Commanding Spies

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    Human Intelligence (HUMINT) elements is a vexing issue. To understand the issue, exploring the tensions
    between the profession of arms and HUMINT is fundamental. From this basic tension of professions, other
    sub-tensions derive. Sub-tensions in command, authority, levels, and risk tolerance are observable in
    historical and recent instances. Friction within the tensions routinely reduces the effectiveness of military
    and intelligence elements. Past great-power conflict accounts highlight the friction points U.S. military
    elements experienced. Looking forward there are three areas where friction reduction is required.
    Research into the differences between the professional of arms and HUMINT and other tensions is lacking.
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    clear definitions. Not defining this area is fraught with risk if inaction continues. Finally, the processes used
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Abstract

Technological advances in war continue, making once cutting-edge capabilities obsolete. The spy remains an outlier. Historical accounts show the utility of spy networks to military commanders. These accounts also reveal the innate tensions with commanding military spies. The military’s management of strategic Human Intelligence (HUMINT) elements is a vexing issue. To understand the issue, exploring the tensions between the profession of arms and HUMINT is fundamental. From this basic tension of professions, other sub-tensions derive. Sub-tensions in command, authority, levels, and risk tolerance are observable in historical and recent instances. Friction within the tensions routinely reduces the effectiveness of military and intelligence elements. Past great-power conflict accounts highlight the friction points U.S. military elements experienced. Looking forward there are three areas where friction reduction is required. Research into the differences between the professional of arms and HUMINT and other tensions is lacking. Next, strategic HUMINT elements and operations within the Department of Defense is an area lacking in clear definitions. Not defining this area is fraught with risk if inaction continues. Finally, the processes used to develop strategic HUMINT elements should be reconsidered.
Commanding Spies

Technological advances have altered the character of war throughout history.¹ And while this is true of projectiles and armor, the spy is an outlier. The human element of intelligence collection, commonly referred to as spies or espionage, is a unique intelligence discipline. Unlike calibrated instruments that collect images or radio frequencies, Human Intelligence (HUMINT) allows for the collection of information inaccessible through other means.² Although, spies are not without shortcomings. Since the creation of the world’s second oldest profession, how to command and control military spies has vexed commanders and historians alike. This is especially true for those who do not offer immediate value to a theater or tactical commander. Spies who seek strategic intelligence over operational intelligence are especially difficult to command, direct, and integrate into military operations.

Commanding spies is paradoxical. A military commander will find themselves attempting to control a seemingly immutable set of opposing forces. Given this fact, it begs the question, how should the Department of Defense (DoD) manage the tensions associated with commanding its strategic HUMINT capabilities? Examining this space involves studying tensions. Tension, a physics term, describes the act of being stretched by opposing forces.³ The term can also refer to mental or emotional strain on an individual.⁴ Ironically, both explanations are fitting. For military commanders and intelligence practitioners alike, navigating these tensions and reducing friction is essential for success. “One spy in the right place is worth 20,000 men in the field,” an idea attributed to Napoleon, summarizes the utility of a well-placed spy if the tensions are reconciled.⁵
Historical examples provide insights and impacts of such perennial struggles between operational commanders and HUMINT capabilities. The foundational tension between the military and spies lies within the disparities in the professions. From this foundation, subsequent tensions in command, authority, level, and risk tolerance are apparent. Friction within these tensions occurs when influencing actors emplace incompatible or restricting management frameworks between the opposing sides. One size does not fit all.

This concept of tensions and friction is instinctive for Americans. The U.S. system of government is built upon the idea of three equal parties that check and balance one another. Removing the tensions should not be the goal; they are integral to the design. Rather, understanding and identifying reoccurrences will assist with managing and resolving current and future problems. Through this the DoD may implement a system where natural tensions are expressed but managed properly by governance, thus leading to superior outcomes.

Tension of Profession

The first tension with commanding spies is the most basic. This tension bridges two distinct professions – HUMINT and arms. Intuitively, the United States accepts spies are not Soldiers, Sailors, Airmen, or Marines. It is true military HUMINT collectors are cross-trained in arms, but their primary job is not to perform routine military duties. This relationship among professions is common to the military. Doctors, lawyers, and engineers are other professions which have a similar relationship with the profession of arms. However, HUMINT appears different from other vocations based on two questions. Is HUMINT a profession and is it compatible with the profession of arms? On
compatibility consider the Peace Corps, an organization which states applicants associated with intelligence need not apply.⁶

Professions are the creations of humans and fit in a specific societal role. The study of professions is “ecological,” because they develop when society creates the preconditions for them to exist.⁷ A profession provides autonomy of practice for its members and may exclude non-members.⁸ As one profession grows and determines its “jurisdiction” of practice, others interact to determine their corresponding places in society.⁹ This idea describes a competition or tension among professions for jurisdiction. John Burk, a prominent American military sociologist, relies on this definition, “a relatively “high status” occupation whose members apply abstract knowledge to solve problems in a particular field or endeavor.”¹⁰ He further explains the military is a profession despite the field of sociology historically taking this for granted.¹¹

Nations rely on their military professionals to defend their borders, respond to disasters, and wage war. To accomplish this charge the profession of arms routinely employs sanctioned violence. The profession of arms serves a specific purpose in the international system of nations. Humans recognize this profession’s practice includes the sanctioned termination of human life. This sets militaries apart from other professions. On this point, societies hold militaries to a higher standard than other professions.¹²
Can the same be said for spies? A spy, colloquially, is “someone who is employed by one nation to secretly convey classified information of strategic importance to another nation.” The act of “spying” or using spies is referred to as espionage. There is little distinction between the collector and the source. Both are considered “criminals,” if caught. Spying is almost universally a crime in all nations; each has their own definition on what constitutes a spy. Conversely, almost all nations employ them for their own benefit. Societies clearly have use for spies. While there is not one standard definition of a spy, international norms were established to combat the idea, one man’s soldier is another man’s spy. The international community remains firm on distinguishing between spies and the armed forces.

