparatory for trial: sworn testimony with lawyers from both sides present for cross-examination. Among the witnesses were the four deputies, the DCI, Marchetti, and Marks. Marks had been granting interviews to journalists and had appeared on radio and television discussing information similar to that contained in the manuscript. Again, as earlier, it was argued that because the information was in the media it was no longer classified. This was a bootstrap operation: leak information in the manuscript, and then claim it is thereby declassified by publication. Marks, however, was put in a dilemma when asked whether he had given specific items to the press. If he admitted it, he could be subject to a citation of contempt under the original injunction inasmuch as he now was a co-author; if he denied it, he would be risking perjury charges. He resorted to pleading the Fifth Amendment on five occasions. Later, at the trial, the judge took note of this, saying, in effect, you can't have it both ways.

It is worthwhile to digress here for a moment to comment on the degradation and dilution of security that characterized this entire matter. Obviously Marks, Marchetti's lawyers, and Knopf's lawyers had access to a mass of sensitive information. It should be noted that Knopf's lawyer, Floyd Abrams, voluntarily undertook not to expose the manuscript to his client. In court, not only the judge but his clerk, the bailiff, the stenographer, and others were exposed to sensitive classified information. Papers and documents in the court and in the lawyers' offices were not stored under the rigidly controlled conditions prevailing at CIA. Nor were most of these people trained, by experience or otherwise, in how to deal with highly classified information and documents. The crowning blow came when CIA asked the District Court for access to the record of the first trial. Back came the answer: "We can't find it." And they never have!

Now came the trial. It was clear from the briefs filed that the plaintiffs wished to re-litigate the First Amendment issue. It was also clear that the judge would have none of this, but the issue was in the record for the inevitable appeal. The four Deputy Directors were witnesses and collectively covered all the 168 deletion items. They testified that the information was classified, and had been since the inception of the program or from the witness's first contact with it, and was still classified. Then excerpts of classified documents were submitted as exhibits, heavily censored so as not to furnish new sensitive information. The witnesses then tied each of the deletion items to information in the various exhibits, which was the procedure Judge Bryan found acceptable at the first trial. This time, however, Judge Bryan was having even greater difficulty in understanding the basic concept of classification and the procedure followed. He appeared to think that the government should be able to punch a computer button that would result in a showing that a deletion had been classified by a proper official on a specific date in the past. He accepted a few documents which specifically stated that certain types of information should be classified at certain levels. One such document, for example, was a DCI Directive specifying that locations of communications intelligence collection facilities would be classified "Secret." One such deletion item was thus accepted by the judge, together with an additional 25. In a decision stunning to the government, however, Judge Bryan found that the fact of classification of the remaining 142 items had not been proved.

To CIA, it seemed self-evident that matters such as names of agents and details of ongoing clandestine collection operations were classified. In his opinion, Judge Bryan stated that it seemed to him that the four Deputy Directors were making *ad hoc* classifications of material after having read the manuscript, although he recognized that the Deputy Directors had denied this. No evidence or even assertions contradicted the four deputies. Could the judge have thought that they were lying? It was clear that the judge simply had not comprehended the classification system. Further he had abandoned the method of proving classification which had been acceptable to him and to the defendants at the first trial, and had also been acceptable to the Circuit Court of Appeals. In the second trial, however, he neglected to advise the government that he had so abandoned the procedure for proof, nor did he state what would be acceptable.

Preparations accordingly were made for the appeal. The Department of Justice lawyers who had handled the trial, Irwin Goldbloom—by now Deputy Assistant Attorney General, Civil Division—and his assistant, David J. Anderson, started writing appeal briefs. There was the continuing close working relationship between them and, for the Agency, John Greaney and me. Greaney and I, working with the information supplied by the four Directorates, wrote the classified briefs; The Department of Justice lawyers wrote their unclassified briefs; then we exchanged them for comment. We all wanted to make certain that we made clear to the Circuit Court what classification in the intelligence arena was all about. The briefs and other documents constituting the record were duly filed, consisting of several thousand pages. In any event it was an enormous record for the Circuit Court to review. Oral argument was heard on 3 June 1974 before the same three judges who had heard the first case, Haynesworth, Winter and Craven. At the close of questioning Judge Winter made an observation to the effect that "When this matter was before us previously, none of us then realized how enormously complicated this matter of classification really is." This observation clearly foreshadowed parts of the opinion, such as, in speaking of their opinion in the first case,

. . . . we did not foresee the problems as they developed in the District Court. We had not envisioned any problem of identifying classified information embodied in a document produced from the files of such an agency as the CIA. . . . We perhaps misled the District Judge into the

imposition upon the United States of an unreasonable and improper burden of proof of classification.

Finally, after an almost unprecedented length of time—more than nine months—the Circuit Court on 7 February 1975 handed down its opinion: total and complete victory for CIA and the U.S. Government on the fundamental issues. The plaintiffs of course petitioned the U.S. Supreme Court for a writ of *certiorari*, but this was denied. What were the basic issues decided?

1) The court declined to modify its “previous holding that the First Amendment is no bar against an injunction forbidding the disclosure of” classified information acquired by an employee of the U.S. Government in the course of such employment, and “its disclosure would violate a solemn agreement made by the employee at the commencement of his employment.” The Court held “he effectively relinquished his First Amendment rights.”

2) The District Judge properly held that classified information obtained by the CIA or the State Department was not in the public domain unless there had been official disclosure of it. . . . It is one thing for a reporter or author to speculate or guess that a thing may be so, or even . . . to say that it is so; it is quite another thing for one in a position to know of it officially to say that it is so.

3) The Court referred to:

. . . the fact that Marks, on Fifth Amendment grounds, on five different occasions declined to answer whether he was the undisclosed source of information contained in five magazine articles offered by the plaintiffs to show that the information was in the public domain. A public official in a confidential relationship surely may not leak information in violation of the confidence reposed in him and use the resulting publication as legitimating his own subsequent open and public disclosure of this same information.

4) . . . the individuals bound by the secrecy agreements may not disclose information, still classified, learned by them during their employments regardless of what they may learn or might learn thereafter.

Also

Information later received as a consequence of the indiscretion of overly trusting former associates is in the same category.

5) The Court dwelt at some length on the well-established doctrine of presumption of regularity by a public official in his public duty:

. . . in the absence of clear evidence to the contrary, courts presume that they [public officials] have properly discharged their official duties. . . . That presumption leaves no room for speculation that information which the district court can recognize as proper for Top Secret classification was not classified at all by the official who placed the “Top Secret” legend on the document.

The Court summarized by saying,

In short, the government was required to show no more than that each deletion item disclosed information which was required to be classified in any degree and which was contained in a document bearing a classification stamp.

classified in any degree and which was contained in a document bearing a classification stamp.

This summary not only is reasonable, but also reflects exactly the standard and procedure accepted by Judge Bryan in the first trial! How or why he rejected this standard in the second trial, one can only wonder.

6) While it is not one of the primary issues, it is still important to note what the Court said about the deletions of additional and irrelevant information in the documents submitted as exhibits by the government:

Nor was it necessary for the government to disclose to lawyers, judges, court reporters, expert witnesses and others, perhaps, sensitive but irrelevant information in a classified document in order to prove that a particular item of information within it had been classified. It is not to slight judges, lawyers or any one else to suggest that such disclosure carries with it serious risk that highly sensitive information may be compromised. In our own chambers, we are ill-equipped to provide the kind of security highly sensitive information should have.

7) The action of the Fourth Circuit Court of Appeals is embodied in the following:

For such reasons, we conclude that the burden of proof imposed upon the defendants to establish classification was far too stringent and that it is appropriate to vacate the judgment and remand for reconsideration and fresh findings imposing a burden of proof consistent with this opinion. . . .

Thus was written the penultimate chapter of the Marchetti case. The final chapter was the drafting* of proposed findings of the District Court, which act, it was hoped, would close the case. Those readers who are lawyers can imagine the task. In any event, the detailed findings of fact for court approval, involving some 142 specific fact situations, were filed. On 22 October 1975 a final order was issued. No appeals were filed, and the order became final. It was reported in the press that in answer to a question about contesting the "findings of fact" and the order entered by the District Court, Knopf's lawyer answered that more than \$150,000 in legal fees had been spent and that it did not seem appropriate to contest the matter further. The basic constitutional issues were settled, and further legal action would only be nitpicking on factual issues. The ACLU also had no stomach for further legal battling. The book, meanwhile, had been published with gaps for the deletions and boldface type for the original deletions subsequently withdrawn by the CIA.

Conclusion

What had all this accomplished and what were the implications for the future? For the first time CIA had taken the initiative in the courts to prevent the unauthorized disclosure of intelligence sources and methods. The courts had affirmed in the particular circumstances the most fundamental of legal principles—the sanctity of a contract. The courts had affirmed the right—and the duty—of the government to seek enforcement of that contract to protect its secrets, i.e., sensitive classified information. As previously mentioned, there was a degradation and dilution of security, and we have the acknowledgment by the Circuit Court itself that “. . . . we are ill-equipped to provide the kind of security highly sensitive information should have.” While it was not perfect, a highly useful tool had been fashioned.

*Originally by Walter L. Pforzheimer as a consultant to General Counsel.

When the Rockefeller Commission (Commission on CIA Activities Within the United States) was established by the President on 4 January 1975, there were immediate discussions concerning procedures to be followed by the Commission in protecting CIA sensitive classification information. The Commission and its professional staff were cooperative. CIA asked that all staff members sign secrecy agreements. Bowing to the inexorable logic of the question posed by CIA of what law or legal tool could be used to protect classified information *except* the secrecy agreement, the Commission directed its staff members to sign such agreements. Next came the Senate Select Committee to Study Intelligence Activities, and the House Select Committee on Intelligence. At the request of CIA, the chairmen of the two committees directed all staff members to sign secrecy agreements. During this same period the Department of Justice was conducting an investigation of possible crimes by employees or former employees of CIA. The Special Prosecutor investigating Watergate was also investigating possible crimes by Agency personnel. At the request of the CIA, the Attorney General and the Special Prosecutor directed all their employees having access to CIA information to sign secrecy agreements. While there may have been some leaks, no books or published articles not submitted to proper authority have appeared attributed to any of the above sources. But for the Marchetti case, it is not likely that secrecy agreements would have been obtained in all of the above situations, and one can only speculate about possible publications.

In the meantime, CIA had been working closely with the Department of Justice on proposed legislation to provide criminal sanctions for the unauthorized disclosure of intelligence sources and methods. As a part of that legislative package there was a provision for CIA to apply for an injunction when there were threatened violations of the proposed law. Justice for two years would not concur in this provision, arguing that the Marchetti case established the principle of an injunction. CIA argued strongly the well-established fact that the other ten judicial circuits were not bound to follow the precedent established by just one circuit, the Fourth. CIA wanted a firm statutory basis for an injunction in whatever jurisdiction a new case might arise. Justice finally relented, and the President sent the legislative package forward to Congress with the injunction provision. This was done in February 1976 with a recommendation for Congressional approval. No action was taken in 1976, but it is hoped there will be some action in 1977.

As a result of the various investigations of intelligence activities, the President on 19 February 1976 issued Executive Order 11905, entitled "United States Foreign Intelligence Activities." The order was to clarify the authority and responsibilities of intelligence activities—in other words, a listing of do's and don'ts. Section 7(a) is pertinent here:

(a) In order to improve the protection of sources and methods of intelligence, all members of the Executive Branch and its contractors given access to information containing sources and methods of intelligence shall, as a condition of obtaining access, sign an agreement that they will not disclose that information to persons not authorized to receive it.

Section 7(c) provides that when there is a threatened unauthorized disclosure of intelligence sources and methods by a person who has signed a secrecy agreement, the matter will be referred "to the Attorney General for appropriate legal action, including the seeking of a judicial order to prevent such disclosure."

Section 7(a) directs all intelligence agencies to do what CIA had done since it was established on 18 September 1947. Section 7(c) directs all agencies to do what CIA

had taken the initiative to do nearly four years ago—i.e., take a prospective violator of the secrecy agreement like Marchetti to court to prevent disclosure.

I feel that the above paragraphs under the heading of "Conclusion" show vividly and graphically the impact of the Marchetti case, not only as a legal precedent but also as a guideline for the conduct of intelligence on a day-to-day basis. No one will claim that the Marchetti case offers a panacea to prevent disclosure of classified intelligence information. The United States needs criminal sanctions, as discussed earlier, for unauthorized disclosure of intelligence sources and methods where the injunctive remedy cannot or has not been applied. (This is clearly demonstrated by the recent Department of Justice announcement that Philip Agee will not be prosecuted, should he return to the United States, for publication abroad of a book replete with details of Agency operations.) If an author publishes a book or article prior to submission to CIA for review as to classified information, obviously injunctive relief is valueless. Current laws provide no usable criminal sanctions; thus the need for the "sources and methods" legislative package.

Nevertheless, the Marchetti case has provided an extremely valuable legal tool, helping the Agency in working with would-be authors and also helping to improve security in Agency relationships with other government entities and agencies, the Congress, and the Judiciary.

SECRET
NOFORN

*Overhead cameras locate
sites of antiquity*

ROME EAST OF THE JORDAN THE ARCHAEOLOGICAL USE OF SATELLITE PHOTOGRAPHY

Robert G. Poirier

We in the intelligence community are preoccupied with the accurate and timely reporting of information geared to assist the decision-making process at the highest levels. The importance of this primary mission makes it all too easy to overlook obvious and beneficial by-products of our work. One aspect of intelligence collection which has only begun to be exploited for its non-intelligence data is satellite imagery. Increasing emphasis is being placed upon information of environmental interest.¹ Despite this new trend, some possible uses have been overlooked or only partially examined. This paper will point out the potential value of using satellite imagery for archaeological purposes.

Satellite photography can be used to help fill the gaps in the story of man. In 1971, Dr. G. W. Bowersock of Harvard pointed out in the *Journal of Roman Studies* that archaeologists suffer from a critical lack of aerial photography in their studies of the Middle East:

Aerial photography would be a great help. Père Poidebard showed what could be done several decades ago with his pioneering work on the traces of Rome in the Syrian desert; and Nelson Glueck has published some fine aerial photographs of Transjordan. . . . Unfortunately, at the present time photography in Transjordan is viewed by the authorities with understandable suspicion.²

The concept of utilizing space-age photographic techniques for historical purposes is not new to the National Photographic Interpretation Center (NPIC). As early as 1970, it was pointed out that ancient sites of historical interest from many cultures could be found in all geographic areas.³ With advances in technology, the amount of historical information obtainable is indeed vast.

Why bother to use aerial or satellite photography for archaeological purposes? Aerial photographs reveal features which are either invisible or distorted to an observer at ground level. Ancient cities, fortifications, villas, roads, and other structures have been eroded by time, destroyed by war, or in many cases vandalized for their building materials. Less substantial structures, such as wooden buildings or earthen ramparts, can easily have disappeared completely. Fortunately for the aerial observer, once a man has disturbed the ground, it never returns totally to the way it was. It is these traces, known as soil or crop marks, which are revealed to the aerial

¹ For the latest example of this see the *Utilization of U-2 Photography in the Guatemalan Earthquake*, published by the National Photographic Interpretation Center in association with the Agency for International Development, February, 1976.

² G. W. Bowersock, "A Report on Arabia Provincia," *Journal of Roman Studies*, Vol. XLI (London, MCMLXXI), P. CCXXXVII.

³ Dino A. Brugioni, "The Serendipity Effect," *Studies in Intelligence*, Vol. XIV/1.

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camera. These marks may reveal all or part of an ancient site and are more or less visible depending on climate, the time of year, and the moisture content of the ground. In some cases they may be superimposed upon one another or mixed in apparently unfamiliar patterns. To the trained eye of the archaeologist, they provide clues as to the various building phases of a structure or in some cases can reveal totally different building activities. Soil marks are clearly visible on the examples of satellite photography given in this paper.⁴

The comments of Dr. Bowersock dealt principally with the Roman *limes* (frontier) in what is modern-day Jordan. He pointed out the genuine and urgent need which scholars have for recent aerial coverage of this area. The same could be said for nearly all other countries of the world.

It is desirable to point out some of the background of this problem prior to concentration on the satellite imagery. Currently, the aerial photography available to archaeologists for the Transjordan is outdated, as is the classic study compiled by Father Antoine Poidebard,⁵ a pioneer in the use of aerial archaeology. Sir Aurel Stein, the noted British historian, explorer, and geographer, photographed much which was pertinent to the Roman frontier in the late 1930s; most of his collection, however, has since been lost.⁶ Thus the intelligence community, because of its particular needs, has acquired a massive amount of photography useful to the academic community.

The Roman frontier in the Middle East in general, and the Transjordan in particular, has been the least studied of all Rome's border areas. From World War II to the present, political conditions have denied the archaeologist most opportunities for study both in the air and on the ground. For the Roman soldier, who spent some 700 years in the same region, the instability of the modern Middle East would have come as no surprise.

Rome's expansion across the lands of the eastern Mediterranean began in the second century B.C. and continued into the second century A.D. During the Romans' period of expansionism, their main rivals were in turn the Seleucid kings of Syria, the Parthians, and then the Sassanid Persians of present-day Iran. By the reign of the Emperor Hadrian (117-138 A.D.), Rome's leadership concluded that growth of the Empire had reached its limits. Throughout the frontier zones, a system of defense known as the *limes* was developed. The *limes* consisted of a series of natural or man-made obstacles, fortifications, and well-developed lines of communication allowing for rapid troop deployments and security patrols. Additionally, the famed Roman road systems built by the legions were a boon to trade and travel. From the reign of Hadrian until the collapse of the western empire some three and a half centuries later, the main theme of Roman foreign and military policy was the preservation of this system.⁷

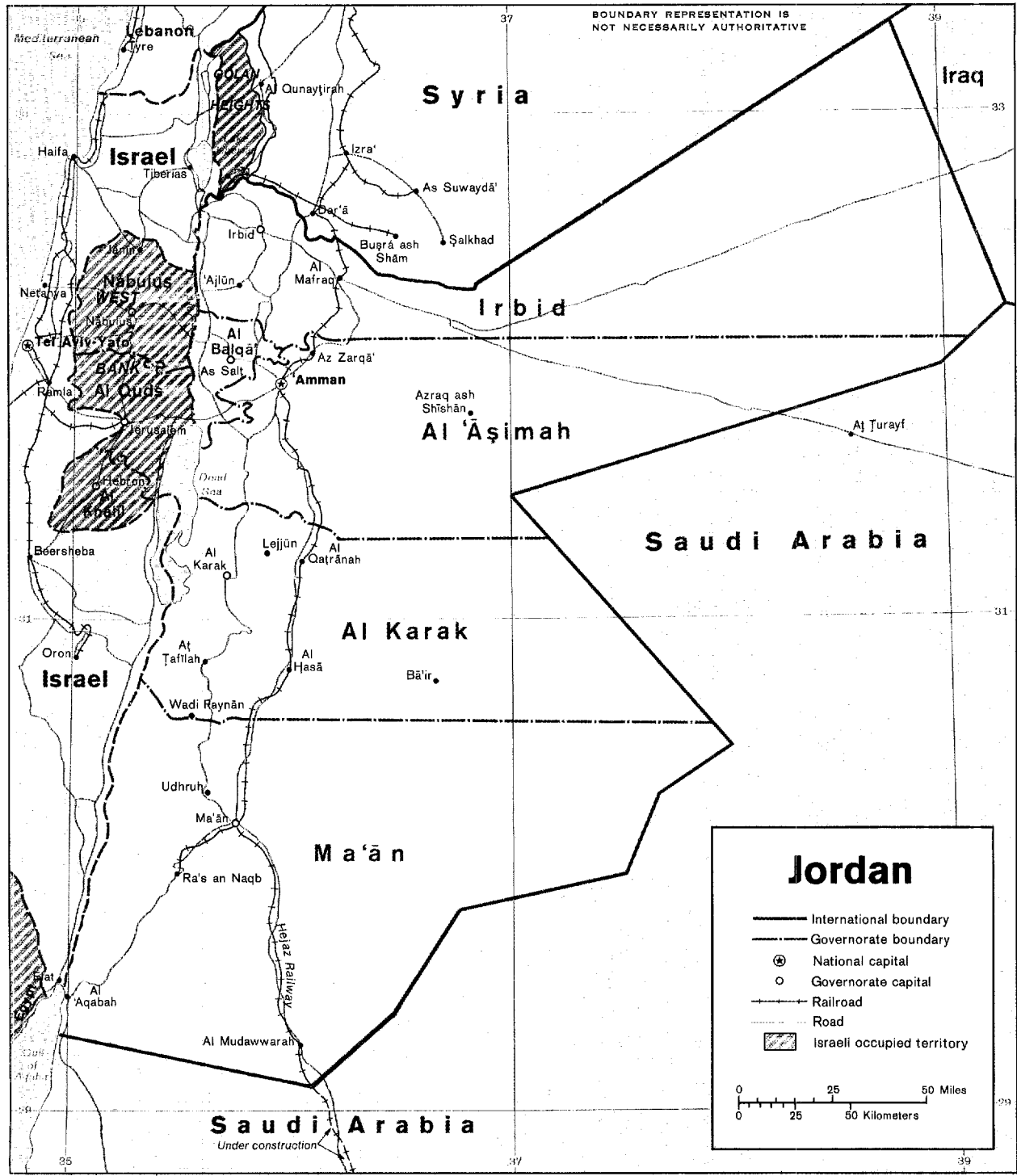
The legacy of Rome's legions is still to be found in many places. The great fortress of Lejjun, in west-central Jordan, retains the name "legion" after 1600 years. It was the key link in the defensive structure of the southeastern frontier in the years following Constantine. The Roman emperors Diocletian and Constantine, who ruled from 284 to 337 A.D., spent their reigns in a massive political, social, and military reorganization of the Empire. This effort ended a half-century of anarchy, invasion,

⁴ R. J. A. Jones and R. Evans, "Soil and Crop Marks in the Recognition of Archaeological Sites by Air Photography," *Aerial Reconnaissance for Archaeology* (Nottingham, England, 1975), pp. 1-12.

