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AMY B. ZEGART

“Spytainment”: The Real Influence of Fake Spies

For avid fans of the now-departed television show *24*, a visit to Central Intelligence Agency (CIA) headquarters will be disappointing. The visitors' center looks nothing like the ultra high-tech rooms of CTU, Jack Bauer's fictitious counterterrorist agency.¹

Instead, the entry to America's best-known intelligence outfit has more of a shabby, post office feel. There are soda vending machines and an old pay phone against the back wall, with customer service-like teller windows in front. Once cleared by security, visitors can walk ten minutes down a winding road or take a rambling shuttle bus to the old Headquarters building. The lobby has no retina scans or fancy fingerprint devices, just a few turnstiles and a kind, elderly security guard who takes cell phones and hands out claim checks. Even the suite of executive offices where the CIA director sits seems strangely ordinary. The only clue that this is not a typical government building is the desks. They are all bare. Not a visible paper in sight. Documents are either locked away or burned at the end of each day.

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Most people know deep down that real spying is different than what is portrayed on television and in the movies. But how different? And how much does it matter?

Today, the facts and fiction of the spy business are blurring, with important consequences for intelligence policy. In the past two decades, the Spytainment industry has skyrocketed. Government over-classification has continued to keep vital and timely public information about U.S. intelligence agencies out of the public domain. And Political Science professors have been busy researching and teaching about seemingly everything except intelligence. The results are serious. As the nonpartisan, expert Intelligence Science Board concluded in a 2006 report, spy-themed entertainment has become adult education.² American citizens are steeped in misperceptions about what intelligence agencies actually do, and misplaced expectations about how well they can do it. Perhaps even more disturbing, evidence suggests that policymakers—from cadets at West Point to senators on the Intelligence Committee to Supreme Court Justices—are referencing fake spies to formulate and implement real intelligence policies.³

INTELLIGENCE ABOUT INTELLIGENCE

Pollsters love to ask the public for their opinions of intelligence scandals in the news. But they almost never ask what Americans know about intelligence agencies or how they operate. For the past twenty years, political knowledge surveys have routinely questioned whether Americans can name the Vice President or know which party controls the majority in the House of Representatives. But other than occasionally asking how much Americans follow an intelligence scandal making headlines, these surveys have not probed political knowledge of U.S. intelligence agencies.⁴

Sampling Student Options

In the spring of 2009, I decided to gather my own, rough data, surveying 100 undergraduates enrolled in an intelligence course taught at a top-25 U.S. university. The survey asked about students’ entertainment viewing habits, knowledge of intelligence, and opinions about hot-button intelligence issues such as interrogation practices. I administered the survey a second time, on the last day of class, so that I could compare the extent to which information from the course changed their opinions. Even though the course attracted a skewed sample of students who were interested in national security affairs, the students’ lack of knowledge about intelligence was stunning.

- The vast majority of students—72 percent—initially thought that intelligence reports were brimming with secrets. They aren’t. Only about ten percent of

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information in a typical intelligence report comes from secret sources. The rest is gleaned from "open sources," or publicly available information such as foreign government reports and newspaper articles.⁵

- At the start of class, most students had no idea what the National Security Agency (NSA) does. Employing 30,000 people around the world, NSA intercepts and analyzes signals intelligence, including email, telephone calls, and encrypted data transmissions. Nearly half the class (46 percent) thought that NSA officials were responsible for interrogating terrorist detainees. They aren't. Fifty-two percent of students believed that the NSA does not engage in codebreaking. It does. A lot. The NSA's Website proudly declares that it has been "home to America's codemakers and codebreakers" since its founding in 1952.
- In both surveys, those who always watched the television show *24* approved of killing, torturing, and indefinitely detaining suspected terrorists more than their classmates who watched the show less frequently. To be clear, the sample size is too small to be conclusive. Only the results for torture were statistically significant at the .05 level. And survey results do not prove that watching the television show causes these attitudes.⁶ Nevertheless, the results suggest that something is going on. Content analysis by the nonpartisan Parents' Television Council finds that the show depicts torture frequently (averaging one torture scene every other episode) and always favorably; in Jack Bauer's world, harsh methods are what the good guys use, and they work.⁷ Taken together, these findings suggest that *24* may either be reinforcing viewers' prior beliefs about the efficacy of torture, or shaping those beliefs more directly. Notably, the CIA's own Inspector General came to a different conclusion, finding the effectiveness of harsh interrogation techniques far more questionable.⁸
- Taking the course did not shift student beliefs about moral issues such as whether the United States should engage in targeted killing or indefinite detention of suspected terrorists. However, the course did dramatically change student attitudes about how well intelligence agencies work, and what they need to work better. At the start of the class, students were concerned that American intelligence agencies were too powerful. After learning about how the intelligence business really operates, they were more concerned that U.S. intelligence agencies were too weak.

