

SPEECH

BY

IVIAN C. SMITH  
SPECIAL AGENT IN CHARGE

FEDERAL BUREAU OF INVESTIGATION  
LITTLE ROCK, ARKANSAS

BEFORE THE

FOURTH INTERNATIONAL SYMPOSIUM

GLOBAL SECURITY & GLOBAL COMPETITIVENESS:

OPEN SOURCE SOLUTIONS

OMNI SHOREHAM HOTEL

WASHINGTON, D. C.

NOVEMBER 9, 1995

Thank you for this opportunity to discuss intelligence support to transnational and domestic law enforcement. I will do so from an FBI perspective, from a counterintelligence/counterterrorism standpoint but also from a traditional criminal law enforcement perspective.

I recently read that, in the period of the birth of Christ to 1749, mankind's knowledge doubled. From 1749 to 1949, knowledge doubled again. And, this has continued at an increasingly accelerated rate. For instance, knowledge doubled in the period of 1949 to 1958, then from 1958-1963, and from 1963-66, and 1966-1968. Now, I'm told knowledge doubles at a rate of about every 18 months.

In 1968, for instance, 80 percent of all engineers since the beginning of mankind were alive. (Sometimes in Washington in particular, it appears 100 percent of the lawyers are alive and all in Washington, D.C.)

I cannot attest to the accuracy of those statistics as related to total knowledge, but I do believe any of us in the intelligence business in the past decade or so will agree there has been a virtual information explosion that at times seems overwhelming. It is overwhelming not only from the standpoint of our ability to comprehend its magnitude, but it also has overwhelmed us both intellectually and technically.

The issue is not if information is available relating to a particular subject but to decide what informative sources should be used.

This is particularly true as related to open source. Not only has the sheer volume of open source information overwhelmed us as well as the means to access and to store it, but the ability to transmit information has accelerated to the point it is virtually at our fingertips.

I was fortunate to be on the ground floor of the U.S. Intelligence Community's efforts at consolidating its open source efforts. As a member of the original Open Source Steering Council, and not well versed in technical matters, I was fortunate to learn from such people as Paul Wallner and Tom Pedtke, and later, Joe Markowitz. They taught me a lot but, even before they exposed me to the nuances of open source architecture and technology, I became well aware and developed distinct beliefs the U. S. Intelligence Community was paying too much, and relying too much, on classified information. Remember, I was viewing this from the standpoint of one largely with counterintelligence responsibilities and experiences. Within the overall Intelligence Community, this is not necessarily a highly sought after vantage point.

I'm reminded of a comment by Eric Ambler in The Light of Day;

"I think that if I were asked to single out one specific group of men, one category, as being the most suspicious, unbelieving, unreasonable, petty, inhuman,

sadistic, double-crossing set of bastards in any language, I would say without hesitation: 'the people who run counterespionage departments.'"

Given this, perhaps only slightly overstated, I had to be convinced and was, in fact, convinced, of the need for the FBI to embrace the concept of maximum utilization of open source information.

I should point out, at the same time I was learning from those very capable members of the Open Source Steering Council, I also met a rather shy and retiring civilian employee of the U. S. Marine Corps, Bob Steele. I wonder whatever happened to him?

I should also point out I do not believe open source information has always been necessarily underutilized. But, I do believe it has not always received proper attribution.

And, I have expressed concern for the overclassification of information. Frequently, it is cited that classification is necessary due to "sources and methods." If the information itself is readily available through open source means, that information should not be classified. The emphasis should be on the information, not the means by which it was obtained.

I recall seeing cables during Desert Storm, highly classified, that recounted SCUD attacks from Iraq into

Saudi Arabia. Of course, I read those cables the morning after I had observed Cable News Network's coverage of those same incidents.

And, this leads to a key conclusion I have long held. Overclassification may lead to a lack of verification of the information itself. Perhaps this is an inference of the CIA's Inspector General's report and damage assessment of the Aldrich Ames matter. That is, there was an overemphasis on the protection of the sources and methods and insufficient emphasis on the verification and the bona fides of the information itself. This is particularly important when that information is derived from a single source.