⁵ A. Poidebard, *La Trace de Rome dans le Désert de Syrie*, 2 Vols. (Paris, 1943).

⁶ A. Stein, "Surveys on the Roman Frontier in Iraq and Transjordan," *Geographical Journal* 95 (London, 1940), p. 428.

⁷ G. Webster, *The Roman Imperial Army* (Oxford, 1969), pp. 82-106.



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and civil war, and gave Rome another century and a half of life. Lejjun guarded the eastern flank of the province of Arabia and the main north-south road to Akaba. With the exception of one photo taken in 1939, there has been no open aerial photography of the site. A satellite photo taken in November, 1974, however, shows details of the fortress with striking clarity.

Easily seen, even without the powerful optics of the imagery analyst, are soil marks which reveal much to the archaeologist. We can see the four great angle towers, external towers along the walls, the massive double gates, and details of the internal buildings and road patterns. Of what use is this information to scholars? The presence of external towers to mount the ancient equivalent of heavy artillery reflects the major strategical change in late Roman military thought. Before the third century, the army looked upon its forts as offensive bases. With the onset of the "decline and fall," military thinking became mainly defensive.⁸ This significant change in policy was reflected in the army's architecture. External towers, for defensive rather than offensive armaments, became standard. Such clues provide valuable dating material to the archaeologist without requiring his presence on the ground. The ability to detect internal street and building patterns saves much of the time and money needed to locate the most potentially rewarding "dig areas." Mensuration would provide the length, width, and area of Lejjun; this information would enable the scholar to estimate the size and type of garrison stationed there. When stereoscopic imagery is available, the possibility of extracting maximum information from minimum coverage is enhanced.

When we remind ourselves that excavation and open aerial photography are next to impossible in the political climate of the Middle East, the value of such photographs to scholars is clear.

As an aid to the photo-interpreter, the Roman army was kind enough to provide a "signature" for its construction of military sites. The square site with rounded corners, or "playing card" shape, was the army's trademark. Thus, with little training, the imagery analyst can quickly learn this signature and use it to identify both known and previously undiscovered sites. This signature, coupled with ancient and modern collateral information, aids us in the identification of the equally important site at Uddruh.

In danger of being destroyed, Uddruh is possibly even more important to the historian. The site is being slowly eradicated by the encroachment of an Arab village on its eastern and northeastern sections. Comparable to its sister fortress at Lejjun, Uddruh bears the same signatures and was a major link in the fourth century Arabian frontier. While the lines of its external fortifications are not as clear as those of Lejjun, they are nevertheless traceable. The western gate, the northwest and southwest external angle towers, and all but the eastern wall can be seen. In addition, the pattern and soil marks of its internal buildings are easily detectable. A large external building, probably a bathhouse, is visible immediately outside the southwestern section of the fortress.⁹ With this site in danger of destruction, what is the archaeological value of a high-quality satellite photo of the site?

Of equal if not greater importance to scholars is the fact that satellite photography, because of its ability to cover large areas, offers the opportunity to

⁸ H. M. D. Parker, *A History of the Roman World from A.D. 138 to 337*, 2nd ed. (London, 1958), pp. 269-276.

⁹ The Romans built their bathhouses outside their forts to reduce the danger of fire from the wood-fueled central heating system.

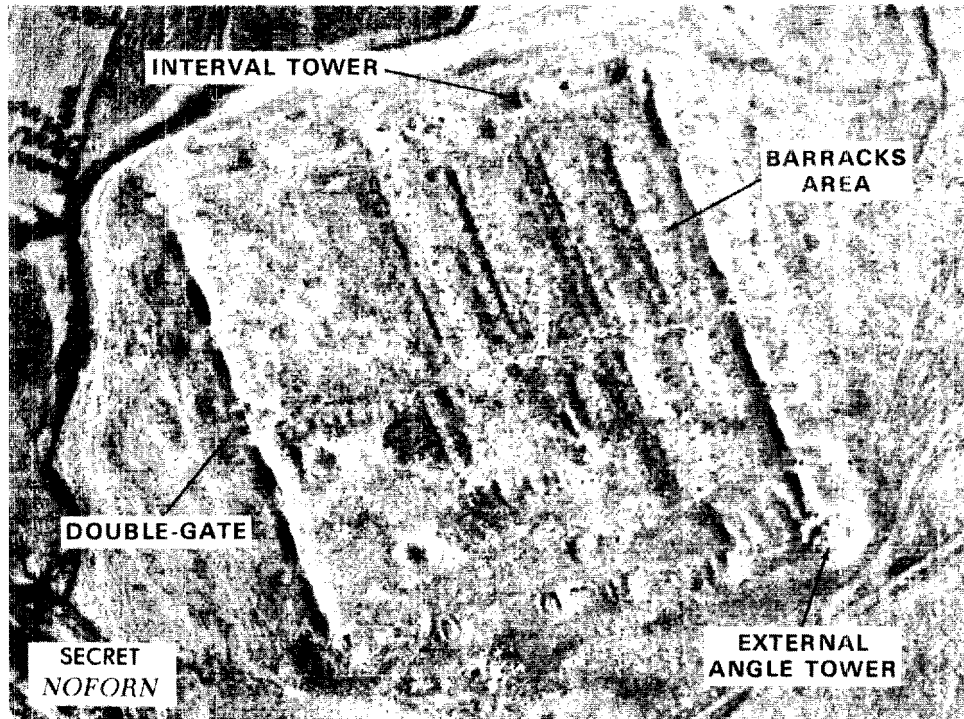


Photo 1. Eleven Acre Legionary Fortress, Lejjun, Jordan

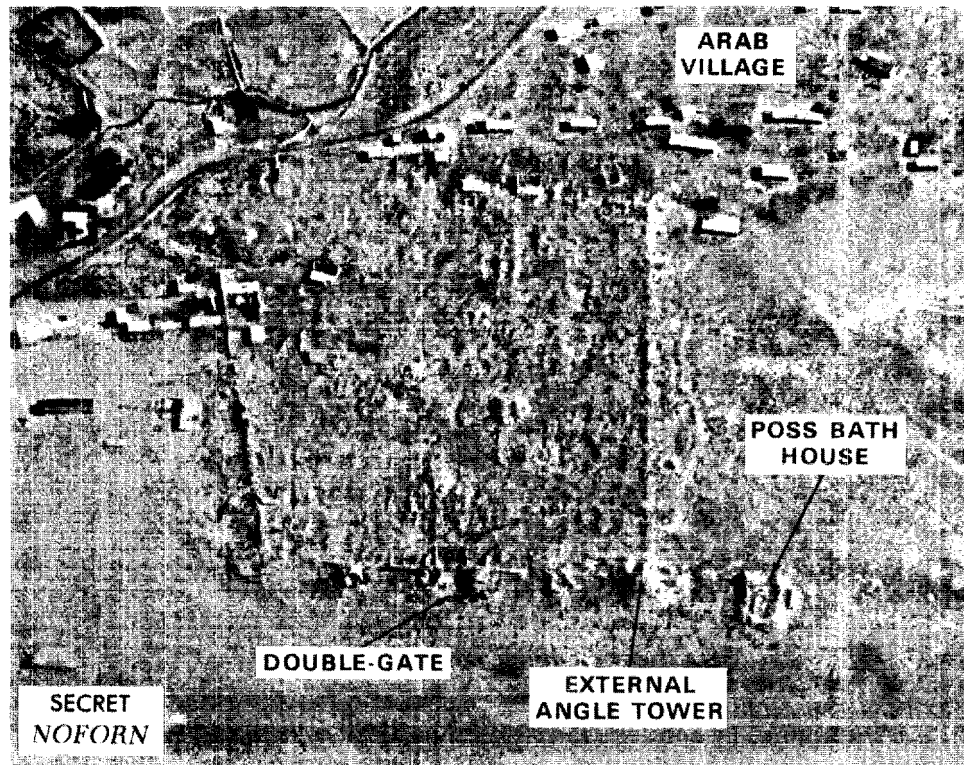


Photo 2. Roman Legionary Fortress, Uddruh, Jordan

gather information on unknown historical sites. An example of this specialized use can be seen in the southwestern section of Jordan. On this photograph are the soil marks of a settlement of some size and military importance. Possibly a Romano-Nabatean site,¹⁰ it is located in a wadi at a junction of the north-south Akaba road. Its location would have made it a site of some importance in the defensive scheme of the later Arabian province. The hilltop citadel, a number of large buildings, remnants of terraced and cultivated slopes, a road, and the possible location of a fort can be identified. While Wadi Faynam is within the frontier zone, extensive use was made of troops stationed in or near settlements of the later empire as an internal security and police force.¹¹

Of the 75 or so examples of historical sites available, only three have been selected. In addition to the Middle East, satellite coverage from many parts of the world is available at NPIC. In carrying out its primary mission, NPIC has incidentally amassed a large amount of historical data. While the commitment of imagery analyst resources to the problem is unrealistic at this time, several possibilities for action exist: U-2, SR-71, or low-resolution satellite photography or archaeological sites could possibly be declassified and turned over to scholars; non-paid, cleared, summer contract professors might be brought into NPIC and allowed to do limited research on the problem; a limited effort could possibly be pursued in the future as part of the Exploitation Technology Branch; or perhaps, and this seems the most promising possibility, single no-source photographs could be turned over to the Smithsonian. The above are but a few possible solutions to what must remain, for the present, a basically academic problem. We should keep in mind, however, the potentially beneficial and positive impact such a gesture would generate in academia. In the current atmosphere of suspicion and anti-agency feelings, any favorable publicity would aid in restoring our tarnished public image.

Thus, the eye of the satellite camera has provided us with insight into the structure, organization, and military history of Rome east of the Jordan. The surface has been barely scratched. The potential discoveries awaiting the eye of a trained archaeologist are beyond what an amateur can imagine. With more study, we may well determine that there are benefits to be gained by both the intelligence community and academia in further research on the use of satellite imagery for archaeological use.

¹⁰ The Nabateans were a people who inhabited this area in the first two centuries A.D.

¹¹ "J. B. Bury, *History of the Later Roman Empire* 2 vols., (New York, 1958), Vol. I, pp. 25-45.

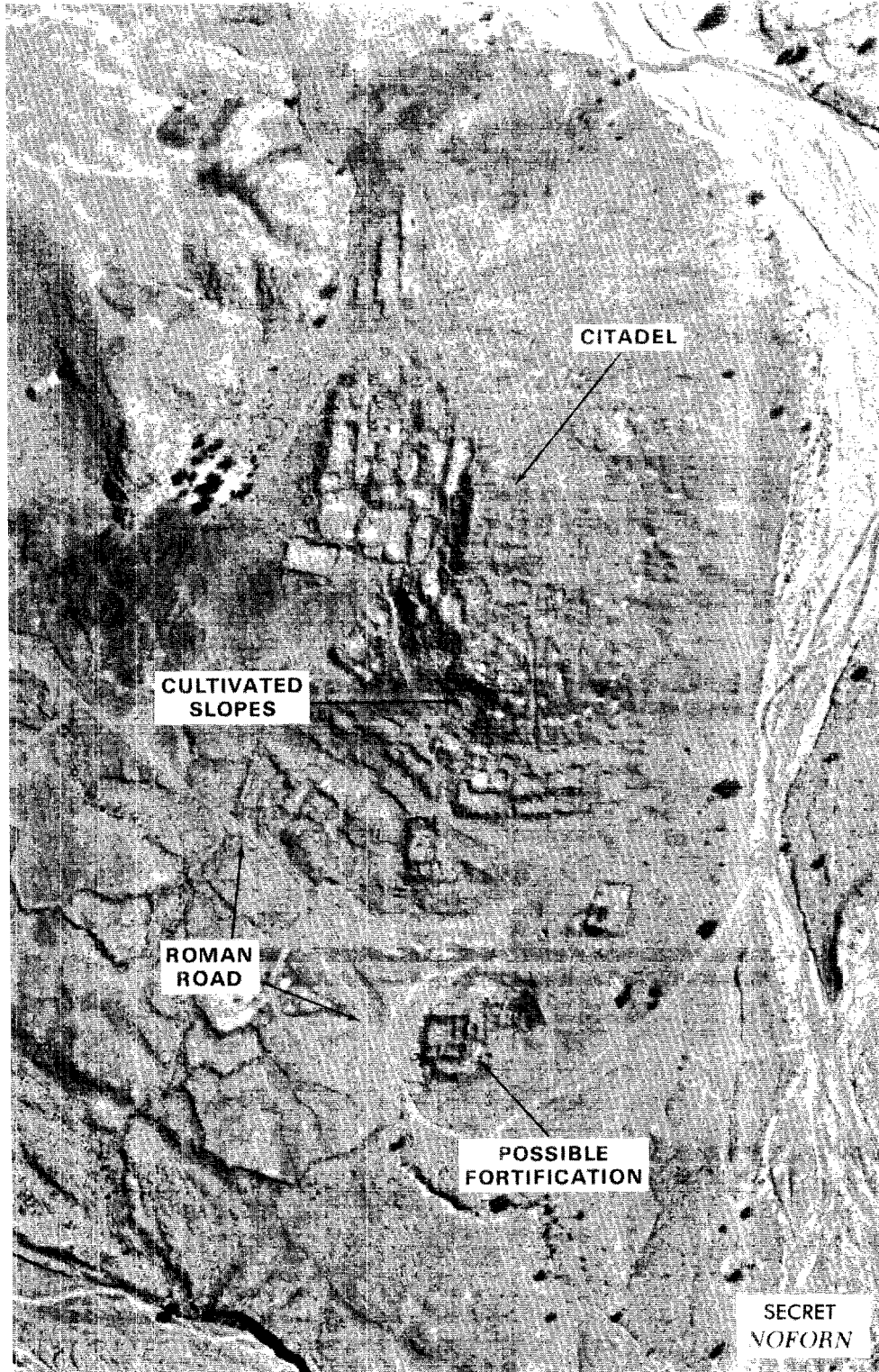


Photo 3. Possible Romano-Nabatean Site, Wadi Faynam, Jordan

*“ avoid eye contact keep moving
look indigenous. . . . ”*

CAUGHT IN THE MIDDLE IN BEIRUT

John Charles Bosch

During the Lebanese Civil War, Muslim gunmen overran my neighborhood on 25 October 1975 and stormed the apartment building where I lived in Beirut. By the time this happened, my wife and I had been in the basement of the building with some 40 to 50 neighbors from the building and the area for about three days, seeking shelter from the battle. The actual taking of the building came as a surprise; the Muslim leader in the area had given his word that our building and the one next to it would not be taken because the residents, primarily Armenians, had been neutrals thus far. Our building, however, commanded the area overlooking the Holiday Inn, a Christian stronghold, and the Muslims probably decided finally that they would need our building to destroy the Christian gunmen in the hotel.

It was dusk, and the area was quiet. Suddenly the building was hit by a rocket. Debris clattered down into the streets around and above us. We braced ourselves for subsequent rocketing, which fortunately did not come. After about 20 minutes, we heard the glass entranceway to the building smashed in. The women and girls began crying. I began looking around for a place to hide and began ridding myself of anything I would have trouble explaining in a hostile interrogation: I had about 3 or 4 safehouse keys, a small appointment book containing telephone numbers, a schedule of call signs for walkie-talkies, and a note from a friend in Russian which I discovered while rummaging through my wallet. In short, I wanted nothing on me that would attract extra attention, or that I would have to explain by lying. It would be hard enough sticking to my cover story [redacted] without having to create and then remember additional fictions. I took off a field shirt similar to an army shirt and put on a wool Black Watch plaid shirt that was less conspicuous. I removed one of two wrist watches and pocketed it. Finally, after a hurried look around the basement I decided to hide in the crowd of neighbors by keeping as inconspicuous as possible, sitting in the midst of them, almost at their feet, and keeping my head down. This was a fortunate decision, because the gunmen made a thorough search after they initially poured into the basement.

The first gunman burst into the basement area with his Kalashnikov leveled and shouted: I'll bet you're all Johns, Georges, and Anthonys." (Christian names.) With that the fellow behind him clouted him across the face and shoved him out of the room. This fellow then stepped up to the youngest boy, kissed him, and asked him to identify any strangers in the crowd.

The boy, about 7 years old, made his rounds looking everone in the face, including me, and reported there were no strangers present. (I knew the boy's mother, and as they are Armenian, she could have prompted him what to say without being understood by the Muslims.) Next the gunmen asked if anyone had any weapons. One man volunteered that he had a "Thompson" in his apartment and was escorted there to get it. His wife and daughters were quite anxious until he returned. Finally we were asked if anyone had a walkie-talkie radio. I had a walkie-talkie from the embassy which the neighbors had seen in my back pocket on the night when all this

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business had started. I had stashed the radio under the mattress in the concierge's room to keep it out of sight, but had removed it and put it in my briefcase which I had with me. I had taken the radio in case I ended up stranded somewhere with no other means of communication. I stayed silent, searching the faces for a betrayal, but no one said a word. It was a tense moment for me, ending when the gunmen ripped out the telephone lines the neighbors had jury-rigged to keep in touch with friends outside.

Some time during this period, the Muslims had picked out an Arab Christian boy about 19 years old, whom they promised to shoot the next morning. An Arab Christian man about 30 years of age, with whom I had mutual friends, said my wife and I were now on our own and moved away from me. He was in as much danger as I was, but at least he could understand Arabic and what was going on. The tension in the basement at first was considerable. We thought that the Muslims might gun us down and blame the atrocity on the Christians who were fanatics as well. Because we had been trapped in the basement for several days we had very little idea who was winning in the area. If the Muslims were on the brink of defeat they might indeed gun us down for spite. At any rate we had an Armenian Orthodox priest in full dress in the basement and thought the Muslims would not turn on us as long as he was there. After about an hour or so they took him away. Panic thoughts like these raced through our minds, and I considered identifying myself in hopes of keeping the gunmen from turning on us. If they knew Americans were there, they might think twice about a massacre. I remembered, however, that everyone in the basement had kept quiet about foreigners being present, and any move on my part now might complicate the situation for them. We all sat tight, but I did expect someone to betray me.

After these tense minutes, our captors attempted to build some rapport with us. They distributed apples, dried rolls, and water. Some of them felt compelled to explain their actions and political beliefs to the group. Their motives seemed to range from Communism to out-and-out monetary gain. One fellow, barefoot and clothed in only a dark undershirt and trousers, bragged that he had come from nowhere, had killed 17 people he knew of, expected to be killed himself, but in the meantime the pay was good. Others seemed almost crazy from pep pills and lack of sleep. One fellow, apparently half-crazed, babbled inanities throughout the night in an attempt to explain his motives for doing what he did. One of the neighbors, a cultured Lebanese Christian woman, the mother of the 30-year-old man mentioned above, listened to this fellow throughout the night, gentling and soothing him by feigning interest. During this time my wife and I stayed on the floor behind a column buried in three sleeping bags we had collected earlier. The neighbors made sure we were never isolated and maintained a cluster around us. The gunmen were as motley as their reasons for fighting. One man, European in appearance, was wearing a white suit as though he had just come from a party that evening. Others were outfitted quite well in camouflage jungle-type uniforms with good canvas and leather laced high-top boots and good webbing for their gear and side arms. Some were in plain khaki uniforms with red-and-white checked *kefiyas* over their shoulders under their crisscrossed leather belts. These the neighbors said were Syrians. Here and there were fellows in U.S. Army-type fatigues with white webbing pistol belts. Others had the black-and-white checked *kefiyas* of the Palestinians. Still others wore green fatigues with red Arabic script patches over the left breast pocket—the uniform of Ibrahim Qulaylat's Nasserist movement, I was told. All the weapons I saw, however, were Soviet Kalashnikovs and Degtyarevs. All in all, there were about 30 gunmen in the building.