General Public Perceptions

These students are not alone. Americans love spies but know surprisingly little about how they operate. Most people have no idea that the Central Intelligence Agency is just one of sixteen federal agencies that collect and analyze intelligence. They think the vast majority of CIA officials are spooks packing lethal weapons, not staff and eggheads armed only with their pencils and graduate degrees. According to polls, even when the CIA makes headlines, most Americans pay closer attention to news stories about abducted children.⁹ Real spies may not capture the public's attention, but fake ones often do; Americans are watching more spy

movies than ever before. And those portrayals are seeping into how the public views the secret world of intelligence. Many fear that the National Security Agency is watching their every move with space-age gizmos and Big Brother accuracy. Meanwhile, real National Security Agency officials have been worrying for years that electricity shortages could crash their entire computer system.¹⁰ In the movies, Jason Bourne needs secret identities, incredible gadgets, and superhuman brains and brawn to elude CIA officials. In real life, two of the 11 September 2001 (9/11) hijackers needed only their true names and broken English to evade CIA and Federal Bureau of Investigation (FBI) officials for a year and a half before hitting the Pentagon. Nawaf al-Hazmi and Khalid al-Mihdhar went undetected after the CIA tracked both men at a January 2000 al-Qaeda meeting in Malaysia,¹¹ even though both operatives used their real names to travel to the United States. One listed his telephone number in the San Diego telephone directory,¹² and both made contact with several targets of past and ongoing FBI counter-terrorism investigations over a period of months. None of this information was known by the FBI before 9/11. Both terrorists lived for a while with an FBI informant in San Diego.¹³ In Hollywood, intelligence agencies are omnipotent. Here on earth, they are often incompetent.

Two broad trends help explain why Americans are so misinformed about the capabilities of U.S. intelligence agencies and the challenges they confront in the post-9/11 world: the rise of spy fiction and the decline of spy facts.

THE RISE OF SPYTAINMENT

Intelligence is popular, and it is everywhere—in Robert Ludlum novels, Tom Clancy's Splinter Cell and Rainbow Six video games, movie franchises—old (Bond) and new (Bourne)—and hit television shows like *NCIS*, *Chuck*, and *24*. To be sure, spies have always been big business. James Bond first appeared in Ian Fleming's 1953 novel, *Casino Royale*, and made his big screen debut back in the 1962 film *Dr. No*. Bond has been around so long that six different actors have played him and two movie versions of *Casino Royale* were made nearly forty years apart. (Both were blockbusters.) Tom Clancy's CIA hero, Jack Ryan, first appeared in his 1984 bestselling novel, *The Hunt for Red October*. And Jason Bourne first forgot his shady CIA past back in 1984, when Robert Ludlum published *The Bourne Identity*.

Evidence suggests, however, that both the quantity and variety of spy-themed entertainment are on the rise, capturing a larger share of the public's collective attention. Spy books still sell: together, Clancy and Ludlum have sold more than 300 million books worldwide.¹⁴ More recently, children's book writers have gotten into the act. For teens, the biggest spy hero of them all is Alex Rider, Anthony Horowitz's

fourteen-year-old British agent, who in the past nine years has appeared in seven best-selling books, one movie, and now has his own action figure line.¹⁵ Spy-themed video games have helped catapult the video game industry from a \$2 billion business in 1996 to a \$12 billion industry in 2008.¹⁶ That year, more than half of all adults and 97 percent of teens played video games, and 45 million American households owned at least one gaming console.¹⁷ Tom Clancy video games were on many of them; Clancy's *Rainbow Six*, *Splinter Cell*, and *Ghost Recon* games have sold more than 55 million units worldwide and are consistently rated among the top-selling games of the year.¹⁸ But Clancy's operatives have plenty of company. Top spy-themed games also include the *Metal Gear Solid* series, James Bond-inspired *GoldenEye 007*, and *Assassin's Creed*, which was released in 2007 and became the fastest selling brand in the history of video games in the United States.¹⁹

Spies are also cornering a larger share of television and movie audiences today than they did ten or twenty years ago. In the 1995–1996 television season, only two television shows even remotely related to intelligence—*The X-Files* and *JAG*—made Nielsen's top-100 list for the most watched programs of the year. In the 2005–2006 season, twelve such shows made Nielsen's top-100 list, a striking six-fold increase. And they included series with more direct intelligence plot lines and characters, such as *Alias*, *Threshold*, *The Unit*, and *24*.²⁰

The number of blockbuster spy-themed movies has also increased dramatically over time. From 1970 to 1979, despite the popularity of James Bond, only three spy-themed films made the Internet Movie Database's (IMDb) annual list of the top-10 U.S. grossing movies. Only one made the top-10 list during the 1980s. Starting in the 1990s, however, spy films began making the top-grossing list nearly every year. The 2000–2008 period produced the biggest spy movie boom in American history, with a record seven films making the top-grossing list in just eight years.²¹ Selling more than 100 million tickets to American audiences, these spy films were seen by the equivalent of one third of the entire U.S. population.²² Their combined revenues totaled more than a billion dollars. That's twice as much as the FBI has spent during the time period to upgrade its antiquated information technology system.

