Acheson, Dean. *Present at the Creation: My Years in the State Department*. New York, NY: W. W. Norton, 1969.

Allison, Graham. *Essence of Decision: Explaining the Cuban Missile Crisis*. Boston: Little, Brown, and Company, 1971.

Allison, Graham, and Peter Szanton. *Remaking Foreign Policy: The Organizational Connection*. New York, NY: Basic Books, 1976.

Bacevich, Andrew. *The Limits of Power: The End of American Exceptionalism*. New York, NY: Henry Holt and Co, 2008.

Beisner, Robert L. *Dean Acheson: A Life in the Cold War*. New York, NY: Oxford University Press, 2006.

Brodie, Bernard. *The Absolute Weapon*. New York, NY: Harcourt, Brace, 1946.

Callahan, David. *Dangerous Capabilities*. New York, NY: Harper Collins, 1990.

Craig, Campbell and Fredrick Logevall. *America's Cold War: The Politics of Insecurity*. Cambridge, MA: Belknap Press of Harvard University Press, 2009.

Craig, Campbell and Sergey Radchenko. *The Atomic Bomb and the Origins of the Cold War*. New Haven, CT: Yale University Press, 2008.

Freedman, Lawrence. *Evolution of Nuclear Strategy*. New York, NY: St. Martin's Press, 1983.

Gaddis, John Lewis, et al. *Cold War Statesmen Confront the Bomb: Nuclear Diplomacy since 1945*. Oxford, UK: Oxford University Press, 1999.

Girrier, Catherine. *The No-First-Use Issue in American Nuclear Weapons Policy 1945 – 1957*. Geneva: Institut Universitaire De Hautes Études Internationales, 1985.

Herken, George. *The Winning Weapon: The Atomic Bomb in the Cold War*. New York, NY: Alfred A. Knopf, 1980.

Hershberg, James G. James B. Conant: *Harvard to Hiroshima and the Making of the Nuclear Age*. New York, NY: Alfred A Knopf, 1993.

Hewlett, Richard and Oscar Anderson. *A History of the United States Atomic Energy Commission: The New World 1939 – 1946*. University Park, PA: Pennsylvania State University Press, 1962.

Jervis, Robert, et al. *Psychology and Deterrence*. Baltimore, MD: John Hopkins University Press, 1985.

Kaplan, Fred. *The Wizards of Armageddon*. New York, NY: Simon and Schuster, 1983.

Katzenstein, Peter. *The Culture of National Security: Norms and Identity in World Politics*. New York, NY: Columbia University Press, 1996.

Kull, Steven. *Minds at War: Nuclear Reality and the Inner Conflicts of Defense Policymakers*. New York, NY: Basic Books, 1988.

Leffler, Melvyn. *For the Soul of Mankind: the United States, the Soviet Union, and the Cold War*. New York, NY: Hill and Wang, 2007.

Malloy, Sean. *Atomic Tragedy: Henry L. Stimson and the Decision to Use the Bomb Against Japan*. Ithaca, NY: Cornell University Press, 2008.

McCullough, David. *Truman*. New York, NY: Simon and Schuster, 1992.

Millis, Walter. *The Forrestal Diaries*. New York, NY: Viking Press, 1951.

Mueller, John. *Atomic Obsession: Nuclear Alarmism from Hiroshima to Al Qaeda*. New York, NY: Oxford University Press, 2010.

Mueller, John. *Retreat from Doomsday: The Obsolescence of Major War*. New York, NY: Basic Books, 1989.

Nitze, Paul H. *From Hiroshima to Glasnost: At the Center of Decision, a Memoir*. New York, NY: Grove Weidenfeld, 1989.

Nitze, Paul H. *Tension Between Opposites: Reflections on the Practice and Theory of Politics*. New York, NY: Charles Scribner's Sons, 1993.

Nitze, Paul H. *United States Foreign Policy 1945 – 1955*. New York, NY: Foreign Policy Association Headline Series, 1956.

Paul, T.V. *The Tradition of Non-Use of Nuclear Weapons*. Stanford, CA: Stanford University Press, 2009.

Quinlan, Michael. *Thinking About Nuclear Weapons*. London: Royal United Services Institute for Defence Studies, 1997.

Sagan, Scott and Kenneth Waltz. *The Spread of Nuclear Weapons: A Debate*. New York, NY: W. W. Norton, 1995.

Scheer, Robert. *With Enough Shovels*. New York, NY: Random House, 1982.

Schell, Jonathan. *The Fate of the Earth*. New York, NY: Alfred A. Knopf, 1982.

Schelling, Thomas. *The Strategy of Conflict*. Cambridge, MA: Harvard University Press, 1980.

Sherwin, Martin. *A World Destroyed: The Atomic Bomb and the Grand Alliance*. New York, NY: Alfred A. Knopf, 1975.

Talbot, Strobe. *The Master of the Game: Paul Nitze and the Nuclear Peace*. New York, NY: Alfred A. Knopf, 1988.

Tannenwald, Nina. *The Nuclear Taboo*. New York, NY: Cambridge University Press, 2007.