After a few hours, our Armenian leader requested that the group be evacuated to a safer area as soon as possible. He was assured that this would be done as soon as the security situation allowed. Early the next morning the gunmen began allowing the tenants, one by one and escorted by a gunman, to return to their apartments to collect a few possessions in preparation for the evacuation. My wife and I, however, could not run the risk of using the opportunity to get some of our things as it would have meant exposure. When everyone was back in the basement with his few possessions, the group awaited the arrival of the commander and his decision as to when to evacuate.

Throughout this period I had again debated whether to identify myself. The Armenians had been keeping me informed of what was going on, and the leader had told me of the decisions he was about to make. I had told him that I was throwing my lot in with him and his people, and whatever he decided in the interests of their security would be acceptable to me. I did, however, want to get out of the situation as soon as I could. I had heard that some Americans had fallen into the hands of Qulaylat's forces and had been escorted safely out of the war zone and turned over to the Lebanese Army, who had got them to the embassy. I was concerned about identifying myself to the ragtag bunch that had swooped into the basement, but thought that if the commander looked like a reasonable type I might identify myself as an American who got caught up in the fight and ask him to get me and my wife to the embassy.

The commander was in a khaki uniform with a leather cartridge belt containing Kalashnikov rounds around his waist and a red-and-white checked *keftiyah* on his shoulders. He had no weapon, but carried a wooden, ferruled baton much like a British drum major's baton. He entered the basement area with a swagger and a positioning of the baton similar to a drum major on parade. He wore heavy-framed horn-rimmed eyeglasses with tinted lenses. He was slight and about 175 centimeters tall. Because he seemed erratic, I decided I would wait further and take my chances. The commander decided immediately the group could be moved, and we busied ourselves getting organized.

For my part, I wanted to look as indigenous as possible. I was tanned, but blue eyes and sun-bleached hair plus being taller than my neighbors set me off. For the first time since the gunmen took the building, I was attracting their attention. I draped myself in the sleeping bags, hiding my Samsonite briefcase under them in the process, and grabbed a neighbor's battered suitcase. Avoiding eye contact with the gunmen, I fell in with the crowd moving out of the basement and followed along with them, staring at the ground in front of me. My wife joined in with the women, carrying some of their things. We were led by and through armed men wearing civilian clothes as well as the variety of uniforms already mentioned. The route took us through alleyways to a point where two Land Rovers were waiting. The crowd filled the Land Rovers, but my wife and I and two Armenian women, one of them the leader's daughter, were left behind. A man seeing the situation ran to get a car parked nearby, and we piled into that.

As we set out in the direction of the safe haven my heart sank: we were moving farther away from the embassy area into a No Man's Land. Upon approaching intersections, the car would stop before reaching them and, when given the go-ahead, make a wild dash through. At one point we passed the British ambassador's residence with the Union Jack flying out front. On impulse I told the driver to stop, thinking I could find refuge there. The driver slowed, shouting something in Arabic to the leader's daughter. She answered him with a shout in Arabic. He drove on, and she broke down weeping. As it turned out the driver wanted to know why I wanted to go

to the British ambassador's residence, and the leader's daughter said I was British. The tension of the moment caused her to break down and cry. I had thought the man was an Armenian ally, but he was an Arab Muslim.

When we arrived at our destination I realized I was far away from the embassy and in a position perhaps worse than I had been in the basement. Our refuge, although beautiful and tranquil, was just across from a mosque that had been a Muslim terrorist center. Agents and contacts had told me that from this mosque gunmen had set out nightly to soften up nearby Christian areas, mine included, with machinegun and rocket fire. Furthermore, heavily armed Kurdish mercenaries were lounging around in the street in front of the refuge point as well as on its grounds. When I went to telephone the embassy the Armenian at the desk had a P-38 pistol and an extra loaded magazine on the desk top. After my conversation telling the embassy I was all right, several telephone calls originated by the embassy followed. The Armenians were growing concerned that—either through wiretaps or from seeing me walking between the building where the telephone was and the main building—the Muslims would learn they were harboring an American diplomat. The Armenians decided my wife and I would have to be hidden on an upper floor of the main building until they worked out a way to get us out. We followed their orders.

That night a fierce firefight between Muslims and Christians broke out. Many 120-mm mortar shells from Christian batteries passed overhead. We could hear both the firing of the rounds not far away and some seconds later their detonations in the strike zone, which was not far away either. A wild round had hit a wing of the main building the night before, so everyone was anxious about surviving this particular night unscathed. The Armenians had organized a guard of sorts from some of their young men who had made it to the refuge. It was small and poorly armed, but determined to try to keep the Kurds and other Muslims out should they try to use the grounds and buildings to gain better fields of fire. One of the leaders asked me seriously if I could handle a weapon.

Sunrise finally came and the battle subsided. Isolated and sporadic small arms fire continued, however.

Suddenly in late morning, after 26 hours of hiding, the Armenian chief told me to go to the building where the telephone was. As it turned out, a young Armenian with a pass enabling him to cross the various zones was waiting. He had made many runs through these zones in his Datsun, ferrying people and food back and forth, and was willing to take us to a point where the embassy security officer could meet us. After questioning him closely about the route he would take, incidents he had had in driving the routes, and what he anticipated with my wife and me in the car, I decided this was my best bet to get back to the embassy. I telephoned the embassy security officer to determine if the transfer point was safe and if he could meet us there in about 20 minutes. When he said yes on both counts, I got my wife from hiding, and we went out to the car with the driver. The driver locked my Samsonite briefcase in the trunk and told us to sit relaxed and let him do the talking if we were stopped. After shaking hands hurriedly with the small cluster of Armenians who had done much and risked much on our behalf, we set out.

The ride through the back streets of Beirut was the wildest I had ever had. A Keystone Cops chase fits best what the ride was like. The driver was expert, with an expert knowledge of the streets. Because he thought he had a Mercedes following him, at first he perhaps was taking more chances than he would have otherwise, but he got us safely to the transfer point. After the driver left, the security officer approached, and we went with him to his car.

When we arrived at the embassy, it was practically in a state of siege. Marines were in battle dress, and certain areas were sandbagged. The embassy had already taken sniper rounds from nearby gunmen, and one had to be careful in approaching and leaving the building. After a preliminary debriefing at the embassy, we retired to a nearby apartment for showers and a drink. The following day we left for Athens with just the shirts on our backs.

Postscript: Several years ago, before I had ever served overseas, I read a paper done by the Agency on how to behave if caught in the middle of a hostile demonstration or riot where a foreigner might be grabbed and beaten or killed. In essence, one was to avoid eye contact with the demonstrators by looking downward, and to keep moving through the crowd until out of danger. When we left the basement and started moving through the gunmen along the streets, I remembered this advice. As for my behavior at other times, I tried to be as inconspicuous as possible and stay out of sight, but still be with the people. I also tried to look as indigenous as I could by taking the neighbor's suitcase and covering myself with the sleeping bags to hide the briefcase. Amazingly, the gunmen never followed up their general questions with personal searches of their captives which, of course, worked in my favor. I do not know what one does to have the kind of neighbors we had. In this respect, as in all others, we were lucky.

Communications through the Editor:

ELEGANT WRITING IN THE CLANDESTINE SERVICES III

To: Richard T. Puderbaugh (whoever you are)¹

1. As my final act on leaving for retirement, I send you these authentic ² gems to add to your collection:

We are still attempting to determine his underlining motivation . . .

He views this as a welcome change over the mechanizations involved in the election of his predecessor . . .

During training of ABCDEF-1 in Metropolia, DINGBAT promised to pouch to the capital some reading material for A-1 based his specific interests and fact he vociferous reader . . .

Source was prevaricating through his teeth . . .

He was barreled over at the implications of this . . .

Another item that has peeked our interest . . .

This does not carry much water with the Soviet people . . .

Virginia Valpey

¹ "Richard T. Puderbaugh" is a retired training officer who in his more active days wrote "Elegant Writing in the Clandestine Services," *Studies in Intelligence XVI/1*, and "Elegant Writing: Report Number Two," *Studies XVII/2*.

² The quotations are indeed authentic but source references have been deleted to protect the guilty. [Editor.]

*A comprehensive look
at estimative intelligence*

**NATIONAL ESTIMATES: AN ASSESSMENT OF
THE PRODUCT AND THE PROCESS¹**

Louis Marengo, Dean Moor, Richard Ober, and Dick Wood

The intelligence community has experienced increasing criticism in recent years of the national intelligence estimates, providing the impetus for a serious effort to evaluate them. There had never been a comprehensive study by the intelligence community of the role of national estimates in the decision-making processes of the government. Accordingly the Center for the Study of Intelligence assembled a study team of experienced Agency officers in July 1976 to undertake a nine-month study of the estimative process.

Based on team interviews with 97 users and producers,² this study focuses on three broad topics: the product and its audience, the process of producing estimates, and the producer-user relationship. It deals only with *interagency* papers produced on behalf of the Director of Central Intelligence, and does not treat the substantive accuracy of individual estimates.

SUMMARY

I. SETTING THE STAGE

National Intelligence Estimates (NIEs) have changed over the years from short, narrowly-focused papers dealing with near-term problems to include more comprehensive, analytical studies of longer-range issues. This change resulted from:

- greater analytical capabilities;
- an enlarged data base; and,
- changing requirements, as readers grew more numerous, more sophisticated, and more demanding.

The role and importance of estimates in policy making has varied with Administrations, particularly in response to:

- the structure of the policy-making machinery and the place accorded estimates;
- the attitude of top policy makers toward intelligence; and,
- the quality and relevance of estimates as perceived by the principal users.

¹ This article was originally issued by the Center for the Study of Intelligence as Intelligence Monograph TR/IM 77-03, April 1977.

² All interviews took place prior to the change of administrations in January 1977 and reflect the intelligence and policy processes existing at that time.

Reaching their zenith in the early 1960s, estimates subsequently declined in prestige and drew increasingly sharp criticism. The criticism contributed to the decision of the Director of Central Intelligence in 1973 to abolish the Board and Office of National Estimates (ONE) and entrust the preparation of estimates to a group of National Intelligence Officers (NIOs).

II. ESTIMATES AS AN INSTRUMENT OF POLICY SUPPORT

The criticism of estimates has continued since the change, however, and this chapter sets forth the views of policy makers and other consumers on the present quality and utility of estimates and comments on how and for whom they should be written.

The Traditional Doctrine

National estimates were intended at their outset to be the most authoritative appraisals available to the top levels of government on foreign developments of national security concern. Issued by the DCI, they were to be forward-looking and predictive, rather than historical and descriptive, of high quality and objectivity, and national products with respect to subject matter, audience, and process of production. The interviews for this study were conducted with this doctrine in mind and the results were measured against it.

How Estimates Fared

Against the traditional standard, estimates did not fare well. Although highly praised by some users, and found useful in one way or another by most others, they were judged in the aggregate to fall well short of the traditional ideal. They clearly have not played the important role envisioned for them in the national security decision process.

The Negative Side. Estimates seldom reach the top levels of their intended audience—the President and members of the National Security Council. Such of their content as does is usually included in memoranda or briefings prepared at lower levels, where estimates are widely received, and read to varying degrees. The complaints about estimates focused on quality and relevance; estimates were criticized for being:

- irrelevant to, or oblivious of, the specific policy problems of the readers;
- insufficiently analytical and overly descriptive;
- conservative and imprecise in their judgments about the future;
- inadequate in explaining judgments and conclusions, and in discussing the alternatives considered and discarded; and,
- unable to contribute much that is unique or not already known to the policy maker, particularly on political subjects.

The Positive Side. Some respondents were high in their praise of estimates, and others were on the whole well satisfied with them; almost all found them useful in one way or another. For example:

- those with strongly positive views, including two former cabinet members, tended to be less concerned about the relevance of estimates to immediate policy issues, and valued them for their presentation of a disinterested view;
- others with a positive view expected less of estimates, and were not troubled by the deficiencies perceived by the more critical;
- most users valued estimates for their balance and professionalism, because they pulled together all that was known about a subject, and because they helped assure the reader that he had considered all the factors bearing on a problem.

Other Findings. Estimates got good marks for objectivity—some users considered this one of their principal virtues. Most users who said they had observed bias considered it a comparatively minor problem, easily discerned and adjusted to, and the consequence of human imperfection rather than of deliberate intent.

It proved difficult to get the views of users on differences in the quality and utility of estimates since the 1973 change in the production system, because of the turnover of officers in policy positions. There was, however, a fair degree of consensus between users and producers on two points:

- the NIO system has produced a modest improvement in the relevance of estimates and somewhat greater improvement in the responsiveness of the system; but,
- estimates are more uneven in quality than those produced before 1973, because of the new drafting procedures.

The interviews revealed different reactions to different kinds of estimates:

- those on military, scientific, technical, and economic subjects were better received than those on political subjects, not because of differences in quality, but because most users were less able to handle the complex data, perform their own analysis, and reach their own conclusions.

We found little or no support for criticism heard in recent years concerning:

- the proliferation of intelligence publications containing estimates;
- the issuance of departmental as well as national estimates; or,
- the absence of an explicit scale of probabilities in estimates.

Why the Gap?

The substantial disparity between traditional expectations and what users said is attributable in large part to deficiencies in the product:

- the failure to be fully responsive to the policy question;

- the failure to be sufficiently venturesome; and,
- inadequacies in drawing implications for U.S. policy.

Some Unrealized Assumptions. There are other reasons for the disparity, which individually and collectively are of considerable importance. A basic one is that the traditional doctrine puts an unrealistic burden on the DCI and the intelligence community. It rests on some unstated and unrealized assumptions.

One is that estimates would have a major influence on the formulation of national security policy:

- in fact, estimates have played only a modest role, partly because
- security policy is not directly driven by facts, analyses, and resulting judgment; it is the complex product of an often lengthy and untidy process, in which many other considerations come into play.

A second assumption is that policy makers would seek and welcome the contributions of estimative intelligence, even when they cast doubt on current policy:

- in fact, policy makers often believe that they can estimate as well as the intelligence specialist, if not better; also,
- estimates may say unwelcome things and cast those who produce them in the role of troublemakers.

A third assumption is that the relationship between policy and intelligence would be close, and communication free and complete:

- this relationship has usually not existed; it has been very weak in recent years; moreover,
- there is an absence of structure for systematically insuring that estimates are part of the policy process.

Other Reasons. Two other circumstances have contributed to the failure of estimates to play their prescribed role. One is that the foreign policy establishment tends to be highly operational, and to focus on the short term and highly specific matters immediately before it. However:

- estimates were originally intended not merely to support day-to-day operations, but as contributions to the formulation of basic, long-term national security policy;
- from this perspective, the difficulty may be with the way policy is formulated. Government institutions, such as State's Policy Planning Staff, which were designed to assist with long-range policy, usually focus instead on short-term issues.

Secondly there has been suspicion and distrust of estimates at the top, and this has had serious effects on their use.

- Unless estimates are welcomed and read at the top, they are not likely to be taken seriously elsewhere.

The Market for Estimates

Even the most critical users believe that estimates have a role to play in the policy process.

What Should Estimates Do? Users believe that estimates should:

- identify policy problems not yet in the forefront, and pose questions about them;
- sort out the facts in complicated situations where such facts are elusive, apparently contradictory, or fast changing;
- identify and evaluate the forces at work and their interplay, and discuss how their continuation or manipulation could affect the final outcome;
- judge the consequences of ongoing developments for U.S. policy; and,
- judge foreign reactions to U.S. policies, present, or contemplated.

There was a relative lack of interest in specific predictions of future events such as coups, elections, or changes of government.

Most striking about these comments is their reaffirmation of the traditional doctrine, with its emphasis on the analysis of forces, trends, and their implications for the U.S. in a context analytical and forward-looking, rather than descriptive and current.

For Whom Should Estimates Be Written? The nature of the audience is important, for it affects the way estimates are organized, their level of detail, and how they present facts, analyses and conclusions.

Some of those interviewed thought that estimates should be written with readers at the very top in mind—the President, the NSC, and other cabinet members—not because estimates would regularly be read there, but because, so aimed, they would catch other readers along the way.

- But the perspectives and needs of those at the top are not necessarily the same at those of the individuals who support them:
- Some estimates will be read at the top, particularly those that the DCI believes should be read there, and which he urges upon the senior policy makers.

Most respondents believed that estimates should be aimed at the Assistant Secretary of State, White House Staff, or comparable level, and we agree.

- These are the officials who set the terms for the policy debate by formulating the options and alternatives, who enjoy the confidence of policy makers at the highest levels, and who constitute the highest level combining expertise and the power to act on many problems.

How Should Estimates Be Written? Such readers are able and knowledgeable, have access to the same material as estimators, and feel competent to reach judgments on the basis of their own analysis. If estimates are to appeal to this audience they must:

- emphasize analysis rather than description, show the relationships among data, analysis, and conclusions, and describe the thought process by which the estimators came to their judgments;

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- explain what issues were contentious and what was discarded and why, and set forth any differences of opinion;
- describe continuity and change as compared with previous estimates, and identify earlier material now judged incorrect; and,
- clearly state the implications of their analysis and conclusions for U.S. policy.

III. IMPORTANT ELEMENTS IN THE PRODUCTION PROCESS FOR NATIONAL ESTIMATES

This chapter discusses the views of producers, some users, and the study team on aspects of the process by which estimates are produced.

Self-Initiated Estimates

About half of all national estimates are initiated by the intelligence community, and most producers and users who commented on the subject found this satisfactory. A very few felt strongly that, to avoid irrelevant papers, estimates should be produced only on request, but the majority and the study team believe that producers have a duty to initiate an estimate when they perceive a development of significance for U.S. policy.

Terms of Reference

The degree to which users participate in preparing the terms of reference is likely to determine the real relevance of an estimate to the needs and interests of its main recipients. A formalized procedure providing for such consultation should be instituted. The risk of predetermining the outcome by a conscious or unconscious "loading" of the questions appears minimal and manageable.

Multidisciplinary Work

Users and producers alike agreed on the need for more cross-disciplinary or analytically-integrated estimates, and on the difficulty of doing them. A common complaint was that readers were left to synthesize separate sections on political, economic, military, and other subjects. Bureaucratic separation and increasing specialization among analysts were cited as the cause for this situation. There is, however, little agreement on how best to accomplish good multidisciplinary synthesis. At a minimum, it probably requires bringing various analysts together under an effective project leader for wide-ranging "synthesizing discussion" before drafting begins.

New Analytical Methodologies

Although some critics fault the estimative process for not incorporating more quantitative, mathematical, and systems-oriented methodologies, we found little support for this charge. There was a great deal of skepticism about the use of computers and other new tools, and producers saw some risks in the use of new methodologies. Nonetheless, it is important to keep up with the state of the art, and some new techniques appear to have at least limited applicability.

Competing Analysis

Another concept that has received attention recently is the creation of "competing centers of analysis." The only extensive effort to provide an alternative

analytical approach was the widely-publicized and controversial "B-team" experiment. Undertaken last year during the preparation of the annual estimate on Soviet strategic forces, it involved a team of experts from outside the intelligence community. There are many practical problems in such an effort, however, and the best insurance of proper analytic competition probably lies in the skill, perception, objectivity, and intellectual rigor of the estimative manager, rather than in any organizational techniques.

Net Assessments

Net assessments involving the U.S. require access to data on U.S. forces, weapons, and capabilities. Those interviewed agreed fully that the intelligence community should neither conduct them nor include them in estimates, because of the inordinate risk of transforming estimators into advocates or opponents of particular U.S. weapons systems or policies. Net assessments comparing the capabilities of two or more foreign countries are an acceptable and at times essential part of national estimates, and there is need for more of them.

Coordination

This process brings together experts from the various agencies to debate and revise the text of a draft estimate. Coordination is central to the concept of *national* intelligence, allowing the DCI as the nation's chief intelligence officer to set forth his views while requiring other participants either to agree or to express and explain their disagreements. Substantively, coordination brings the talents of the entire intelligence community to bear, makes coverage of the pertinent issues more likely, and, at its best, helps to define and sharpen issues.

