

תפקיד Intelligence Community analytical ombudsman

בקהילת המודיעין של ארה"ב

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בשנת 2013 נערך כנס של אמ"ן בסימן 40 שנה למלחמת יום הכיפורים. לאחר הרצאתו של ראש אמ"ן דאז אביב כוכבי שסיפר על אמ"ן לאחר הפקת הלקחים מהמחדל המודיעיני, דיבר ראש אמ"ן לשעבר (1974 – 1979) שלמה גזית. הוא סיפר שיישם לקח חשוב מהמחדל המודיעיני והוא מתן גישה ישירה לחוקרי אמ"ן אל ראש אמ"ן כאשר הם חשים שדרכם נחסמת. לדבריו, בשנים שהיה ראש אמ"ן פנו אליו ישירות חמישה חוקרים. לשאלה כמה מהם פנו אליו בשנית לא הייתה לו תשובה. כנראה אף אחד!

איכות עבודת המחקר של אנליסטים הוא עניין שמטריד שנים את קהיליית המודיעין האמריקאית. אחד הנושאים שטופלו פחות היה ההתמודדות עם לחצים המופעלים על אנליסטים וכיצד לתת להם כלים להתמודד עם השפעה של גורמים שונים, שלא מעוניינים במודיעין שאינו מתאים לדעתם, על ידי לחצים מתוך ומחוץ לקהיליית המודיעין (לדוגמה פוליטיזציה).

בעקבות לקחי מחדל 9/11, הוחלט בארה"ב להקים פונקציה ארגונית בכירה ובלתי תלויה שאינה חלק מאחת מסוכנויות המודיעין. הוקמה פונקציה ייעודית בשם Intelligence Community analytical ombudsman אליה יוכלו לפנות אנליסטים כאשר נעשה ניסיון להשפיע על האובייקטיביות של מחקרם. הפונקציה כפופה ישירות לממונה על קהיליית המודיעין בארה"ב – ה-DNI (Director Of National Intelligence).

¹לשעבר בכיר בשב"כ. עמית מחקר במרכז לחקר הביטחון הלאומי באוניברסיטת חיפה

לפניכם המאמר Safeguarding Objectivity in Intelligence Analysis שנכתב על ידי Dr. Barry Zulauf מי ששימש עד לאחרונה בתפקיד זה, המציג את נקודת מבטו על התפקיד ויישומו.

הצפייה מבעל תפקיד זה לבחון נושאים שיש בהם לכאורה הפרה של סטנדרטים אנליטיים של קהיליית המודיעין האמריקאית. חמשת הסטנדרטים האנליטיים שאנליסט ומנהליו נדרשים לפעול לפיהם מוגדרים באופן ברור וגלוי. על בעל התפקיד להיות זמין לאנליסטים ולסייע להם אם וכאשר הם פונים אליו כדי להציג את עמדתם ללא פניות. נעשו גם פעולות ארגוניות כדי שהאנליסטים ירגישו חופשיים לפנות.

נראה לי שאין די בקריאת המסמך החשוב של Zulauf. זה הזמן לחפש דרכים כדי ליישם מודל דומה בישראל. הניסיון שנצבר בארה"ב יכול לסייע לישראל בהתאמות הנדרשות אך ללא פשרות בנושאים מהותיים. Zulauf מציין במאמרו בין היתר את אומץ הלב הנדרש מחוקרים להביע את דעתם ובמידת הצורך לפנות אליו גם כאשר הפניה אינה מתקבלת בברכה על ידי המנהלים שלהם. הוא מאמין כי תפקיד זה משפיע לטובה על תוצרי המודיעין המוגשים למקבלי החלטות.