Thompson, Nicholas. *The Hawk and the Dove: Paul Nitze, George Kennan, and the History of the Cold War*. New York, NY: Henry Holt, 2009.

Welch, David. *Painful Choices: A Theory of Foreign Policy Change*. Princeton, NJ: Princeton University Press, 2005.

Williamson, Samuel R. and Steven L. Rearden, *The Origins of US Nuclear Strategy, 1945 – 1953*. New York, NY: St. Martin's Press, 1993.

Articles

Atkinson, Carol. *Review of The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons since 1945*, by Nina Tannenwald. *Center for International Security and Cooperation* (2008): 1 – 3. <<http://www.au.af.mil/au/aunews/archive/2010/0506/Articles0506/tannenwald%5B1%5D.pdf>>, [date accessed: March 2010].

Cordesman, Anthony. "Iran and the US: Key Issues from an American Perspective" *Center for Strategic and International Studies*, January 3, 2008.

Daalder, Ivo, and Jan Lodal. "The Logic of Zero" *Foreign Affairs*, 87, no. 6 (Nov/Dec 2008). <foreignaffairs.com>, [date accessed: July 2009].

Etzioni, Amitai. "Tomorrow's Institution Today" *Foreign Affairs*, 88, no. 3 (May/Jun 2009): 7 – 11.

Freedman, Lawrence D. *Review of The Cambridge History of the Cold War*, edited by Melvyn Leffler and Odd Arne Westad. *Foreign Affairs* 89, no. 2 (March/April 2010): 136 – 144.

Gentile, Gian. "Planning for Preventive War, 1945-1950" *Joint Force Quarterly*, no. 24 (Spring 2000): 68 – 74.

Hagan, Kenneth, and Elizabeth Skinner. "Nuclear Strategy and Diplomacy" *Encyclopedia of American Foreign Policy* (2001): 595 – 622.

Krepon, Michael. "The Mushroom Cloud That Wasn't" *Foreign Affairs*, 88, no. 3 (May/Jun 2009): 2 – 6.

Lebow, Richard Ned. *Review of The Tradition of Non-Use of Nuclear Weapons*, by T.V. Paul. *H-Diplo Review Forum* (2009): 1 – 13. <<http://www.h-net.org/~diplo/essays/PDF/Paul-ReviewForum.pdf>>, [date accessed: December 2009].

Levite, Ariel. "Never Say Never Again: Nuclear Reversal Revisited" *International Security*, 27, no. 3 (2002/2003): 59 – 88.

Lieber, Keir, and Daryl Press. "The Nukes We Need" *Foreign Affairs*, 88, no. 6 (Nov/Dec 2009): 39 – 51.

Lindsay, James, and Ray Takeyh. "After Iran Gets the Bomb: Containment and Its Complications" *Foreign Affairs*, 89, no. 2 (March/April 2010): 33 – 49.

Nitze, Paul. "Atoms, Strategy, and Policy" *Foreign Affairs*, 34, no.2 (January 1956): 187 – 198.

Nitze, Paul. "Grand Strategy Then and Now: NSC-68 and Its Lessons for the Future" *Strategic Review*, 22 (1994): 12 – 18.

Nitze, Paul, and John Lewis Gaddis. "NSC-68 and the Soviet Threat Reconsidered" *International Security*, 4, no. 4 (1980): 164 – 176.

Rosenberg, David Alan. "The Origins of Overkill: Nuclear Weapons and American Strategy, 1945 – 1960" *International Security*, 7, no. 4 (1983): 3 – 71.

Sanger, David, and Peter Baker. "Obama Limits When US Would Use Nuclear Arms" *The New York Times*, April 6, 2010, front section.

Schelling, Thomas. "The Legacy of Hiroshima: A Half-Century without Nuclear War" <http://www.publicpolicy.umd.edu/IPPP/Summer00/legacy_of_hiroshima.htm>, [date accessed: May 5, 2009].

Websites

RAND Corporation. *History and Mission*. <<http://www.rand.org/about/history>>, [date accessed: March 15, 2010].

Lectures

Schelling, Thomas. "An Astonishing Sixty Years: The Legacy of Hiroshima." (Nobel Prize lecture, The Royal Swedish Academy of Sciences, Stockholm, Sweden, December 8, 2005).

Schelling, Thomas. "The Non-Use of Nuclear Weapons: Prospects for Continuance." (lecture, Council on Foreign Relations, New York, NY, March 29, 2006).

Personal Interviews

Schelling, Thomas. 2010. Interview by Reid Pauly. January 18. Washington, DC.

Thompson, Nicholas. 2009. Interview by Reid Pauly. December 10. Telephone.

Adler, Emmanuel. 2010. Interview by Reid Pauly. January 8. Toronto, ON.