From G-Men to Good Shepherds: The Tangled Web of Fact and Fiction

Intelligence agencies have always had ambivalent feelings about how they are portrayed in the entertainment industry, courting Hollywood in the hopes of burnishing their public image but decrying the negative and unrealistic depictions that often result.

No one promoted his agency's reputation in the entertainment industry more assiduously than the legendary FBI Director J. Edgar Hoover. Presiding over the Bureau from 1924 until his death in 1972, Hoover was a one-man public relations machine who cooperated only with producers and reporters who portrayed the Bureau in a positive light. By the 1930s, his bulldog strategy was paying off: Hoover had created a national G-man sensation, with FBI-themed radio shows, comic strips, bubble gum cards, and movies.²³ His timing could not have been better. With the onset of the Great Depression, Americans were eager for heroes, escapism, and the triumph of good over evil. In 1935, more than sixty movies featured the FBI, including Warner Brothers' *G-Men*, starring the biggest tough guy in Hollywood, James Cagney. These films glorified FBI agents as intrepid heroes, guns in hand, who worked the streets to solve crimes and always got their man.²⁴ Hoover was quick to say that he did not officially endorse *G-Men*, but the Bureau was flooded with fan mail.²⁵

Although Hoover's efforts remain unparalleled, the FBI and CIA today still have public affairs officers who work with Hollywood writers to develop script ideas and "show them the inside." In 2007, the FBI even sponsored a special public relations seminar called "FBI 101" for the Writer's Guild of America. Today, the CIA's Website includes an "Entertainment Industry Liaison" section, which offers, among other things, stock footage of the CIA, special visits to the Agency, and in some cases, actual filming at Headquarters.²⁶

The CIA, in particular, has had a knotty relationship with Hollywood. The agency seems to welcome and cultivate the glamour that movies bring to espionage. For the past couple of years, the CIA has maintained a kids' Website featuring a cartoon woman spy, replete with bright red lipstick and trench coat, who talks through a secret telephone embedded in her high-heeled shoe.²⁷ A CIA article posted on its Website news page in 2007 and 2008 grabbed the reader's attention by referencing popular spy television characters Jack Bauer and Sydney Bristow, and then asking, "But what's real?"²⁸

At the same time, the CIA decries the sinister depictions of Agency life that often ride shotgun with glamour. Perhaps nowhere was this attitude more readily on display than in the CIA history staff's reaction to Robert De Niro's 2006 film, *The Good Shepherd*. The movie purports to tell "the untold story" of the CIA's early years. Instead, however, it offers a dark and disturbing fictionalized account of how a spycatcher named Edward Wilson (a character based very loosely on the CIA's dark and disturbing counterintelligence chief, James Angleton) loses his soul while serving his country. CIA staff historian Nicholas Dujmovic writes that he was naively hoping *The Good Shepherd* would be for the CIA what *Flags of Our Fathers* was for the Marines: a glamorous, patriotic glimpse at America's

unsung heroes. Instead, *The Good Shepherd* took great liberties with history, suggesting a Yale Skull and Bones cabal where none existed, and leading the audience to believe the disastrously ill-conceived Bay of Pigs invasion would have succeeded if only Matt Damon had kept his mouth shut. In an infuriating irony for Dujmovic, the movie's only heroic figure turns out to be a Soviet KGB officer.²⁹ Several CIA officials later lamented during a roundtable discussion of the movie that there is fiction and then there is fiction: Where movies like *Mission Impossible* are transparently unrealistic, *The Good Shepherd* turned out to be fiction masquerading as truth. Even the CIA's rank and file seem confused. Dujmovic notes that he routinely provides history briefings to junior and mid-level CIA officers. Usually about half the people present say they have seen *The Good Shepherd*. "Many of them," he writes, "have questions about what's real and what isn't, and some have been shocked to hear that essentially there is nothing in the film that can be relied on—at least if you're interested in truth, in reality."³⁰

If CIA officials are caught in a twilight zone between what is real and what is not, it should be no surprise that everyone else is, too. Americans are bombarded by movies, television shows, video games, and even children's books that draw them into the exciting world of espionage. Some of these worlds are clearly fantastical and unrealistic. Others are harder to tell. All of them are arriving more frequently from more places in more formats than ever before. And no handy CIA briefings are available to provide the agency's perspective on events. For most Americans, distinguishing myth from reality is not so easy.

THE DECLINE OF SPY FACTS

These problems are compounded by another: spy fiction is often all that anyone knows. While Spytainment has proliferated, spy facts are very hard to come by, thanks to over-classification and the Intelligence Community's culture of secrecy.

Over-Classification, Declassification, and Reclassification

The current classification system arose during the Cold War, when government officials kept paper records, managed information by hand instead of computers, and erred on the side of classifying more rather than less. For decades, the U.S. government has delineated three classification levels based on the degree of potential harm to U.S. national security if the information is disclosed in an unauthorized manner:

- "Confidential" information could be expected to "cause damage" to U.S. national security.