Spies in the military are an enigma. They offer utility but erode the purity of the law of war. In the Hague Regulations and Geneva Conventions, international law
recognizes that spies are different from lawful combatants. Therefore, combatants and spies can be treated differently. Within the United States, President Abraham Lincoln shared this view on the dishonest practice despite the Union Army’s employment of spies. He issued General Order 100 – also known as the Lieber Code – which stated a “spy is someone who secretly seeks information for the enemy and should be hung by the neck regardless of their success in the endeavor.” Today, there is a general international law consensus that spies are not afforded the same privileges afforded to their military counterparts when captured by the enemy.

Knowing that spies and soldiers are different – despite sharing similar jurisdictions – does not de facto recognize military HUMINT as a profession. For this point, the Central Intelligence Agency’s (CIA’s) John Cardwell presented a unique case study for the management of spies. Cardwell contended the Holy Bible could offer lessons on spy management for “One Nation, under God.” In the Old Testament, there are two examples of the use of military spies by Israelite leaders. Moses chose twelve prominent tribesmen to spy on Canaan. These amateurs were sent to live among the Canaanites for forty days with the charge of determining whether Canaan was their “Promised Land.” When the tribesmen reported back, they disagreed with each other and lost their faith in God. This intelligence operation concluded poorly for ten of the twelve - who were subsequently stoned to death. Adding to the intelligence failure, God severely punished the Israelites for losing their faith.

The second example involved one of the surviving tribesmen. Joshua, who became the Israelites leader. He chose his spies more carefully. In preparation for entering the “Promised Land,” he selected two professionals to enter Jericho. Joshua
requested intelligence on the inhabitant’s attitudes in preparation for an military operation. The story alludes to these spies using tradecraft to mask their movements and send secret messages back to Joshua. The two spies discretely recruited assets under Joshua’s authority. Unlike Moses’ management style, Joshua kept the details and tasking of his spies hidden from prominent leaders and soldiers.

The historical accounts and veracity of details can be challenged, nevertheless, the lessons they reveal are important. Cardwell succinctly underscores this when he writes,

If there is a lesson to be learned, it would appear that a strong case is made for the conduct of spying activities in secret by professionals, unencumbered by other political or military responsibilities, and that these professionals should report in secret to higher authority who would make policy decisions without debate. Spies should definitely not participate in the policy-decision-making process, nor should they take their cases to the public. When that occurs, although stoning is passé, the people are likely to throw figurative rocks at the wrong people for the wrong reasons.  

Cardwell argues spying is an act best undertaken by a community of professionals who are separate and distinct from general military duties.

Within the U.S. Intelligence Community (IC) and DoD the term “spy” is generally not used to describe its workforce. The intelligence discipline that primarily uses humans to collect information from other humans is HUMINT. Other military intelligence elements or special operating forces can also be regarded as “spies,” under international definitions or by adversaries. But “HUMINT practitioners” are most analogous to spies. The DoD’s HUMINT field of practice consists of clandestine, overt, and interrogation elements. The primary task of all within this field is to collect intelligence. Endeavors that go beyond collecting intelligence are more akin to those conducted by special operating forces or other elements, and thus not “spying.”
But the underlying question remains: is military HUMINT a profession? One could argue HUMINT is not a “high status” occupation, but would be hard pressed to convince others that HUMINT practitioners do not apply abstract knowledge to solve problems in the endeavor of collecting intelligence.\textsuperscript{25} HUMINT is clearly a profession using most accepted definitions of the term. Although the compatibility between the military and HUMINT remains a contention.

The profession of arms and HUMINT are dissimilar despite both being vocations of war. In the U.S. military, the profession of arms is, “a vocation comprised of experts certified in the ethical application of land combat.”\textsuperscript{26} As further described by the 18\textsuperscript{th} Chairman of the Joint Chiefs of Staff, the profession is built through shared “knowledge, skills, attributes, and behaviors.”\textsuperscript{27} The attributes of the profession of arms are starkly different from those in HUMINT. The ethical behaviors and norms acceptable for HUMINT collectors are generally unacceptable in military circles.

A clash of ethical norms and behaviors is evident. Consider the common flow of information between service members. Within military circles, subordinates do not withhold information from their commanders or staff. Withholding pertinent information from superiors could be labeled insubordination. On the other the hand, HUMINT collectors must operate with secrecy and discretion. Withholding source and other information is normal practice, even between supervisors and their direct subordinates.

Internationally, the military is expected to remain in clear sight for all to see, hence the uniforms. HUMINT professionals on the other hand do not.\textsuperscript{28} The interaction and subsequent friction between members of opposing professions cannot be solely attributed to differences in process, jurisdiction, or organizational structures. Rather it is
the strong undercurrents of distinctly different values and norms which influence those members.