Photos courtesy of:
Thompson, By Nicholas. "The Hawk And The Dove | Danger Room | Wired.com." *Wired News*. Web. 13 Nov. 2010. <<http://www.wired.com/dangerroom/tag/the-hawk-and-the-dove/>>.
"File:Truman Initiating Korean Involvement.jpg." *Wikimedia Commons*. Web. 13 Nov. 2010. <http://commons.wikimedia.org/wiki/File:Truman_initiating_korean_involvement.jpg>.
"File:Paul Nitze.jpeg." *Wikimedia Commons*. Web. 13 Nov. 2010. <http://commons.wikimedia.org/wiki/File:Paul_Nitze.jpeg>.
"Eikenberry and McChrystal Meet with Obama.jpg." *Wikimedia Commons*. Web. 14 Nov. 2010. <http://commons.wikimedia.org/wiki/File:Eikenberry_and_McChrystal_meet_with_Obama.jpg>.

successors.

The Public Sphere’s Private Intelligence

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Supporters of “green-badgers”—the nickname given to contractors working inside the American intelligence community—argue that after 9/11 the United States needed a more flexible labor pool of intelligence professionals to draw on, and so a large number of contractors was needed for the monumental task at hand. Since 2001, the surge in green-badgers has been proportionate to the security needs of the War on Terror, say supporters. With attacks abounding in the various theatres of war abroad and even domestically, the U.S. government needed a backup security force as well as support for high-technology products that only the private sector could provide. Many private citizens, some of whom had left the intelligence community years before, were already “cleared,” and the political incentives were already in place to increase funding for non-governmental assistance to classified work. It was an opportunity to broaden the abilities of various agencies—technical and human in their needs—to make American defenses stronger.

More critical and theoretical arguments start with the rule of law. Consider Office of Management and Budget (OMB) memo A-76, which calls for the U.S. intelligence leadership to keep in its federal control all matters relating to “inherent government tasks.”¹ Such core responsibilities, according to many experts, are the managing of the “overall direction” of intelligence policy at home and abroad and

the implementation of counterintelligence work. Unfortunately, there is evidence that these two conditions have not been met, in the sense that American telecommunications companies were participants in the domestic wiretap program initiated by the George W. Bush administration, and because intelligence corporations CACI and Blackwater were involved in torture in Iraq at Abu Ghraib² and in Baghdad’s Nisour Square³ respectively. Such a position notes that even supporters of intelligence outsourcing have called for a slashing of their numbers by 10%, and that reform is obviously necessary on this core national security issue.

Naturally, both sides of the debate little agree when it comes to policy implementation, but one thing remains accepted by opponents and supporters of contractors in the U.S. intelligence community: intelligence outsourcing was not a new phenomenon after 9/11.⁴ Regardless, it did accelerate at this time. Through at least as far back as the Vietnam War, through the Clinton administration, we can locate contractors in military and intelligence-related defense work. The Lockheed Company assisted in the manufacture of the U-2 spy plane in the 1950s and private contractors were thereafter used consistently in American military affairs during the Cold War. During the Clinton years, “outsourcing” and the “privatization of non-governmental functions” came to be known as terms specific to the

activities of the U.S. intelligence agencies. With a cut in the post-Cold War military budget of the United States came a corresponding lack that was “fully addressed” (by some accounts) by a highly-capitalized, high-tech business sector. Journalist Lynda Hurst writes in the *Toronto Star* that, “Outsourcing has been on the rise since the Cold War’s end led to the downsizing of the world’s huge standing armies”.⁵ After 9/11 a heap of funding was designated to the Defense Department and intelligence bureaucracies such as the Central Intelligence Agency (CIA), which was used to improve short-term organizational capacity, for example to catch up on the backlogs of messages to translate, and to complete other tasks that could be solved by a surge in manpower alone.

This paper takes the position that in the “post-9/11 age” contractors can almost be considered necessary, but that they should not become a *powerful majority* of labor within intelligence agencies. Unfortunately, instances abound of the numerical majority of non-governmental actors; in fact, this is the case in multiple U.S. intelligence agencies. It can be argued that whereas contractors were once utilized because of their cost effectiveness⁶ and access to technology and management structure that the government lacked, they are today utilized because their presence is ingrained culturally, functionally, and in agency budgets. At a time of public calls to reduce the defense budget from various congressional members,⁷ it is pertinent to assess the value of contractors against the main criteria they were originally rationalized upon: cost savings and a general notion of corporate efficiency. Indeed, a “fully loaded” contractor is estimated to cost the government about \$250,000 per year, compared to a governmental employee, which figures at about half that (approximately \$126,000).⁸

There is also a legal-moral debate that examines whether contractors are “incentivized” to act outside of governmental

spheres, in cases which may be illegal, unauthorized, or simply inappropriate according to the criteria mentioned in OMB circular A-76. Such a view explains that contractors are legally prohibited from carrying out tasks which relate to the government’s “inherent” responsibilities,

The Central Intelligence Agency's lobby seal.

which are the direction of policy and counter-intelligence collection, among others. Some critics have questioned the notion that the U.S. government regulates contractors at all. Contractors have their own management and profit structures, and are short-term focused to the mission at hand, but not always to the long-term interest of the government’s plans. Private companies do not always follow the rule of law—abroad or at home—since immunity is sometimes given and contracts renewed, even after so-called “product failures.” In this sense, there is a market failure that the government must address.