- “*Secret*” information could be expected to cause “serious damage” to U.S. national security.
- “*Top secret*” information could be expected to cause “exceptionally grave damage” to U.S. national security.³¹

Although protecting information, sources, and methods is vital to American national security, officials have long complained that far too much information is classified unnecessarily, impeding information sharing and democratic accountability. In some sense, the problem is so severe precisely because no one is at fault. Bureaucracies naturally hoard information because revealing secrets can get bureaucrats into trouble, but keeping them rarely does. As the late Senator Daniel Patrick Moynihan (D., New York) put it, “For the grunts the rule is stamp, stamp, stamp.”³²

Criticism of over-classification is nearly as old as the system itself. In 1956, the Coolidge Committee, led by Assistant Secretary of Defense Charles Coolidge, complained that “overclassification has reached serious proportions.”³³ Major secrecy reform efforts and studies have appeared just about every decade since.³⁴ In 1997, a blue-ribbon commission chaired by Senator Moynihan found that roughly *three million* people in government and industry had the ability to classify information, and all of them were operating without consistent guidelines or statutory standards. “Apart from aspects of nuclear energy subject to the Atomic Energy Act,” the commission concluded, “secrets in the Federal Government are whatever anyone with a stamp decides to stamp secret.”³⁵ In 2005, Secretary of Defense Donald Rumsfeld wrote in the *Wall Street Journal*, “I have long believed that too much material is classified across the federal government as a general rule . . .”³⁶ His own Deputy Secretary of Defense for Counterintelligence and Security, Carol Haave, conceded during tough congressional questioning that half of all classification decisions are unnecessary over-classifications.³⁷ Then-Representative Christopher Shays (R., Connecticut) called the classification system “an outrage,” noting that “classified briefings . . . are silly. They tell me nothing I don’t already know, but then they prevent me from discussing what I already know.”³⁸

Yet, despite a litany of complaints from both Democrats and Republicans, and congressional and executive branch leaders, the various elements of the federal government have been classifying more and declassifying less since the Cold War’s end. In 1995, 167,840 original classification decisions were issued,³⁹ marking a document with some sort of classified stamp for the first time.⁴⁰ By 2004, original classifications had doubled—to 351,150.⁴¹ Although classification has declined since the peak in 2004, the government still annually classifies about 35,000 more documents today than it did fifteen years ago.⁴² Meanwhile, declassification has plummeted. From 1995 to 2000, the federal government declassified an average of 144 million pages

each year. From 2001 to 2008, the average number of declassified pages was just 44 million.⁴³ That’s a whopping seventy percent drop.⁴⁴

And then there is reclassification. In 2006, the National Archives and Records Administration found that government agencies had reclassified more than 25,000 documents since 1995—meaning papers were classified, then declassified, then classified again—years, and sometimes decades, later. The Archives found that agencies were making mistakes all over the place, releasing information that should have stayed secret and reclassifying information that should have stayed public.⁴⁵ Figures 1 and 2 shows one absurd example of reclassification at work. The figures depict two versions of the same document summarizing U.S. strategic nuclear forces during the Cold War. Figure 1, released by the Pentagon in 1971, lists the number of Minuteman missiles (1000), Titan II missiles (54), and submarine-launched ballistic missiles (656). No fewer than four secretaries of defense mentioned these numbers publicly in the 1960s and 1970s.⁴⁶ But in 2006, Defense Department and Energy Department officials issued a newly reclassified version of the same document. The redacted portions in

FIGURE 4
NIXON STRATEGY FOR PEACE
 STRENGTH - PARTNERSHIP - NEGOTIATIONS

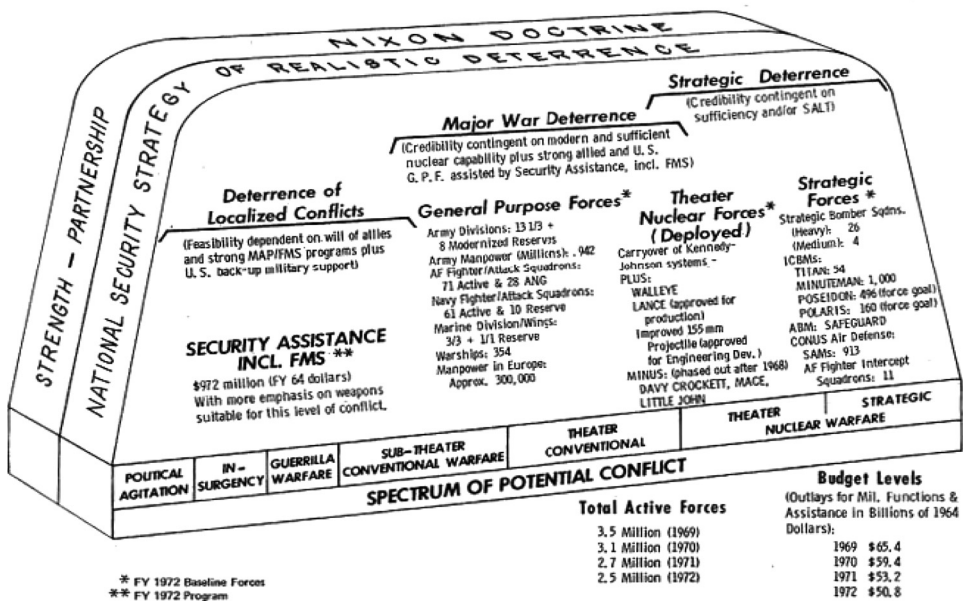


Figure 1. Defense Department Document Declassified in 1971. Source: National Security Archive, accessed at http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB197/nixon_strategy.pdf (22 July 2010).