בהקשר להתנהגות אנליסטים בארגוני מודיעין ועמידה על דעתם ללא חשש ומורא, כאן המקום להזכיר את הדברים שכתב האלוף ערן ניב, ראש אגף התקשוב והסייבר בצה"ל בהקדמה למהדורה העברית של הספר "פרל הארבור התרעה והחלטה" שיצא לאור בשנת 2023: "אל לו לארגון להרגיש מרוצה מדי. תחושה זו היא מסוכנת שכן היא חוסמת למידה וביקורתיות, עליו לעורר את הערנות, הסקרנות ואומץ הלב כדי להתגבר על חומות הקבעון הארגוני".

ראו נא להלן דברים חשובים שכתב Dr. Zulauf לבקשתי כאשר ציינתי בפניו שיש כוונה לשלוח את מאמרו בתפוצה רחבה לאנשי מודיעין בישראל.

In the United States, the Intelligence Community is supported by a statutory set of analytic tradecraft standards, including the requirements for objectivity,

unbiased analysis, and avoiding political or policy considerations. The Intelligence Reform and Terrorism Prevention Act (IRTPA) requires intelligence professionals to adhere to these standards and establishes an Intelligence Community Analytic Ombudsman to conduct inquiries into violations of the standards and report to the highest authorities with recommendations to address the violations and take corrective action. The standards also enable analysts to take up concerns with the Analytic Ombudsman that their properly prepared intelligence warnings or alternative analyses are not being paid attention to or are being repressed by management. In fact, alternative analysis is protected by its one provision of IRTPA (Section 1017).

I strongly recommend to U.S. allies among democratic nations to create such a system, enshrined in law if possible. Such a system has been proven, in the U.S. and other countries -- such as the UK, which has established a similar system -- to improve the quality of intelligence. While I cannot guarantee that such a system can prevent intelligence surprises such as that surrounding the HAMAS attack on October 7th, it can provide a system in which intelligence warning and alternative analysis can be brought forward, even when facing opposition within the intelligence bureaucracy, to provide decision advantage to top decision makers.

Barry

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Safeguarding Objectivity in Intelligence Analysis

Barry Zulauf

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Analytic objectivity is a core ethic for intelligence professionals, something that analysts and managers of analysis are all expected to uphold. It is fundamental to the very idea of speaking truth to power. As DNI Avril Haines said earlier this year, “I want analysis that is not politicized or policy biased. . . . I want you to know that I’m not going to be in any way retaliating against you if you don’t tell me what I want to hear.”^a

In today’s highly partisan environment, however, we have seen that the Intelligence Community is not immune to either external influence or internal disputes over policy preferences. That is where the statutory responsibilities of the ombudsperson for analytic objectivity are brought to bear: ensuring a venue for adjudicating potential cases of politicization in analysis.^b

I was appointed as the Intelligence Community analytic ombudsperson in 2018, a direct appointment by the DNI under the authority of the IRTPA. I was responsible for looking into real or perceived violations of the analytic standards codified in sections 1017 and 1019 of that law.^c By the time this article appears, I will be at Harvard University’s Belfer Center

as a Recanati-Kaplan intelligence fellow. Because I will be stepping away from my duties for a while, I wanted to share some insights about my former role and how it has contributed to greater intelligence integration.

Within the IRTPA, three sections are relevant for our discussion:

- Section 1017 calls on the DNI to ensure that elements of the Intelligence Community conduct alternative analysis.
- Section 1019 requires the DNI to ensure that finished intelligence products are timely, objective, independent of political considerations, based upon all sources of available intelligence, and employ the standards of proper analytic tradecraft.
- Section 1020 calls on the DNI to appoint an individual who shall be available to analysts within the ODNI to counsel, conduct arbitration, offer recommendations, and, as appropriate, initiate inquiries into real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis.

a. Transcript: Full Interview with DNI Avril Haines, National Public Radio, March 1, 2021.
b. Director of National Intelligence Confirmation Hearing, C-SPAN.org, January 19, 2021.
c. US Code, <https://www.govinfo.gov/content/pkg/PLAW-108publ458/pdf/PLAW-108publ458.pdf>, *Intelligence Reform and Terrorism Prevention Act of 2004*, December 17, 2004.