This paper therefore argues that the Congress and Executive must regulate more heavily the hiring practices and budgetary expenditures of the 16 intelligence agencies within the Office of the Director of National Intelligence (ODNI) management umbrella, if effective reform is to occur. While corporate actors should be recognized as vital to the mission at hand, intelligence contractors should not be an overbearing presence in the military command structure, collecting

frontline human intelligence or running espionage or counterintelligence affairs. This is counterproductive to national security and budgetary considerations—a claim that this article will now address.

A Brief Look at the History of Public-Private Intelligence Efforts

Partnering with corporations to win wars and maintain stability is not a new task for Western governments. This phenomenon stretches back to the days of the British Empire, which used the East India Company to maintain British dominance in South Asia and beyond. The phenomenon of contracting core military responsibilities, however, is more recent. Some analysts place the beginning of U.S. engagement with this technique at the end of World War Two. In 1953, AT&T and the Defense Department were jointly planning a Distant Early Warning (“DEW”) Line along the coast of Northern Alaska and Canada.⁹ By 1955, the first U-2A airplane, the original prototype of today’s U-2 spy-plane, took flight.¹⁰ This aircraft was designed by Kelly Johnson and the Lockheed Skunk Works Company in complete secrecy under an agreement with the U.S. government that was concluded in 1943.¹¹

American companies continued to be involved in the business of national defense throughout the Vietnam War, producing battlefield weapons and servicing a limited number of communications needs. Technology advanced in this period and often, as a result of the Cold War, the federal government did not always have the start up capital or expertise that the private sector could offer. When the Vietnam War ended, the period of economic deregulation popularized by President Ronald Reagan began. Although this contributed in theory to the acceptance of contractors of all sorts, it was not until after the fall of the Soviet Union that the CIA was able to become so heavily privatized. Industry lobbyist Stan Soloway tells outsourcing expert Tim Shorrock in his 2008 book *Spies For Hire*

that “very little privatization took place in the Reagan administration and none under [George H. W.] Bush.”¹² This was somewhat

A “fully loaded” contractor is estimated to cost the government about \$250,000 per year, compared to a governmental employee, which figures at about half that (approximately \$126,000).

a consequence of the dissolving of the global chess set-up that the U.S. was used to navigating throughout the Cold War.

As a result, intelligence agencies had a mission somewhat undefined. Vice President Al Gore, along with powerful blocks in both houses of Congress, supported a notion of “reinventing government” in the early 1990’s, and those running the CIA and other agencies took this as a cue to expand the use of contractors outside the traditional information technology sphere.¹³ Former CIA Middle East expert and author Bob Baer reports that after 1997, “practically all [CIA] training...[was] done by contractors”.¹⁴ Much debate at this time focused on the financial and management efficiency and cost-savings of private labor; there was less discussion of the inherent, immediate need for private intelligence professionals, as was the case after 9/11.

By the beginning of the 2001 Afghanistan War, the atmosphere was such that the intelligence agencies had plenty of tasks and funding given to them by a generally supportive Congress. Almost immediately after 9/11, the CIA was charged with recruiting and training the linguists that were in great shortage. The most pressing goal was to fill the void: this could be accomplished by reaching out to retired military and intelligence professionals who had critical knowledge for the War on Terror.¹⁵ Although direction on

intelligence reform came from the Executive, 9/11 Commission, and Congress, it was the direct responsibility of the individual agency leader to staff his or her team. Because of the supply and demand for higher-paying and patriotic jobs in-theater, the financial incentives lined up, and in the process many new companies were established and many more bought and reconsolidated.

In Iraq, contractors worked side by side intelligence personnel to interrogate prisoners,¹⁶ “track and investigate” Iraqis,¹⁷ map the territory for military battle plans,¹⁸ arrest and detain civilians and combatants, as well as provide basic support services to intelligence agencies in everyday operations. These practices have been useful to the extent that the agencies were not able to meet the demand for labor and technology previous to the contracts being signed. However, it is now argued by many industry observers that both defense and civilian intelligence agencies have become too dependent on contractors, who are taking away labor from the governmental sector where it was traditionally to be found. This thematic is one that the Director of National Intelligence (DNI) has recognized as inherently problematic due to the lack of new recruits staying within the public sector. The DNI went so far as to complain in a 2006 public report that:

“Confronted by arbitrary staffing ceilings and uncertain funding, components are left with no choice but to use contractors for work that may be borderline ‘inherently governmental’ – only to find that to do that work, those same contractors recruit our own employees, already cleared and trained at government expense, and then ‘lease’ them back to us at considerably greater expense.”¹⁹

The penning of such a forceful statement highlights the magnitude of the problem, as seen from within the government’s intelligence command.

A Look at the Agencies

Although there were consolidations of private intelligence businesses in the late 1990s, it was not until the Bush years that intelligence reform led to the consolidation of significant bureaucratic power in the ODNI. But privately, competing forces were at work too. The intelligence community spent \$18 billion per year on contractors in 1998, but by 2003 that number had more than doubled to \$43.5 billion.²⁰ Today, each agency has its own proportion of contracted work. In the Defense

U.S. Army soldiers conduct a test near Kabul, Afghanistan in December 2007.

