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Richard A. Posner, in the first full-length study of the post-9/11 movement for intelligence reform, argues that the 9/11 Commissions analysis, on which Congress relied heavily in enacting the Intelligence Reform and Terrorism Prevention Act of 2004, was superficial and its organizational proposals unsound. The Commission, followed by Congress, exaggerated the benefits of centralizing control over intelligence; neglected the relevant scholarship dealing with surprise attacks, organization theory, and the principles of intelligence, and the experience of foreign nations—some of which have a longer history of fighting terrorism than the United States; and as a result ignored the psychological, economic, historical, sociological, and comparative dimensions of the issue of intelligence reform.

Posner explains, however, that a ray of hope remains: The reorganization provisions of the new Intelligence Reform and Terrorism Prevention Act are so vague—as a result of intense politicking—that the actual shape of the reorganized system will depend critically on decisions made by the President in implementing the Act. In a searing critique, Posner exposes the pitfalls created by the new legislation, identifies the issues overlooked by the 9/11 Commission and Congress, and suggests directions for real reform.
RICHARD A. POSNER is a judge on the U.S. Court of Appeals in Chicago and senior lecturer at the University of Chicago Law School. He is author of hundreds of articles and nearly four dozen books, including An Affair of State: The Investigation, Impeachment, and Trial of President Clinton (1999); Breaking the Deadlock: The 2000 Election, the Constitution, and the Courts (2001); Public Intellectuals: A Study of Decline (2002); and Catastrophe: Risk and Response (2004).

My Personal Review:
Richard Posner's book will be of great interest to anyone concerned about the rapid changes now taking place in the US intelligence community. This book is a must for anyone who wants to understand the function and organization of intelligence. Posner's arguments are so clear and compelling that you will find yourself saying "Ah-ha!" after almost every chapter.

Specifically, Posner takes on the "The 9/11 Commission Report," for offering an organizational solution for a managerial failure. He shows how the Commission's organizational line and block solution led to the enactment of the Intelligence Reform and Terrorism Prevention Act. He shows how this happened with little or no debate about the Commission's recommendations.

Posner explains why surprise attacks happen, and how little the organization of an intelligence apparatus has to do with it. For example, the Arab nations surprised Israel in the Yom Kipur War. An Israel commission determined, after the fact, that the reason for the surprise was lack of decentralization in its intelligence services. The 9/11 Commission, on the other hand, determine the surprise of 9/11 was due to not enough centralization. The fact that there are divergent views on this matter is not surprising. What is surprising is that the 9/11 Commission failed to even investigate them.

As Posner explains, surprise attacks happen, because the adversary does something that is essentially stupid and self-defeating. Often, the surprise attack is a miscalculation, not just for the attacked, but for the attacker as well. This makes anticipation of such attacks particularly challenging. As result, the Commission's hindsight was not 20/20, but altogether distorted by its focus on what had already happened, and not on the full range of possible future surprise attacks.

The range of such attacks is nearly infinite. According to Posner, the desire of the Commission to create an "Intelligence Czar" will not enhance the US intelligence community's ability to foretell these events. It will have the opposite effect of limiting the scope of vision and the diversity of analysis that will make any accurate and timely prediction possible. An Intelligence Czar will be much more prone to political influence, and he will
function well above the horizon of subtle surprise attack indicators. He will also be much more likely to spend his time focusing on the "threat de jure" instead of genuine threats.

Posner, however, is not simply beating a dead horse here. While it is true that the Intelligence Reform and Terrorism Prevention Act has been signed into law, the ambiguity of that law still allows for a less destructive interpretation and execution of the law. Under the new law, the Director of National Intelligence may become the "Intelligence Czar," acting as the CEO of the intelligence community. Hopefully, however, he will take on a more constructive role - facilitator of greater coordination, acting as the chairman of the board of the intelligence community. This still remains an open debate.

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