The best way to avoid the pitfalls of coordination, such as masking divisions and fudging conclusions, is to select a chairman for coordination meetings who is tough-minded, independent, judicious, and skilled in running a meeting, and to remember that consensus is often not what users want or need.

Dissent, Summaries, and Classification

Consumers welcome the presentation of conflicting views on controversial and complex matters, and they are sufficiently sophisticated to distinguish between dissents reflecting substantive differences and those taken primarily to support bureaucratic positions. The present trend of incorporating dissents in the text of estimates, rather than in footnotes, is clearly favored by users, some of whom want also to see an elaboration of the rationale behind a dissent.

Consumers emphasized that a tightly written and accurate summation of the key conclusions is the best possible device for ensuring high-level attention to the message of an estimate. Many did not object to lengthy estimates so long as they led off with a crisp, well-written summary. The importance of a good summary can hardly be overemphasized.

Policy makers strongly favored the lowest possible security classification for estimates as a means of widening their audience and enhancing their utility. Where possible, highly classified material seems best handled in separate, more restrictively distributed annexes, so that a lower classification can be given to the basic estimate.

Presentation, "Post-Mortems," and Updates

While recognizing that both written papers and oral briefings have certain advantages, almost all consumers commenting on the two methods clearly preferred

to get most if not all estimative material in written form. The bulk of any effort to improve presentational formats ought therefore to go into making written estimates as succinct, readable, and responsive to different levels of need as possible.

Post-mortems can be useful if done sparingly, and if they include feedback from consumers.

There was almost no support from consumers for a regularly scheduled revision and update of estimates, except for the annual Soviet strategic estimate, NIE 11-3/8. In our view, estimates should be updated only when significant changes have occurred.

IV. ORGANIZATION FOR THE PRODUCTION OF ESTIMATES

The current system for producing estimates gives each NIO a larger amount of authority and responsibility than any one individual had under the previous system, and it encourages and requires a close working relationship between the NIO and the main producers and users in his area.

Both of these results were highly valued by most of the users who commented on the subject. Some of those interviewed, however, felt that the present system places too heavy a burden on the NIO, and that it suffers by lack of provision for collegial review, as once supplied by the Board of National Estimates.

One benefit of the present system, in the eyes of some producers, is that it puts the drafting responsibility on analysts who deal with a subject on a day-to-day basis. Others believed, however, that the analysts' lack of experience in estimative writing and the conflicting demands on their time from other tasks often resulted in a lower quality estimative product.

Changes in Current Practices

Efforts have been made to respond to some of the criticisms, including the authorization of a panel of outside consultants to review estimative drafts. Without offering a detailed blueprint, the study team believes that additional steps should be taken. These are:

- to establish a body of generalists to serve as an internal collegial review group;
- to establish a small group of analysts to do the initial drafting of estimates as a full-time task; and,
- to activate the authorized panel of outside consultants.

These steps would help insure high quality and the thorough and complete treatment of a subject. They would provide an additional means of getting objective and disinterested national estimates, and would highlight the primacy of the DCI. They should not be allowed to impinge on a strong virtue of the present system: its improved ability to maintain contact with the consumer and to insure the pertinence and responsiveness of the estimative product to the consumer's needs.

V. THE USER'S ROLE IN ESTIMATES

If estimates are to be useful and relevant, producers must clearly understand the needs of users. Such understanding can best be acquired by direct communication on

matters of scope, timing, and the issues to be addressed. An effective dialogue between producers and users would seem to require:

- clear evidence of interest by the President and senior policy makers in the use of estimates;
- a recognized procedure for fitting estimates into the national security decision process; and
- active participation by senior policy and intelligence officials.

To date, these conditions have been met only partially and sporadically. The National Security Council Intelligence Committee (NSCIC) was set up in 1971 to provide guidance by users on their needs and to evaluate intelligence products, but proved ineffective. Since it was abolished in 1976, there has been no formal mechanism for user-producer exchange. Despite what the NIOs have done to bridge the gap, intelligence production and collection are still determined by what the producers think is needed than by direct requests or by guidance from users.

Some believe that intelligence analysts should maintain a certain remoteness from decision makers to keep intelligence untainted by policy pressures. But most users and producers took a different view, considering a close relationship mandatory—its primary benefit being a clearer, more realistic appreciation by each of the other's capabilities, limitations, and needs.

Providing for Closer Contacts

The major obstacles to closer user-producer relations are lack of time, physical separation, and a view among some policy makers that the producers of intelligence were well enough informed and sufficiently competent to determine on their own what users want and need. Most users agreed, however, that efforts to improve communication are desirable.

- One solution sometimes suggested is the creation of a forum such as the NSCIC, but without its liabilities. This course is worth trying, but not a great deal should be expected of it.

It is quite clear that the improvement of communication will depend mostly on the efforts of individuals, and that the main burden will remain on the producer.

- Several policy makers stressed the importance of developing personal relationships of mutual confidence with intelligence producers;
- Users should do all they can to insure that the producer is aware of trends in policy and to understand what estimates can and cannot do; producers must help them acquire this understanding and absorb what is readily knowable about policy concerns;
- More tours for selected intelligence officers in policy offices would be helpful.

VI. THE FUTURE ROLE OF ESTIMATES

As its power and self-sufficiency become more circumscribed, the U.S. will be increasingly dependent on accurate estimates of the possible plans and actions of its adversaries and friends. Thus, estimates will have a highly useful role for the foreseeable future and should get high priority in the overall intelligence effort.

Estimates will be more difficult to prepare in the future. With the growing complexity and interrelatedness of the world's military, technological, economic,

political, and social affairs, it will be harder to understand and to foresee crucial developments, to be clear and precise, and to phrase estimative judgments in simple declarative sentences. The likely shrinking of intelligence resources will be coupled with a requirement for estimates on a wider variety of subjects aimed at more and different consumers, including Congress and perhaps even the public.

(End of Summary)

I. SETTING THE STAGE

National Intelligence Estimates (NIEs) are almost as old as "central intelligence" itself, having been systematically produced by the United States Government since 1950.⁹ In October of that year, General W. Bedell Smith became Director of Central Intelligence (DCI) and established an Office of National Estimates (ONE), together with a nine-man Board of National Estimates under Professor William Langer of Harvard University.

In the early years, estimates tended to be short, spare, narrowly focused, and concerned with events in a very short time frame. NIE #1, written in November, 1950, was entitled *Prospect for Communist Armed Action in the Philippines During November*. Others written in the first year or two were very cautious about looking more than a month or two ahead. Estimative judgments were often tendered with little of the underlying rationale provided in the text.

As analytical capabilities and the data base grew, estimates also changed. Greater emphasis was placed on the presentation of data on the development of the argument. The forces at work in a situation were discussed and trends identified and evaluated. Estimates were produced whose objective was to educate and to provide background.

These changes were stimulated in considerable part by changes on the demand side. From the beginning, the market for estimates went well beyond the top policy makers and their senior aides, and it grew with the passage of time. It came to include readers with widely varying backgrounds and requirements. Many of them required sophisticated analysis, and became increasingly unwilling to accept the judgments of others without a backdrop of fact, argumentation, and analysis.

In this respect, a major turning point occurred with the advent of the Nixon administration in 1969. Skeptical from the first about the estimative product, its senior officials demanded a complete justification of the judgments rendered, particularly for military estimates. They also required that sufficient data and analysis be presented so that the reader could reach his own conclusions from the material presented.

Estimates had their clearest *formal* role in the decision-making process during the Eisenhower administration, when the National Security Council (NSC) was a more structured and important policy-making body than at any time before or since. The NSC Planning Board was the place where NIEs were brought together with policy inputs and combined for use by the NSC. Not every NIE had an impact on policy, but there were clearly defined institutional linkages connecting intelligence with the policy process. The potential of those arrangements was not fully realized, however.

⁹ Probably the first "national estimate" was prepared under the direction of Admiral Roscoe H. Hillenkoetter as DCI in March 1948. Its subject was Soviet intentions in the Berlin crisis, and its production was a milestone in interdepartmental cooperation and a forerunner of the system adopted in 1950. See "March Crisis 1948, Act I," by William R. Harris in *Studies X/4*, p.13.

Estimates were not consistently read by high-level officials, and there is not much evidence that they had a major influence on policy.

With the decline in the role of the NSC machinery under the Kennedy and Johnson administrations, the systematic structured connection of estimates to policy was reduced. Nonetheless, the true heyday of estimates may have been in the early 1960s. It was then that the White House and important Cabinet members asked for and used more estimates in formulating policy than at any other time. The DCI and senior intelligence officers had access to the President and other top policy officials, and the DCI personally played a crucial role in inserting estimative products into the policy process. Also, at about that time rapidly expanding technical collection capabilities began to pay rich dividends, which were reflected in more comprehensive and sophisticated estimates, especially on technical and military subjects.

The influence and importance of estimates began a decline in the mid-1960s. Complaints about shortcomings in estimates have been voiced with increasing frequency, particularly since 1969. Although the themes had been heard in one form or another from the very beginning, the complaints built to a crescendo in the late 1960s and early 1970s. There appear to be a number of reasons, including internal governmental strains and divisions over Vietnam, a lack of access and influence with the White House by the DCI, and a belief by consumers that estimates were increasingly out of touch with the needs of the executive.

Partly in response to these complaints, DCI William Colby abolished ONE and the Board of National Estimates in November 1973, and established the system currently in effect. Overall responsibility for producing policy-relevant estimates, and for maintaining close contacts with producers and consumers of intelligence, was vested in some dozen senior National Intelligence Officers (NIOs), who reported to the DCI and were responsible for particular geographic regions or substantive specialties. The actual drafting of estimates was diffused: NIOs could call on intelligence production components anywhere in the community to furnish drafters, but in practice most drafting of non-specialized estimates fell to officers in CIA's Directorate of Intelligence.

II. ESTIMATES AS AN INSTRUMENT OF POLICY SUPPORT

In setting about to study the role of estimates and in evaluating their success in supporting policy, it is first necessary to understand the extant doctrine of estimates—that amalgam of directives, pronouncements, and history which describes what estimates are supposed to be and do, and for whom they are supposed to be written. This chapter begins with that task. It follows with a discussion of what consumers say about their use of estimates and the value they place on them, in order to see what differences exist between doctrine and fact.

The Traditional Doctrine

Part of the traditional perception of the role of estimates resides in the word itself. As distinct from reports and studies, estimates were to be forward-looking rather than historical and descriptive. Their ultimate purpose was to make judgments about the shape of the future on matters of concern to U.S. policy—that is, to estimate.

National estimates were intended to have a position of primacy among the various intelligence products prepared for decision makers. Estimates were to be the best and most authoritative appraisals available on subjects of national security concern. As such, they were to be national products in three senses: their *subject matter* was to be suitable for assisting in the formulation of national security policy;

their *audience* was to be at the top levels of government—including the President, members of the NSC, and similar officials; and the *process* of producing them was to engage the entire intelligence community, so that its combined knowledge could be brought to bear. Nonetheless, the estimate was to remain the product of the DCI, who was charged by statute with the production of national intelligence. Other participants in the process could disagree with the DCI, could attempt to persuade him to change his mind, and could express their dissents in the estimates itself, but they could not impose their views on him, or put him in the position of being a dissenter from the majority view.

The process was intended to achieve two other results. The first was quality sufficiently high to engage the most senior policy makers and to illumine their concerns. The second was objectivity and disinterestedness. This was to be achieved, in the first instance, by involving the entire community, rather than any single agency, in the production of an estimate. Beyond this, as the DCI's estimate, it was separated from the purview of intelligence agencies whose parent organizations had policy responsibilities, and assigned to an individual who did not, and whose responsibilities were to the NSC and to the President.

How Estimates Fared

Against these standards, estimates did not fare well in the view of the users interviewed. Estimates were often found wanting in quality and in relevance to the concerns of the policy maker, and they did not play the role that had been envisaged for them in the formulation of policy. Although some individuals were high in their praise, and others found estimates useful in one or another respect or in particular situations, most users had critical remarks to make. In the aggregate, the quality and utility of estimates were viewed as falling well short of the traditional ideal.

The Negative Side. The first thing to be said is that most estimates do not reach their intended audience. If they are called to the attention of the President and NSC members, it is usually through memoranda written by subordinates who paraphrase the contents and add comments of their own. Sometimes marked or annotated copies are sent along. Below this level, estimates are widely received and frequently read. Even here, however, their content is often absorbed indirectly, through briefings, conversations, and memoranda.

As to the quality and utility of estimates, perhaps the most fundamental complaint was that they were not tied into the ongoing concerns of the policy maker. They were frequently criticized as irrelevant, and for showing unawareness of the specific policy problems facing the reader. As one respondent put it, the producers of estimates doubtless wanted to make them relevant, but apparently did not know how to go about it. Another complained that on the big foreign policy issues, estimates very often overlooked some of his problems and did not hit on his operational needs.

Such critics viewed estimates as documents which supplied general background and little more. For the most part, they placed little value on such background and often could not spare the time to read estimates. As one user put it, a lot of estimates wound up in his Saturday reading file, and were never read. Another allowed that estimates did perform an educational function for staff people, but he also said that they were never a guide to action.

Estimates were frequently criticized for being insufficiently analytical and overly descriptive. Many thought them lacking in boldness, and as more concerned with the comfortable present than with the unknown future. There were complaints about the "fuzziness" of their judgments about the future. One respondent said that many of

the papers he got were "conservative"; the analysis was not taken very far, implications were not drawn, and there was a fear of making predictions.

Skepticism was also expressed about the quality and usefulness of the predictions that were made. Many readers were simply unwilling to accept a "faceless" bureaucratic product whose authors and their capabilities were unknown to them. They stressed the importance of the personal element in receiving and accepting advice, and of knowing something about the cast of mind and the thought processes of those who proffered it. They felt that a written product would inevitably fare poorly in competition with aides and confidantes, unless it was skillfully laid out and of exceptional quality.

Estimates were also faulted for insufficiently explaining their judgments and conclusions, and for not discussing what alternatives were considered and why they were rejected. Consequently, readers often felt that they were being asked to accept conclusions from "on high." Unpersuaded by analysis and argumentation, and lacking personal knowledge of the authors, many were unwilling to do so.

Skepticism was fed by a widespread belief that estimative products contributed little that was unique in making judgments about the future. Most policy makers—even the very senior—read considerable quantities of raw traffic, and consider themselves well informed. Many felt that they were in as good a position as the intelligence specialist to make estimates, and frequently in a better one, because of their greater first-hand knowledge of particular countries and leaders. This belief was far stronger on political subjects than on subjects of a scientific, economic, or military nature.

Past errors also played a role. Some cited specific cases in which they felt that more accurate judgments could have been made, even given the hazards of estimating and the benefit of hindsight. Such remarks require careful interpretation, however. They concerned mainly the general impact of estimates (e.g., they were too bland or too reassuring), or inadequacies in the portrayal of broad forces, trends, and implications. There was a tolerance of failure to make accurate predictions of specific events, such as a change of government or the outcome of an election. Our respondents recognized that such predictions are difficult, and were disposed to forgive failures, providing the basic analysis had been sound, and pertinent factors had been considered and illuminated. Indeed, sizable number of our respondents felt that specific predictions of specific events should not even be attempted.

The Positive Side. Some respondents took a strongly positive view of estimates and the estimative process, and advanced few or none of the criticisms set forth above. In effect, they felt that estimates met most if not all of the desiderata of the traditional doctrine. On the whole, they were less concerned than others about direct relevance to immediate policy issues, less operationally oriented, more interested in the "big picture," and more receptive to material which educated or provided background. They placed greater value, as one put it, on getting a "tapestry," and on the usefulness of an informed and disinterested view from outside the policy process.

Two of the three former cabinet members we interviewed fell into this category. One described the role of estimates in supporting policy as fundamental, and valued them for their objectivity and professionalism. The other said that estimates helped the policy maker to go through a mental checklist of what he should consider before making an important decision. He believed that they gave the policy officer a lot of information that he could tuck away and summon when he needed it most, and when he had the least time to acquire it.

The rest of those with a positive view fell into a different category. Not as sweeping or categorical in their praise as the group just discussed, neither were they troubled by the kinds of deficiencies perceived by the more critical. In a sense, they had more modest expectations for estimates, and these expectations were on the whole realized. For example, one senior military officer told us that estimates do pretty well in covering the subjects he is interested in and said that he is not too unhappy with the way things are, perhaps because he expects less than others. Another respondent said that he found estimates useful on specific occasions and in certain contexts, and the work objective and thorough.

Many respondents found estimates useful because they pulled together in one place all that was known about a subject. This was meant in one or both of two senses. First, the estimate was perceived as a product which took into account all the available sources on a particular subject. Second, it was valued as the work of a body of experts from outside the policy process, who had given considerable thought to the subject. These qualities were found useful by many who faulted estimates on one or more of the grounds mentioned above.

In the same vein, estimates served for some as a kind of security blanket. That is, by providing a systematic and comprehensive treatment of facts, trends, and issues, they helped assure the reader that he had considered all the factors bearing on a problem. If an estimate confirmed his own analysis and conclusions, so much the better. It could then be used, if need be, to convince a skeptical superior or a doubting colleague. Indeed, some estimates were requested for the very purpose of persuading colleagues and superiors of the rightness of the requestor's views, and were used for that purpose.

Other Findings. During our interviews, we solicited views on the objectivity of estimates, and the presence or absence of bias. This is a matter of considerable importance, particularly in view of the virtues traditionally ascribed to the product and the process.

On this score, estimates fared well. Indeed, a few respondents considered the objectivity of national estimates, and the fact that they were prepared outside the policy process, as among their principal virtues. Included, as noted, was a former cabinet member. Numerous others praised the balance and professionalism of the product. Some who did so had been critical of estimates on other grounds. For example, one individual observed that most of what he read was balanced and professional, even though these qualities led to what he called blandness and to a lack of focus on the issues which count.

Some of our respondents did say that they had observed bias in estimates, either currently or in the past. With two exceptions, however, they viewed this as a comparatively minor problem, rather easily discerned and adjusted to, and as the consequence of human imperfection rather than of deliberate intent. As one person put it, the record varies, everyone is a prisoner of his own stereotypes, but the intelligence community makes a reasonable effort. Another said that it was not possible to get totally away from subjectivity or from vested interests; he said that he did not currently see hidden policy biases, although he felt that vested interests had shown through in the past.

In only two cases did an alleged lack of objectivity bulk large in the comments of our respondents. In one case, a former senior official felt that estimates frequently and with intent superimposed viewpoints not derived from the facts, or allowed facts to be overruled by the conventional wisdom. In the other, our respondent in effect imputed bias to estimates because their conclusions did not agree with his, and, as far as we could tell, for that reason alone.

Estimates Assessment

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We attempted to get a sense of whether users of estimates perceived any differences in the quality and utility of estimates as the result of the change in the method of producing them made in 1973. This proved difficult, partly because of turnover at the policy-making level and the unfamiliarity of many with the process and the product before 1973. There was, however, a fair degree of consensus on two points. The first was that the NIO system had produced modest improvement in the relevance of estimates and somewhat greater improvement in the flexibility and responsiveness of the system. Conversely, estimates were thought to be more uneven in quality than before 1973, a result which some attributed to the new procedures for drafting them.

The interviews revealed what appeared to be systematic differences in reactions to different kinds of estimates. The so-called "hard" estimates—those on military, scientific and technical, and economic subjects—tended to get a better reception than those on politics or foreign policy. This was apparently not a function of differences in intrinsic quality, but rather of differences in the policy maker's familiarity with the complex and difficult subject matter, his ability to do his own analysis, and to reach his own conclusions. Also, many judgments in military estimates are computational or represent the extrapolation of comparatively hard information. By comparison, judgments on political matters, or on intentions, seem fuzzier, less precise, and less supportable, and often are.

Another finding is advanced with caution. On the whole, there appeared to be more satisfaction with estimates at the level of the country director or his equivalent than at higher levels. Caution is necessary because our sample at the country director level was small. We mention this matter only because the implications are considerable, and because it may warrant attention at some future time. Perhaps higher-level policy makers need a product so sensitive to their particular concerns that it is virtually impossible for a producer many steps removed to satisfy them effectively, without new arrangements for exchanges on needs and capabilities. The country expert and the producer, by contrast, may more nearly share perspectives, as well as views on the evidence and the conclusions that can be drawn from it.