Intelligence Agency (DIA), for example, it’s around 35%²¹—a low figure compared to the National Reconnaissance Office (NRO), where it is estimated to be as high as 90%.²²

At the Central Intelligence Agency, the problem is distinct, as questions of operational security and source-control come into play when pondering the human intelligence (HUMINT) work of contractors. The CIA’s Directorate of Operations (DO) has been overstressed since the end of the Cold War because of the budgetary cuts of the 1990s and severe manpower shortages after 9/11. Today, many fear that the majority of the agency’s employees are for-profit actors and that these people may not have the long-term goal of public institution-building incorporated into their business plans. Some watchdogs believe that the government should hold a majority of labor (and power) and frown upon the reality that in the National Clandestine Service—

the CIA’s directorate that deals with human intelligence collection—the percentage of contractors is above 50%.²³

Here is a conflict of interest which needs to be addressed by not only a reduction in contractors, but by the strengthening of CIA management. “The [CIA’s] directorate is losing ‘25 or 30 chiefs of station’—the top CIA representative in a country or major city—or their equivalent’ at headquarters, every six months,” reports former intelligence official Sam Faddis.²⁴ For those with an opinion similar to Faddis’, the problem of 21st century management runs parallel to the problem of outsourcing. Recently, former CIA Director Michael Hayden, in looking to take a new “middle approach,” agreed to cut 10% of his agency’s contractors.²⁵

At the DIA, the percentage of private-sector “staff” is 51%, just barely a majority.²⁶ In 2007, the DIA Director wrote a letter to the *Washington Post* claiming that his agency “does not outsource analysis...government managers are fully in charge of this process.”²⁷ It is possible that this is completely true; but if so, his agency is among the exceptions to the rule. In general, contractors do perform core analysis work, and in the majority of intelligence agencies.

At DIA, contractors such as Booz Allen Hamilton (BAH) focus on technology assistance for programs such as measurement and signature intelligence—the latest sub-field of intelligence collection called MASINT.²⁸ MASINT heavily overlaps with the work of the National Reconnaissance Office (NRO), a Defense Department agency that contracts *almost all* of its work. In both the DIA and NRO, geographic and political mapping technology is extremely important. It is a tradecraft in which private corporations sometimes have superior technology—or even the only technology to do the job. Contractors therefore find their way into the work of the DIA, and operate parallel structures of incentives and management, alongside the U.S. military’s command and control system.

At the National Security Agency (NSA), complaints of contractors are primarily centered on telecommunications companies, which joined in the domestic wiretap program after 9/11. Companies working for the NSA often focus on signals intelligence (SIGINT) collection abroad and data-mining domestically,²⁹ among other controversial topics. Concerns of privacy, American public opinion, and electoral politics enter the fray in discussions about the use of contractors in the NSA’s global surveillance work. Liberal Democrats and human rights groups have called for reform measures such as Executive branch repudiation of the so-called “warrantless wiretap program,” which began during the Bush administration. Proponents of this view reference the rule of law in the guise of OMB memo A-76, which codifies concern about privatizing “inherently Governmental” tasks relating to intelligence work. NYU Law Professor Simon Chesterman notes that, “The executive has adopted various guidelines seeking to elaborate a definition. The 1983 version of the OMB circular stated that ‘Certain functions are inherently Governmental in nature, being so intimately related to the public interest as to mandate performance only by Federal employees.’”³⁰

Further criticism of NSA practices has often included a case study in Michael McConnell, who went from being head of NSA to a top executive at Booz Allen Hamilton (BAH), and then back into government as the nation’s Director of National Intelligence in 2007.³¹ Critics point to the involvement of BAH in the NSA’s Total Information Awareness data-mining program³² as well as the failure of the “Goundbreaker” project, which ran over budget and produced questionable results.³³ Supporters counter that without certain private-sector abilities, the NSA would be rendered substantially weaker.

Today, the NSA contracts out work on secret encryption, a field that has been at the forefront of advances in private-sector technologies since the 1990s. In 2000, the

NSA experienced a system-wide computer blackout “that shut down the agency’s global listening and surveillance system for more than two days, reducing the contents of the president’s Daily Briefing by more than 30 percent.” As a result of the pressure that ensued, “during the waning days of the Clinton era, the highly secretive agency...opened its

It is now argued by many industry observers that both defense and civilian intelligence agencies have become too dependent on contractors, who are taking away labor from the governmental sector where it was traditionally to be found.

doors to contractors.”³⁴

As mentioned, the NRO is highly intertwined with the NSA and DIA. Their job involves using and coordinating advanced technology products, military satellites, and 3-D battlefield mapping technology, often in conjunction with the relatively new National Geospatial-Intelligence Agency (NGA). Lately, the NGA has been working with Lockheed Martin on a contract called “GeoScout,” a project to develop a ground-based infrastructure which blends data from classified and unclassified military satellites. Like the NSA’s Trailblazer project before it, the GeoScout public-private partnership has been criticized for going over budget and ceding too much power to corporations.³⁵ For better or worse, these NGA partnerships have evolved out of a post-Cold War necessity; and their upswing can be traced parallel to that of NSA contractors, as the two agencies have been so closely aligned in their Pentagon responsibilities.

