

## TOWARDS A NEW DEFINITION OF INTELLIGENCE

Kristan J. Wheaton\* and Michael T. Beerbower\*\*

The primary problem with the United States intelligence community is not organizational. It is not a lack of leadership or a lack of professional dedication. It is certainly not skimpy funding. It is far more basic than that. The real problem is definitional.

The words used to define intelligence—what it is, who does it, what its purpose is, and why it is necessary—are unclear and, in many cases, contradictory. The U.S. intelligence community employs hundreds of thousands of people and spends approximately forty billion dollars per year<sup>1</sup> on collecting, analyzing, and disseminating intelligence. Both law enforcement agencies and businesses employ tens of thousands more people and spend billions on intelligence as well.<sup>2</sup> Yet, nowhere is there a single agreed-upon

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\* Kristan J. Wheaton, JD, MA is an Assistant Professor of Intelligence Studies at Mercyhurst College. Before teaching at Mercyhurst, he spent 20 years in the US Army as a Foreign Area Officer in a variety of intelligence related assignments.

\*\* Michael T. Beerbower is a graduate student pursuing his Master of Science Degree in Applied Intelligence from the Institute for Intelligence Studies at Mercyhurst College.

1. Scott Shane, *Official Reveals Budget for U.S. Intelligence*, N.Y. TIMES, Nov. 8, 2005, at A18.

2. There are no hard figures on the total number of intelligence analysts employed in law enforcement or business intelligence, or on the amount of money spent in these endeavors. Having said that, it is possible to make reasonable estimates based on available statistics.

The fiscal year 2006 federal budget proposes a \$5.7 billion budget for the Federal Bureau of Investigation. Of this total, \$986 million is allocated to intelligence. An additional \$2.04 billion is earmarked for counterintelligence and counterterrorism, bringing the total FBI budget for intelligence-related activities to nearly \$3 billion. OFFICE OF MGMT. AND BUDGET, BUDGET FOR FISCAL YEAR 2006: DEPARTMENT OF JUSTICE 691 (2005), *available at* <http://www.whitehouse.gov/omb/budget/fy2006/pdf/appendix/jus.pdf>.

The FBI's proposed FY 2006 budget would support 2746 intelligence analysts at the Bureau, up from 1272 analysts in July 2004. *Id.* at 194, *available at* <http://www.whitehouse.gov/omb/budget/fy2006/pdf/budget/justice.pdf>; U.S. DEP'T OF JUSTICE, THE FEDERAL BUREAU OF INVESTIGATION'S EFFORTS TO HIRE, TRAIN, AND RETAIN INTELLIGENCE ANALYSTS 12 (2005), *available at* <http://www.usdoj.gov/oig/reports/FBI/a0520/final.pdf>.

State and local law enforcement agencies also often possess a dedicated intelligence function. A rough estimate of the number of crime analysts employed by these agencies

definition of intelligence.

The intelligence community, quite literally, does not know what it is doing.

Why, then, is there no universally accepted definition of intelligence? It is certainly not for lack of effort. Numerous attempts to define intelligence may be found in federal law, in the mission statements of the various agencies, corporations, and other bodies that conduct intelligence activities, as well as in the writings of scholars and intelligence practitioners. Mark M. Lowenthal, a twenty-nine year veteran of the public and private intelligence communities, notes, "Virtually every book written on the subject of intelligence begins with a discussion of what 'intelligence' means, or at least how the author intends to use the term. This editorial fact tells us much about the field of intelligence."<sup>3</sup> In spite of earnest efforts to lay down a comprehensive definition of what they do, even seasoned intelligence professionals often see their field as something vague and nebulous, which is constantly re-imagined in a never-ending search for purpose.

This vagueness should seem ridiculous. Definitions are basic stuff. Every schoolchild knows what a spy is. The law that established the national security intelligence community and provided it with public funding should define its function, at least. Business intelligence and law enforcement activities must, in theory, tap into some common core part of that same definition as well, or these activities could not be called "intelligence." The Central Intelligence Agency (CIA), however, would disagree. As it usefully explains on its children's webpage, "What is intelligence? This question is not easy to answer and, depending on who you ask, you may get different answers."<sup>4</sup>

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would be about 6600. This estimate derives from two sources.