The views, opinions, and findings of the author expressed in this article should not be construed as asserting or implying US government endorsement of its factual statements and interpretations or representing the official positions of any component of the United States government.

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Writing for *Studies* in September 2010, Robert Cardillo, then serving as director of analysis at DIA and later as DDNI/II, observed:

Culture change often results from a crisis—the so-called burning platform—exemplified by our intelligence failures early in the decade and the corresponding investigative commissions. Under DNI leadership, the IC has implemented several game-changing initiatives to address two major problems: the quality of the analytic process (identified in the WMD Commission Report^a) and information sharing (identified in the 9/11 Commission Report^b).^c

Safeguarding Analytic Integrity and Objectivity

We took this detailed look at IRTPA to remind ourselves that analytic integrity and standards are not only good ideas—they are that—but they are also required under statute. The wording of the law by itself, however, is probably an insufficient guide for intelligence professionals on a day-to-day basis, so these standards were eventually articulated in ICD 203, most recently updated in 2015. You might have your own copy or one of the lanyard cards like the one I always wear around my neck. The question is, do we all pay attention to them?

ICD 203 directs that IC analysis should be guided by five analytic standards:

- **Objective.** Analysts must perform their functions with objectivity and with awareness of their own assumptions and reasoning.
- **Independent of political consideration.** Analytic assessments must not be distorted by, nor shaped for, advocacy of a particular audience, agenda, or policy viewpoint.
- **Timely.** Analysis must be disseminated in time for it to be actionable by customers.

- **All source.** Analysis should be based on all available sources of intelligence information.
- **Apply tradecraft.** Analysis should reflect tradecraft standards for accuracy, logic, argumentation, analysis of alternatives, confidence, probability, and presentation.

These standards are covered fairly extensively in analytic tradecraft training courses, reinforced in messaging by agency leadership teams, and emphasized in multi-layered editorial review processes. Quality evaluation programs at DIA, CIA, and ODNI, among others, help organizations track performance over time. On balance, our surveys and evaluations show politicization is rare. But what happens when analytic objectivity is compromised?

Politicization, not Just Partisan

Let me address here what it means, in practical terms, for analytic objectivity to be compromised by politicization, and what an analytic ombudsperson is expected to do about it. I am speaking specifically of an attempt, successful or not, of politically appointed leadership to change analytic conclusions that were put forward by intelligence professionals. Or, managers attempting, successfully or not, to direct intelligence professionals to produce intelligence only in order to fit a predetermined conclusion or policy that would be preferred by customers. Or, analysts modifying their own analysis either to support or oppose a particular policy or partisan preference.

a. Formally, *Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Report to the President of the United States*, March 2005.

b. Formally, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, July 2004.

c. Robert Cardillo, "Culture Change in the IC," *Studies in Intelligence* 54, No. 3, 2010 (reprinted in this issue beginning on page 5).

Let's take a hypothetical example of an agency in which the senior-most leader, appointed by the president, was accused of attempting to distort analytic conclusions, suppress alternative analysis, and change analytic conclusions to suit the policy preferences of the political customers of that agency. This is a fictionalized scenario, but one very typical of the matters my deputy and I handled. There was also a range of other activities involving a broader category of unprofessional behavior: irregular tasking to avoid accountability, directing intelligence analysis toward particular conclusions, and changing of conclusions in order to meet policy preferences. All these actions can create an atmosphere in which analysts are demoralized, distrustful of leadership, and feel they cannot not operate as part of the integrated intelligence enterprise because of leadership interference.

What makes this activity politicization and suppression of objective analysis? While agency leadership should edit intelligence products for tradecraft and substantive reasons (and all analysis is a corporate product), it is not acceptable when analysis is changed to fit a particular policy position or a senior customer's political preferences.

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Organizations, including IC agencies, have many levers of power that could be used to persuade or compel analysts to produce intelligence that leans a particular way: favorable or unfavorable assignments, travel opportunities, and performance evaluations, for example. Analysts might have to deal with those levers of power if they risk bringing instances of politicization to the attention of either their own management or to analytic ombudsmen. That is a lot to ask of analysts, but it is exactly what is needed.