“[T]he real engineering breakthroughs [in the NRO] did not occur within the government program offices; they occurred at the contractor facilities”, writes Dennis Fitzgerald in an archived commentary on

the CIA website. Today, that breakthrough in technology collection has been augmented by a near complete reliance on outside manufacturers. The NRO is emblematic of other agencies in that it is not experiencing a capital dearth, but is nonetheless short on organizational capital. Intelligence analyst Robert Kohler, commenting on the divide between the CIA and NRO, reports that: “Now, contracting officers, the financial oversight staff, and the Community Management Staff are the major power brokers in most of the NRO program offices, instead of the program managers.”

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The Nationalization Debate

Hopefully there is a middle ground compromise which both deregulators and regulators can accept in the spirit of political compromise: reconsideration of the role of contractors in interrogation and in-field operations. To this end, the Obama administration should reexamine the domestic wiretap legislation to determine its efficacy and also the role of telecommunications companies. Is investing in them the most efficient use of federal funds? Should they continue the work that immunity had to be

granted for in the first place—work that was perhaps illegal? Or could the government start incubating technologies for future use, more by itself and less via private capital, and in the process build its capacities? Any changes may necessitate a massive structural change, foisted upon the DNI and agency directors by the Executive. At least, this is how it will probably be framed. While opponents may not complain of “nationalization” per se, they may highlight the government’s “ineptitude” and undue “interference” with the efficiency of the market—charges that critics of intelligence contractors will have to answer.

There have been numerous reports the Presidential Daily Briefing is shaped by companies operating from within the ODNI, such as Lockheed, Raytheon, Booz Allen Hamilton and SAIC, and that they have the ability to affect policy making at the highest of levels, given their prowess and proximity.³⁸ Indeed, the ODNI revealed in May 2007 that 70% of the intelligence budget goes to outside contractors.³⁹ Unfortunately, to address problems with contractors—which are not always separate from problems with governmental employees—it is necessary to affect change in the management structures and budgets of multiple intelligence agencies that are overseen by the ODNI, Congress, and the media. This is no doubt difficult. However, with a recent interest by Henry Waxman’s House Oversight Committee, and a public outcry over the atrocities at Abu Grahیب (committed by the military command and contractors alike), many consider the political atmosphere ripe for consensus on intelligence reform which addresses governmental and military contractors. Full “nationalization” may not be required, but some heavy hitting may be inevitable.

Still, it is easy to be pessimistic about the weakening of U.S. intelligence capacities, by saying that it is too difficult to hire, manage, and maintain new federal recruits. Cleared persons have too many incentives to leave for private sector jobs after just a

few years in government service. In a sense, this dynamic becomes cyclical and therefore further bureaucratically ingrained: the “revolving door” phenomenon kicks in and the government serves as a de facto training force for private sector labor, a situation that the ODNI has complained about.⁴⁰

While instances of security breaches by contractors are generally believed to be minimal, the presence of green-badgers nonetheless remains a “bureaucratic security threat” in the sense that the government is becoming increasingly dependent on the private sector for the core functions of government—a backward situation, according to the “inherently governmental” clause which prohibits some outsourcing. This problem not only runs against the spirit of the law but also leads to a weakening of the nation’s defense mechanisms. Pro-free market politicians and the spirit of libertarianism (which upheld many of the privatization reforms of the past 30 years) are responsible for transferring many critical governmental functions into the private sector; but ironically, even such conservatives believe that the government’s most legitimate venture is in national defense. Conservatives should thus be natural allies in this intelligence reform effort.

Conclusion

It is difficult to tell if the domestic intelligence program, or “black sites” staffed by contractors abroad, will continue under Obama, given the telecommunication industry’s immunity bestowed by Congress and the President’s campaign pledges. Nevertheless, it is possible for the Executive and Legislative branches to regulate the use of contractors so that they are primarily a back-up force: available at a moments notice, and working on critical support tasks, but not interfering in the daily command and control of the federal government’s core intelligence mission: to collect, analyze, and store secret information.

Certainly President Obama has

numerous challenges ahead, many of which revolve around the intelligence question. Undoubtedly interwoven into the intelligence community’s activities in the War on Terror is the issue of corporate contractors. One can

argue, for better or worse, their monetary and battle effectiveness. But one cannot claim they are not a majority force, in many respects and in many agencies.

Endnotes

1 Sebastian Abbot, “The Outsourcing of U.S. Intelligence Analysis,” News21 Project, Columbia University, July 28, 2006, http://newsinitiative.org/story/2006/07/28/the_outsourcing_of_u_s_intelligence.

2 Lynda Hurst, “The privatization of Abu Ghraib,” Toronto Star, May 16, 2004, http://www.ftlcomm.com:16080/ensign/desantisArticles/2003_800/desantis896/Tstar_priv.pdf.