A U.S. Department of Justice report notes that agencies with 100 or more officers employ a nationwide total of 402,000 fulltime sworn personnel. U.S. DEP'T OF JUSTICE, LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS, 2000: DATA FOR INDIVIDUAL STATE AND LOCAL AGENCIES WITH 100 OR MORE OFFICERS v (2004), *available at* <http://www.ojp.usdoj.gov/bjs/pub/pdf/lemas00.pdf>. A study prepared for the DOJ's Office of Community Oriented Policing Services found that 74% of these larger agencies had a dedicated crime analysis function, and that the average number of crime analysts per 100 sworn personnel in these agencies is 0.92, giving a rough estimate of about 2700 analysts. Of the approximately 17,000 police agencies with fewer than 100 sworn personnel, about 23% have at least one person whose primary responsibility is crime analysis, adding at least 3900 analysts to the total. UNIV. OF S. ALA. CTR. FOR PUB. POLICY, CRIME ANALYSIS IN AMERICA 7, 9, 13, 38 (2002), *available at* <http://www.cops.usdoj.gov/mime/open.pdf?Item=790>.

In the realm of business intelligence, the Society of Competitive Intelligence Professionals states that "[t]he market for business intelligence is worth about \$2 billion [per] year worldwide." Soc'y of Competitive Intelligence Prof'ls, SCIP FAQ, [http://www.scip.org/2\\_faq.php](http://www.scip.org/2_faq.php). In 1997, "82% of companies with annual revenues over \$10 billion had an organized system for collecting information on rivals, while 60% of all surveyed U.S. companies had an organized intelligence system . . ." *Id.*

3. MARK M. LOWENTHAL, INTELLIGENCE: FROM SECRETS TO POLICY 1 (2d ed. 2002).

4. Cent. Intelligence Agency, What Is Intelligence?, [http://www.cia.gov/cia/ciakids/who\\_we\\_are/what.shtml](http://www.cia.gov/cia/ciakids/who_we_are/what.shtml).

## LEGAL DEFINITIONS

In the wake of World War II, the U.S. government decided that intelligence services created out of wartime necessity should not be disbanded but should instead shift their footing to a peacetime role as guarantors of national security.<sup>5</sup> The National Security Act of 1947 transformed the Office of Strategic Services into the CIA and codified the organization and function of the intelligence community.<sup>6</sup> The 1947 Act served as the foundation of the United States' intelligence activities until the Intelligence Reform and Terrorism Prevention Act of 2004,<sup>7</sup> yet nowhere did it say just what intelligence was. Congress attempted to rectify this oversight in the Intelligence Authorization Act for Fiscal Year 1993, which amended the 1947 Act with the following definitions:

- (1) The term "intelligence" includes foreign intelligence and counterintelligence.
- (2) The term "foreign intelligence" means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons.
- (3) The term "counterintelligence" means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons.<sup>8</sup>

Essentially, the amended Act says that "intelligence is information," a definition that is both misleading and demonstrably untrue. All intelligence concerns information, but information alone does not constitute intelligence.

Prior to World War I, state-level intelligence largely meant conducting espionage to steal secrets from rival heads of state and their closest associates. Real power resided only at the highest levels of government, and actionable information was concentrated among the elites. With a small number of sources to monitor and relatively little information flowing from those sources, it was a straightforward process for experienced officials (usually the king or ruler and his court and emissaries) to look at the available data and draw conclusions about an enemy's intentions. Intelligence operations could be complex and

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5. CHARLES D. AMERINGER, U.S. FOREIGN INTELLIGENCE: THE SECRET SIDE OF AMERICAN HISTORY 177-79 (1990).

6. National Security Act of 1947, ch. 343, 61 Stat. 495 (codified as amended at 50 U.S.C. §§ 401, *et seq.* (2005)).

7. Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, 118 Stat. 3638 (2004) (codified at 50 U.S.C. §§ 401, *et seq.*).