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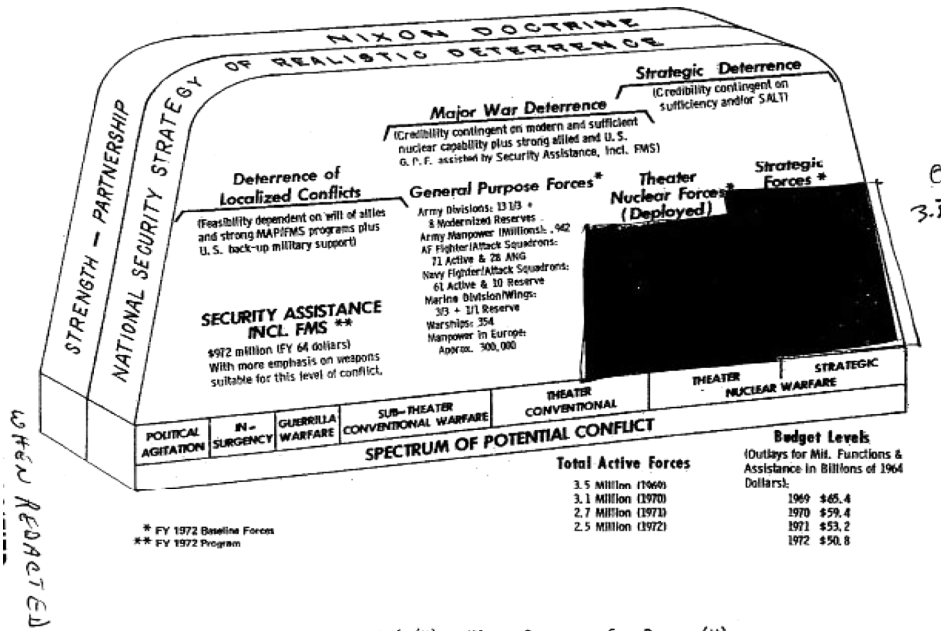


Figure 11-6 (U). Nixon Strategy for Peace (U)

Figure 2. Same Document, Re-released and Redacted in 2006. Source: National Security Archive, accessed at http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB197/nixon_strategy.pdf (22 July 2010).

black contain the by now well-known numbers of missiles that have been in the public domain for thirty-five years. “We’ve always known about overclassification,” said National Security Archives director Thomas Blanton. “But reclassification of previously public data crossed the line into absurdity, and now our protests have established a whole new feature of the secrecy system: de-re-classification!”⁴⁷

The Freedom of Information Act: How Long Can You Wait?

In theory, the Freedom of Information Act (FOIA) allows any person to request the release of classified documents, and by law federal agencies must respond to all requests within twenty business days.⁴⁸ In practice, the law has produced important documents but nothing close to a steady stream of information that informs the public about secret intelligence agencies in a timely manner. Instead, the FOIA process is haphazard, painfully slow, and riddled with uncertainty. “Response” means providing a status report of the request, not resolving it. More often, the actual processing period to determine whether a document will be released lasts months or years. In 2008, FOIA requests submitted to the CIA took on average three months to process. But many took longer than average: 89

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requests took six months; another hundred were still pending after a year; the Agency's ten oldest requests had been pending for seven years or more; and the CIA's oldest FOIA request dated back to 1992.⁴⁹ Other agencies are not doing any better. According to a 2007 audit by the National Security Archives at George Washington University, the State Department, Air Force, and FBI have requests pending fifteen years or more. The State Department holds the record for the most number of requests dating back to the Cold War: ten. These include a 1987 request by the Church of Scientology for information from State Department offices responsible for the Vatican and Italy that relates to the Church of Scientology or "cults."⁵⁰

Perhaps citizens, reporters, and academic researchers can obtain classified information about a host of subjects more quickly and easily than these figures suggest. The problem is that they can never be sure. This uncertainty is more pernicious than it may appear, because it provides strong incentives for professors to steer clear of intelligence research altogether. With ticking tenure clocks, few career-minded academics are willing to risk their futures betting that classified research materials are on the way.⁵¹

And evidence suggests that they don't. Between 2001 and 2006, the three top-rated political science disciplinary journals—the *American Political Science Review*, the *American Journal of Political Science*, and *Journal of Politics*⁵²—published a total of 750 articles. Only one, an article examining public opinion about tradeoffs between civil liberties and security after 11 September 2001,⁵³ discussed intelligence.⁵⁴ At precisely the time that intelligence issues were dominating headlines and policymaker attention after 9/11, political scientists were examining everything else.