3 Jeremy Scahill, “Blackwater’s Private Spies,” The Nation, June 5, 2008, <http://www.thenation.com/doc/20080623/scahill>.

4 See Tim Shorrock’s chapter “Short History of Intelligence Outsourcing” in Spies for Hire, (New York: Simon and Schuster, 2008), pps. 72-114.

5 Lynda Hurst, “The privatization of Abu Ghraib,” Toronto Star, May 16, 2004, http://www.ftlcomm.com:16080/ensign/desantisArticles/2003_800/desantis896/Tstar_priv.pdf.

6 Tim Shorrock, Spies for Hire, (New York: Simon and Schuster, 2008), 73.

7 <http://republicanleader.house.gov/news/DocumentSingle.aspx?DocumentID=105133>.

8 “Intelligence Authorization Act for Fiscal Year 2009,” 110-330, Senate Committee on Intelligence Report, Section 305, http://www.fas.org/irp/congress/2008_rpt/srpt110-333.html.

9 “Telecommunications Pioneer Rocco L. Flaminio Dies at 80,” TMC News, January 12, 2005, <http://www.tmcnet.com/usubmit/2005/jan/1107812.htm>.

10 “Factsheets: U-2S/TU-2S” Air Force Link, US Airforce Library, September 2007, <http://www.af.mil/factsheets/factsheet.asp?fsID=129>.

11 “Skunk Works,” Lockheed Martin, <http://www.lockheedmartin.com/aeronautics/skunkworks/index.html>.

12 Tim Shorrock, Spies For Hire, (New York: Simon and Schuster, 2008), 84.

13 Sebastian Abbot, “The Outsourcing of U.S. Intelligence Analysis,” News21 Project, Columbia University, July 28, 2006, http://newsinitiative.org/story/2006/07/28/the_outsourcing_of_u_s_intelligence.

14 Pratap Chatterjee, “Intelligence, Inc.: Military Interrogation Training Gets Privatized,” CorpWatch, March 7, 2005, <http://www.corpwatch.org/article.php?id=11940>.

15 Tim Shorrock, Spies for Hire, (New York: Simon and Schuster, 2008), 113.

16 “Outsourcing Intelligence in Iraq: A CorpWatch Report on L-3/Titan,” CorpWatch, April 29, 2008, <http://s3.amazonaws.com/corpwatch.org/downloads/L-3TITANreport.pdf>.

17 “Outsourcing Intelligence in Iraq: A CorpWatch Report on L-3/Titan,” CorpWatch, April 29, 2008, <http://s3.amazonaws.com/corpwatch.org/downloads/L-3TITANreport.pdf>.

18 Tim Shorrock, Spies For Hire, (New York: Simon and Schuster, 2008), 248.

19 Simon Chesterman, “We Can’t Spy... If We Can’t Buy! : The Privatization of Intelligence and the Limits of Outsourcing ‘Inherently Governmental Functions,’” New York University Public Law and Legal Theory Working Papers, No. 82, 2008, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1085&context=nyu/plltwp>.

20 Terri Everett, “Procuring the Future: 21st Century IC Acquisition,” Office of the Director of National Intelligence, May 2007, <http://fas.org/irp/dni/everett.ppt>.

21 Tim Shorrock, “Domestic Spying, Inc.,” CorpWatch, November 27th, 2007, <http://corpwatch.org/article.php?id=14821>.

22 Tim Shorrock, “Domestic Spying, Inc.,” CorpWatch, November 27th, 2007, <http://corpwatch.org/article.php?id=14821>.

23 R.J. Hillhouse, “Outsourcing Intelligence: How Bush Gets His National Intelligence From Private Companies,” The Nation, July 24, 2007, <http://www.thenation.com/doc/20070730/hillhouse>.

24 Jeff Stein, “CIA’s Loss of Top Spies ‘Catastrophic,’ Says Agency Veteran,” CQ Politics, October, 17, 2008.

25 Walter Pincus, “Defense Agency Proposes Outsourcing More Spying,” Washington Post, August 19, 2007, A03.

26 <http://www.thenation.com/doc/20070730/hillhouse>.

27 Tim Shorrock, Spies for Hire, (New York: Simon and Schuster, 2008), 173.

28 Tim Shorrock, Spies for Hire, (New York: Simon and Schuster, 2008), 175.

29 Tim Shorrock, “The spy who came in from the boardroom,” Salon, January 8, 2007, <http://www.salon.com/news/feature/2007/01/08/mcconnell>.

30 Simon Chesterman, “We Can’t Spy... If We Can’t Buy! : The Privatization of Intelligence and the Limits of Outsourcing ‘Inherently Governmental Functions,’” New York University Public Law and Legal Theory Working Papers, No. 82, 2008, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1085&context=nyu/plltwp>.

31 Simon Chesterman, “We Can’t Spy... If We Can’t Buy! : The Privatization of Intelligence and the Limits of Outsourcing ‘Inherently Governmental Functions,’” New York University Public Law and Legal Theory Working Papers, No. 82, 2008, <http://lsr.nellco.org/cgi/viewcontent.cgi?article=1085&context=nyu/plltwp>.