We failed to find among consumers certain concerns that criticisms of estimates in recent years had led us to expect. For example, consumers did not consider that they were getting confused signals as the result of the proliferation of intelligence publications that cross their desks, estimates among them. The existence of departmental as well as national estimates on some matters also did not seem to present a problem. In general, users seemed to appreciate getting a variety of viewpoints, so long as they were analytical and interpretive and not just a duplicate catalogue of facts or narrative description.

Similarly, there did not appear to be much concern with the present style of estimative writing, or with the lack of some explicit scale of probabilities. The use of traditional expressions such as "probably," "likely" and so forth seemed satisfactory, though they admittedly do not convey the same meaning to all readers. The experimental efforts to provide explicit quantitative rating scales for probability apparently have not struck any very responsive chord with users. They were never mentioned as examples to be emulated.

Why the Gap?

Why was there such a disparity between what estimates are supposed to be and do and what was said about them by those interviewed? The answer must begin with a *mea culpa*. Much of the problem lies with deficiencies in the product, and in the

failure to provide the users of estimates with the kinds of product they believe they need.

Much of what was said above speaks for itself. It seems clear that estimates have frequently not understood the policy question, that they have been insufficiently venturesome, and that they have not done enough about discussing the implications of their analysis and conclusions for the U.S. and for U.S. policy. Estimating is a difficult and hazardous art, and the temptation to be descriptive and current, rather than analytical and forward-looking, had not always been resisted.

The answer does not end with a *mea culpa*, however. There are a number of other circumstances which account for the failure of estimates to achieve the eminent position contemplated for them. Individually and collectively, these are of considerable importance; what is more, they explain in part why the quality of estimates has frequently left something to be desired.

Some Unrealized Assumptions. A basic difficulty is that the doctrine for estimates represents an ideal, which puts an unrealistic burden on the DCI and the Intelligence community. Specifically, the doctrine rests on some unstated and unrealized assumptions, which have borne little resemblance to reality, and which should not have been expected to. These are: 1) that intelligence in general, and estimates in particular, would have a major influence on the formulation of national security policy, if not *the* major influence; 2) that policy makers would seek and welcome the contributions of estimative intelligence even when they cast doubts on current policy; and 3) that, consequently, the relationship between national policy and national intelligence would be close and intimate, and communication on capabilities and needs free and complete.

As to the first of these assumptions, national estimates have played only a modest role in the formulation of policy. Almost certainly, this was an inevitable development. National security policy is not directly driven by facts, analyses, and judgments, and knowledge does not lead to action in any simple way. What also come into play are competing bureaucratic pressures, a wide range of domestic considerations, the concepts, perceptions, and stereotypes held by the policy makers themselves, and a host of essentially political inputs.

Policy making is a complex and often lengthy and untidy process. Many policy decisions—perhaps most of them—are not made at a particular time or place, as the result of a particular act, or as the product of a formalized, established process. Policy may emerge incrementally, or as the result of a series of specific decisions, no one of which appeared portentous at the time it was made. It may be generated by efforts to prepare a speech or a statement to the press. Under these circumstances, there are some real and difficult questions about how estimates are to impact on the policy process, and at what point.

Intellectually, the producers of national estimates have long recognized the limits of their role, as these limits have been borne upon them by experience. Yet the older notion has been hard to shake, so firmly has it become part of the mythology.

As to the second assumption, it was overly optimistic to assume that policy makers would represent a ready and even eager market for estimates. As noted earlier, policy makers read raw intelligence traffic, consider themselves well informed, and often believe that they can do as well at estimating as the intelligence specialist, if not better. Moreover, because of the past accomplishments of intelligence itself, policy makers have access to a *corpus* of fact, analysis, and judgment on national security issues from a national vantage point—a resource taken for granted now, but not

available in earlier years. Further, they have access to a continuing stream of other analytic and estimative material, including departmental estimative products. Many users attach no special value to a coordinated, national product as compared with a departmental issuance, and some prefer the latter.

Additionally, if national estimates do their job, they may wear out their welcome. Thus, one of the functions of estimates is to help policy makers think about their problems and to address—if necessary, to challenge—their assumptions and judgments. In the process, an estimate may say things the policy maker does not wish to hear and which make life more difficult for him. On divisive issues, or where the political or budgetary stakes are high, producers of estimates can be cast in the role of interlopers and troublemakers, and they run the risk of being considered not on the team. Much depends, of course, on the attitudes existing on both sides, and on the presence or absence of mutual confidence and trust.

Finally, the idealized relationship involving free and frank interchange between producer and user does not exist, and events of the past few years made it less of a reality than it used to be. There is, moreover, a conspicuous absence of structure for systematically insuring that estimates are a part of the policy process, and that they can make whatever contributions their own virtues allow. The reference here is only in part to a formal bureaucratic mechanism; more fundamentally, it is to a concept of how estimative intelligence and policy are to complement one another, and how information on capabilities and needs is to be exchanged.

Other Reasons. The failure of estimates to play their prescribed role is in part the result of two other circumstances.

First, the foreign policy establishment is, on the whole, highly operational. This means that it is concerned with the policy matters immediately before it and that these are often short-term and highly specific in nature. Frequently, users judge an estimate by whether it meets such operational needs; if it does not, it is deemed irrelevant, and it remains unread, or is read and ignored. For example, one user complained that a paper on a country of interest to him had not established the relationship of what was said to certain issues then under negotiation with that country. One solution, of course, is for the intelligence estimator to do the fast footwork required to inform himself of what is needed and to supply it. Under the NIO system (described in Chapter IV), attempts have been made, with some success, to get a better feel for the requirements of users and to devise more flexible and responsive estimative formats. The Interagency Intelligence Memorandum (IIM) is one such form. Typically, the IIM addresses matters of current concern to the contemplated users and it can be more quickly and easily coordinated than an NIE, because it does not require a formal sign-off by the various intelligence chiefs. Although operational relevance is important, there is another aspect to the matter. Estimates have been visualized by those who produce them not merely as products which supported day-to-day operations, but as contributions to the formulation of basic long-term national security policy. They were to assist in developing concepts and in establishing broad general directions for policy. Accordingly, it was at one time thought that a major consumer of national estimates would be the Policy Planning Staff of the Department of State, performing in the role that was originally contemplated for it, and not in the operational role it has often subsequently assumed. From this perspective, it is not enough to say that estimates are frequently deemed irrelevant to policy requirements. Perhaps the difficulty is with the way policy has been formulated, and with the atrophy of the functions and institutions that estimates were supposed to serve.

The second circumstance is that the reception given estimates is very much affected by the attitudes which develop among those who receive and use them. These attitudes tend to be set at the top. Thus, if intelligence is welcomed and read at the top, and taken seriously there, it will be read and taken seriously throughout the government. The reverse is also true. It became clear, beginning in 1969, and perhaps earlier, that intelligence and estimates in particular were not held in high esteem at the top, and in a degree quite out of proportion to what seemed justifiable. There was deep suspicion and distrust, not only of the estimates, but of those who produced them. This attitude was bound to permeate much of the executive branch, and it did, and the production and use of estimates has yet to recover from its effect.

The Market for Estimates

The comments of our respondents on the quality and value of estimates laid the basis for another category of questions. These concerned the nature of the market for estimates. Was there a continuing requirement for national estimates? If so, for what kind? Was their main value in their analysis, in their judgments about the unknown future, or in something else? Where was the market? Should estimates be written for policy makers at the very top, or for some other audience?

On the broad question, the users' view was that national estimates do have a role to play in the policy-making process. This was true even of those who had been most critical of the past product; their problem was not with the legitimacy or usefulness of the estimative function, but with the way they considered it to have been carried out. Our respondents believed, to be sure, that policy makers would rely heavily on their judgment, and on the judgment of trusted aides. But they also saw a place for estimative products which do certain categories of things.

Before getting into what these things are, a brief digression is in order. As some respondents suggested, the requirement for estimates is probably greatest when a new administration takes office and for a period of time thereafter. A new group of top policy makers needs to inform itself, and to familiarize itself with the issues. Old concepts and policies must be re-examined and new ones formulated and tested. Once the new team has absorbed the larger picture, and established the main lines of policy, the requirement lessens. At the extreme, as one respondent put it, estimates are not missed when things are set and there are no changes in direction.

What Should Estimates Do? As to what estimates should strive to do, the responses depended, to a certain extent, on the kind of estimate involved. The role of estimates in sorting out the facts, for example, was more highly valued on military or technical subjects than on matters of internal politics or foreign policy. This reflected in part the greater detail and complexity of the issues, and in part the lesser confidence of users in their own ability to do the job.

The responses covered a fairly wide range, but they again tended to cluster around recurring themes. One was that estimates should help identify policy problems, and to pose issues and questions about them. "Identify" is the key word. That is, estimates were deemed useful if they surfaced problems which had not occurred to the reader, or were not currently in the forefront of his attention, and if they helped him to understand what their policy impact might be. An example would be a paper which foresaw basic changes in the Sino-Soviet relationship, with a consequent impact on U.S. relations with both countries.

Estimates were also valued when they could sort out the facts and issues in a highly complicated situation. Here the key word is "complicated." What our

respondents meant was that in some cases, the facts are so elusive, so apparently contradictory, or changing so fast, as to be unintelligible to anyone whose principal exposure to them is from reading raw traffic or perusing current intelligence publications. In such circumstances, they saw a role for estimative intelligence in sorting out the facts, the issues they raised, and the possible consequences for policy. An example would be a paper written in the early stages of the civil war in Angola, which described the strength and composition of the opposing forces and the state of play in the political arena in that little-known country, before tackling the question of probable future developments and their impact on the U.S.

Another perceived function was that of identifying and evaluating the forces at work in a situation. In essence, this is an aspect of analysis. The interest was in what was driving events—in the causal forces whose continuation or manipulation would affect the final outcome, and in the interplay of those forces. An example would be an examination of the internal political and economic forces which accounted for the position taken by various foreign countries in international monetary negotiations, and an appraisal of how these forces could be manipulated or circumvented to serve U.S. ends.

Closely related, there was also a desire for analysis of trends and their probable outcome. That is, there was a requirement for estimating. The focus was not, however, on specific estimates of specific future happenings. It was rather on how events could be expected to develop as the forces at work played themselves out, and how changes in the forces at work would affect the ultimate outcome. An example would be an examination of probable future developments on the Italian political scene and their impact on Italian policy toward NATO, the Common Market, and other institutions of interest to the U.S.

Still another perceived function was that of judging the consequences of ongoing developments for U.S. policy. This meant, in effect, supplying the “so what” of that which had come before. It was perceived as the step which converted analysis into a coherent statement of what the interplay of forces and their probable development meant for U.S. interests and U.S. policy. It included the identification of forces and trends which could undermine the premises on which U.S. policy was based. There is no need to cite examples; it would be a rare estimative product which did not contain this dimension, as the above examples suggest.

Finally, estimates were valued when they were able to judge the reactions to U.S. policies or actions, ongoing or contemplated. Here, U.S. policy was taken as given, and the estimative input was not to its formulation, but to a judgment of its effects. In part, our respondents had in mind so-called contingency estimates, which attempt to describe what would happen if the U.S. were to do this or that. An example would be a paper examining the reactions abroad to a contemplated arms control proposal, and assessing its prospects.

Apart from these more or less recurring themes, certain users saw other values in estimates. Worth mentioning here is the interest expressed by some in getting long-term analyses which they did not have time to do for themselves. Almost invariably, they had in mind a division of labor, rather than the performance of a function which they thought estimative intelligence particularly well equipped to carry out. Such a requirement has interesting implications, for it views estimates coming from outside the policy process as a mere convenience to a policy maker who is too busy, and not as publications with a special contribution to make.

There were several reasons for the relative lack of interest in specific predictions. Some thought that estimates placed too much emphasis on prediction at the expense

of analysis and the development of conceptual frameworks. Others simply placed little value on the prediction of events such as coups, elections, or changes of government. Still others valued predictions not for their own sake, but because they forced estimates to move away from the factual and the descriptive and to focus on analysis and the general shape of the future. Overall, there appeared to be considerable skepticism about the capacity of the intelligence community to foresee specific future events, going both to the inherent difficulties and to doubts that it possessed any special qualifications.

Taken as a whole, what is more striking about the comments received is rather reaffirmation of the traditional function of the national estimate. Emphasized were the same desiderata set forth in the doctrine: a focus on the analysis of forces, trends, and implications for the U.S., in a context that is analytical and forward-looking rather than descriptive and current.

For Whom Should Estimates Be Written? The nature of the audience for estimates is a matter of considerable importance. It affects the way they are organized, their level of detail, and how they go about presenting facts, analyses, and conclusions.

Some of those we interviewed thought that estimates should be prepared for readers at the very top—the President, members of the NSC, and others at the cabinet level. This was usually not out of confidence that estimates would regularly be read there, but in the belief that estimates aimed at such customers would catch others along the way. There is something to this view, but it misses an important point—that the perspectives and needs of those at the top are not necessarily the perspectives and needs of those who support them.

It is almost certainly too much to expect that busy policy makers at the highest levels will read estimates regularly. Nonetheless, they will be customers under some circumstances. Estimates on particular subjects will from time to time commend themselves, such as those on Soviet strategic objectives and military forces or those making a significant contribution to the conduct of important negotiations. So will products of exceptional quality and insight. Particular individuals will value estimates for a variety of reasons—because they come from outside the policy-making establishment, because they inform and illumine on matters of concern, or because they contain agreeable conclusions useful in the policy debate.

The estimates most likely to be read at the highest levels, however, are those which the DCI believes should be read there, and which he urges upon senior policy makers. It is one thing for an estimate to be issued in the name of the DCI. It is quite another for the DCI, as a trusted senior aide of the President, to commend it, and to press it upon others. If the DCI has the necessary access and enjoys the confidence of the President and his chief aides, then any given estimate has a far greater chance of being read at the top, and consequently, throughout the government. "Any given estimate" is the way to put it, because the use of the DCI's position, prestige and access, if it is to be useful and effective, cannot become routine. Nor can it be fully effective unless the DCI involves himself in the process of producing estimates, so that he can sell what is truly his, and help insure that estimates are relevant and of high quality.

The reception afforded estimates at the top will also be affected by the attitudes toward them that exist or develop there. We have already suggested that over the past few years, there was a disposition to discount the importance of the estimative function, and a deep skepticism about the value of the product. In this respect, too, the DCI plays a crucial role. His personal qualities, his access, and the confidence that

the President has in him can help establish a receptivity for the product, which its own qualities would then have to sustain.

Most of our respondents felt that estimates should be aimed at the Assistant Secretary of State, White House Staff, or comparable level, and we agree. These are the officials who set the terms for the debate on matters of national security policy by formulating the options and alternatives. They are the trusted aides, referred to earlier, who enjoy the confidence of policy makers at the highest levels, and who are turned to for advice. On many problems, they are the highest level which combines expertise with the power to act. Readers such as these are able and knowledgeable. With access to the same material as is available to the intelligence community, they feel able to do their own analysis, and to reach their own conclusions about the shape of the future. They will not accept unsupported judgments, in the form of "we believe" or otherwise.

How Should Estimates Be Written? If estimates are to appeal to this audience and be useful to it, they must be prepared with these considerations in mind. As we gleaned it from our interviews, they must:

- emphasize analysis rather than description, and carry the analysis to the edge of the unknown;
- show the relationships among data, analysis, and conclusions and the thought processes involved, so that the reader can make his own journey to a different destination if he believes it necessary; this also enhances the credibility of the product and helps to compensate for its "facelessness";
- explain clearly what issues were most contentious at the coordinating table, and why;
- discuss what was discarded and why; this not only helps build confidence in what was retained, but may persuade the reader that his views, if different, might better be discarded;
- state any differences of opinion, and on what they are grounded, and avoid the temptation to consider consensus desirable *per se*;
- state the implications of the analysis and conclusions for the U.S. policy; and
- describe the continuity or change in the current estimate as compared with its predecessors, particularly the change, and set forth what earlier material is now considered wrong, and why.

One difficulty with this list is that it makes for longer papers, and longer papers tend not to be read. We mentioned this dilemma to a number of those we interviewed, but beyond agreeing that it existed, they had little to offer. It is also true, however, that papers which slight the above desiderata will probably not be read either. Thus, the producers of estimates will have to find ways of being complete and persuasive, yet readable and spare. To the extent that length cannot be avoided, quality will compensate for it, among the readers we are now talking about.

At higher levels, the problem is more serious. To provide for the occasions when estimates will be read there, they must contain appropriate syntheses and summaries, with invitations and directions for dipping into detail if such is desired. Summaries are also useful to readers at all levels who for one reason or another do not desire detail in particular cases. The importance of an effective summary cannot be overstated; it was a point made to us, without any prompting, by some of the most senior policy makers with whom we talked. Of this, more is said in the following chapter.

III. IMPORTANT ELEMENTS IN THE PRODUCTION PROCESS FOR NATIONAL ESTIMATES

The preceding chapter discusses the view held by consumers on the quality and utility of estimates. Some consumers, as well as producers, also had views about specific aspects of the estimative process. In this chapter, those views are discussed in detail, along with perspectives developed by the study team.

Self-Initiated Estimates

Roughly half of all the national estimates presently produced are initiated by the intelligence community itself, and most producers and users with whom we talked seemed satisfied with this fact. A very few felt strongly that work on an estimate should be initiated only at the specific request of a consumer, primarily to avoid the production of irrelevant or unneeded papers. The vast majority, however, believed that intelligence producers have the duty of initiating an estimate when they perceive the development of a significant problem for U.S. policy. We agree, and would add that this appears particularly important at times when the policy-making apparatus is preoccupied with some special problem, such as a major and prolonged international crisis, or at the beginning of a new administration.

Two important corollaries should be kept in mind. The first is that the most useful estimates seem to have been produced in response to specific requests by policy makers who really wanted and needed them. Cranking out a lot of self-generated estimates does risk overloading the circuit, thereby diluting user receptivity, and wastes time and money. Also, a self-initiated product typically has a harder time being accepted by busy consumers psychologically unreceptive to thinking about issues ahead of their time, particularly if the product arrives unanticipated. The second corollary, therefore, is that any estimate generated by the intelligence community stands a better chance of being read and used if it is discussed fully from the outset with its intended recipients. Prior to doing this, the producers should focus carefully on their proposed effort to determine whether it will be perceived by users as related to ongoing or potential U.S. policy concerns. If the proposed product appears to have little relationship to such concerns, it is not likely to be worth the effort.

Terms of Reference

On any estimate, there ought to be clear agreement between producer and user on the major questions to be addressed. The device for securing this agreement is the "terms of reference" for the estimate.

The production of an estimate generally begins with the elaboration by the NIO or an interagency group of the topics to be explored and the scope of the estimate. Currently, producers take part in the process, and the policy customer may also, either directly or through his agency's intelligence organization. To the degree that producer and user can initially agree on the questions to be answered, and can throughout the production process jointly further refine the scope of the paper, the resulting estimate can be made more relevant to the specific needs and interests of the main recipients.

In general, the more direct the communication between producers and users on the scope of a paper, the better. A formalized regular procedure providing for ample initial and subsequent consultation between estimators and policy making customers should be instituted. This process should not, however, be allowed to become so formal and bureaucratic as to greatly lengthen the time that it takes to do an estimate, for such delays would themselves detract from the utility of the product.

Encouraging producers and users to discuss the scope of the paper is not to ignore the danger that either might attempt, consciously or unconsciously, to predetermine or alter the outcome of the estimate by posing the issues in terms of "loaded" questions. This appears to be a manageable risk, and is likely to be outweighed by the benefits of a close and continuing exchange. The best insurance against bias is probably a careful and continuing review of the process by managers and participants. We found little, if any, concern among producers or users with the possible slanting of estimates as a result of a "cooking" process involving the way the issues are posed.

The need for an estimate having been established and its scope worked out, the producer is next faced with a number of decisions on procedural aspects of the process. These involve such specific questions as how to handle the multidisciplinary aspects of the paper, if any; the use of special methodologies, especially those of a quantitative nature; and whether provision should be made for the presentation of competing views on key issues, all matters on which critics have faulted the producers of estimates. The succeeding pages discuss these matters, along with other more general issues associated with the production process, including the use of net assessments, coordination, and the handling of dissent.

Multidisciplinary Work

There was general agreement among consumers of estimates that the intelligence community has done far too few cross-disciplinary or analytically-integrated studies in recent years. None of the dozen or so consumers with whom this specific subject was raised believed that estimates are now adequately interdisciplinary. Several thought that estimates were particularly poor in blending economic with political factors. Two felt that the intelligence community as a whole had done very little interdisciplinary work. One commented that NIE 35/36-1-76, *The Middle East Military Balance, 1976-1981*, represented a "good try" in the multidisciplinary realm. This estimate attempted to interweave political, economic, and military factors into an appreciation of the relative strengths of various countries in the mid-East.