8. Intelligence Authorization for Fiscal Year 1993, Pub. L. No. 102-496, § 702, 106 Stat. 3180, 3188 (1992) (codified as amended at 50 U.S.C. § 401a (2005)).

could fail (and often did), but the fundamental process of intelligence was relatively simple.<sup>9</sup>

While this had begun to change prior to World War I, it was during the war that the change became most noticeable.<sup>10</sup> The technological innovations of the nineteenth and early twentieth centuries extended battlefields across entire continents. Airplanes, for the first time, took overhead photographs, while signals intelligence specialists captured and decrypted radio communications.<sup>11</sup> Still, according to Sherman Kent, one of the fathers of modern intelligence practice in the United States, this was a time of “improvisation and emergency.”<sup>12</sup>

As with the many other things it changed, World War II radically altered the paradigm in which intelligence operatives functioned. The scale of the conflict, combined with extremely rapid methods of overseas communication, resulted in an explosion of information from the war zones. The influx of reporting required whole teams of people to sift and analyze information to produce finished intelligence.<sup>13</sup> Absent from this technologically driven explosion of information was a correspondingly well-developed theory of intelligence. Sun Tzu, an ancient Chinese general and one of history’s great spymasters,<sup>14</sup> and George Washington, who personally ran a number of highly successful agent networks,<sup>15</sup> were both experienced and accomplished, but neither had much useful advice for intelligence professionals with the technological capabilities to produce reams of new and relevant information on a daily, almost hourly, basis. What was the purpose of having all this information? How did each piece fit with the other pieces? Which pieces were important and which pieces were not? Most importantly, what should be given to policymakers?

President Harry Truman began to recognize, as early as 1956, the change in the nature of intelligence: “[World War II] taught us this lesson – that we had to collect intelligence in a manner that would make the information available where it was needed and when it was wanted, in an intelligent and

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9. ALLEN DULLES, *THE CRAFT OF INTELLIGENCE* 17-21 (1963).

10. The rise of the battle staff in the 19th Century was an early attempt by combat commanders to deal with increased information flows during military operations. Dallas D. Irvine, *The Origin Of Capital Staffs*, 10 J. MOD. HIST. 161, 165-166 (1938).

11. JEFFREY T. RICHELSON, *A CENTURY OF SPIES: INTELLIGENCE IN THE TWENTIETH CENTURY* 31 (1995).

12. Wilhelm Agrell, *When Everything Is Intelligence – Nothing Is Intelligence* 3 (Sherman Kent Center for Intelligence Analysis Occasional Papers, Vol. 1, No. 4, 2002), available at [http://www.cia.gov/cia/publications/Kent\\_Papers/pdf/OPNo4.pdf](http://www.cia.gov/cia/publications/Kent_Papers/pdf/OPNo4.pdf).

13. RICHELSON, *supra* note 11, at 197.

14. James Clavell, *Foreword* to SUN TZU, *THE ART OF WAR* 2 (James Clavell ed. 1983).

15. George Washington is highly regarded within the intelligence community for his use of intelligence during the Revolutionary War. THOMAS B. ALLEN, *GEORGE WASHINGTON, SPYMASTER: HOW THE AMERICANS OUTSPIED THE BRITISH AND WON THE REVOLUTIONARY WAR* (2004). This is perhaps the most readable version of the story.

understandable form. If it is not intelligent and understandable, it is useless.”<sup>16</sup> Information was no longer enough. It had to be intelligent and understandable—analyzed—as well. Information-centric definitions of intelligence were clearly flawed, but the intellectual community that normally identifies, discusses, and resolves these types of questions was absent from the intelligence process.

Intelligence, still a secret art at this point, had no lively, open, academic debates, no peer-reviewed journals or competing schools of thought. Even as intelligence capabilities grew and matured, intelligence theory remained locked in its infancy, self-absorbed and unprepared for the world around it. Intelligence, as in the days of kings and queens of old, was still information, and the more of it the better. Thus, the 1993 amendment to the National Security Act of 1947 relied on a definition of intelligence that was already outdated. The only other significant amendment to the definition in the fifty-seven years between the 1947 Act and the Intelligence Reform and Terrorism Prevention Act of 2004 occurred in 2001 when Congress added the clause, “or international terrorist activities” to the definitions of foreign intelligence and counterintelligence.<sup>17</sup>

The Intelligence Reform and Terrorism Prevention Act of 2004 represents the most significant intelligence-related legislation since the original National Security Act. The 2004 Act further amends the definition of “national intelligence” laid down in the 1993 amendment of the 1947 act:

The terms “national intelligence” and “intelligence related to national security” refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

- (A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and
- (B) that involves—
  - (i) threats to the United States, its people, property, or interests;
  - (ii) the development, proliferation, or use of weapons of mass destruction; or
  - (iii) any other matter bearing on United States national or homeland security.<sup>18</sup>

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16. HARRY S. TRUMAN, MEMOIRS BY HARRY S. TRUMAN: YEARS OF TRIAL AND HOPE 56 (1956).

17. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, Pub. L. No. 107-56, § 902, 115 Stat. 272, 387 (2001) (codified as amended at 50 U.S.C. § 401a).

18. Intelligence Reform and Terrorism Prevention Act of 2004 § 1012, 50 U.S.C. § 401a.

The amendments are again purely administrative, detailing changes in how government agencies collect and use intelligence. The 2004 Act makes no effort to examine the validity of the assumptions that underpin the current understanding of what intelligence is. This amendment to the 1993 definition does not describe the purpose of intelligence, nor does it define whom intelligence is designed to serve. Instead, it makes a circular journey through a forest of legislative language to arrive, in the end, precisely where it began: “intelligence is information.”

#### AGENCY DEFINITIONS

Perhaps it does not really matter how Congress defines intelligence. Perhaps the drafters left the definition vague by design. After all, representatives and senators do not actually carry out the business of intelligence. That task belongs to professional men and women in designated government agencies. Even if the law fails to convey a useful, nuanced definition of intelligence, the people responsible for spending the nearly forty billion dollar intelligence budget should still have a clear idea of what it is they are supposed to do. They don't.

The U.S. intelligence community established a public face in late 2002 on its community website, [www.intelligence.gov](http://www.intelligence.gov). While the site has been updated to include the leadership changes revolving around the newly appointed Director of National Intelligence, Ambassador John Negroponte, the definition of intelligence on that website has not.<sup>19</sup> It remains: “Intelligence is . . . A body of evidence and the conclusions drawn therefrom that is acquired and furnished in response to the known or perceived requirements of consumers. It is often derived from information that is concealed or not intended to be available for use by the acquirer.”<sup>20</sup>

Clearly, intelligence is more than information in the eyes of the community and has been so since at least 2002. However, this definition, too, is odd. “Evidence” implies an attempt to establish the truth. Yet, the best intelligence is focused on the future. Even Sun Tzu knew that “what enables the wise sovereign and the good general to strike and conquer, and achieve things beyond the reach of ordinary men, is *foreknowledge*.”<sup>21</sup> Foreknowledge, in turn, is inherently probabilistic, neither entirely true nor entirely false until after the event occurs.

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19. Compare U.S. Intelligence Community, *The Character of Intelligence* (2002), <http://web.archive.org/web/20021221150548/http://www.intelligence.gov/2-character.shtml> with U.S. Intelligence Community, *The Character of Intelligence* (2005), <http://www.intelligence.gov/2-character.shtml>.

20. U.S. Intelligence Community, *The Character of Intelligence* (2005), <http://www.intelligence.gov/2-character.shtml>.

21. SUN TZU, *THE ART OF WAR* 77 (James Clavell ed. 1983).

More disturbing is the idea that intelligence is “furnished in response to known or perceived requirements of consumers.”<sup>22</sup> This passive construction implies that intelligence is merely some sort of library, answering questions that are asked but spending no time on those that should be asked.

The Office of the Director of National Intelligence’s website, obviously still too new to be fully functional, does not include a clear, concise definition of intelligence.<sup>23</sup> Interestingly, neither does the CIA’s website (excluding its attempt to define intelligence for children). The former hub of America’s collection, analysis, and covert operations capabilities instead resorts to tautology, defining its mission as, among other things, “collecting intelligence that matters” and “providing relevant, timely, and objective all-source analysis.”<sup>24</sup>

Other agencies, such as the Defense Intelligence Agency and the National Security Agency, also rely on mission statements that include the word intelligence but do not define it.<sup>25</sup> The Department of Defense (DOD), where eighty percent of the intelligence budget resided until the Intelligence Reform and Terrorism Prevention Act,<sup>26</sup> does have a definition of intelligence, just not a very useful one. Intelligence, according to Joint Publication 2-01, Joint and National Intelligence Support to Military Operations, is:

1. The product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information concerning foreign countries or areas.
2. Information and knowledge about an adversary obtained through observation, investigation, analysis, or understanding.<sup>27</sup>

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22. U.S. Intelligence Community, *The Character of Intelligence* (2005), <http://www.intelligence.gov/2-character.shtml>.

23. Office of the Director of National Intelligence Home Page, <http://www.dni.gov>.

24. Central Intelligence Agency Vision, Mission, and Values, <http://www.cia.gov/cia/information/mission.html>.

25. Defense Intelligence Agency Home Page, <http://www.dia.mil/>; National Security Agency, Mission Statement, <http://www.nsa.gov/about/about00003.cfm>.