32 Tim Shorrock, “The spy who came in from the boardroom,” Salon, January 8, 2007, <http://www.salon.com/news/feature/2007/01/08/mcconnell>.

33 Siobhan Gorman, “Computer ills hinder NSA,” The Baltimore Sun, February 26, 2006, <http://www.globalsecurity.org/org/news/2006/060226-nsa-ills.htm>.

34 Tim Shorrock, “The spy who came in from the boardroom,” Salon, January 8, 2007, <http://www.salon.com/news/feature/2007/01/08/mcconnell>.

35 Edwin H. Nowinski and Robert J. Kohler, “The Lost Art of Program Management in the Intelligence Community,” CIA Center for the Study of Intelligence, Vol. 50, No. 2, April 2007, https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol50no2/html_files/Program_Management_4.htm.

36 Dennis Fitzgerald, “Commentary on ‘The Decline of the National Reconnaissance Office,’” CIA Center for the Study of Intelligence, April 2007, <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/vol46no2/Fitzgerald.htm>.

37 Robert J. Kohler, “One Officer’s Perspective: The Decline of the National Reconnaissance Office,” CIA Center for the Study of Intelligence, May 2007, <https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/docs/v46i2a02p.htm>.

38 R.J. Hillhouse, “Outsourcing Intelligence: How Bush Gets His National Intelligence From Private Companies,” The Nation, July 24, 2007, <http://www.thenation.com/doc/20070730/hillhouse>.

39 R.J. Hillhouse, “Outsourcing Intelligence: How Bush Gets His National Intelligence From Private Companies,” The Nation, July 24, 2007, <http://www.thenation.com/doc/20070730/hillhouse>.

40 “Strategic Human Capital Planning,” An Annex to the US National Intelligence Strategy, Office of the Director of National Intelligence, June 22, 2006, <http://www.odni.gov/publications/DNIHumanCapitalStrategicPlan18October2006.pdf>.

Photos courtesy of:
“Blackwater Casa212 over Afghanistan.jpg,” Wikimedia Commons. Web. 14 Nov. 2010. <http://commons.wikimedia.org/wiki/File:Blackwater_casa212_over_afghanistan.jpg>.
“Cia-lobby-seal.jpg,” Wikimedia Commons. Web. 14 Nov. 2010. <<http://commons.wikimedia.org/wiki/File:Cia-lobby-seal.jpg>>.

Getting It Right : Searching for the Elusive Solution in the Niger Delta

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The Niger Delta conflict is one created and exacerbated by the oil and natural gas riches of the region. Great hydrocarbon wealth has been extracted over the past decades, yet Delta residents continue to live in underdeveloped and polluted circumstances. This situation has fueled widespread, and often violent, conflict within the region. While the Nigerian government has made attempts to resolve the conflict, most recently with the 2009 amnesty program, these attempts have repeatedly failed. This essay will discuss these failures, as well as present a set of initiatives for the Delta that, together, represent a possible path for regional rejuvenation.

The June 2009 amnesty program for Niger Delta militants offered by former Nigerian President Musa Yar’Adua represented an opportunity to stabilize the region for constructive conflict resolution negotiations. It was not the first time, however, that an amnesty initiative had been put forward to resolve the violence in the region. Yet it did seem to be an offer backed with solid proposals for the necessary disarmament, demobilization and reintegration of the region’s militants. Despite this the program was not able to assuage regional violence, largely due to the lack of attention to the peculiar type of conflict in the Delta. Thus, in order to fully appreciate the task of conflict resolution there, it is important to look at past attempts at conflict resolution as well as ideas for the future. In the coming years, the Delta may yet be stabilized and transformed into a region suitable for economic, social and political development.

Environmental Conflict

In order to fully understand how best to address the possibility of future widespread violence in the Delta, it is important to first recognize the particulars of the conflict facing the Nigerian government. Simply, the conflict is one created and exacerbated by

the oil and natural gas riches of the region. Hydrocarbon resources are the engines for Nigeria’s economy, as oil provides 95 percent of Nigeria’s foreign exchange earnings and 80 percent of the government’s budgetary revenues. Yet the vast majority of the Delta’s 30 million residents live with only the negative effects of oil and natural gas production; the environment and its degradation are daily features of life for many. This, in turn, has fueled decades of cyclical conflict that continues to devastate the region.

The petroleum industry is, globally, a dirty industry. Nigeria is no exception. Owing to the wealth of oil and natural gas under their feet, the Delta constitutes some of the “richest real estate” on the African continent.¹ Yet despite this wealth, the region has degenerated into a “severely impaired coastal ecosystem” suffering from “damage from oil operations [that] is chronic and cumulative.”² The pollution from petrochemical exploration, extraction and refining poses a constant threat to those whose livelihoods have not yet been disrupted. Rural residents live with “no real development, no roads, no electricity, no running water and no telephones” while only scraping by economically.³ Historically, Delta residents have engaged in farming and fishing as principal sources of household income, livelihoods for which a healthy and productive