As noted in my background provided to you, I represented the FBI on the National Foreign Intelligence Board. This was both, at times, an interesting and insightful experience, particularly as the Intelligence Community moved from more traditional reporting of National Intelligence Estimates to the new priorities with decidedly law enforcement applications. I became acutely aware the Intelligence Community was ill prepared to conduct analysis and prepare estimates in this new area. And frankly, I also found a degree of arrogance by the traditional major contributors of estimates as they were loath to admit they were venturing into subject areas they had little institutional knowledge, little understanding of the dynamics involved, and the fact information relating to law enforcement issues is by its very nature unclassified in a traditional sense.

Consequently, we prepared some estimates that were overclassified, were not directed at the appropriate consumers, and again, frankly, duplicative of products already in production.

One such estimate involving an assessment of criminal activity was extremely close held in the U. S. Intelligence Community. The FBI review of that estimate, as provided to the National Security Council, determined about 70 percent of the product was derived from essentially law enforcement information that was unclassified. Further, a considerable amount of other information, and conclusions drawn, did not withstand the scrutiny of close examination. Basically, this is a largely worthless document produced at considerable time and expense that has little influence with policy makers and little impact on policy.

This brings us to a central issue as related to the FBI's use of intelligence.

There are those in the Intelligence Community who will argue the FBI is purely a law enforcement agency. But, a considerable amount of its budget is derived from the National Foreign Intelligence Program. That includes a counter-intelligence and counterterrorism budget that is larger than the rest of the Intelligence Community's CI and CT budgets combined.

But, we are a hybrid in many respects. Unlike our colleagues in the Canadian, British, Australian, German or French security services, the FBI's internal security responsibilities

are combined with powers of arrest - essentially an authority associated with law enforcement. And, this leads us to an important distinction.

The FBI's use of intelligence, particularly in the new priorities such as organized crime and counterterrorism, must be actionable. These are clearly law enforcement issues with law enforcement solutions. And the very nature of law enforcement demands proactive efforts to resolve problems within the criminal justice system.

To produce estimates with fuzzy conclusions for the sake of appealing to the intellectual curiosities of an increasingly smaller audience has no real value. The world is not a safer place because we have produced an estimate that is highly classified, read by a few individuals who have no ability or tendency to act, and placed in a safe.

But, the world is a safer place if we utilize information to conduct aggressive proactive investigations that lead to indictments and arrests and convictions.

This has not been accepted by some to this point. U. S. Intelligence agencies have contacted law enforcement agencies in the international community to obtain essentially law enforcement information that is inherently unclassified in nature but to be classified, not because of the sensitivity of the information but because of the sensitivity of the relationship.

This fundamental issue - the law enforcement and intelligence community relationship - is the object of continuing discussions.

The FBI's involvement in the use of open source information is not new. Indeed, J. Edgar Hoover made great use of the media to assist the FBI in the conduct of its investigations. A good example is the FBI's Top Ten program that, even today, is successful because of public involvement and public awareness.

This is the use of the media - or open source mediums - to get a message out to the broadest possible audience. Law enforcement still makes use of the media to assist in investigations - just see the number of television programs that are devoted to unsolved crimes. The FBI is even using Internet to solicit information from the public in major investigations. Perhaps this is an area the Intelligence Community can learn from law enforcement.

But, the FBI has also increasingly made use of open source information in the conduct of national security investigations in the wake of the end of the Cold War.

Essentially the FBI conducts two types of analyses in support of national security investigations.

Tactical analysis is just that - direct support to FBI investigations and particularly in the counterintelligence area,



considerable interaction of analysts and investigators during the course of the investigation - not just analyses conducted in a post investigative manner.

Tactical analysis, by its very nature, does not lend itself to the use of open source information as readily as strategic analysis. But, open source information can play an integral part of ongoing investigations and tactical analysis.

For instance, open source information may be used to establish the bona fides of human sources and used to determine if information is truly sensitive in nature. It is not unusual for human sources to provide supposedly sensitive information that is readily available from open sources. And, we can use open source information to test a source as well - obviously if we are uncertain about the veracity of a sensitive human source, we will not discuss sensitive issues. Frequently, human sources may have a willingness to provide sensitive information but lack the ability to provide meaningful intelligence information.

