

***Spy Watching: Intelligence Accountability in the United States***

Loch K. Johnson (Oxford University Press, 2017), 483 pp., appendices, endnotes, index.

**Reviewed by Jason Manosevitz**

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The Intelligence Community (IC) is again being encouraged to take more risks and lean forward against our adversaries.<sup>a</sup> Ensuring and enhancing intelligence oversight must go hand-in-hand with this effort. Now is an excellent time to review the oversight system and consider strong proposals for improving it, before a major scandal erupts. Unfortunately, Professor Loch K. Johnson's new book, *Spy Watching*, largely fails to advance our thinking.

This is surprising because Johnson, now a major figure on the faculty of the University of Georgia, has been researching and writing on intelligence oversight for some 40 years and should have a wealth of insight to offer. Johnson has been among the cadre of activist academics who have seriously examined national intelligence, and he has been a leader in the field since serving as a special assistant in 1975 and 1976 to Senator Frank Church, who chaired the 16-month investigation of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities.<sup>b</sup> Since that investigation, Johnson served on a number of other congressional committees, including the Aspin-Brown Commission about which he wrote for this journal in 2004<sup>c</sup> after he joined the faculty at Georgia. His university profile credits him with many awards and some 30 published works on intelligence. In addition, he is a senior editor for the renowned academic journal, *Intelligence and National Security*.

*Spy Watching* suffers from several failings, including weak argumentation, a lack of focus, and, most importantly, a shortage of compelling reasons for the reforms

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a. "Statement for the Record before the Senate Select Committee on Intelligence." Mike Pompeo, January 12, 2017; "CIA Ramps Up Counterintelligence Operations Amid Debate Over Chinese Penetration," Guy Taylor, *Washington Post*. January 23, 2018

b. [https://www.senate.gov/artandhistory/history/common/generic/Featured\\_Bio\\_ChurchFrank.htm](https://www.senate.gov/artandhistory/history/common/generic/Featured_Bio_ChurchFrank.htm)

c. "The Aspin-Brown Intelligence Inquiry: Behind the Closed Doors of a Blue Ribbon Commission," *Studies in Intelligence* 48, No. 3 (September 2004) available at <https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol48no3/pdf/v48i3a01p.pdf>

it offers. Johnson's goal, he wrote, was to be theoretical; historical; contemporary in his policy recommendations; and autobiographical, with personal observations mixed in throughout. (26) But his product is too wide-ranging to be cohesive. Johnson's idea to probe "the manner by which the United States has endeavored to keep espionage activities within the boundaries of law and propriety" is also marred by how he describes the IC. (3) His use of journalistic terms like "dark arts," "shadowy world," "black hole," and "dark corridors" to describe intelligence activities, individuals, and institutions gives his work a pulp fiction feel and makes it difficult to take seriously.

*Spy Watching* begins with hearty praise for the great strides in IC accountability made since the mid-1970s. Johnson highlights key reforms that he helped foster, including the creation of the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI), as well as the Hughes-Ryan Amendment that removed presidential "plausible deniability" for covert action (CA) and enhanced the role of Congress in CA. Johnson then devotes some 200 pages to describing IC organizations, how they fit into democratic societies, and the balance between liberty and security—all with the purpose of establishing the complexity and scale of the challenge.

This discourse gives *Spy Watching*, in its eye-straining nine point font, a dense, meandering feel. The overview of the IC adds little to what is already known, while other parts of *Spy Watching* read like a memoir or a collection of lecture notes. For example, Johnson recounts engagements with James J. Angleton on counterintelligence issues in the 1970s and devotes a chapter to capturing snippets of interviews he has had with former CIA directors from Helms to Tenet. Although these excerpts touch on intelligence oversight, Johnson doesn't use them to advance his arguments. Moreover, his epilogue on intelligence in the early days of the Trump administration adds little of substance to the book.

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Notwithstanding his praise for IC oversight, Johnson calls for further enhancements to IC accountability because of what he sees as several analytic and operational transgressions. These include the Iran-Contra affair (1985–1987), failure to predict the 9/11 terrorist attacks, the Iraq WMD analytical debacle (2002), and the National Security Agency’s bulk collection of metadata of American telephone calls abroad (2001–2015). These choices seem dated, as they have already been addressed through IC oversight and serve more as examples of how oversight works well rather than as a litany of its shortcomings.

These examples also show how the book drifts from a focus on accountability—“activities abiding by the law and propriety” (2)—to the age-old problem of intelligence successes and failures, which have nothing to do with questions of lawfulness, propriety, or budgets—the very heart of IC accountability and oversight. (31) Johnson spends no time probing the possibility that the reforms he championed have produced unintended consequences that now need to be addressed.

Johnson’s assessments of covert action, which are on topic, suffer from a paucity of data and flawed application of data. For example, the book includes a chart supposedly depicting the ebb and flow in covert actions from 1947 to 2015 (335) While it suggests ups and downs, the chart provides no insight on the number of CA programs—the Y axis ranges from “low” to “high” with no values in between—their cost, the number of people involved, or how many violated US law or were inappropriate missions. In any event, nothing in this data supports his calls for revamping oversight.