John P. Langan studied the moral damage associated with the profession of intelligence collectors noting, “In intelligence agencies there is a general recognition that the acquisition of intelligence from human sources requires deception and manipulation.” Lieutenant General Vernon Walters, an adept military intelligence officer with experience in the Central Intelligence Agency (CIA) and Defense Intelligence Agency (DIA), explained, “Americans have always had an ambivalent attitude towards intelligence. When they feel threatened, they want a lot of it, and when they don’t, they regard the whole thing as somewhat immoral.” Members of professions customarily place limits on what is acceptable and not. These limits are routinely based on their corresponding codes of ethics. The Hippocratic Oath taken by physicians is a manifestation of this idea. In intelligence, and HUMINT in particular, the limits of practice are this: don’t get caught. A former DoD legal advisor, highlighted this clash, “Intelligence operatives live in a dark and shadowy world, while military forces are the proverbial knights on white horses. Advocates of military transparency want to ensure the reputation of America’s men and women in uniform remains untarnished by association with the shadowy world of espionage.” Both professions are controlled by stringent laws and rules, but society views one as dishonest and the other as honorable.

These examples show military HUMINT members are influenced by a different set of norms, ethics, and required skills than their general military counterparts. The anecdotal differences are the friction points within the tension of profession. Understanding there is a difference is useful when considering other sub-tensions.
Acknowledgment of the differences is not the same as concluding the profession of arms and HUMINT should not be intermingled. The DoD must meld several professions into its overall organizational structure to achieve success. Intermingling professions into the military is a valid pursuit. But, the differences between HUMINT and arms are the bedrock from which misunderstandings, opposition, and other tensions arise.

Sub-Tensions

Like house’s foundation, the tension of professions is the bedrock from which other sub-tensions branch. On one side a tension is HUMINT and on the other, the profession of arms. There are sub-tensions of command, authority, level, and risk tolerance. These sub-tensions are apparent in historical and contemporary examples. The historical examples show several tensions their frictions at play, but for simplicity each was examined separately. Commonly, the friction occurring in the tensions are the events or influencers that attempt to pull actors to an opposing side. There are other unexplored tensions, but they too also branch from the tension of professions.
Figure 2. Tensions with Commanding HUMINT Framework  

Tension of Command

The first sub-tension resides in military doctrine. The opposing sides in this tension are command concepts adopted in doctrine, and the HUMINT practitioner’s preferred *modus operandi*. Military command is hierarchical so their organizations and management structures generally follow suit. On the other side, strategic HUMINT collectors prefer flexibility and the ability to use discretion due to the inherent uncertainties within their field of practice. To examine this tension one must understand military command concepts and their purpose, and how these concepts can clash with HUMINT’s *modus operandi*. 
Military command and control (C2) refers to exercising authority and direction of forces to complete a task. C2 is innate for all U.S military members; it permeates throughout all levels of military culture, doctrine, and policy. There are slight definition differences among the military services, but the idea applies to all. Joint Doctrine bridges the differences. This doctrine applies to all military services; therefore it provides the widest applicability for this examination. The Marine Corps and Army doctrine also provide useful insights into this topic, undoubtedly because the business of spying and land combat both occur where people live.

The modern view is C2 and unity of command are inseparable. Unity of command is a concept that traces back to General John J. Pershing during World War I. General Pershing found it difficult to apply combat power in a multinational command structure where different commanders were equal. Command unity describes how no military force has two or more commanders who exercise the same type of relationship over them. To achieve this unity, a force should have only one commander empowered with the requisite authority. This concept is fundamental and necessary for optimal combat operations according to military doctrine and experts. Unity of command is a military principal that compliments others such as mass, offense, and maneuver.

Today, command authority from a higher to a lower commander is delegated through command and support relationships. The transfer of command authority and forces is sometimes restricted. For example, United States Code (USC) Title 10, Section 164, prohibits the delegation or transfer of Combatant Command authority, except by the President or Secretary of Defense (SECDEF). While restrictions remain,
the overall framework for command and support relationships ensure unity of command can be achieved.

When unity of command is not possible – usually because of inadequate authorities - unity of effort is described as next best. Unity of effort is defined as, “forces under different commands coordinating and cooperating to achieve a common objective.”40 Unity of effort describes how commanders at an equal level, or non-military interagency partners, support one another in the pursuit of an objective, goal, or mission. Recent doctrine suggests that unity of effort is only guaranteed through unity of command. The “if this then that” statement is communicated in doctrine, “attaining unity of effort through unity of command…may not be politically feasible, but it should be a goal,” and “unity of command is central to unity of effort.” 41 This premise is important for understanding the difficulty with commanding HUMINT. The premise leads to the following argument, HUMINT forces can best support a theater commander if they are under the same chain of command.

A thought experiment can show how this premise creates a tension of command and subsequent friction. HUMINT practitioners are generally expected to operate as singletons or in small groups. Militaries are generally most effective when massed into a unified force.42 Military commanders are normally given areas of responsibility. At the highest command level below the SECDEF, Geographic Combatant Commanders are given missions and geographic boundaries to conduct operations.43
Figure 3. Areas of Responsibility (AOR) for Geographic Combatant Commanders

Strategic HUMINT’s ability to gather intelligence is not limited by the commander’s priorities or geographic area the collectors may find themselves in. Collectors are safer and operations are more permissive in areas where adversarial control is limited. For example, an American collector, operating against the military in North Korea a risky endeavor. It is often the case, particularly in strategic collection, that the opportunity to collect against the primary target occurs somewhere in the world. This is why interrogating suspected terrorists at Guantanamo Bay offers a more permissive environment. In both cases, the commanders in the permissive environments have higher theater priorities than North Korea or outside terrorist groups.
Using the doctrinal command and support relationships, HUMINT elements prefer to be in general or direct support to local commanders. This provides the element increased flexibility necessary to operate. Commanders, although, are advised to seek unity of command so they pursue command relationships like Operational Control (OPCON). This relationship restricts the element’s ability to operate within the commander’s AOR.