Producers were less critical. Some maintained that estimates have contained interdisciplinary analysis all along, that consumers can be assured that estimates take account of all the main factors in the situation, even if some were left unstated. Several veteran intelligence officers believed that the ONE staff and Board had, in its heyday, constituted the multidisciplinary group *par excellence*. Other producers complained that the present product usually simply splices together separate sections of political, economic, or military analysis, leaving the reader to do his own synthesis of the relationships. It is the failure to produce this synthesis that spurs the criticism from the consumers.

Almost everyone critical of the present interdisciplinary effort agreed that, while the community must do better, the task will not be easy. There is, for one thing, little agreement yet on how best to accomplish good multidisciplinary synthesis or integration. Moreover, differing bureaucratic priorities and increasing specialization among analysts have, until recently at least, presented real problems in useful interdisciplinary work.⁴ For another, the notion that multidisciplinary analysis is "a good thing" has become perhaps overly fashionable in the intelligence community and outside it, and climbing recklessly on the bandwagon could easily lead to a drop in quality. This would be unfortunate, because the principle is sound and the need to apply it real.

⁴ New organizational arrangements within the Directorate of Intelligence of CIA are intended in part to meet these problems.

To produce a good interdisciplinary product, analysts and experts working on it must be organized in a way calculated to bring their expertise to bear in a multidisciplinary manner. This probably necessitates placing the analysts in an environment with an effective task or project leader where meaty wide-ranging discussion can take place prior to actual drafting so as to focus the drafting on the key questions from an interdisciplinary point of view at the outset.

The discussion should be aimed at identifying the key issues and the cross-relationships among them, i.e., it should be a "synthesizing." The objective is to produce in the drafting itself a narrative designed around the illumination and analysis of the key issues, one that interweaves, according to their significance and interrelationships, political, economic, sociological, military, and scientific factors bearing on the issue. It is this subtle hard-to-produce synthesis that is the essence of a good interdisciplinary effort.

New Analytical Methodologies

Another question is whether additional analytical leverage can be gained on estimative problems by reaching beyond traditional techniques and utilizing quantitative, mathematical, and systems-oriented methodologies.

The alleged failure by producers to use new methodological tools of analysis has been cited by some critics as a serious flaw in the estimative process. Our interviews reflected little support for this charge. No consumer we talked with showed any deep-seated conviction that the intelligence community was seriously remiss on this score. While virtually everyone agreed that the community ought to evaluate new analytical methods as they come along, no one argued that the product would be improved by their wholesale adoption, especially in estimative production, where short deadlines and the need for simplicity and relevance often work against complicated methodologies and presentations.

We found a good deal of skepticism among consumers and producers about using computers and other "new" methodological tools in preparing political or general estimates. Most described themselves as "willing to be persuaded," but as one producer put it, a long time is usually required before one can be sure that a new analytical technique will have an intelligence payoff, and this means that inevitably "you chase up some blind alleys." With limited analytical resources this can be an expensive proposition.

Other producers pointed out that using new methodologies entails some risks. A strange new technical vocabulary—a frequent by-product—may well turn off the reader. Over-reliance on new techniques in writing estimates might imply greater precision in judgments than the facts warrant. And not all new analytical techniques—not even those specifically designed for political analysis—can be successfully adapted for estimative use. Many demand more information than analysts have or can get. Many are quantitative, and not all intelligence issues lend themselves to such treatment.

Nevertheless, keeping up with the state of the art in analytical methodologies is an important obligation of all intelligence analysts, and several "new" techniques appear to promise at least limited applicability in estimating. The "operational code" technique (compiling a sort of psychosocial profile of a prominent person's beliefs, attitudes, and perceptions) and "cross-impact analysis" (measuring the impact of one event or a series of events on others) are but two possibilities; there are and will be others. The important thing is to strive to be open-minded and alert to possibilities as well as limitations. At this point, the new analytical methodologies, particularly the

more radical and complicated ones, appear more suitable for conducting the basic analytical work supporting the production of estimates than for use in estimates themselves.

Competing Analysis

“ . . . the issue of consensus versus competition in analysis represents a persistent conceptual dilemma for the intelligence community. Policy-makers tend to want one ‘answer’ to an intelligence question, but at the same time they do not want anything to be hidden from them. . . . Some members of the intelligence and foreign policy communities today argue that the consensus approach to intelligence production has improperly come to substitute for competing centers of analysis which could deliver more and different interpretations on the critical questions on which only partial data is available.”

—*Final Report*, Senate Select
Committee on Intelligence
Activities, 1976, Book 1, p. 272.

The provision of competing centers of analysis is a concept that is getting considerable attention at present. The objective is to reduce the chances of overlooking or ignoring some vital aspect of an important analytical or estimative matter.

In one sense, the principle is no stranger to the intelligence community. Currently, each separate intelligence component with competence in a particular field finds itself in competition with others to convince the audience that its views are correct. Thus, each agency serves in a very real sense as a competing center of analysis. If this were not so, there would be no need for a coordination-dissent procedure in the national estimative process.

Some critics of the process argue, however, that it is not enough to have competition over ideas within and among the intelligence agencies themselves. They charge, in effect, that the intelligence community could become—or has become—a sort of closed corporation in which the free interplay of ideas and theories is no longer possible and important alternative approaches are ignored. They allege that problems of “group think,” of reinforcing consensus, and of mind set or bias often prevent the adequate exploration of analytical alternatives and the formulation and presentation of alternative estimates. Critics cite the inability to provide an environment wherein analysts can easily depart, if they like, from the standard view on an issue as a main reason for the failures of intelligence to do such things as predict the outbreak of the Arab-Israeli war in 1973.

We encountered only limited support for these assertions among consumers. Many of those commenting nevertheless made it clear that they wanted and expected *all* the informed views they could get, especially on the more important intelligence subjects. Some intelligence components do have a virtual monopoly of expertise on certain economic and scientific or technical subjects. This makes for considerably less competitive analysis on these subjects than many consumers—or producers—would like to see.

In the effort to leave no analytical stones unturned, one relatively inexpensive approach is the use of a so-called “devil’s advocate.” The concept provides that someone be made responsible for building a case opposed to that in a draft estimate, so that two sets of analyses and conclusions can be considered and weighed before the

estimate is finally approved. The approach was tried during the production of NIE 11-3/8-75, *Soviet Forces for Intercontinental Conflict Through the Mid-1980s*, and we were told by some familiar with the exercise that it was very useful. Several of those interviewed favored using this process—none was opposed—but said that it should be employed only on the most important estimates. We agree. Clearly, there is a continuing need for efforts of this sort that force estimators to search out and seriously consider information and hypotheses that go against their own theories and views of reality. It would appear important, however, to confine use of the technique to important areas of estimates where there is substantial uncertainty and debate. It should not be used to help construct straw men.

The only experiment involving a large-scale effort to provide an alternative analytic approach was the so-called “B-Team” exercise, used during the preparation of NIE 11-3/8-76, *Soviet Forces for Intercontinental Conflict Through the Mid-1980s*. The team was put together as a result of the dissatisfaction of certain members of the President’s Foreign Intelligence Advisory Board with earlier estimates in this same annual series. Producers to whom we spoke before or during the experiment were generally neutral or slightly pessimistic in their views about its usefulness; consumers were guarded in their reactions. The widely-publicized charges and countercharges about the experiment, and the fact that it has been so recently completed, make it difficult at this point to evaluate its strengths and weaknesses or to offer an opinion about its overall value. Perhaps the only comment that can fairly be made now is that the idea of turning loose a fully staffed and funded “competing center of analysis” on an estimative problem is laudable in purpose, but likely to be expensive and difficult in execution. The competing teams must have the same data, the same rigorous analytical procedures, and the same degree of relentless objectivity if the exercise is to work at all. The hue and cry following the “B-Team” experiment suggests just how tricky a proposition this is likely to be.

In all this, the problem is to encourage alternative analysis without artificiality and without a drop in the quality and coherence of the product, in a way that stimulates thinking rather than emotion, and within the constraints of available time and resources. Ways must be found for encouraging the development and presentation of alternative views, and the time and means to give them a fair hearing and to incorporate them in the final text as appropriate. We suspect that the basic answer, as with so many other elements that make for success in the business of estimating, lies in the skill, perceptiveness, and intellectual rigor of the estimative manager, which are probably more important to success than any organizational technique that might be developed. This is not to say, however, that there may not be room for more formal arrangements, if the issue is important enough and if other factors seem to warrant such an approach.

Net Assessments

Although the use of net assessments is not frequently an issue in the production of estimates, it presents philosophically troublesome problems and deserves discussion.

The net assessment function, and the part that intelligence should play in it, are subjects of continuing confusion and controversy. Much of the confusion derives from the lack of a commonly accepted definition of a net assessment. The controversy is largely over where in the national security bureaucracy the function can most efficiently be performed, and with the least risk of having it distorted by policy biases.

In the aspect that raises issues for intelligence, net assessment means putting on paper, in carefully comparable form, the strengths and weaknesses of an adversary power against those of *the United States*, in order to determine which is the stronger

and in what respects. This is usually, though not necessarily, in terms of military forces. In the lingo of war gaming, a closely allied concept, net assessment poses "red" or enemy forces against "blue" or friendly forces. The rub is that those who do the assessing must have complete access to data on U.S. capabilities, present and prospective, as well as data on the capabilities of the adversary. Compiling the former, of course, lies well outside the intelligence community's responsibilities and prerogatives.

Of the producers and users of estimates with whom we discussed net assessments involving the U.S., none felt that the intelligence community should conduct them or include them in national estimates (although one saw the DCI as a possible producer, in some other context). To do so, they reasoned, would be to run an inordinate risk of transforming estimators into advocates or opponents of particular U.S. policies. They recognized that if net assessments are to be done, the intelligence community must furnish data and judgments on the capabilities of the adversary, but felt strongly that this should be the limit of the community's involvement. They believed that the overall responsibility for net assessments involving the U.S. must reside outside the community proper as it does at present. They did not appear to rule out the presentation of comparative data on the U.S. and other countries in estimative products, or analyses involving comparisons, so long as the purpose and result was the elucidation of foreign capabilities, and not that of making net judgments.

We find these views compelling. Getting involved on the U.S. side of a net assessment could rob the national estimative apparatus of one of its most important assets: its detachment from policy advocacy and from domestic disputes over the relative merits of proposed new weapons systems. With the U.S. intelligence effort already weakened by developments in recent years, such involvement, apparent or real, could be disastrous. In making comparative analyses, which are quite another thing, estimators must preserve the difficult but important distinction between that which helps the reader to understand better the capabilities of foreign power, and that which becomes a net assessment in fact if not in name.

Net assessment can involve comparisons between foreign countries only. In such cases, it is not only acceptable for estimates to include them but imperative, if they are to do their job properly. Several consumers told us that they would like to see more such net assessments, and we agree that it would be useful. Their preparation will probably be a growing assignment for the intelligence community in the future, as power becomes more diffuse and as more blocs of states and regional complexes develop that have importance for U.S. national security.

Coordination

" . . . the process of coordinating a paper could be rewarding. The atmosphere becomes uncongenial to special pleading and to the urging of a parochial point of view by a particular agency. . . . But in addition to knocking down parochial prejudices, the process had a more positive aspect. It was a forum where people from all over town could exchange views, add to the store of community knowledge, and refine and sharpen their assessments of the course of events."

—Sherman Kent, *The Law and Custom of the National Intelligence Estimate*, 1976, pp. 93-94.

Estimates Assessment

In the last sentence quoted above, Kent was speaking only of coordination. He might just as well have been discussing the value of the whole estimative process from the point of view of the producers. The estimative process, including the drafting phase, is one of the few that requires a group of participants to work its way through an analytic problem, pulling together into a structured, reasoned whole what might otherwise remain as disparate strands of thought, impression, or opinion. In short, it gives the producers a base from which to compare, agree, and disagree. In the highly segmented world of most intelligence production today, with its frequent emphasis on quick reaction, such a result is important, regardless of the success of the product in predicting the future or its immediate contribution to the policy process.

That part of the estimative process that brings the experts on one subject together from separate agencies to scrutinize, debate, and revise the text of a draft estimate—the so-called coordination process—is in many ways the most important single step in the entire process. Often, it is also the most frustrating. At its best, the interagency coordination meeting enriches and adds new substantive dimensions and insights to the draft. At its worst, it dissolves into interminable wrangling and stalemate, or even more unhappily, produces sterile language and flabby judgments in the name of consensus—and to get the messy business over with. Most intelligence officers who have participated more than casually in the estimative process will readily recall attending both types of session.

Many users of estimates told us that it mattered little or not at all whether a paper was coordinated; for them, it was what the paper said that counted. If this attitude is prevalent, why bother with coordination at all, given the complexities of the process and the appreciable chance that it will have negative as well as positive effects?

There are good reasons for doing so. The principal reason is that the coordination process goes to the heart of the concept of national intelligence. It allows the DCI, as the nation's chief intelligence officer, to express his views on the issues in a paper which is his and his alone, while requiring other participants either to agree with him or to express their disagreements and the reasons for them. Perceived deficiencies in the process ought not to obscure this essential point. What it means, substantively, is that coordination brings to bear the talents of the entire intelligence community, provides a means of getting a variety of views into the paper, makes it more likely that the pertinent issues will be covered, and, at its best, helps to define the issues and to sharpen them. Additionally, the give and take of coordination permit the participants to test their data, their assumptions and their hypotheses. It is thus inconceivable, despite the very real difficulties in producing coordinated assessments, that any top-level decision maker could settle for less than a thorough interagency estimate on subjects of national importance.

The pitfalls in the coordination process are nevertheless numerous and important. Coordination can mask the very real and deeply-felt divisions that sometimes exist within the intelligence community on controversial issues. It can fuzz up clearly drawn, analytically sharp conclusions and projections, and cause an important point to be lost. Divergent views may be given short shrift by a "reinforcing consensus," and "submerged in a sea of conventional collective wisdom." Haggling over major or minor issues can delay the completion of a paper well past the time when it would be most useful to its chief recipients.

Curing these problems is much harder than pointing them out, but a few general suggestions can be offered. One of the most important has to do with the official who serves as chairman of an interagency coordination meeting. Whether the process

proves product-enhancing or stultifying depends largely on this individual. To the extent that he or she is tough-minded, independent, and judicious, and is skilled in running a meeting and in separating serious substantive differences from trivial semantic hangups, the process is likely to be a fruitful one.

It should also be borne in mind that a consensus is often *not* what the user of an estimate is looking for or needs. Consumers at all levels frequently told us that reaching a consensus was a part of the estimative process that ought to be played down. Several took pains to tell us that they were much more interested in seeing the final paper accurately reflect the range of views within the intelligence community on an important point. Some also wanted to get more of a flavor in reading the paper as to how the coordination process went: which issues elicited the most arguments among the interagency representatives, and which theories or lines of reasoning were advanced at the coordination table but discarded, and why?

Another problem that bothered several interviewees was the internal difference of views that occasionally surfaced on a subject among different components or officials of the same agency. This causes delays in the coordination process that would probably be reduced if participating agencies were to meet internally to sort themselves out on the issues before each round of interagency meetings took place. CIA, as the agency with prime responsibility for producing national intelligence, has a special obligation to do this, but State, Defense and other members of the community should do more of it as well.

Dissent

In the estimative process, coordination and dissent are two sides of the same coin. At their best, they help make an estimate more thoughtful and more useful to the policy maker than the product of a single agency. A well-drafted dissent focuses a different view in such a way that the facts, assumptions, and arguments employed are comparable with those for the position being dissented from. More fundamentally, the dissent mechanism is, as Sherman Kent puts it, "the indispensable corollary to the DCI's primacy" in the estimative field. If all estimates had to be negotiated to a compromise totally acceptable to all the participating agencies, the result would be pap; if the DCI were to insist that all agencies accept his views, the intelligence community would quickly disintegrate.

The formal dissent is a device that has been used rather sparingly on most estimative subjects. One detailed review of 83 estimates produced between 1951 and 1964 on a single geographic region found only six formal dissents in the lot.⁵ That dissents have not been used more frequently may be partly due to an exaggerated notion that policy makers prefer single "bottom line" judgments. More recently, it has become clearer that the presentation of conflicting views on controversial or complex matters is not merely tolerable to the consumer, but that he actually prefers it. Several of those interviewed emphasized this preference.

There is, of course, a world of difference between the value of a dissent taken to reflect an honest substantive difference with a predominant view and one taken primarily to support a bureaucratic position. There are many examples of both in the estimative record, and this seems bound to continue. But an increasing sophistication in elaborating dissents has characterized the process in the 1970s. To the degree that this is continued, it should be increasingly possible for the user to recognize readily—as many already do—which dissents need to be taken seriously and which can be dismissed.

⁵ *The Arabs and the Estimates*, ONE Staff Memorandum 58-65, 4 Nov 65, (TOP SECRET).

One practice that should be pursued is the incorporation of dissents directly in the text instead of in footnotes. The textual dissent is now frequently used, and most of the consumers who addressed this subject clearly prefer it. They feel that it provides a much better balance among competing ideas, and a better means of comparing them, than is possible if only one view is carried in the text and dissenting views are relegated to footnotes.

Some consumers told us that they would like to see all the elements of the intelligence community holding a particular dissenting view clearly identified with the dissent. They also want to see an elaboration of the rationale behind the dissent. We agree that such refinements would further improve the mechanism of dissent and make estimates more complete and more useful.

Summaries

There was a strong feeling among the consumers interviewed that a good summary is an absolutely essential part of any estimate. Again and again, consumers emphasized that a tightly-written summation that manages to convey accurately an estimate's key conclusions in comparatively brief form is the best possible device for ensuring high-level attention to the "message" of an estimate. Many added that lengthy estimates did not bother them *per se*—indeed, some users said they wanted and needed ample substantiating detail—so long as a crisp, well-written summary led off.

A very intensive, deliberate effort to draft such a summary needs to be undertaken for each estimate produced. Those responsible for reviewing the final draft of the paper should ensure that the summary is of the highest quality and accurately captures the flavor and tone of the estimate itself. This is, of course, a tall order, but it is difficult to overstress its importance if estimates are to be well-received.

Beyond matters of process affecting the substance of an estimate, the producers of an estimate have decisions to make bearing on the classification of the product, the manner in which it should be presented, and the possible scheduling of a so-called "post-mortem." The question may also arise as to whether an updated version of the product should be produced at periodic intervals. These matters are discussed below.

Classification

Some consumers were strongly of the view that estimates tend to be overclassified and thereby lose some of their potential audience and thus some of their utility. Both working-level users and officials high in the policy-making apparatus said, in effect: the lower the classification, the better. As in the past, highly-classified material will have to be treated in estimative products. It seems only sensible, however, to adopt a general rule that highly-classified material, especially backup detail and supporting rationale, be relegated whenever possible to separate annexes or appendices. In this way, the basic estimate can be held to (or sanitized to) a lower classification, permitting the essentials to get across to a wider audience.

We heard one other suggestion that struck us as useful in this regard: the periodic publication of brief abstracts of all the estimates written during a given period. If held to the Confidential or Secret level, such abstracts could receive wide dissemination, and apprise potential users (many of whom would have the necessary clearances) about documents of possible relevance to them. This could be particularly helpful to users of military/strategic or scientific/technical estimates, most of which require special handling or physical storage in remote vaulted areas. A publication of this sort

might also aid in reducing the number of people who automatically get copies of published estimates.

Written and Oral Presentation

“Whatever the format and procedures, important intelligence should be presented in a way that can lead to discussion and questioning before decisions are made, so that the dangers of the policy maker misunderstanding the judgments (especially those expressed as probabilities) and the implications of such intelligence are reduced to a minimum.”

—William J. Barnds in the
*Report of the Commission on
the Organization of the
Government for the Conduct
of Foreign Policy, June 1975,
Volume 7, p. 32.*

Although few would go so far as to agree with Marshall McLuhan that “the medium is the message,” both consumers and producers alike seem strongly of the view that the presentational medium chosen and the skill with which it is used are very important in getting across the message of an estimate. But, as with alternatives elsewhere in the estimative business, no one method of presentation pleases or meets the needs of everyone.