Also absent—and Johnson might be forgiven for this, given the justifiable secrecy surrounding covert operations—is discussion of how the operations were authorized, how well they adhered to their original intent, and how effective they were. Johnson curiously asserts that “the best single predictor of an administration’s emphasis on covert action...seems to be the amount of spending it devotes to overt military budgets.” (350). He then overlays his covert action chart on a graph of US military spending since WW II to show how the peaks and valleys [conveniently drawn to match the budget highs and lows] coincide with major US military actions, such as the Korean War, the Vietnam Era, the Persian Gulf War, and the Afghanistan and Iraq wars.

This should be obvious; intelligence budgets, including CIA’s, are embedded in the Defense budget, and why in time of war would anything else be expected? But even in this graphic, an absence of rigor is evident—no reference, for example, is made to the basis of the budget numbers (2015 dollars)—nor does the correlation stand up to scrutiny in the case of the peak of expenditures seemingly attributed to the first Gulf War (which didn’t last two months—mid-January–28 February 1991). The peak expenditures at that point were a function of increases in defense spending under Ronald Reagan, not the war, as suggested by the captions on the graphic the book offers. Expanded intelligence expenditures can be explained in many ways, but a simple correlation chart says nothing about the nature of oversight.

*Spy Watching* attempts to put the oversight issue into the context of the balance of power relationship of the Executive, Legislative, and Judicial Branches of government. Johnson too quickly dismisses the Executive and Judiciary Branches as ineffective, however. He cites the Iran-Contra affair as proof that the Executive Branch lacks interest in oversight. And he adds another example, the production of classified information in 2001, which rose some 44 percent from the previous year. Somehow he concludes that this is proof of efforts to withhold information from Congress (8, 438)—never mind that a war was on with a substantial increase in reporting, analysis, and planning based on classified information and the need for operational security.

As to the courts, he portrays them as sycophants of the Executive, arguing they tended to side with the Executive’s intelligence organizations and deferred to intelligence officials because judges “believe that it is better to be safe than sorry.” (47) This belies evidence, shown in declassified documents, that several of the FISA court’s opinions were highly critical of IC surveillance requests and that the IC had to significantly revise the requests before they were issued.<sup>a</sup>

After additional, debatable assertions about the nature of congressional behavior and oversight—Congress does far too little “police patrolling” of the IC and primarily responds to “fire alarms—Johnson offers his own oversight formula, which mainly puts the burden on Congress. He calls for concentrating this effort into the specific congress-

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a. See The Office of the Director of National Intelligence’s website, <http://icontherecord.tumblr.com>, for declassified documents.

sional intelligence committees, the HPSCI and SSCI—nothing new there. He acknowledges the complications of engaging other committees, such as the Senate’s Armed Services Committee and the Judiciary Committee, and suggests they give up some oversight authority. (455). He also proposes creating dedicated HPSCI and SSCI subcommittees to specialize in certain areas and expand congressional resources devoted to IC oversight. HPSCI already has four subcommittees—CIA, the DOD Intelligence and Overhead Architecture, Emerging Threats, and the NSA and Cyberspace—and adding more resources and staff (457) would not address the partisanship that has seeped into intelligence oversight. Additional subcommittees would also fail to prevent IC oversight from becoming unwieldy, as it did in when investigations into Benghazi led to eight different subcommittees examining different parts of that tragic event.

Johnson’s suggestion that the SSCI exercise its authority to unilaterally declassify intelligence without presidential authorization (458) would certainly permit the Senate to be more aggressive on intelligence issues, but the suggestion completely fails to recognize the inherent difficulty of making classification decisions, which today occupies a large number of professionals familiar with the sensitivities—sometimes matters of life and death—these decisions involve. At the same time, the approach would be likely to signal a sharp increase in partisanship on intelligence activities, which I think could have chilling effects on IC cooperation with Congress.

Johnson offers two novel ideas for reform that bear examination, if only to ensure we avoid them. One is creation of a “Citizen Intelligence Advisory Board” to aid HPSCI and SSCI with intelligence oversight. Johnson points out that other democracies—the UK, Australia, and Canada—have adjunct boards helping the legislature with oversight. In Johnson’s vision, such a board would have nine members selected by the HPSCI, the SSCI, the

Supreme Court, the president, and high-ranking universities (however those are defined). This board, he argues, would be less political and would hold its own hearings and issue annual reports. (464–66). Such a board would almost certainly face the same political problems Congress now has and thus would be challenged in contributing to IC accountability. Moreover, there is no reason to think that Congress or the Executive would pass legislation to provide the legal backing a board would need to be effective. Johnson also seems to have ignored that we already have the President Foreign Intelligence Advisory Board and its advisory committee on IC oversight that serves to advise the president.

Johnson’s other novel idea is to create computer algorithms for oversight purposes. This seems like a fanciful, quick elixir and a potential talking point for proponents of IC reform. Developing such an algorithm and compiling data sets for it to assess, would be a huge undertaking fraught with counterintelligence risks. Linking multiple systems designed to be separate to protect sources and methods almost certainly would have unintended consequences and lead to data spillage. As most know, algorithms are only as good as the parameters and assumptions that coders establish and the errors woven into algorithms might very well lead in wrong directions rather than sniffing out true problems.

Johnson addresses IC oversight at an incredibly important time, but his recommendations are buried in dense and poorly supported argumentation. Even so, the history he has provided helps to show what won’t work or where not to look for answers. More fruitful ideas for reforming oversight might come from further research and analysis into budget tracking, business analytics, training for intelligence officers, and measures to better insulate national security issues from politics. Thinking these issues through now, free from the stress of crisis, is an excellent idea.




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