Doing the Right Thing

Every intelligence professional has the ethical responsibility to stand up to politicization and the potential consequences. That brings to the forefront an issue that we don't talk about much: the element of moral courage. When faced with politicization, what can analysts do? What should we expect our leaders to do when they are made aware? When do we need analytic ombudspersons to help broker a solution?

Moral courage comes into play when analysts notice their objectivity being suppressed or politicization going on. They are professionally responsible to first bring it to the attention of leaders. The analysts might not have enough power or they might be concerned for their careers. For lower ranking individuals,

demonstrating that kind of moral courage is often difficult.

This is what analytical ombudspersons are for: to help protect individuals and create an environment where concerns can be aired. Analytic ombudspersons tend to be more experienced officers who can go to senior leaders, evaluate complaints, and inform senior leaders they have been in violation of tradecraft standards. I have been in the IC for 35 years and, as the IC analytic ombudsperson, I had the seniority and the backing of the DNI to be able to do that. I saw it as my responsibility to support any analyst bringing forward a violation of tradecraft standards, and I believe the DNI would, too.

My recent experience authoring the *Analytic Ombudsman's Report on Politicization of Intelligence on Election Interference*^a illustrates how far we can and should be willing to go in support of analytic objectivity.

The Zulauf Report

In late 2020, in response to IC complaints about analysis of threats to US elections from China and Russia, I reviewed the IC's published analysis, interviewed working-level analysts and senior leaders alike, and compared public statements by IC officials to the written record. As I wrote in my memo to the acting

a. Julian E. Barnes, Charlie Savage, and Adam Goldman, "Trump Administration Politicized Some Intelligence on Foreign Election Influence, Report Finds," *New York Times*, January 8, 2021; Ellen Nakashima, "Political appointees, career analysts clashed over assessments of Russian, Chinese interference in 2020 election," *Washington Post*, January 8, 2021. The unclassified January 6, 2021 memorandum to the Senate Select Committee on Intelligence is available for downloading on several news sites.

Politicization is not just something theoretical in our textbooks and lectures. It is real. It undermines the national security of the United States. It is the exact opposite of what we are supposed to do as intelligence officers.

chairman and vice chairman of the SSCI:

Looking back over the past year, it is evident that what began as mischaracterization of IC analytic assessments by ODNI officials escalated into an ongoing widespread perception in the workforce about politicization and loss of analytic objectivity throughout the community on the topics of Russian and Chinese election influence and interference. Politicization need not be overt to be felt. This report documents the reality of both attempts to politicize and perception of politicization of intelligence.^a

Our review found that “pressures from our political leaders have sometimes placed demands on us that have translated into what might seem like bias or a loss of objectivity, rather than attempts to politicize intelligence by our leaders or analysts,” but we also documented incidents where individuals, or groups of individuals, taking willful actions that—whatever their motivations—had the effect of politicizing intelligence, hindering objective analysis, or injecting bias.

What I want to convey here is the human dimension of trying to ensure analytic objectivity and avoiding politicization of intelligence. What did it mean for me, both personally and professionally? What did it mean for the people involved with the report?

The individual analysts who brought the issue to my attention did so at some risk to themselves because they were pointing to real or perceived actions by their managers to suppress certain analytic conclusions or to otherwise politicize intelligence. All the analysts who spoke with me first asked their managers for help, and almost all of them told me that they got no satisfaction. Accordingly, they approached their agency analytic ombudspersons—all agencies are supposed to have them. The ombudspersons from three agencies, in turn, came to me. We all agreed that tradecraft had been violated, and that it happened as part of a large-scale pattern with traces leading to the top of the ODNI.

Just as the analysts put themselves at some risk in coming forward, I was now in a risky situation. My then deputy, Christie Rapetti, and I had to carry out the inquiry, gathering documentary evidence, interviewing analysts, managers, and high officials. The inquiry showed that powerful agency leaders and IC leaders were involved, including the officials for whom I worked.