But, open source is utilized to a greater extent in the conduct of strategic analyses. The FBI's strategic analyses is more policy-oriented and even predictive in nature. Instead of concentrating on the narrow parameters of a counterintelligence investigation, it has broad application that may draw from a wide variety of both classified and unclassified sources. This latter category includes such things as published reports, speeches, reporting by the media, court rulings, geographical and political reports, etc. Strategic analysis also has a broader consumer

base, and it is essential this be classified at the lowest possible level if it is to be classified at all. This ensures the broadest possible distribution, and, further, that it is subjected to close examination. Policy should not be made on the basis of papers that draw conclusions and make recommendations that have not been subjected to critical analysis.

The end of the Cold War also left the FBI with a dilemma of sorts. Basically, this involved the FBI being faced with new targets, and perhaps, even greater challenges. Instead of relying on well established sources of information developed over decades of counterintelligence investigations, we were forced with conducting investigations of non-traditional targets without the benefit of an effective, in-place, intelligence and information base. Further, as we developed the concept of the National Security Threat List, we also built in some investigative constraints, for there must be a greater awareness of the foreign policy implications inherent in non-traditional investigations. After all, the political sensitivities are far greater in conducting investigations of erstwhile friends than investigating sworn enemies.

But the first alternative - the first source we had available - was open source. It was open source information that allowed the FBI to develop some degree of knowledge of our new targets, and it was upon this open source information that allowed the FBI to develop the ability to utilize more traditional clandestine techniques.

There is another factor that must be considered. The FBI is required to use the least intrusive means possible in obtaining information. Basically, this means we can only use court-authorized electronic surveillance after it is clearly demonstrated we cannot obtain needed information by any other means. In effect, we are required to utilize open source information first and to forego extraordinary coverage if at all possible.

In the National Security area, we find there is a close correlation between the use of open source information and that intelligence obtained through clandestine operations.

As some of you are aware, in the wake of the momentous geo-political changes in the Soviet Union and Eastern Europe, Director Freeh initiated an international training and assistance initiative in Russia and the Newly Independent States. The objectives are simple - to acquaint these new republics with the rule of law, U. S. law enforcement investigative techniques and methodologies, and to develop closer working relationships to address transnational crimes.

The FBI has been aggressively engaged in providing assistance in the form of training and other cooperation to Russia and its former client states. This assistance is funded through the Department of State under the Support for Eastern European Democracies (SEED) program and the Freedom Support Act.

More specifically, as a participant of an international working group consisting of U. S. law enforcement and the

Department of State, the FBI has taken a lead role in the creation and management of the International Law Enforcement Training Academy in Budapest, Hungary. This academy offers law enforcement officers from Eastern and Central Europe an 8-week personal and professional development program modeled after the FBI's National Academy. In fiscal year 1995, the FBI conducted in excess of 40 training courses involving 11 countries and over 1,800 foreign law enforcement officers.

These courses include such topics as organized crime, financial crimes, forensics, evidence collection, and interviewing techniques. In fiscal year 1996, the training schedule includes about 60 in-country courses.

The fruits of these labors are already evident as there is a significantly enhanced working relationship with these countries, resulting in a dramatically improved international criminal intelligence base.

I would like to emphasize this is a "cop-to-cop" relationship that is monitored by the FBI's Criminal Division and does not directly involve the FBI's National Security Division. This is consistent with the FBI's need for actionable intelligence - not intelligence that is so closely held to be rendered useless in a criminal justice sense. That information must be available for use in applications for Title III electronic surveillances and search warrants and use in the criminal justice system.

The FBI is at the forefront of addressing transnational crime, as it should be. This makes some nervous, but I would point out the FBI was involved in building coalitions of international law enforcement to address transnational crime well before it became the new vogue. Indeed, the FBI's involvement in international matters precludes the very formation of most of our intelligence agencies. For instance, in World War II, an FBI Assistant Director, Percy Foxworth, was killed while on a secret mission in South America. He later had a Liberty Ship named after him.

But, the FBI's involvement in international matters is recognized by some. President Clinton himself announced the establishment of the International Law Enforcement Training Academy in Budapest before the United Nations. And last year Assistant Secretary of State for European Affairs Richard Holbrooke noted "The CIA and Defense Department issues that have predominated during the Cold War have receded...We are in a new phase of foreign policy. The FBI is moving to the forefront."

And, the key to developing effective law enforcement relationships is the free exchange of unencumbered information.