What's more, since professors teach what they know, intelligence courses designed to educate the best and brightest young minds about intelligence agencies and issues are also in short supply.⁵⁵ In 2009, only six of the top twenty-five universities rated by *U.S. News & World Report* offered any undergraduate courses on intelligence. Twice as many of the top-25 U.S. universities offered courses on the history of rock and roll, giving undergraduates a better chance of learning about the rock band U2 than the spy plane with the same name.⁵⁶

In short, those wishing to understand the U.S. Intelligence Community cannot do so easily. Because classifying information is considered prudent, and declassifying it is considered risky, much of the intelligence business remains impenetrable to the outside even when it shouldn't be. Time is a crucial factor. Even today's automatic declassification requirements carry a 25-year window, ensuring that by the time documents get into the public domain, much of the public will no longer be interested. To give just one example, the CIA's internal 9/11 review was completed in 2005 and was

considered so important that Congress demanded that it be declassified. It wasn't. Two years and one major piece of legislation later, the CIA was forced to release a 19-page, redacted summary.⁵⁷ The full document should see the light of day some time around 2030.

As the Moynihan Commission noted in 1997, "Core secrets do exist that need the highest level of protection." However, broad access to information that does not need protecting is also essential to democratic governance—promoting better public understanding, more informed debate, greater government accountability, and better government decisions. "Greater access," the commission concluded, "thus provides ground in which the public's faith in its government can flourish."⁵⁸

9/11 and Classification Creep

The 11 September 2001 terrorist attacks revealed that over-classification was not merely preventing citizens from understanding what intelligence agencies do. Over-classification was actually damaging American national security because it kept the intelligence agencies themselves from sharing vital information about looming dangers.⁵⁹ Although Presidents George W. Bush and Barack Obama have directed intelligence agencies to shift their philosophy from "need to know" to "need to share," changes have been slow. Today, no common definitions of the various classification levels or what constitutes "damage," "serious damage," or "exceptionally grave damage" to national security have been developed. Programs classified above "top secret" into ultra-secret compartmented programs have grown so numerous that the Pentagon's list of them is 300 pages long. Called Special Access Programs, or SAPs, these programs are so tightly restricted that no single intelligence official can possibly know them all. As Undersecretary of Defense for Intelligence General James R. Clapper noted, "There's only one entity in the entire universe that has visibility on all SAPs—that's God."⁶⁰ Because each agency has different security policies and practices, a document marked "secret" in one agency may be stamped "top secret" in another. Information that is declassified in one office after ten years may have to wait twenty-five years to be declassified in another.⁶¹ And in the aftermath of 9/11, government agencies have built a vast new universe of information that is deemed too sensitive for public consumption but not sensitive enough to justify national security classification. Technically unclassified but off-limits to the public, these documents include information that warrants protection (such as nuclear power plant schematics) as well as plenty of information that does not (my favorite: a Harvard Business School student project on the FBI).⁶² Indeed, so many labels are used in so many different ways for this information (the Obama administration has counted 100 markings and 130 different

procedures) that no single terminology in the government exists to describe it.⁶³ The President's own 27 May 2009 memorandum, which directed that steps be taken to enhance government openness, refers inconsistently to "Sensitive but Unclassified" information and "Controlled Unclassified Information."⁶⁴ Thus, unabated classification creep continues to plague the intelligence process.

THE CULTURE OF SECRECY

A second barrier to understanding the real world of intelligence is deeper and invisible. It lies in the culture of secrecy that has been part and parcel of the Intelligence Community for more than a half-century. U.S. intelligence agencies are world-class in separating themselves from the outside world. Intelligence officials work in secure locations apart from the public. At least until 9/11, they tended to be "lifers," spending their entire careers in the intelligence business.⁶⁵ Their writings are classified. And they cannot speak freely with family, friends, or neighbors about what they do. Talking with anyone who works in an intelligence agency quickly leads to the realization that this is no ordinary work force. It is a special brotherhood, filled with members who share a commitment to country, a willingness to sacrifice, and the knowledge that their successes will stay secret but their failures will make headlines. Officials speak often of "the mission." Always in serious tones. No elaboration. They know what it means.