The basic choices now available are essentially two: a printed paper, or a “live” oral briefing.⁶ Each has certain rather obvious advantages and limitations. Most consumers—seven of the ten who commented specifically on this point—clearly preferred to get most or all their estimative material in written form. Of the remaining three, one felt that estimative conclusions should be offered in both written and oral form, one felt that oral briefings of estimates should be made available “more often,” and one felt that the presentational format didn’t matter much. All producers and former producers who commented said that they thought the intelligence community ought to explore more vigorously the feasibility of providing selected estimative conclusions orally to some consumers.

We agree that the oral mode of communicating estimative material should be investigated, and used more often if there is sufficient consumer demand for it. Certainly, the producer of estimates should make available the services of a briefer as required. But oral briefings do not seem to offer any kind of panacea and, except for unusual circumstances, should supplement rather than replace a written text. Communicating complex, sophisticated judgments and the supporting rationale orally is very impressive when it is done well, but it is difficult and subject to pitfalls, especially as regards nuances and qualifications, and it requires special skills that may not always be available. Even when they are, the intended audience may be too busy to give the briefer the time or attention needed to do an effective job. Our view is that the brunt of any effort to improve presentational formats ought to go into making written estimates as succinct, readable, and responsive to different levels of need as possible. Efforts should also be made to produce, to the degree that resources permit, several versions of key estimates for consumers with need for different levels of detail.

⁶ Additional possibilities, including closed-circuit TV, video disk, graphic display of text, or computer readouts are becoming increasingly feasible. In general, these seem better suited for use among specialists at the working level, than for communicating detailed judgments on complex subjects to top policy makers.

"Post-Mortems"

Over the years, the term "post-mortem" has been used in the intelligence community to describe two quite different processes. It may mean the formal qualitative review of an estimate or a series of estimates some time after publication to judge the accuracy of the predictions and the soundness of the analysis. It may also mean the review of an estimate soon after publication to investigate the adequacy of the information on which it was based and to identify the need for future collection or analysis to fill the gaps.

Post-mortems of the latter type were once quite common, but were later abandoned, because they became highly *pro forma* and routinized, and failed to accomplish their purpose. The only recent example of which we are aware was conducted on NIE 11-3/8-75, *Soviet Forces for Intercontinental Conflict Through the Mid-1980s*. It was carried out as an experiment by the various departmental representatives who had just completed the estimate in order to identify gaps in intelligence and areas of special concern that required more attention next time around. The participants were pleased with the experiment.

We agree with those holding that the device can be helpful if used sparingly and on estimates of prime importance. We think a post-mortem should be undertaken shortly after an estimate is completed, should involve both producers and consumers, and should be focused on identifying substantive gaps and problem areas, rather than on Monday-morning-quarterbacking the estimate's judgments and predictions. The role we see formal post-mortems performing best is that of helping close the circle in the intelligence production process. By pointing up substantive weaknesses and missing pieces of the puzzle, the post-mortem could become a valuable tool in helping to set realistic priorities and requirements as guides for intelligence collection efforts.

One useful variant would not await the completion of an estimate, but would be carried on concurrently with the drafting as an integral part of the process. There is much to the proposition that the most efficacious time to identify deficiencies in information and analysis, and to initiate corrective action, is at the time the analytical process is concentrated on a substantive matter during the process of drafting.

Post-mortems on the quality of estimates have been relatively rare, particularly in recent years. Most recent post-mortems of this kind have been in response to "intelligence failures." They have encompassed not just estimates, but the entire range of intelligence coverage on a subject, from special memoranda to current intelligence reporting, situation reports, and even individual, raw intelligence reports. The post-mortems on the October 1973 Arab-Israeli war and on the Cyprus crisis in 1974 are examples. The producers who commented on post-mortems concerning quality favored them as helpful if they were used only on estimates of major importance and if they included provision for feedback from consumers.

Post-Publication Update

We encountered almost no support for the notion that estimates ought to be revised and reissued at fixed intervals, except in the case of the annual Soviet strategic estimate, NIE 11-3/8, on which there was substantial user demand for a new version each year. One Department of State country director did express an interest in an annual estimate on his country, even if nothing significant had occurred in the interim. But his country is a "denied area" as far as reporting channels are concerned, and he was the only user who took this position. Our own view is that estimates should be updated, as a rule, only when a significant change in the situation or in the questions to be addressed requires it.

The problem is that there is at present no systematic method for determining whether such changes have occurred. In our view, all estimates should be reviewed periodically to decide whether an update is required. Such a review would involve a sort of post-mortem to determine whether the existing estimate is deficient in scope, analysis, or in the pertinence and accuracy of its judgments. Systematic stock-taking would not only help insure that particular estimates remain up-to-date, but might also provide more general insights into past mistakes which can be minimized or avoided in the future.

IV. ORGANIZATION FOR THE PRODUCTION OF ESTIMATES

The ultimate quality and utility of an estimate depend primarily on the personal skills and insights of those who produce it. But their ability to use these qualities effectively is determined in no small measure by the organizational environment in which they work. The present chapter focuses on certain aspects of that environment.

The question of how the machinery for producing estimates ought to be structured was among the topics most frequently raised in our interviews. Producers, not surprisingly, had stronger views than consumers. While we encountered a wide variety of views, most were variations of two basic proposals; revert to the former ONE system or something like it, or retain and perhaps modify the current NIO system.

Under the NIO system, the estimative process can begin, as it has all along, with a request from a consumer. The appropriate NIO makes a recommendation to the DCI, who approves or disapproves. If he approves, the NIO becomes responsible for the proposed estimate, the choice of NIO depending on the subject matter involved. The NIO can also initiate a proposal, subject to the approval of the DCI, and the DCI himself may do so. The NIO may or may not choose to convene a meeting to decide on terms of reference or to receive oral contributions, but almost always does so. Such meetings involve representatives of the agencies and departments of the intelligence community most interested in the completed estimate and best able to contribute to it, and sometimes include policy makers to help assure that the proper questions are addressed.

The NIO selects a drafter (or drafting team) from among the same agencies, in consultation with the parent agency or component, and research and writing get under way. The drafters work under the guidance of the NIO; written contributions may or may not be requested from the participating agencies. The draft, when completed, is circulated to the participating components for review prior to its consideration and coordination at an interagency meeting. This meeting—of representatives of the intelligence chiefs of the participating components—is usually chaired by the NIO, but on occasion he designates someone else. When coordination is completed, the draft is reviewed by the DCI (who may also have involved himself at earlier stages) and considered by the National Foreign Intelligence Board. Once approved by the DCI, with the agreement or disagreement of other NFIB principals shown, the estimate is published and disseminated.

The system in the former Office of National Estimates differed in important respects. Except for three major military estimates (which were drafted by CIA teams), drafts were prepared by a small staff of analysts in ONE, who devoted their full time to such work. These drafts were reviewed by the Board of National Estimates, a small group of distinguished generalists responsible to the DCI. The Board provided a collegial review, designed to ensure that the proper questions had

been asked and answered and that there were no gaps in the treatment of the subject, and to test and—if appropriate—to challenge the judgments in the draft. Drafts were then sent for review to the participating agencies. Subsequently, representatives of the chiefs of these agencies met with the Board to comment on the draft and to coordinate it, prior to its submission to the United States Intelligence Board (now NFIB).

There is still another difference in the two systems. The staff and Board of ONE typically spent far less time on liaison with consumers than do most NIOs, who are explicitly charged with making such liaison an important part of their duties. This lesser emphasis was in part to ensure that the separation between intelligence and policy was maintained, a separation regarded at that time as highly important by many in the intelligence community.

The current system gives each individual NIO a larger measure of autonomy and responsibility for the production of estimates than any one individual had under the ONE system. It also encourages and requires a close working relationship between each NIO and the main producers and consumers in his particular area. The former results in more structural flexibility and responsiveness than was possible under the ONE system. The latter makes possible better communication between producers and consumers. Both results were highly valued by most of the consumers who commented on the subject. A third major benefit, in the eyes of some producers, is that the NIO system puts the drafting responsibility on analysts who deal with a subject on a day-to-day basis, and who, theoretically at least, have the greatest expertise on that subject.

At the same time, many producers and some consumers were quite vocal about what they saw as shortcomings in the NIO system. One criticism frequently heard was that estimates before 1973 were of more uniformly high quality than those produced now. Another was of the *ad hoc* nature of the drafting process, whereby analysts with little or no experience in drafting estimates are asked to do the job. It was pointed out that the best substantive expert in town is not necessarily able to write a good estimate, and that even if he is, he may be so busy responding to a host of demands on his time that he is unavailable to the NIO or forced to divide his time among different tasks and slight his drafting assignment.

The system, as seen by some, also places an extraordinarily heavy burden on one person—the NIO. This individual must take on almost single-handedly not only the substantive responsibility for the accuracy and thoroughness of the estimate but also the managerial and diplomatic chores involved in steering it through the coordination process. At the same time, he must cope with the numerous other responsibilities of his position. There is no collegial review apparatus to spot weak or missing links in the paper, or to challenge the conventional wisdom, as was the case under the ONE system. Finally, a single NIO is probably less able than a group to deflect advocates of particular bureaucratic viewpoints.

Efforts have been made to respond to some of these problems. An Estimates Advisory Panel made up of distinguished individuals from outside the intelligence community has been approved though not yet activated; it would supply an element of review. The recent reorganization of the production offices in CIA's Directorate of Intelligence was undertaken in part to put more analytical strength into the Agency's estimative effort and to make it bureaucratically easier for substantive experts to be freed from competing demands on their time while working on estimates.

We seriously question, however, whether these steps, laudable though they may be, go far enough. If the President, his top advisors in the national security and

foreign affairs field and the American public are to be confident that estimates contain the very best intelligence judgments that can be made, further organizational improvements need to be undertaken.

Internal Collegial Review

A small group of distinguished generalists of proven wisdom and ability, chosen from both within and outside the intelligence community, ought to be reinserted into the estimative process as a collegial review body.

In making this recommendation, we are aware of the sharply contrasting views that have been expressed about the work of the former Board of National Estimates, which performed the collegial review function until it was abolished in 1973. Its detractors charged that the institution was out of touch with the needs of customers and that it encouraged an undue search for consensus at the expense of sharpness in estimative language and judgments. Its defenders maintained that its labors resulted in a more thoughtful and sophisticated product, and that it helped guarantee thoroughness and objectivity of analysis and presentation. At any rate, since the demise of the Board there has been no collegial review of estimates, save the necessarily brief and often cursory one that occurs when the National Foreign Intelligence Board meets to consider a draft.

Arguments over the value of a collegial review of estimates by a body of generalists continue to this day. Most of the consumers whom we interviewed and who commented on the subject clearly supported the concept. Producers were mixed in their reactions. Some of those at or near the working level tended almost instinctively to oppose it. As one put it, in extreme terms, "the less review the better; the customers' reaction is the only review we need." There tended to be greater support for the concept among senior intelligence officers, present and past, many of whom felt that collegial review by generalists is a vital part of the process that should not be neglected any longer.

We find the arguments of those favoring collegial review persuasive. Better quality could ensue from the review of a draft by a group of thoughtful and analytically incisive individuals who are sharp enough to catch faulty logic, wishful thinking, and inconsistencies. More thoroughness could result from the examination of a draft estimate by a group of generalists, each bringing to bear his own approach and knowledge, so that the draft is considered from a variety of angles. Greater objectivity could be attained because a group independent of any bureaucratic loyalties would be better able than a single individual to fend off pressures to alter judgments or avoid hard calls. Also, generalists can call attention to some important element in a situation that the experts are apt to take for granted and say nothing about, or to facets of a subject that they might have overlooked.

Members of the collegial review body ought to be drawn from various professions in and out of government, with the widest possible representation from the major academic disciplines used in the estimative process. Inclusion of a political economist, a scientist, an economist, a military specialist, and a sociologist or anthropologist might be a good start. Members should be appointed by the DCI, and be responsible only to him. To prevent bureaucratic hardening of the arteries, members should ordinarily not serve for more than four or five years. The review body should be a full-time operation, and should be close to the DCI both organizationally and physically. Beside examining estimative drafts, the group might generate or discuss ideas for new estimates, review old ones to see if they need to be updated, and perhaps stimulate and comment on thoughtful single agency products inappropriate for national estimative treatment.

Review by Outside Consultants

The Estimates Advisory Panel (EAP) could, if implemented, serve as an adjunct to the collegial review body, and possibly as an eventual source of recruits for it.

As originally conceived, the EAP was to consist of about three dozen carefully selected experts, primarily if not entirely from outside the intelligence community. Members would be invited by NIOs to gather in small sub-panels to review specific estimative projects while they were under way and to provide comments and recommendations.

The use of outside consultants on estimative problems is not new, dating back to the beginnings of national estimates in 1950. Those familiar with the history of their use felt, for the most part, that only indifferent success had been achieved overall, but that sometimes the results were useful. Intelligence producers who commented on the EAP were only mildly optimistic. They pointed out that its real value would be directly proportionate to the caliber of the people enlisted, and expressed skepticism that enough able people could spare the time to make the idea work well.

Their caution seems well founded, for the problems in using outside consultants are substantial. A consultant must be willing and able to spend a good deal of time going over the intelligence data on which an estimate is based; this can be a real problem for busy, prominent specialists with their own careers and interests. Another problem is that the consultant may find it difficult to cope with the rather special world in which intelligence producers operate. As one senior official said, "if it is hard for a producer to get into the mind of a policy maker, it will be three times as hard for a consultant to do it."

Nevertheless, the EAP concept seems worth a try. Consultants have performed a useful role in the estimative process in the past, and can do so again. At the least, assuming that top-notch people are recruited and used, the EAP could help allay concerns that national estimates are not the result of the best thinking that can be obtained on a subject.

Changes in Current Practices

There remains the question of what changes should be made in the basic practices now employed for producing national estimates. We recommend two.

The proposal for inserting a collegial review body into the process, as recommended above, could or could not constitute a basic change, depending on the way it is implemented. On the one hand, a collegial review group could serve in an advisory role to the NIOs, with the latter free to accept or reject its advice and recommendations. On the other hand, acting for the DCI, it could have the last word *during the production process* on matters of scope and content, much as the former Board of National Estimates did. The ultimate responsibility and authority for the scope and content of national estimates would of course be the DCI's, as it has been all along.

In making our recommendation for a review group, we had in mind the latter alternative, for a number of reasons. If the review group were only advisory, it would be no more than a group of internal consultants. We doubt that it could then be justified, particularly as a full-time body, and it might have difficulty in acquiring and holding the caliber of people required. Substantively, it would not have the authority to go along with its responsibility for insuring, through a collegial approach, high quality and the thorough and complete treatment of a subject.

A collegial review group with authority would serve two other purposes. It would be an additional means of insuring the objectivity and disinterestedness of national estimates, qualities that should be among their prime contributions to the policy-making process. This contribution is an important one, for the comparative advantage of intelligence officers vis-a-vis their policy-making counterparts lies not in their being more able, better informed, or better intentioned, but in the vantage point from which they do their work and in their separation from the policy process. Second, a review body with authority over substance would serve as an additional means of both highlighting and exercising the primacy of the DCI in the production of national estimative intelligence.

We urge a second basic change in current procedures, which we consider to be as important as the first. That is the establishment of a small staff of analysts who would be charged with the initial drafting of estimates. It would have no other duties. The staff, like the collegial review group, would be an instrumentality of the DCI. Care should be taken to insure both the substance and appearance of this relationship, and the separateness of the staff from the constituent elements of the intelligence community, for the reasons already suggested in the preceding paragraph.

There are good reasons for having a full-time staff to draft estimates. The drafting of estimates requires particular skills, which are not easily found or developed. Native ability and substantive expertise do not guarantee them, for they involve the crafting of a distinctive art form—the national estimate—and the development of perspectives and approaches suitable for it. Experience strongly suggests that these skills are best developed through specialization and experience, i.e., by the repeated exposure of an individual to the actual task of drafting. The present method of drafting has created some problems, as mentioned earlier, and almost certainly accounts for much of the “unevenness” in the product frequently mentioned to us.

We recognize that it is untidy to make the above two suggestions for change in the present system of producing estimates, and to go no farther. It seemed better, however, to confine ourselves to a discussion of principles, rather than to try to set forth a detailed blueprint of what the estimative machinery might look like after the changes were made. In the same vein, we make an additional recommendation. According to the comments of those we interviewed, and by our own reckoning, the NIOs have made a most valuable contribution in carrying out their explicit responsibility for maintaining contact with the principal users of estimates. This has helped to make estimates more relevant and responsive to their needs. We urge that provision for this kind of dialogue be maintained

V. THE USER'S ROLE IN ESTIMATES

This study has stressed that if estimates are to be relevant and useful, producers must have a good understanding of the needs of users. Common sense suggests that such understanding can best be acquired if producers and users are reasonably closely linked, at least to the extent of communicating directly on matters of scope, timing, and the issues to be addressed in an estimate. On this basic precept there is no real dispute, but there are differences of opinion on how to define “reasonably closely” and on whether the benefits of close association outweigh the risks.

A number of policy makers saw little need for any additional effort to provide guidance to the producers of estimative intelligence. Some thought that if an intelligence producer were competent and well-informed, he could determine on his own what users needed and wanted. Most policy makers, however, considered that

efforts to improve communication were necessary and desirable. Generally, they felt that the NIOs had done much to bridge the gap between policy officers and the producers of intelligence, but that much remains to be done.

If there is to be an effective dialogue between the producers and users of estimates, it would seem necessary that certain conditions be met. The most important, noted before in this study, is clear evidence of interest on the part of the President and other senior policy officials in the utilization of estimative intelligence as part of the policy-making process. The President in particular, as the chief "user" of intelligence, sets the tone. Second, senior officials on both the intelligence and policy side must actively foster the dialogue and devote part of their time to producer-user relationships; the key individuals are the DCI and the President's National Security Advisor. To date, these conditions have been satisfied only partially and sporadically.

In November, 1971, the National Security Council Intelligence Committee (NSCIC) was established to provide user "direction and guidance on national intelligence needs," and "evaluation of intelligence products from the viewpoint of the user."⁷ It was made up of senior policy makers, plus the DCI. Largely because of a lack of top-level attention, the NSCIC languished, holding only one substantive meeting during its entire five-year existence. Its second Working Group, established in late 1974, made only a small start in educating users about the products and capabilities of the intelligence community. The NSCIC was criticized for its inactivity by both the Murphy Commission and the Senate Select Committee on Intelligence.

By the time the Select Committee submitted its report, the NSCIC had been abolished. Executive Order 11905 of February 18, 1976, requires the DCI to consult with users of intelligence to ensure the "timeliness, relevancy, and quality of the intelligence product" and to "establish such committees of collectors, producers, and users of intelligence to assist in his conduct of his responsibilities as he deems appropriate." In implementation of this order, the DCI charged the National Intelligence Officers with determining consumer needs for intelligence and gave his Deputy for the Intelligence Community the responsibility for the evaluation of intelligence products. At present, there is no formal organization of users to provide guidance to the producers of intelligence. It is probably fair to say that the collection and production of intelligence are governed more by what producers think is needed than by guidance from users.

Close User-Producer Links: Risks and Benefits

There are two basic schools of thought about the proper relationship between intelligence producers and policy makers. The first holds that intelligence analysts ought to maintain a certain remoteness from those involved in decision making "so as to keep intelligence pure and untainted by policy pressures," as Hanson Baldwin put it.⁸ The other asserts that close cooperation between intelligence and policy officers is not only permissible but mandatory, if both are to do their jobs properly. Most of the consumers and producers we interviewed held the latter view. They felt that the risks of a close relationship, although not to be taken lightly, are nevertheless tolerable in view of the potential benefits to both sides.

The chief concern of those who worry most about the risks is that a close association will in time make the estimators *too* sensitive to the user's interests, and

⁷ White House press release, November 5, 1971.

⁸ Hanson Baldwin, "The Future of Intelligence," *Strategic Review*, Summer, 1976.

attitudes. As one former senior intelligence officer put it, there is a distinct danger that the producer will get so wrapped up in day-to-day support of the policy maker that he will become, consciously or unconsciously, a member of the policy team. By so doing, he risks losing his objectivity and his ability to step back, take the longer view, and go beyond the operational considerations of the moment to produce a paper that provides longer range perspectives and perhaps challenges the postulates on which policy is based. For their part, policy makers can legitimately be concerned that intelligence producers will intrude into their territory if the relationship with them becomes quite close—though no policy makers that we talked to complained of this having happened.