The tension of command is a creation of our own design. C2, unity of command, and associated frameworks serve a purpose for managing military forces. However, select activities suffer from a broad-brush approach. Strategic HUMINT elements and their operations suffers when command relationships restrict an element’s flexibility and movement. Joint Doctrine does not prohibit the SECDEF, defense agencies, or Geographic Combatant Commanders figuring out how to achieve command across-AORs. U.S. adversaries do not limit their operations based on U.S. AOR boundaries, therefore it makes little sense that we should engage in such self-limiting behavior when pursuing intelligence against these very same adversaries. The idea that strategic HUMINT is akin to general land forces, who can be neatly organized and positioned within the sight of a commander is itself the tension.

Tension of Authority

The second sub-tension involves the authorization behind HUMINT and military operations. Andru Wall succinctly framed this tension when he wrote, “the law permits while Congress attempts to restrict.” The authority to conduct all military operations stems from executive branch powers and law. The framers of law influence executive power and the authority to conduct operations by adding restrictions. The merits of each
legal restriction are irrelevant. Understanding that legislatures influence how military and HUMINT operations can be conducted, and by whom, is germane.

Looking back, it appears the first Commander-in-Chief, General George Washington, understood this tension. He was commissioned as the Commander-in-Chief of the Continental Army in June 1775.46 For the management of war Congress provided General Washington with the “full power and authority to act as you shall think for the good and welfare of the service.”47 He clearly wielded power and authority over the armed forces, and like many prominent generals before him, he understood the utility of spies.48

The British military chief of intelligence in the colonies, Major George Beckwith, noted after the war, “Washington did not really outfight the British, he simply outspied us.”49 General Washington conceived a human-centric intelligence system and left the management to skillful officers like Benjamin Tallmadge. 50 Washington not only created his own network of strategic spies, he understood the risks associated with intelligence operations supporting the military.51

The necessity of procuring good Intelligence is apparent & need not be further urged--all that remains for me to add, is, that you keep the whole matter as secret as possible. For upon Secrecy, Success depends in most Enterprizes of the kind, and for want of it, they are generally defeated, however well planned and promising a favourable issue. I am Sir Yr Most Obedt servt Go: Washington.52

Washington’s authority to conduct the war did not fully extend into all areas like strategic diplomacy and espionage. The Second Continental Congress created Secret Committees, “for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world.”53 The Continental Congress Intelligence
Committee corresponded with General Washington to synchronize the military’s efforts with those areas retained by Congress.\textsuperscript{54}

Quite a lot has changed since 1775, but not Congress’s view on spying and their control of funding. As noted, the overall authority used by the military nests with the powers of President of the United States. Authority is the underlying foundation of command; it provides legitimacy, and characteristically follows a hierarchical structure.\textsuperscript{55} Thus, a military commander’s authority is not limitless. The executive branch also does not have limitless authority, due to congressional oversight and dynamic changes in law. USC Title 10 provides the SECDEF with the “authority, direction, and control over the Department of Defense.”\textsuperscript{56} All DoD military and intelligence operations stem from USC Title 10 or other delegated authorities.\textsuperscript{57}

Unpacking the authority, congressional restrictions on organizational roles, funding, and oversight become readily apparent. Legal code additions and restrictions add ambiguity, nevertheless, the three pertinent statutes for Defense HUMINT are; USC Title 10 Armed Forces, USC Title 50 War and National Defense, and Executive Order 12333, as amended. USC Title 50 and Executive Order 12333 provides the SECDEF with a redundant authority stream, funding, and oversight outside of Title 10. Under this supplementary stream, SECDEF and select defense agencies are provided the authority to conduct intelligence activities within the National Intelligence Program (NIP).\textsuperscript{58} The NIP includes IC members, and excludes the activities conducted by military departments or Combatant Commands for planning and executing tactical military operations.\textsuperscript{59} Operations conducted within the NIP fall under the oversight of the House and Senate Intelligence Committees.\textsuperscript{60}
The same statutes also provide guidance to focus the activities of DoD HUMINT collection elements. EO 12333 states military services shall collect intelligence for departmental requirements and national requirements as appropriate. EO 12333 also states the DIA is charged with "collecting information to support national and departmental missions with the tasking of the Under Secretary of Defense for Intelligence, Chairman of the Joint Chiefs of Staff, Combatant Commanders, and other components and agencies."\(^6^1\)

These statutes created leanings for DoD organizations and their HUMINT elements. Despite the law stating the SECDEF can use any DoD element to accomplish his tasks, Geographic Combatant Commands are generally precluded from expending NIP monies because they are not IC members. IC membership is defined in USC Title 50 and EO 12333.\(^6^2\) On the other hand, the DIA and Special Operations Command (SOCOM) are not limited by this restriction.