26. A Congressional Research Service report from September 2004 estimates that the \$40 billion intelligence budget breaks down roughly as follows: The National Foreign Intelligence Program (NFIP) accounts for \$20-27 billion, the Joint Military Intelligence Program (JMIP) receives \$5-7 billion, and Tactical Intelligence and Related Activities (TIARA) gets \$12-15 billion. About three-fourths of the NFIP budget goes to DOD agencies, while JMIP and TIARA are entirely controlled by DOD. Thus, it is reasonable to estimate that DOD controls about \$32 billion of a \$40 billion budget, or 80%. STEPHEN DAGGETT, CONG. RESEARCH SERV., *THE U.S. INTELLIGENCE BUDGET: A BASIC OVERVIEW 3* (2004), available at <http://www.fas.org/irp/crs/RS21945.pdf>.

The 80% figure is also frequently cited in the press. Dana Milbank, *Intelligence Design and the Architecture of War*, WASH. POST, Dec. 8, 2005, at A3.

27. U.S. DEP’T OF DEFENSE, *JOINT AND NATIONAL INTELLIGENCE SUPPORT TO MILITARY OPERATIONS GL-17* (2004), available at [http://www.dtic.mil/doctrine/jel/new\\_pubs/jp2\\_01.pdf](http://www.dtic.mil/doctrine/jel/new_pubs/jp2_01.pdf).

While the DOD definition, published in October 2004, strangely leaves out the explicit reference to terrorism incorporated in the statutory definition as amended in 2001, it still remains unclear exactly whom intelligence is for and what it is designed to do.

#### EXPERT DEFINITIONS

If Congress cannot provide a useful definition of intelligence, and neither can the agencies that conduct it, the professionals who devote their careers to the study and practice of this unique art should logically be able to succeed where others have failed. They, too, have been largely unsuccessful.

Perhaps no one in recent years has done as much on this issue as Dr. Michael Warner, a member of the CIA's history staff. Warner walks through seventeen different expert definitions of intelligence in his 2002 paper, *Wanted: A Definition of Intelligence*.<sup>28</sup> His evidence points to much the same initial conclusion as this paper: that intelligence must be more than mere information.<sup>29</sup> The "missing ingredient" for Warner, however, is secrecy.<sup>30</sup>

His definition, that intelligence is "secret, state activity to understand or influence foreign entities,"<sup>31</sup> adds this nuance but still seems too limited. While Dr. Warner is likely referring primarily to operational secrecy, which is a vital tool for preserving certain intelligence sources and methods, it is unclear that operational secrecy is required in all cases, particularly when one considers intelligence writ large. The notion that activities must be secret in order to be called intelligence also seems at odds with the current direction of the intelligence community itself. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD Commission) did not ask for more secrecy in any of its recommendations—recommendations almost universally adopted by President George W. Bush. In fact, they went in the opposite direction, insisting, "We are convinced that analysts who use open-source information [i.e. non-secret information] can be more effective than those who don't."<sup>32</sup>

In addition, Benjamin Bloom's widely regarded Taxonomy of Educational Objectives places "understanding" only one level above "knowing," the lowest

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28. Michael Warner, *Wanted: A Definition of "Intelligence"*, 46:3 STUDIES IN INTELLIGENCE (2002), available at <http://www.cia.gov/csi/studies/vol46no3/article02.html>.

29. *Id.*

30. *Id.*

31. *Id.*

32. THE COMM'N ON THE INTELLIGENCE CAPABILITIES OF THE U.S. REGARDING WEAPONS OF MASS DESTRUCTION, REPORT TO THE PRESIDENT OF THE UNITED STATES 22-23 (2005), available at [http://www.wmd.gov/report/wmd\\_report.pdf](http://www.wmd.gov/report/wmd_report.pdf) [hereinafter WMD COMM'N].

of the objectives.<sup>33</sup> Many decisionmakers, particularly those that have held elected or appointed office for some time, already understand the nuances of their portfolios. They seek foreknowledge, not knowledge, and it is the higher-order objectives of analysis, synthesis, and evaluation that seem more in line with what these decisionmakers expect from intelligence.<sup>34</sup>

Warner also adds the idea that national security intelligence is about influencing foreign entities. While the CIA and the DOD both conduct covert operations, the 1993 and 2004 amendments do not mention these operations as part of the fundamental definition of intelligence, putting Warner on shaky ground. Furthermore, it makes sense to separate the activities of knowing, understanding, analyzing, and synthesizing information about a foreign entity—activities largely conducted by government employees—from the conscious act of attempting to influence foreign entities—activities authorized, in the U.S. at least, by elected officials. The former is designed to inform policy, while the latter is an act of policy.