In such a cloistered world, culture has a powerful grip. And nothing is more central to the intelligence culture than secrecy. While a great deal of secrecy is necessary for intelligence officials to do their jobs, much of it is not. The result: Americans have only the slightest of glimpses into the basic workings of intelligence agencies and the people who work there. For example, insiders joked for years that the National Security Agency's acronym (NSA) stood for "No Such Agency" because the federal government flatly denied its existence. Moreover, forty years and an act of Congress were needed to declassify the total intelligence budget, thereby putting an end to a cottage industry of experts who routinely scoured news stories, speeches, commission reports, and congressional documents for clues to the extent of intelligence spending. Today, at the CIA, the public affairs director, of all people, has no name or contact information posted online.⁶⁶

What's more, Cold War-era intelligence security procedures still strongly discourage intelligence officials from contacting outsiders, even when doing so would serve the mission. In 2004, for example, the CIA's Office of Security called a senior intelligence official and asked why he had been speaking with so many academics and other external contacts. The official explained that communicating with outside experts was part of his official

job responsibilities set out explicitly by the CIA Director himself. The official was brought in for questioning anyway and spent four hours the next day taking a polygraph test. “I didn’t care,” he later reflected. “But imagine if I were a GS-13 [mid-level official]. No way would I be talking to anybody again. We keep hiring people and giving them titles like Director of Outreach. But nobody’s told the security guys.”⁶⁷

In sum, whereas spy fiction is plentiful, spy facts are hard to come by. For sixty years, the Intelligence Community’s classification system and cultural affinity for secrecy have produced a thicket through which information about the real world of espionage does not pass easily. Sixty years after the CIA’s creation, and nine years after 9/11, Americans are still largely in the dark about what U.S. intelligence agencies do and how well they do it. Outside the cloistered Intelligence Community, almost no one is teaching or learning about U.S. intelligence agencies today.

WHY A LITTLE KNOWLEDGE IS A DANGEROUS THING

The blurring of spy myth and reality has generated two types of policy problems. The first is a public mindset that veers between seeing intelligence agencies as omnipotent one minute and incompetent the next. In its most extreme form, this mindset has fueled conspiracy theories about U.S. government complicity in 9/11. The second problem is a policymaking elite that invokes fake spies and unrealistic scenarios to formulate real intelligence policy. From the heartland to the Beltway, a little knowledge of intelligence turns out to be a dangerous thing.

The Omnipotence/Incompetence Problem

On 16 September 2008, CIA Director Michael Hayden gave a public speech to a packed hotel ballroom in Los Angeles. At question time, an audience member came to the microphone and aggressively asked, “Why is it that we spend billions of dollars on intelligence every year, and we can land a man on the moon, but the CIA still cannot find Osama bin Laden?” Hayden shot back, “I’ll tell you why. Because he’s hiding.” The audience erupted in laughter, but the CIA Director’s point was deadly serious: Intelligence is much more difficult than most people realize. Taking down a terrorist enemy who is doing everything he can to evade and deceive his pursuers is not nearly as easy as it looks on TV.⁶⁸

When it comes to intelligence, the American public tends to have wildly unrealistic expectations of what intelligence agencies can do, and then becomes shocked and dismayed when they end up falling short. Belief in intelligence omnipotence—which is stoked by all those images and plot lines emanating from video games, books, television shows, and movies—quickly gives way to disbelief at intelligence incompetence. This vicious

dynamic erodes public support, perpetuates misunderstanding and criticism, and saps intelligence morale.

The "why can't we find bin Laden" question illustrates the more benign version of the omnipotence/incompetence problem. In the Los Angeles case, Hayden's questioner assumed that intelligence agencies were powerful, but also well-intentioned, filled with employees who wanted to find the world's most dangerous terrorist. What the questioner sought to understand was the failure of implementation: Why couldn't CIA operatives nab bin Laden given all their technical wizardry and other capabilities?

In its more insidious form, though, the omnipotence/incompetence problem fans the flames of conspiracy theories, which are frighteningly popular. A 2006 Scripps poll found that an extraordinary 36 percent of Americans considered it "likely" or "somewhat likely" that U.S. government officials actually carried out the 9/11 attacks or knowingly allowed them to occur. As *Time* magazine reported, "Thirty-six percent adds up to a lot of people. This is not a fringe phenomenon. It is a mainstream political reality."⁶⁹

For David Ray Griffin and other popular conspiracy theorists (who call themselves the 9/11 Truth Movement), intelligence agencies are depraved because they are unstoppable.⁷⁰ According to the conspiracy mongers, intelligence officials knew that al-Qaeda was planning to strike New York and Washington on 9/11, and that Saddam Hussein really had no weapons of mass destruction, but a cabal of evildoers inside the secret corridors of power let tragedy strike anyway. Scratch the surface of these conspiracy theories and arguments about omnipotence are quickly found. Intelligence agencies are thought to be too high-tech, too powerful, too secret, and reach too far to make mistakes. Bad events don't just happen. They are intended and carefully planned—just like they are in the movies. Indeed, two of the leading 9/11 conspiracy theorists admit that their popular online 9/11 "documentary," *Loose Change*, started off as a fiction screenplay based on the idea that 9/11 was an inside job.⁷¹ The government's penchant for secrecy is used as further proof; conspiracy theorists argue that if government officials were telling the truth, they would let the public see the relevant documents.

Whether linked to crackpot conspiracy theories or not, the omnipotence mindset poses real dangers for intelligence reform. This is not to suggest that intelligence agencies never overstep their legal authorities. But finding the right balance between security and liberty starts with a realistic public understanding of intelligence capabilities, challenges, and constraints. So long as the public believes that U.S. intelligence agencies can track anyone, go anywhere, and do anything—whether for good or for ill—real intelligence weaknesses are less likely to get fixed and real excesses are more likely to go unchecked. A well-informed public is the first and most important step toward preventing abuses and protecting security.