Table 1: Organizational Lean for HUMINT Based on Authorities \(^6^3\)

<table>
<thead>
<tr>
<th>Organization</th>
<th>Title 10</th>
<th>Title 50</th>
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<tbody>
<tr>
<td>Military Services</td>
<td>X</td>
<td></td>
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<tr>
<td>Defense Intelligence Agency</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Geographic Combatant Commands</td>
<td>X</td>
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</tr>
<tr>
<td>Joint Task Forces within Combatant Commands</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>U.S. Special Operations Command</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Title 10 and 50 authorities arguments routinely gloss over the fact that the SECDEF maintains control and direction of all DoD HUMINT. This power can only be limited by the President. The compartmentalization, organizational leanings, and subsequent funding authorizations with oversight, are congressional limitations on executive powers. It is not the authorities that produce the tension, but rather the age-old separation of powers among the legislative and executive branches of government.

Tension of Levels

The third sub-tension occurs between the levels of war and intelligence. To begin to understand this tension, one should put themselves in the shoes of a World War II soldier. This soldier, dug in on the forward line of troops, does not necessarily care about the enemy’s strategic stocks or manufacturing capability. This soldier is worried about what is over the next hill. This illustration describes how intelligence requirements vary in different levels of war. While the levels of war and intelligence are extensively defined in doctrine, the levels of HUMINT operations and the elements who conduct them are not. This immaturity and difficulty with defining HUMINT operations and elements as strategic, operational, or tactical causes friction between collectors and commanders.
Sherman Kent, often referred to as the father of intelligence analysis, described the differences in intelligence levels noting in 1949, “the words “high-level” are there to exclude what is called “operational” intelligence, tactical intelligence, and the intelligence of small military formations in battle known as combat intelligence.” Kent postulated there were levels of intelligence in both war and peacetime. Today, military and intelligence professionals understand this idea when they discuss the three levels of intelligence; strategic, operational, and tactical. The levels of intelligence share the same names as the levels of warfare.
Table 2. Levels of Intelligence and Consumers.70

<table>
<thead>
<tr>
<th>Level of Intelligence</th>
<th>Definition</th>
<th>Likely Consumers</th>
</tr>
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<tbody>
<tr>
<td>Tactical Intelligence</td>
<td>Intelligence required for the planning and conduct of tactical operations.</td>
<td>Tactical Commanders, Units, &amp; Elements.</td>
</tr>
<tr>
<td>Operational Intelligence</td>
<td>Intelligence that is required for planning and conducting campaigns and major operations to accomplish strategic objectives within theaters or operational areas.</td>
<td>Joint Task Forces, Combatant Commanders, &amp; Campaign Planners</td>
</tr>
<tr>
<td>Strategic Intelligence</td>
<td>Intelligence required for the formation of policy and military plans at national and international levels.</td>
<td>President, SECDEF, Congress, Military Service Secretaries, Policy Makers, and Combatant Commanders</td>
</tr>
</tbody>
</table>

By definition, the intelligence levels are differentiated by the finished product and intended consumer. Strategic intelligence aligns with the strategic level of war. What is missing is pivotal. The intelligence operations and associated elements are absent in the definitions. The DoD does not define “strategic intelligence operations,” or “strategic HUMINT elements.”

A partial reason for this is the non-standardized intelligence collection process. Strategic intelligence is not solely collected in strategic operations or by strategic elements. A tactical collector could gather intelligence that fulfills a knowledge gap for a policy maker, albeit, this example is the exception rather than the rule. It is generally understood certain elements and operations yield different values of intelligence. Counterpoints to this idea rely on anecdotes to show the uncertain nature associated with collection. But collection is not a trivial pursuit; collectors generally understand the
type of intelligence that may result from their operations. They also have the discretion on the type of sources they approach.

Consider military attachés. They are regarded as an overt collection element among international military circles.\textsuperscript{71} The type of information these attachés are expected to collect leans toward the strategic side, but this does not preclude them from collecting tactical or operational information.\textsuperscript{72} Attachés must maintain a set of highly specialized cultural, language, and tradecraft skills to successfully serve in their posts. They also operate under a unique chain of command. In the U.S. military system, attachés are not beholden to subordinate commanders, rather to the Chief of Mission.\textsuperscript{73} Their specialization, unique chain of command, and focus on strategic intelligence infers they are a “strategic element.” This is not the case for all military HUMINT elements. While the title of some DoD HUMINT elements denote they are part of a “strategic element” – strategic debriefer for example- they routinely support operational or tactical intelligence requirements.\textsuperscript{74}

The separation of strategic assets is not novel. Outside of intelligence, the DoD determined the nuclear weapons triad remains a strategic military capability. \textsuperscript{75} The triad’s C2, operations, and capabilities are unique compared to other operational and tactical elements. The triad still serves a critical role in the DoD despite their separation from regular military elements.

Another military idea useful for understanding this tension is reconnaissance push and pull. This concept is found in Marine Corps doctrine. Push explains when a commander knows his foe and requires intelligence to support operations. Pull is used when knowledge of the enemy or terrain is lacking and a commander has not yet
committed to a plan. This idea may appear to be useful for tactical or operational levels of war, but the Romans offer another historical lesson. Julius Caesar cataloged his use of spies during his time as a supreme military commander. These accounts survive today in his Bellum Gallicum texts, wherein, Caesar personally questioned merchants, prisoners of war, and his legates for intelligence purposes. He also managed his own network of professional spies to supplement overt means. These professionals were prominent Romans such as, Volsenus, and a cadre of clandestine operatives called the Speculatores. This array of human sensors provided Caesar with an understanding of foreign people, terrain, and political-military dynamics for his own military purposes.