#### LAW ENFORCEMENT AND BUSINESS INTELLIGENCE

The search for a definition of intelligence is not limited to the realm of national security. Businesses routinely collect intelligence on their competitors and on the economic environment, while law-enforcement officials have adopted a number of intelligence initiatives designed to help prevent crime or catch criminals. If intelligence, as a concept, is to mean anything at all, it should be large enough to contain not only the national security community but also the intelligence communities within business and law enforcement. Failure to establish such a comprehensive definition damages—perhaps fatally—the notion of intelligence itself.

Business intelligence, according to the Society of Competitive Intelligence Professionals, is “any combination of Data, Information, and Knowledge concerning the Business environment in which a company operates that, when acted upon, will confer a significant Competitive advantage or enable sound decisions to be made.”<sup>35</sup> This definition is much like other intelligence-is-information definitions but adds an unhelpful clause implying that, unless intelligence is acted upon, it is not intelligence.

The law-enforcement intelligence community is somewhat better off, but just barely. The Department of Justice’s October 2003 National Criminal Intelligence Sharing Plan defined intelligence as “the product of systematic gathering, evaluation, and synthesis of raw data on individuals or activities

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33. BENJAMIN S. BLOOM, *TAXONOMY OF EDUCATIONAL OBJECTIVES* 137 (1984).

34. *Id.*

35. SOC’Y OF COMPETITIVE INTELLIGENCE PROF’LS, *THE LANGUAGE OF BUSINESS INTELLIGENCE* 4 (2004), available at <http://www.scip.org/ci/languagebi.pdf> (capitals in original).

suspected of being, or known to be, criminal in nature.”<sup>36</sup> This definition does go further than any other in identifying intelligence as more than mere information but chooses to limit its scope in a way that ignores one of the great theoretical advances in criminal justice in recent years: community-oriented policing.

The Department of Justice (DOJ) defines community-oriented policing as “a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police-community partnerships.”<sup>37</sup> Intelligence that does not serve this purpose—that focuses exclusively on criminal individuals and activities—would seem to be considerably less useful under this modern policing strategy. This is why, perhaps, the law enforcement community chose to use a different definition in the November 2004 report, funded by the DOJ, *Law Enforcement Intelligence: A Guide For State, Local And Tribal Law Enforcement Agencies*: “Law enforcement intelligence, therefore, is the PRODUCT of an analytic process that provides an INTEGRATED PERSPECTIVE to disparate information about crime, crime trends, crime and security threats, and conditions associated with criminality.”<sup>38</sup>

This might be interpreted as an advance in law enforcement intelligence, an improvement on older thinking, were it not for the fact that in the exact same month and year, November 2004, another publication (funded, of course, by the DOJ) reaffirmed the 2003 definition! *Law Enforcement Analytic Standards* was an attempt to establish minimum standards for law enforcement intelligence analysts. It traced its intellectual roots to the National Criminal Intelligence Sharing Plan and as a result, focused on “lower crime rates, whether through apprehension, suppression, deterrence, or reduced opportunity.”<sup>39</sup> This bizarre game of dueling definitions clearly only muddies the theoretical waters even further.

#### TOWARDS A NEW DEFINITION OF INTELLIGENCE

It is possible—it must be possible—to create a single definition of intelligence broad enough to encompass activities in national security, law enforcement, and business, yet narrow enough to distinguish it from other fields of endeavor. What might such a definition look like?

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36. U.S. DEP’T OF JUSTICE, NATIONAL CRIMINAL INTELLIGENCE SHARING PLAN 28 (2003) available at [http://it.ojp.gov/documents/200507\\_ncisp.pdf](http://it.ojp.gov/documents/200507_ncisp.pdf).

37. U.S. Dep’t of Justice, What is Community Policing?, <http://www.cops.usdoj.gov/Default.asp?Item=36> (last visited Feb. 12, 2006).

38. U.S. DEP’T OF JUSTICE, LAW ENFORCEMENT INTELLIGENCE: A GUIDE FOR STATE, LOCAL AND TRIBAL LAW ENFORCEMENT AGENCIES 9 (2004), available at <http://www.cops.usdoj.gov/mime/open.pdf?Item=1441> (capitals in original).