I had to consider on the one hand that my ethical duty as ombudsperson was to shine a light on the politicization. On the other hand, I had to consider what doing so could mean for me personally and professionally. I got advice from attorneys, from former analytic ombudspersons, from senior leaders who were not involved

in the politicization. They all told me that it was my clear duty to see the inquiry through to the end, wherever it led. I owed that to the analysts who had come forward.

Finally, I convinced myself that if I didn't do it, somebody else would have to. And some time in the future it would all come out anyway, so I had better have my name attached to a clear statement of what was wrong and needed to be fixed.

Politicization is not just something theoretical in our textbooks and lectures. It is real. It undermines the national security of the United States. It is the exact opposite of what we are supposed to do as intelligence officers. What we aim for is a healthy challenge culture, where we can question our work and the work of our colleagues. Minority views and alternative analysis are not suppressed. That is how we produce unbiased analysis objectively based on the facts. We do not shade the analysis based on our own personal opinions, policy preferences, or politics.

All of us involved in the process felt pressure from the tenor of public discourse, from a political process in which intelligence had been turned into a weapon, and from elected leaders and their staff who wanted loyalty more than objectivity. The politicization report brought this out into the open.

Where To Go From Here

What made it possible for the ombudsperson process to come out in the positive way that it did? A few intelligence professionals showed the

a. Barry Zulauf, Letter to Acting Chairman Mark and Vice Chairman Warner, Senate Select Committee on Intelligence, Reference 2020-3029, January 6, 2021.

required moral courage when it mattered the most. The analysts showed moral courage to come forward. They tried with their own management and got nowhere. Analytic ombudspersons in the agencies showed moral courage by supporting the analysts' message. We must have the moral courage to tell bosses what they do not want to hear. That is what we are paid to do, whether the boss likes it or not. We must be prepared to take the consequences.

Christie Rapetti and I sat across from then DNI John Ratcliffe and informed him that, in our view, he and other IC leaders had violated statute and IC directives. Of course, I had the documentation to back it up and was able to prove it to him. I had a resignation letter typed out and signed in my pocket. If he tried to fire me I was going to beat him to the punch.

That was not the reception we got. Although he thought he would face a lot of criticism from Congress, DNI Ratcliffe made sure that the report went out without any changes.

As a community, how do we turn words into action? This episode offers the IC an opportunity for our leaders to own the mistakes, to take steps to correct what went wrong, and move forward.

After DNI Haines was sworn in, she told me she accepted the report's findings and wanted to make the necessary fixes. She went on record in her confirmation testimony and statements to the workforce how she will back analysts when they make tell truth to power.

As a community, how do we turn words into action? This episode offers the IC an opportunity for our leaders to own the mistakes, to take steps to correct what went wrong, and move forward. President Biden and Director Haines have publicly affirmed their commitment to analytic objectivity, and internally we are taking several steps:

- We have added new blocks of instruction on politicization to Analysis 101, the ODNI orientation for new IC analysts.

- We are developing a senior-level seminar on analytic objectivity for the whole IC.
- We are doubling down with webinars and workforce messages on the importance of alternative analysis and challenge culture.

As an intelligence fellow at the Belfer Center, I will spend the coming year writing, speaking, and organizing conferences on objectivity. I hope you can participate with me and help the IC live up to its ethical obligations and legal responsibilities to provide objective analysis. As President Biden said to the IC workforce on July 27, 2021:

You serve the American people no matter which political party holds power in Congress or the White House. It's so vital, so vital that you are and should be totally free of any political pressure or partisan interference.^a



The author: Barry Zulauf was the IC ombudsperson for analytic objectivity during 2018–2021. He recently joined Harvard University's Belfer Center as a Recanat-Kaplan intelligence fellow.

a. Transcript from https://www.realclearpolitics.com/video/2021/07/27/watch_live_president_biden_speaks_to_intelligence_community.html, July 27, 2021.