Analysis of Bellum Gallicum suggests human-derived intelligence was pivotal to Caesar’s campaigns. The importance of this type of intelligence cannot be overstated. A.C. Bertrand astutely noted, “Caesar adjusted his military goals to the amount of intelligence available rather than gathering the intelligence relevant to his military objectives.” This idea rivals common understanding of the use of intelligence as an ancillary tool for commanders.

When Caesar allowed his HUMINT capabilities to operate in a pull mode, he surrendered partial control and the ability to direct these assets. This mode enabled his strategic HUMINT forces to operate more freely than others. This freedom was not required or given to all of his forces. Only those who required this maneuver space to be successful, and had the requisite skills, were afforded this luxury.

The DoD does not define a strategic equivalent to Caesar’s Volsensus. Instead all HUMINT elements are considered the same because they are defined as such. The
military intelligence and HUMINT communities may differentiate select operations as more sensitive than others, but this falls short of defining operations and elements as “strategic.” Definitional gaps leave the analysis and judgement to a case by case basis, thus causing friction among actors. Because differentiation between strategic and other HUMINT elements is not explicitly stated, military commanders tend to view all capabilities as potential available forces. At best, military commanders seek more capable units to support their operations. At worst, military commanders limit HUMINT collector’s freedom of movement who are operating in their AORs and possibly against targets above their respective levels of war.79

Tension of Risk Tolerance

The final sub-tension with commanding spies is risk tolerance. Intelligence gathering is a risky business. When military intelligence operations are compromised, the impacts can be calamitous. Risk is seemingly well understood in military circles. A joint staff officer stated, “risk is the most important dialogue there is [in the DoD]. Either you can [achieve objectives] or you can’t.”80 But, this risk assessment is incomplete and does not adequately fit HUMINT. Compromises and attribution are generally not factored into military risk assessments in the way they are for HUMINT. Despite recent expansions, joint doctrine’s risk discussions still gather around the probability of not reaching an objective.81 The risks associated with an operation going awry and subsequent implications are often misunderstood. Risk tolerance, usually an investment term, refers to one’s “ability to tolerate something”, or “the limit of enduring a force.”82 Both definitions are useful for this tension. This tension explores how commanders tolerate risks, except the implications of a compromise shift and exceed their, or even their higher commander’s, risk limits.
For the DoD, risk is visualized as the force between an organization’s strategy and its objectives. Plainly put, risk is uncertainty. Assigning ownership to risk is a tricky endeavor. Past DoD risk studies concluded ownership is ambiguous and often misunderstood. Operational commanders are expected to describe, identify, assess, and communicate their risk to higher-level commanders. Thusly indicating, risk ownership flows upward along the chain of command. The overall risk owner for military operations is the Commander in Chief. The Office of the President may statutorily own all military risk, but it is the citizens who elect the President, partially by assessing and inferring the candidate’s risk tolerance.  

![Figure 5. The Lykke Model: Strategy Stool.](image-url)

Tolerance and ownership are two altogether different things. One commander’s personal tolerance varies from the next. A commander’s tolerance is also influenced by environmental factors. One’s tolerance could be higher when their forces are in war versus a peacetime environment. Peacetime commanders are presumably less tolerant.
Risk tolerance in the HUMINT discipline is no different. However, what is unique to HUMINT is the shifting ownership and ability to forecast compromising effects.

When a HUMINT operation begins there might be a knowable and manageable amount of risk. Regardless of the operation type, overt or clandestine, personal and operational risk changes overtime. HUMINT operations generally take time to develop. Interrogations or development of clandestine sources can be prolonged. Unique to HUMINT is when a seemingly tactical operation could fail and thrust parties into a conflict or cause the failure of a battle.

When military risk exceeds a commander’s tolerance and ownership limits, the higher commander must approve. In HUMINT, an expected operational failure could be the compromise of a source and or loss of a collector. The commander may still approve the HUMINT operation. However, an event that causes national embarrassment or congressional inquiry would have precluded the operation from occurring. This describes a tolerance mismatch and tension.
A recent illustration of this are the congressional investigations on DoD and CIA detention and interrogation abuses. Secretary of Defense Rumsfeld testified before both Armed Services Committees regarding the abuse in Abu Ghraib prison. Later, the Senate Intelligence Committee concluded its investigation on CIA’s interrogation program. Upon full declassification, the allegations, details, and findings were intolerable for the U.S. population. Subsequent restrictions were emplaced on the DoD. Congress then levied the requirement to videotape DoD “strategic intelligence interrogations” in the 2010 National Defense Authorization Act. The DoD and IC members were required to conform to the law and changed their policies to respond.