Invoking Fake Spies to Make Real Policy

Fictional spies are also influencing the real world of policy, from soldiers fighting on the front lines to justices sitting on the nation's highest court. In the fall of 2002, Lieutenant Colonel Diane Beaver, the Staff Judge Advocate General at the U.S. facility at Guantanamo Bay, Cuba, ran a series of brainstorming sessions about interrogation techniques that might be used on terrorist detainees held there. The fictional Jack Bauer, she later admitted, "gave people lots of ideas."⁷² Beaver ultimately approved the use of dogs, sexual humiliation, waterboarding, and other controversial techniques at the prison.⁷³ The Dean of the U.S. Military Academy at West Point, U.S. Army Brigadier General Patrick Finnegan, became so concerned that the television program *24* was hurting cadet training by glamorizing the efficacy and morality of torture, he visited the show's creative team in Los Angeles to request that they produce episodes where torture backfires. In a "truth is stranger than fiction" moment, the show's crew thought that General Finnegan, who came wearing his military uniform, was an actor.⁷⁴ Other military educators reported similar concerns that soldiers in the field could not differentiate what they were seeing on TV from how they were supposed to behave in the field—leading to an unusual partnership among military educators, Hollywood producers and writers, and Human Rights First to create a military training film aimed at educating junior soldiers about the differences between fictionalized interrogations and their jobs.⁷⁵

The military is not alone. Members of Congress, presidential candidates, and even the CIA's current Director, former Congressman Leon Panetta, have all debated serious issues of policy by contemplating "Jack Bauer" plotlines that have little to no basis in reality. In 2009, several members of the Senate Select Committee on Intelligence pressed then-CIA Director nominee Panetta about what interrogation techniques he might use if confronted with a "ticking time bomb situation," even though ticking time bomb situations have never occurred and intelligence experts have long argued that they are unrealistic.⁷⁶ Panetta took the hypothetical question seriously anyway, responding that he would seek "whatever additional authority" he needed to get information that would protect Americans from imminent harm. The policy was quickly dubbed by the press the "Jack Bauer exception" to newly inaugurated President Obama's ban on the use of harsh interrogation techniques.⁷⁷ During the 2008 presidential campaign, Bauer even became a major topic of conversation on Washington's most venerated Sunday news show, *Meet the Press*. That week's guest was not a Hollywood producer or actor, but former President Bill Clinton, who was asked to comment on public statements about interrogation policy made by his wife, presidential candidate Hillary Rodham Clinton.⁷⁸

Supreme Court Justice Antonin Scalia has even suggested—twice, in public—that he would turn to TV operative Jack Bauer to resolve legal questions about interrogation methods. At a 2007 international conference on torture and terrorism law, a Canadian judge offhandedly remarked, “Thankfully, security agencies in all our countries do not subscribe to the mantra, ‘What would Jack Bauer do?’” Scalia rushed to the fake operative’s defense, referring to details of the show’s Season 2 plotline, wherein Bauer tortures a suspected terrorist to prevent a nuclear attack on Los Angeles. “Jack Bauer saved Los Angeles,” Scalia remarked. “He saved hundreds of thousands of lives.” Arguing that law enforcement officials deserve latitude in times of crisis, Justice Scalia challenged the panel, “Are you going to convict Jack Bauer? . . . I don’t think so.”⁷⁹

The following year, in a BBC News interview, Scalia again invoked 24, arguing that the Los Angeles “ticking time bomb” scenario creates an exception to the Constitution’s 8th Amendment prohibition of cruel and unusual punishment. “Is it really so easy to determine that smacking someone in the face to find out where he has hidden the bomb that is about to blow up Los Angeles is prohibited under the Constitution?” Scalia asked. “Because smacking someone in the face would violate the 8th amendment in a prison context . . . Is it obvious that what can’t be done for punishment can’t be done to exact information that is crucial to this society?” When the BBC reporter pointed out that a ticking time bomb situation was completely unrealistic, Scalia defended it anyway.⁸⁰

INTELLIGENCE AS A DEFENSE

U.S. intelligence agencies have never been more important and less understood. During the Cold War, the Soviet Union had territory on a map, officials in embassies, and a military that wore uniforms and paraded missiles through Red Square. Today, the principal threat to U.S. national security no longer comes from great powers with return addresses and massive military might, but from small bands of transnational terrorists driven by fanaticism, hidden from view, and armed with deadly weapons that can be concealed in a suitcase or vial. In the Cold War, when the enemy was easy to detect, the first and last line of defense was military power. Now it is intelligence.

Using intelligence better starts with understanding intelligence better. Without developing a foundational understanding of how intelligence agencies work and the tradeoffs involved in controversial intelligence policies, intelligence policy will suffer and the public will not know enough to demand better.

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