The primary benefit of a close working relationship, as we and our respondents see it, is a clearer, more realistic appreciation by each side of the capabilities, limitations, and needs of the other. The producer of intelligence would have less need to guess about what is wanted by the users of his products. He could acquire a better appreciation of the problems preoccupying the policy maker, and what issues are paramount in his thinking. As one of our respondents put it, it is necessary for the producer of estimative intelligence to get inside the mind of the user; this cannot be done without close and continuing association. Such association would facilitate the production of papers which are relevant to the needs of the policy maker, and responsive to them.

For their part, many policy makers have an imperfect view of what the intelligence business is all about. More particularly, they are unaware of what estimates can and cannot be expected to do for them, and of the difficulties that are sometimes involved in zeroing in from a distance on matters of interest to them. There also appears to be an insufficient understanding of the process of producing estimates and of the nature of the product that results, with the consequence that an estimate is viewed by some as no different from any other intelligence product. Perceived deficiencies in the product have contributed to this viewpoint. So has the failure to understand that a national estimate is the voice of the DCI, that coordination has many positive benefits, and that the vantage point of the intelligence estimator permits him to make a distinct, if not unique, contribution.

Providing for Closer Contacts

We found a general feeling among both users and producers that providing for the right kind of communication between them will not be easy. One very obvious constraint on both sides, but especially on policy makers, is a lack of time. Policy people who admit to neglecting their relations with intelligence producers complain that there simply is not enough time in their operational and crisis-oriented schedules to fit in regular meetings with intelligence analysts, no matter how desirable this might be. Additionally, the fact that users and producers are physically located up to an hour apart is a strong deterrent to impromptu meetings when time is available.

A solution sometimes suggested for bringing intelligence and policy people together more regularly is the creation of an organization like the NSCIC, but without that group's liabilities. Among the few producers and users who commented there was skepticism, however, about the efficacy of a new attempt to provide a formal, institutional solution. Such skepticism is understandable in the light of experience. Unless vigorous and continuing leadership is exerted from the top, a new organization might soon atrophy. As the pressures of more immediate operational concerns grew, top-echelon members of the group would be increasingly tempted to designate lower-ranking officers to attend meetings. This would reduce the organization's power to make decisions and to provide guidance.

This alone is not reason enough to shy away from a new effort to establish such a group, and in fact such an effort ought to be made. Even a lively second- or third-echelon users' organization would provide a forum for airing the concerns and needs of policy makers. It would be wise, however, not to expect too much of such a group, given the problems and pressures described above.

Among the subjects it might tackle are the following:

On estimates

- topics for national intelligence estimates;
- terms of reference;
- priorities;
- the evaluation of published estimates; and,
- the role of estimates in support of "operational" requirements and in crisis situations.

More generally

- intelligence research programs;
- significant gaps in intelligence coverage;
- the allocation of intelligence resources as it affects the final product;
- conflicting demands on intelligence;
- imbalances in the intelligence effort; and,
- the broad capabilities, limitations, and problems of intelligence collection, analysis, and production, as they affect the ability of intelligence to support policy makers.

Even if a formal group is established, it seems evident that the improvement of communications between policy officers and intelligence officers will depend mostly, as it has all along, on the initiatives taken by individuals to get to know one another better. Furthermore, it is clear that most of the burden will be on the producers of intelligence. As one quite senior State Department official put it: "the policy maker does not communicate with intelligence—you know that. The intelligence officer has to anticipate and do everything. The policy man will not tell him enough, early enough." Another senior customer said that he found it difficult to provide advance guidance, and that intelligence should not look for it. He added that the intelligence producer should instead derive guidance from a greater interaction with users, so that he could identify independently what was needed.

Certain related themes emerged from our interviews. Several policy makers stressed the importance of the personal relationship between producers and users. That is, only if there were relations of mutual confidence would a policy maker be prepared to express his innermost thoughts or to welcome periodic get-togethers at which perceptions could be compared. There were also suggestions that the intelligence community do market research, in a rather formal way. As one senior policy maker put it, intelligence has to find ways of getting its message across, and this is a marketing problem.

Within the framework of an expanded dialogue, each side needs to work harder on certain aspects of the relationship. The user, busy though he is, should do all he can to ensure that the intelligence producer is aware of trends in policy that may

create new requirements for estimates. He also ought to strive to find out more about what intelligence can, and cannot, do for him. This would involve a far better understanding than many policy makers now have of just how the intelligence community functions.

Producers have a responsibility for seeing that policy makers acquire such an understanding. The main users of estimates are busy people. Moreover, there is fairly rapid turnover in many of the key positions in the national security and foreign policy field. Under these circumstances, the intelligence community has probably been remiss in not having developed a program for acquainting its customers with the capabilities and limitations of estimative intelligence. When this is done now, it is on an *ad hoc* basis, with little consistency or continuity. As simple a thing as the production of a package of sophisticated briefing material would probably help, especially if it were delivered personally by an intelligence officer with whom the user had or was developing a working relationship.

Producers also owe it to themselves, and to the ultimate utility of their product, to work harder than many now do to absorb what is readily knowable about current policies and the preoccupations of policy makers. An alert intelligence officer can acquire a substantial understanding of at least the thrust and direction of U.S. policy in his area simply by keeping his eyes and ears open. Several producers admitted as much, and ventured that this was often enough to permit them to do their jobs. And, of course, it is the duty of the producer of estimates not only to tell the consumer what he wants to know, but also what the producer thinks the consumer ought to know.

This gives rise to two other thoughts on this subject. The first is that those charged with producing estimates can learn much about the concerns of policy makers, particularly those at the Department of State, from their colleagues in the Directorate of Operations (DDO). Officers of the DDO maintain continuing contact with their opposite numbers at the Department, and have often served with them abroad. Also, DDO division chiefs meet regularly with the Assistant Secretaries for their areas. At a minimum, the results of such meetings ought to be passed on to the producers of estimates; it would be even better if the latter were invited to participate as appropriate.

Second, one the best ways for intelligence producers to get to know the needs and concerns of users is to work in or close to a policy position for a time. We found that the most perceptive and pertinent comments on user-producer relations during our interviews came from the relatively few individuals who served in both types of position. But such cross-fertilization should be practiced carefully to avoid conflicts of interest and the blurring of the lines of separation that both users and producers believe it essential to maintain. There are also serious impediments to assigning policy officers temporarily to intelligence roles. For carefully selected intelligence officers, however, a stint in a policy office could be highly useful as a device to foster better mutual understanding.

VI. THE FUTURE ROLE OF ESTIMATES

What we have heard and read during the course of this study convinces us that national intelligence estimates will have a useful role to play in the policy-making process for the foreseeable future. Whether they actually play such a role will be largely up to the intelligence community itself. Far from having outlived their usefulness, estimates would seem to be more urgently required than ever. There is good reason to think this is true, to one degree or another, of most kinds of finished

intelligence.⁹ But because estimates alone attempt to discern what lies ahead, they surely should get high priority in terms of our total intelligence effort.

Other reasons for their potential importance are not hard to adduce. The world with which intelligence and policy must deal is still changing with breathtaking speed. Relations between and among nations and people are becoming more and more complex. As they do, it is getting steadily more difficult for the policy maker, pressed by a great many more immediate concerns, to find the time to take the long view. Nor can he usually afford to sort out for himself the many interacting factors that will affect the prospective behavior of a foreign entity. And unless he is directly involved in such matters, he will rarely be able to stay abreast of new and impending scientific or technological changes that may impact upon his responsibilities.

This is where intelligence comes in—or should, because these are the sorts of things that useful estimates come to grips with for their readers. Estimates have done this well at times and poorly at other, but will need to be much more effective and consistent from now on. The task will not be easy. For one thing, the growing complexity and interrelatedness of the world's military, technological, economic, political, and social affairs will make it much more difficult to be clear and precise, or to phrase estimative judgements in simple declarative sentences. More and more tangible and intangible factors will have to be considered before reasonable conclusions can be formed. This will make it increasingly important to weigh carefully *all* the alternative views on crucial issues and to articulate them clearly. It also means that the underlying data base is likely to become larger, or clouded by conflicting information. Yet to ignore or pass lightly over parts of the data would be risky.

For another, it is likely that the resources of the intelligence community, like those of the nation as a whole, will continue to be stretched to accommodate other urgent needs. This may well mean that estimates will have to be produced more economically, in a shorter time span, and for a wider audience. Eventually this seems bound to entail producing fewer estimates. Producers and users will no longer be able to enjoy the luxury of trying to know everything about everybody, but will have to concentrate on those countries and problems that affect our security the most. This means a greater willingness to say "no" to requests for estimates on less essential matters.

"Quality" should become the watchword, because the need for estimative excellence will continue to grow as U.S. power and self-sufficiency become more circumscribed. Our national well-being will depend more heavily on knowing accurately what our adversaries and allies may be up to. This does not necessarily mean refining the ability to predict specific events. It will, rather, mean being close to the mark in forecasting trends, measuring capabilities of important foes and friends, and assessing their intentions.

Even when quality must be cut back, the plate will remain full. Surely there will be no scarcity of important estimative issues ahead, including some that are critical and a few that are explosive. Unforeseeable crises will occur, and troublesome developments are bound to arise. Many topics of present concern will remain and become even more difficult to handle.

Assuming that well-thought-out, relevant estimates are produced, there need be few worries about a market. The most important customers will continue to be the

⁹ See *The Future Market for Finished Intelligence*, (SECRET) a CSI study issued in August 1976, for a more detailed look at finished intelligence needs in the years to come. [Reprinted in *Studies XX/4*, pp. 1-19.]

President and his chief national security advisors. To the degree that these leaders find estimates useful, and to the extent that estimates have an established place, formal or informal, in the policy-making structure, their market will be assured. The frequent turnover of military and political decision makers at intermediate and lower levels is a further guarantee that a potential audience for estimates will always exist. The DCI, however, will continue to be the key person in getting estimates read and taken seriously. If the DCI is convinced that estimates are as good as they can be and tries to convince others, estimates should have few problems in reaching the right people.

And the "right people" designation may well turn out to include a much larger number in the future than it has up to now. Congressional interest in the conduct of foreign and national security policy and the new emphasis on performing governmental functions as openly as possible suggest that estimates will increasingly need to be made available to the Congress, and perhaps even to the public in some form. To do so will require a good deal of careful work in the area of determining what must remain classified in order to protect intelligence sources and methods and to avoid damaging our relations with friendly governments.

In conclusion: their place in the policy-making process may remain modest, and their ability to provide satisfactory answers about the shape of the future will be limited, but for all that, national intelligence estimates will be needed more than ever. There should be a sustained effort to do them as well as possible.

SOME ISSUANCES OF THE CENTER FOR THE STUDY OF INTELLIGENCE

SEMINAR REPORT: TWO SEMINARS ON CREATIVITY AND ETHICS IN THE
CIA. TR/SR 77-02, 15 February 1977. (CONFIDENTIAL)

Details discussion of (1) the impact of new controls and existing organization on creativity and initiative in the Agency; (2) the adequacy of channels for dissent; (3) the question of a "Canon of Ethics" for CIA; and (4) the future for CIA liaison arrangements. A first seminar was held 11-12 November 1976 for relatively senior officers representing a cross-section of the Agency; a second 17-18 January 1977 was composed of somewhat lower-ranking officers, some of whom were considerably more junior in years of experience.

The first group concluded that the new controls and ethical considerations were not encumbering creativity and initiative, but singled out other elements viewed as essential to maintaining and improving a climate for creativity in CIA. These were: clarifying the aims and goals of CIA; a reversal of the tendency to "suck up" authority for decision making to higher and higher levels; preservation of concern with the long-term impact of proposed programs; conveying a "style" of leadership which encourages creative initiative and innovation; improving the climate for responsible dissent; raising ethical consciousness; and finally, marshaling the arguments to defend foreign liaison relationships while examining alternatives.

The second group identified different issues as of prime importance to a proper climate of creativity, although it agreed basically with the findings of the earlier seminar. The issues the second group viewed as important were: improving vertical and cross-Directorate communication; eliminating the bureaucratic isolation of the Offices and Directorates from one another; clearer and continuing statements of goals and purposes of the Agency and the reasons for them; more feedback to individuals on the value of their professional efforts; and finally, wide discussion of aspects of ethical issues. The second group urged going beyond a defense of liaison relationships; it suggested a careful weighing of their value and of alternatives to them.

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INTELLIGENCE MONOGRAPH: INTEGRATED COMMUNITY PRODUCTION
OF NATIONAL CURRENT INTELLIGENCE (TR/IM 77-01) January 1977.
(CONFIDENTIAL)

Studies the concept of establishing a truly integrated center for the production of national current intelligence. The author, a longtime OCI officer with experience in producing national current intelligence, found "general agreement that in the abstract the concept was not a bad one, but that in practice it would be very difficult to implement. The major problem areas are in personnel and ...added costs." He noted no strong pressure at this time for establishment of an "NCIC"—National

Current Intelligence Center—and the conclusions and recommendations are strongly negative. Problem areas would be similar in centralizing any community function.

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INTELLIGENCE MONOGRAPH: SECRECY vs. DISCLOSURE: A STUDY IN SECURITY CLASSIFICATION. (TR/IM 76-06) December 1976. (CONFIDENTIAL)

Looks first at the historical development of classification, seeking to isolate its endemic problems and to gain a fresh perspective on a procedure that has become all too familiar to most of us. It then focuses on classification procedures within CIA, and looks at the interrelationship of classification and the Freedom of Information and Privacy Acts, at the statutory protection of sources and methods, and at the other legal barriers to the disclosure of foreign intelligence. A 79-page study comes to the conclusion that CIA should take a leading role in the development of classification theory and a reform of the present classification system. It finds significant Agency noncompliance with the provisions of Executive Order 11652, principally in overclassification and unnecessary classification, excessive use of the exemption provision, and anomalous handling of Top Secret cables. The author has 16 specific recommendations for reform of the classification procedure.

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INTELLIGENCE IN RECENT PUBLIC LITERATURE

INSIDE THE KGB: AN EXPOSÉ BY AN OFFICER OF THE THIRD DIRECTORATE, by *Alexei Myagkov*. (Foreign Affairs Publishing Co., Richmond, Surrey, England, 1976.)

The title of this rather short book is somewhat misleading. The author is, in fact, describing his experiences in and observations about only the Third Directorate—a highly particularized element of the Committee of State Security of the USSR (the KGB)—and not the All-Union or Federal KGB as a whole.

Aleksey Alekseyevich Myagkov was born in the town of Teploye, Lebedyanskiy Rayon, Lipetsk Oblast, USSR, on 27 July 1945, the son of an automobile mechanic. He was raised together with five sisters in his parents' home in the city of Lebedyan, and attended school there from 1952 to 1962. In July 1962, Myagkov began his compulsory military service at the Ryazan' Higher Airborne Command School, graduating in July 1966 as a regular army officer with the rank of lieutenant.

Myagkov was subsequently transferred to an airborne division in Kaunas, Republic of Lithuania, as a leader of a reconnaissance group. In September 1967, he applied for employment to the KGB regional office in Kaunas and, after appropriate checks were made on his family and on his own political reliability, he was accepted. He was assigned for training at the Third Directorate's School 311 at Novosibirsk, Siberia, in late 1967 and graduated near the top of his class in late 1968. By virtue of his good showing at School 311, Myagkov was assigned to the Group of Soviet Forces in Germany (DDR). His specific duty assignment was as an operations officer working in the 6th Guards Motorized Rifle Division, the Headquarters of which was at Bernau, DDR, near the Polish border. Until his defection in February 1974, Myagkov worked in various units of that division. Myagkov held the rank of captain at the time of his defection.

Little known in the West, the Third Directorate of the KGB is responsible for all counterintelligence and security work in the Soviet Armed Forces, including the Chief Directorate of Intelligence of the Soviet General Staff—the GRU—and in all Soviet defense and defense-related laboratories and industries. To those familiar with its work, the Third Directorate is known as KGB/OO (KGB/Osobiy Otdel)—KGB Special Department. During World War II, it was widely known as "SMERSH," an acronym for the words "Smert' Shpionam"—"Death to Spies." The Soviet security officers to whom Aleksandr Solzhenitsyn refers in "Gulag" as "Osobisty" were officers of the Third Directorate, KGB.

To this reviewer at least, the publishers of this book have done Myagkov a disservice. The book is poorly edited, the prose is leaden, and the narrative patchy and disjointed. There is absolutely no reason to question Myagkov's *bona fides*, and most of what he has to say is accepted as valid; yet one must have a special interest in the subject to read it in its entirety. It is admittedly for the specialist in Soviet intelligence and security organization and practices, to whom it offers much information not otherwise obtainable except in highly restricted files. Of particular interest are the various KGB rules, regulations and *modus operandi* cited in the text, but particularly those in the appendices (pages 121-131). These are verbatim translations from Russian

of some of the documents which Myagkov brought with him on defecting. Although some are dated as far back as 1961, there is little or no evidence to show that they have been changed to reflect any lessening in the KGB's authority in the fields of internal security, counterintelligence, and foreign intelligence collection.

Like all other Soviet defectors, Myagkov has an axe to grind—the oppressiveness of the Soviet system. This has led him to polemicize throughout, and to exaggerate at times. Thus, one questions his statement on page 39, “. . . thousands upon thousands of unknown people perish between the KGB millstones . . .” The mass liquidation of Soviet citizens in the Stalin era is well documented, but can hardly be factual today when dissident channels are able to make even individual incarcerations known in the West.

Similarly, the number of KGB and other East European intelligence service agents working in the DDR and Federal Republic of Germany, cited by Myagkov, is at best questionable, and at worst a fabrication. Compartmentation within the KGB and in the East European intelligence services is rigid indeed; thus Myagkov could have known only the number of agents he himself ran—and perhaps have a vague idea of the number being run by his immediate colleagues. He could not logically have been able to arrive at the figures which he cites.

Myagkov's descriptions of the privileges enjoyed by the KGB appear to be accurate, similar descriptions having been received over many years from other, independent, sources. Too, his descriptions of the great amount of “make-work” in the Third Directorate have the ring of truth, e.g., the setting up of “straw men” as security risks, only in order to prove that the KGB is ever-vigilant.

Myagkov's description of life in the ranks in the GSFG is perhaps incredible to the average Western reader, yet it has been confirmed by many other sources. Life for a village lad from Central Russia is always hard however, and thus he is probably generally well-prepared psychologically for the hardships encountered daily during his two years' compulsory service in the Soviet Army.

In reading this book, one should remember that the practices which Myagkov describes are those of the KGB carrying out its *internal* security and counterintelligence responsibilities. In such cases, the KGB element concerned, whether it be the Third Directorate or the Second Chief Directorate (Security and Counterintelligence Against the Civil Populace and Foreigners in the USSR), is the law and can act brutally. On the other hand the conduct of officers of the KGB's First Chief Directorate (Foreign Operations) is vastly more refined and sophisticated.

In sum this book, despite its lack of proper editing, its leaden prose, polemics, and occasional exaggeration, is a useful addition to the body of overt knowledge on the KGB.

THE HIT TEAM, by *David B. Tinnin* with *Dag Christensen*. (Little, Brown & Co., Boston, Toronto, 1976.)

On July 21, 1973, an Israeli assassination squad, allegedly seeking to kill a leading Palestinian activist, Ali Hassan Salameh, mistakenly murdered an obscure Arab waiter, Kemal Benamane, in the tiny Norwegian resort town of Lillehammer. In recounting this event, the authors not only exhaustively researched publicly available records but combined these data with a variety of interviews to provide the most detailed account of this incident publicly available in the English language. The interviewees remain mysteriously anonymous. The authors, however, did not limit themselves to a recapitulation of this event. They endeavored to provide the setting for the tragedy, and this supplementary material is much less satisfactory.

The book begins with a description of the murder of Israeli athletes at the 1972 Munich Olympics, briefly discusses the Black September Organization, and proceeds to a superficial and somewhat inaccurate discussion of the Israeli intelligence services, including a lengthy explanation of Israeli intelligence training. A cursory recapitulation is then provided of a series of murders of Arabs prominent in the Palestinian movement, eleven of which the authors identify as having been accomplished by Israeli assassins. Salameh was to have been the twelfth. Without convincing evidence, he is alleged to have been the planner of the Munich massacre.

This leads the reader to the heart of the book: the murder of Benamane. It was undeniably an Israeli act, and the authors apparently felt it needed to be placed in proper perspective. By citing killings of innocent Israelis, by identifying the entire Palestinian movement with terrorism (and thereby denigrating it), and by emphasizing the quality of the Israeli intelligence services, the authors relegate the mistake in Norway to the level of unfortunate anomaly. Whether or not readers accept the setting as depicted by the authors, the Israeli operation in Norway is told with tense excitement and with sufficient wealth of detail to establish credibility.

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