In this case, when the detainment and interrogations began, the risk tolerance was within assessed limits. The American public generally had a positive view of
coalition operations based on media portrayals and service member accounts. The risk mismatch was initially realized once the detainment abuses were published throughout international media outlets. Congress responded. The U.S. population’s tolerance was further reduced once the details were released in declassified reports. The DoD, Congress, U.S. population and host nation are just a few groups who had a lower tolerance post event than they did pre-event. Those savvy within the Washington Beltway commonly refer to this phenomena as the “Washington Post Test.”90 The test explains how the tolerance of groups is constricted in compromises. Other examples of compromises, failures, and embarrassments are littered in the media and outside of classified channels.
Few HUMINT operations are compromised. When compromises occur, not all will have strategic impact. Some do. The select operations that carry high strategic risk and are conducted and managed by lower echelons are mismatched. Additionally, when select commanders experience past HUMINT failures, this can create a lower personal tolerance for accepting HUMINT-related risk. Intelligence, and HUMINT in particular, is a risky proposition. Collectors pursuing intelligence for national purposes will indubitably share spaces where tactical and operational level operations occur. Not allowing HUMINT elements to operate because of risk, indubitably restricts the operations and blunts the capability’s effectiveness. EO 12333 lays out a framework for the IC – supported by all federal departments and agencies – to provide intelligence for “the protection of the United States national interests from foreign security threats.”
A Look Back

The tensions of profession, command, authority, levels and risk are apparent in historical examples. A useful example for viewing all the tensions involves the Office of Strategic Services (OSS) during World War II.

Colonel William Donovan, the presidentially designated “Coordinator of Information (COI)” who was disinclined to serve as an intelligence officer, addressed a convincing letter to President Franklin D. Roosevelt (FDR) on the importance of the Philippines. His letter to the Commander in Chief urged U.S. military action in the Philippines and requested, “…that I be permitted to serve with this force in any combat capacity.”

The Chief of Staff for the War Department, General George C. Marshall,
responded, “Your request for service in a combat capacity is typical of you [William Donovan], I will watch for a suitable assignment in that area, and will call [sic] on you as soon as it develops.”¹⁹⁵ That was not to be, instead he soon found himself the director of the nation’s first centralized intelligence agency. FDR, in part based on the advice of British Prime Minister Winston Churchill, found a suitable assignment for Director Donovan, leading a dedicated agency focused on intelligence and clandestine and covert operations.¹⁹⁶ Formed from hand-me-down units disregarded by the military services, one of OSS’s inherited missions was espionage.¹⁹⁷

The OSS, a nascent intelligence organization, was still technically a military organization. Despite his formal military rank, Donovan was considered by fellow officers to be a civilian.¹⁹⁸ The tension of control over the organization was widespread. The COI answered to FDR, but the OSS was administratively placed under the Joint Staff. Outside of Washington DC, the Secret Intelligence (SI) elements – the espionage arm of OSS- were controlled by OSS officers with the oversight of the chiefs of diplomatic missions or the theater military commander. These SI elements were focused on collecting what would modernly be referred to as national HUMINT, instead of military HUMINT. A declassified OSS field manual shows this bifurcated command and control and focus.

It is essential that SI cooperate closely with the armed forces both in Washington and in theaters of operations. In Washington, liaison is maintained between the Military Intelligence Division (MID) and SI on a reciprocal basis in order to insure a free and rapid interchange of appropriate intelligence. Similar arrangements exist with the Office of Naval Intelligence (ONI) and Air Intelligence (A-2). In theaters of operation, the coordination of SI activities with the armed forces is still more complete, since all OSS operations come under the direct control of the theater commander.
Although combat intelligence does not normally come within the province of SI, SI organizations in theaters of operations may at times be called upon to assist in the collection of this type of intelligence. However, SI should not engage in the collection of combat intelligence unless specifically requested to do so by the theater commander. 99

The tension over who controlled and directed SI collection was fierce. FDR and senior military commanders understood the necessity of strategic intelligence. On command relationships, G.C. Marshall and Eisenhower recommended to FDR the COI/OSS be under the Joint Chiefs of Staff (JCS). Once there, the Army did not approve of its officers conducting espionage and covert actions. To assuage this concern, Eisenhower thought these operations should “be conducted by individuals occupying a civilian rather than a military status.” 100 Once under the JCS and until the OSS was disestablished, the tension between collecting strategic and military combat intelligence was evident.

Firsthand accounts from OSS officers who served in Northern Africa, Sicily, Italy, and Burma describe this tension. 102 In Operation TORCH and HUSKY, OSS officers admitted, “[the OSS agent’s] appalling ignorance of military matters,” and “the traditional intelligence services such as “G-2, Counterintelligence Corps (CIC), and the office of
Naval Intelligence (ONI) often displayed open hostility toward the OSS because they did not understand its work and its true objectives."103 The new organization had to prove its value to the JCS and war effort. Instead of focusing on the strategic intelligence – the area they were arguably better fit to gather- the OSS focused on collecting military intelligence to support the amphibious landing in Africa.104 Looking back, the OSS’s efforts supporting this operation were faulty. The collection and analysis did not represent the ground truth and the allied landings were contested. The Allied landing operation was a success, but the intelligence collected and assessments provided by OSS did not accurately display the armed opposition. Historians note Marshal Pétain and the French Vichy waged a fierce resistance against Allied landing forces, causing bloodshed on both sides.105

Despite this initial failure, the OSS was able to provide valuable strategic intelligence to FDR, British Allies, and General Eisenhower in an environment of conflicting personality issues.106 While military intelligence was not necessarily their forte, examples like Detachment 101 in Burma, displayed how intended strategic intelligence units did provide valuable intelligence to theater and operational commanders.107

This significant historical example clearly embodies the tensions inherent in commanding spies. The places, names and dates are different today, but the same arguments continue in national security circles in both Washington and in theaters around the world.