39. U.S. DEP’T OF JUSTICE, LAW ENFORCEMENT ANALYTIC STANDARDS 3 (2004), available at [http://it.ojp.gov/documents/law\\_enforcement\\_analytic\\_standards.pdf](http://it.ojp.gov/documents/law_enforcement_analytic_standards.pdf).

Examining all of the definitions above for commonalities and considering the successes and flaws of each, there seem to be some universal elements that could form the basis for a new definition of intelligence. For example, virtually every definition acknowledges that intelligence is a process. Interestingly, old ideas of what this process looks like are under increasing academic scrutiny,<sup>40</sup> but there seems to be little disagreement that intelligence is something that happens, not something that just is.

There is also widespread consensus that intelligence should be based on information from all sources and should increasingly tap into open-source information. Also generally accepted is the idea that intelligence should be externally focused, that intelligence is about the environment in which an organization functions and not about the organization itself or its internal processes. Intelligence should not tell a president, police officer, or CEO what to do. The decision to take action is the privilege—and the responsibility—of the decisionmaker.

There remain two significant questions regarding the definition of intelligence: for whom is it produced and what is its purpose? No definition of intelligence offered so far in this paper completely answers these questions. The answer to the first question might seem straightforward: it is for the decisionmaker. However clear-cut this answer may seem, the implications are significant. Such a definition establishes a clear chain of accountability. Intelligence is responsible to the decisionmakers it supports. Likewise, this definition supports the idea of operational secrecy but puts a significant dent in the idea of secrecy for secrecy's sake. Once a decision has been made and an action carried out (without, of course, divulging sensitive sources and methods, particularly human sources), the need for secrecy is largely obviated.

The purpose of intelligence is perhaps the most difficult aspect of this definition. What should decisionmakers expect intelligence to do? One thing is clear: intelligence is more than information. Decisionmakers may appreciate a well-written description of a problem, but they will certainly expect more. Decisionmakers want intelligence to tell them something that is based in fact but allows them to plan for the future with a reasonable expectation of success. Decisionmakers would, of course, prefer certainty regarding the future but are unlikely to expect it. Instead, the intelligence professional's purpose should be to reduce the decisionmaker's level of uncertainty to the minimum possible. This concept was first formulated by Robert M. Clark<sup>41</sup> and is likely to continue to gain traction as a result of its simple utility.

*Intelligence, then, is a process, focused externally and using information from all available sources, that is designed to reduce the level of uncertainty for a decisionmaker.*

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40. ROBERT M. CLARK, INTELLIGENCE ANALYSIS: A TARGET-CENTRIC APPROACH 14-26 (2003).

41. *Id.* at 13.

This proposed definition, if adopted, would influence a wide variety of policy decisions. It provides a yardstick for measuring intelligence success and creates a chain of accountability. It acknowledges and incorporates earlier work on the definition of intelligence, while pointing out where additional theoretical work needs to be done (such as with the open question of process). It is also possible that, as academics and policymakers debate the utility of this definition, a new, more useful definition will emerge. This debate, in turn, will form a part of the overall discussion regarding the future of intelligence.

Whatever surfaces because of this or other articles addressing the issue, the newly appointed Director of National Intelligence and his staff are only going to get one opportunity to dismantle the flawed bureaucracy that is the existing intelligence community, a community, according to the WMD Commission, that “has an almost perfect record of resisting external recommendations.”<sup>42</sup> In this environment of change, where even the addition of a single verb has been worthy of note,<sup>43</sup> perhaps a good place to start is with the simplest of questions: “What is intelligence?”

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42. WMD COMM’N, *supra* note 32, at 6.

43. *The Implementation of the Intelligence Reform and Terrorist Prevention Act of 2004: Hearing Before the Subcomm. on Oversight of the H. Permanent Select Comm. on Intelligence*, 109th Cong. 9 (2005) (statement of General Michael V. Hayden, Deputy Dir. of Nat’l Intelligence), available at <http://intelligence.house.gov/Media/PDFS/Transcript072805.pdf>. General Hayden reminded the representatives of the struggle over budget language in the Intelligence Reform Act: “If you recall, the addition of the one verb where the DCI could prepare and present the budget, the DNI now prepares, determines, and presents.” *Id.*