When my staff prepared briefing books for Director Freeh before he undertook his initial trip to Eastern Europe and Russia in the summer of 1994, I ensured all materials were obtained from open sources - after all, this was a law enforcement oriented trip, not a trip involving traditional national security issues.

And, as these emerging democracies further develop their law enforcement skills - skills that must be relearned for application in a democracy - they have also learned how to exploit open source information. This includes such information as publicly available articles of incorporation, telephone subscriber information, flight information, residences, and other basic fundamental information used by law enforcement agencies. For "open source" is a concept alien to a police state, or under Communism, where everything is a "state secret."

But, the use of open source information is not just restricted to the area of transnational crime.

Law enforcement in the U. S. is undergoing fundamental changes. There are about 565,000 sworn public officers in the U. S. In 1960, there was about three sworn officers for every violent crime. In 1995, there is about 3.5 violent crimes for every sworn officer.

I'm reminded of a statement attributed to Sir Josiah Stamp of England's Revenue Department at about the turn of the century:

"The Government are very keen on amassing statistics. They collect them, add them, raise them to the nth power, take the cube root and prepare wonderful diagrams. But, you must never forget that everyone of these figures comes in the first instance from the village watchman, who just puts down what he damn pleases."

So, one may take issue with the statistics themselves, but I think we all agree ours is indeed a more violent society.

Perhaps, demographics plays a part in this. In 1890, 90 percent of all Americans lived in rural areas. In 1995, 25 percent live in rural areas. We have eroding tax bases in some highly industrialized areas. And, law enforcement increasingly is involved in enforcing what are social issues - the second largest number of public officers killed are in domestic situations.

Further, ours is a society where those with the greatest daily contact with the criminal justice system are those who contribute the least to its budgets.

More statistics!

Ninety percent of all police agencies serve populations with less than 25,000 residents.

Seventy-five percent of all police agencies serve a population of fewer than 10,000 residents.

Rural violent crime has increased over 35 percent in the past 10 years.

The rate of police officers killed in rural counties and small cities was greater than that of large urban areas during the past five years.

The average starting salaries in rural police and sheriff departments is \$15,000 per year - compared with \$26,000 in urban areas.

Clearly, there is need for assistance in this critical area.

The University of Arkansas at Little Rock's Criminal Justice Institute, under the leadership of Dr. Lee Colwell, has embarked on an ambitious program in this area through its attempts to establish a National Center for Rural Law Enforcement. UALR hopes to establish a network for training and information to assist rural law enforcement agencies in such problem areas as budgets, liability issues, violent crime, coalition, and community involvement. They have determined there is need for advanced training for managers, a sharing of agency policy and procedures, funding, intergovernmental relations, and information sharing and analyses.

How is this to be accomplished? A principal part of the architecture establishing the Center is the use of Internet. Basically, the architecture involves a focus on small departments at the lowest possible cost to those departments and, technically, what is most readily accessible. The Criminal Justice Institute will further develop and maintain a library, involving research, topical information, and surveys, and will also provide the linkage to the open source libraries in the larger Internet.

Hopefully, this will allow for a greater information flow in such areas as unemployment statistics, demographics, population shifts, tax information, etc., that will result in



research and analysis and allow the law enforcement community to anticipate crime problems and not simply react to them.

And, using Internet, the Center will make an innovative use of distant learning. The goal will be to have a distant learning capability within an hour or so driving distance by any rural police officer. Centers will be strategically placed throughout rural portions of states allowing law enforcement officers to drive to the Centers, receive the training, and return to these departments without the costs associated with extended training in far away cities. There are legislative initiatives underway to establish this much-needed Center, and Internet plays a vital role in both its concept and success.

The FBI's use of open source information and technical capabilities is growing - not only in its efforts in such traditional areas as counterintelligence and counterterrorism, but in the new responsibilities of transnational crime and even domestic law enforcement.

Thank you for this opportunity to share with you the many views of intelligence support to transnational and domestic law enforcement.

# OSS '95: THE CONFERENCE Proceedings, 1995 Volume II Fourth International Symposium on Global Security & Global Competitiveness: O - Link Page

Previous [Dr. Joseph Markowitz. Director. Community Open Source Program Office](#)

Next [Mr. Tim Campen. Deputy Director \(Technical\). National Drug Intelligence Center](#)

[Return to Electronic Index Page](#)