Looking Forward

As noted, identifying and understanding the tensions with commanding spies is the first step to effective management. But just as great powers clashed during WWII,
the same may occur in the future. To prepare for the future, understanding the tensions and implementing policies to restrict friction is imperative. Otherwise, the military is choosing to enter a conflict with one arm tied behind its back.

Further study of the tensions and friction points is required. This examination briefly surveys select areas where the military and HUMINT are strained. Tensions of support, communication, benefits for members, and talent management are other notable areas. Developing a more in-depth understanding on the tensions for similar fields like counterintelligence and special operations is also a noble pursuit. Understanding the tensions and friction supports productive interactions with outside parties like Congress, the IC, and legal circles.

Next, defining strategic HUMINT operations and elements is imperative. National HUMINT was codified by the Director of National Intelligence in policy. The DoD is an important member of the “national HUMINT capability,” and already provides highly capable collectors to de facto national elements. An example of this is the High-Value Detainee Interrogation Group (HIG). According to DoD HIG policy, the group is responsible for the interrogation of high-value persons in DoD custody, who are presumably of national interest. The HIG, military attachés, and other DoD HUMINT elements are examples of “strategic HUMINT elements.” There remains a definition gap at the DoD-wide level. This definitional gap and the compounding effect of the disestablishment of the Defense Counterintelligence and HUMINT Intelligence Center (DCHC) is causing friction between military services, IC members, and combatant command intelligence staffs. A definition could be coordinated across the DoD HUMINT enterprise and then incorporated into policy. Not taking action opens risk for
outside elements like the IC, and Congress, who are already creating definitions in policies and law. Congress created the term “strategic intelligence interrogation,” in the National Defense Authorization Act for fiscal year 2010. There are definition threshold gaps in what is strategic and what is not.\textsuperscript{112} Technological cyber advancements in the operating environment and risks of inaction predicate a need for this change.

Also, building a strategic HUMINT force is necessary to operate in both peacetime and conflict environments. The HUMINT discipline is different than other non-human capabilities. Yet, HUMINT collectors are sensors and expected to operate as designed and directed. Strategic and operational HUMINT elements will certainly require more advanced training and skills than their tactical counterparts. Unfortunately, the DoD routinely builds its HUMINT forces using a personnel readiness model verses an acquisition model for things like aircraft carriers or firearms. The acquisition process for material capabilities is stringent but ensures requirements are paired with deliverable capabilities. Military attachés, HIG members, and clandestine case officers are just a few examples where filling two-thirds of the necessary requirements could seriously hinder operations. The necessary skills in a technologically advancing and more dangerous operating environment are expected to broaden. Ensuring strategic and operational HUMINT elements are funded, built, and their talent managed appropriately is more crucial now than ever.

Endnotes


4 Ibid.


11 Ibid., 44-47.


13 Ibid., 390.


17 Ibid.


22 Ibid.


28 Office of the Under Secretary of Defense for Intelligence, Human Intelligence Division and Defense Intelligence Agency, Directorate for Operations, interview by author, February 12, 2018, On location.

29 John P Langan, “Morale Damage and Justification of Intelligence Collection from Human Sources,” in *Ethics of Spying. A Reader for the Intelligence Professional* (Lanham, MD: The Scarecrow Press, 2006), 106.


33 This framework is an original creation of the author. It shows the foundational tension between military and HUMINT professions. Sub-tensions stem from these differences. The identified sub-tensions are described in this study. Other tensions exist, but were not described in this work.


38 Joint Chiefs of Staff, Doctrine for the Armed Forces, V-1.

39 Ibid., V-2.

40 Ibid., V-1.
41 Ibid., xix, V-1.


45 Wall, “Demystifying the Title 10-Title 50 Debate,” 92.


55 U.S. Department of Defense, DoD Dictionary of Military, 41; Joint Chiefs of Staff, Doctrine for the Armed Forces, III-11.


60 Wall, “Demystifying the Title 10-Title 50 Debate,” 87-90.


64 Wall, “Demystifying the Title 10-Title 50 Debate,” 99.
65 Discussions between Troy Sacquety and author were conducted regarding the focus and utility of special intelligence provided by the OSS in World War II. Troy J. Sacquety, e-mail message to author, February 1, 2018.


67 Joint Chiefs of Staff, *Doctrine for the Armed Forces*, V-1.


69 Joint Chiefs of Staff, *Doctrine for the Armed Forces*, V-1.


79 Email Correspondence and Interview with Confidential Source, 22 March 2018. Source’s identity withheld for reasons of security.


83 Freier, “At Our Own Peril,” 3-5, 103-104.


91 This model is the creation of the author. It represents how organizational risk tolerance is altered after an operational compromise. The contraction of tolerance is based on both international and external factors. Not represented, but also included, is influences between the organizations.


94 Coordinator of Information William J. Donovan, “Memorandum for the President February 21, 1942,” retrieved from William Donovan papers archive at U.S. Army Heritage and Education Center, Army War College, Carlisle, PA on September 14, 2016.
95 War Department, Office of the Chief of Staff, General George C. Marshall, Letter to Colonel Donovan, February 27, 1942, retrieved from William Donovan papers archive at U.S. Army Heritage and Education Center, Army War College, Carlisle, PA on September 14, 2016.


103 Beam, “The Intelligence Background” 64-65; Corvo, The OSS in Italy, 73.


