The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

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Report to the President of the United States

March 31, 2005

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Commission on the Intelligence Capabilities of the
United States Regarding Weapons of Mass Destruction
WASHINGTON, D.C. 20503

CO-CHAIRMEN:

THE HONORABLE
LAURENCE H. SILBERMAN

THE HONORABLE
CHARLES S. ROBB

March 31, 2005

Mr. President:

With this letter, we transmit the report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. Our unanimous report is based on a lengthy investigation, during which we interviewed hundreds of experts from inside and outside the Intelligence Community and reviewed thousands of documents. Our report offers 74 recommendations for improving the U.S. Intelligence Community (all but a handful of which we believe can be implemented without statutory change). But among these recommendations a few points merit special emphasis.

We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. This was a major intelligence failure. Its principal causes were the Intelligence Community's inability to collect good information about Iraq's WMD programs, serious errors in analyzing what information it could gather, and a failure to make clear just how much of its analysis was based on assumptions, rather than good evidence. On a matter of this importance, we simply cannot afford failures of this magnitude.

After a thorough review, the Commission found no indication that the Intelligence Community distorted the evidence regarding Iraq's weapons of mass destruction. What the intelligence professionals told you about Saddam Hussein's programs was what they believed. They were simply wrong.

As you asked, we looked as well beyond Iraq in our review of the Intelligence Community's capabilities. We conducted case studies of our intelligence agencies' recent performance assessing the risk of WMD in Libya and Afghanistan, and our current capabilities with respect to several of the world's most dangerous state and non-state proliferation threats. Out of this more comprehensive review, we report both bad news and good news. The bad news is that we still know disturbingly little about the weapons programs and even less about the intentions of many of our most dangerous adversaries. The good news is that we have had some solid intelligence successes—thanks largely to innovative and multi-agency collection techniques.

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Our review has convinced us that the best hope for preventing future failures is dramatic change. We need an Intelligence Community that is truly integrated, far more imaginative and willing to run risks, open to a new generation of Americans, and receptive to new technologies.

We have summarized our principal recommendations for the entire Intelligence Community in the Overview of the report. Here, we focus on recommendations that we believe only you can effect if you choose to implement them:

- ***Give the DNI powers—and backing—to match his responsibilities.***

In your public statement accompanying the announcement of Ambassador Negroponte's nomination as Director of National Intelligence (DNI), you have already moved in this direction. The new intelligence law makes the DNI responsible for integrating the 15 independent members of the Intelligence Community. But it gives him powers that are only relatively broader than before. The DNI cannot make this work unless he takes his legal authorities over budget, programs, personnel, and priorities to the limit. It won't be easy to provide this leadership to the intelligence components of the Defense Department, or to the CIA. They are some of the government's most headstrong agencies. Sooner or later, they will try to run around—or over—the DNI. Then, only your determined backing will convince them that we cannot return to the old ways.

- ***Bring the FBI all the way into the Intelligence Community.***

The FBI is one of the proudest and most independent agencies in the United States Government. It is on its way to becoming an effective intelligence agency, but it will never arrive if it insists on using only its own map. We recommend that you order an organizational reform of the Bureau that pulls all of its intelligence capabilities into one place and subjects them to the coordinating authority of the DNI—the same authority that the DNI exercises over Defense Department intelligence agencies. Under this recommendation, the counterterrorism and counterintelligence resources of the Bureau would become a single National Security Service inside the FBI. It would of course still be subject to the Attorney General's oversight and to current legal rules. The intelligence reform act almost accomplishes this task, but at crucial points it retreats into ambiguity. Without leadership from the DNI, the FBI is likely to continue escaping effective integration into the Intelligence Community.

- ***Demand more of the Intelligence Community.***

The Intelligence Community needs to be pushed. It will not do its best unless it is pressed by policymakers—sometimes to the point of discomfort. Analysts must be pressed to explain how much they don't know; the collection agencies must be pressed to explain why they don't have better information on key topics. While policymakers must be prepared to credit intelligence that doesn't fit their preferences, no important intelligence assessment should be accepted without sharp questioning that forces the

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community to explain exactly how it came to that assessment and what alternatives might also be true. This is not "politicization"; it is a necessary part of the intelligence process. And in the end, it is the key to getting the best from an Intelligence Community that, at its best, knows how to do astonishing things.

- ***Rethink the President's Daily Brief.***

The daily intelligence briefings given to you before the Iraq war were flawed. Through attention-grabbing headlines and repetition of questionable data, these briefings overstated the case that Iraq was rebuilding its WMD programs. There are many other aspects of the daily brief that deserve to be reconsidered as well, but we are reluctant to make categorical recommendations on a process that in the end must meet your needs, not our theories. On one point, however, we want to be specific: while the DNI must be ultimately responsible for the content of your daily briefing, we do not believe that the DNI ought to prepare, deliver, or even attend every briefing. For if the DNI is consumed by current intelligence, the long-term needs of the Intelligence Community will suffer.

• • •

There is no more important intelligence mission than understanding the worst weapons that our enemies possess, and how they intend to use them against us. These are their deepest secrets, and unlocking them must be our highest priority. So far, despite some successes, our Intelligence Community has not been agile and innovative enough to provide the information that the nation needs. Other commissions and observers have said the same. We should not wait for another commission or another Administration to force widespread change in the Intelligence Community.

Very respectfully,

Laurence H. Silberman
Co-Chairman

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Richard C. Levin

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SUMMARY OF CONTENTS

OVERVIEW 1

PART ONE: LOOKING BACK

INTRODUCTION TO PART ONE 39
CHAPTER ONE: Iraq. 43
CHAPTER TWO: Libya 251
CHAPTER THREE: Al-Qa'ida in Afghanistan 267
CHAPTER FOUR: Terrorism: Managing Today's Threat 279
CHAPTER FIVE: Iran and North Korea: Monitoring the Development of Nuclear Weapons 305

PART TWO: LOOKING FORWARD

INTRODUCTION TO PART TWO 307
CHAPTER SIX: Leadership and Management: Forging an Integrated Intelligence Community 311
CHAPTER SEVEN: Collection 351
CHAPTER EIGHT: Analysis 387
CHAPTER NINE: Information Sharing 429
CHAPTER TEN: Intelligence at Home: The FBI, Justice, and Homeland Security 451
CHAPTER ELEVEN: Counterintelligence 485
CHAPTER TWELVE: Covert Action 499
CHAPTER THIRTEEN: The Changing Proliferation Threat and the Intelligence Response 501

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CONCLUSION 537
POSTSCRIPT: Additional Intelligence Challenges 543

APPENDICES

Appendix A: Authorizing Executive Order 551
Appendix B: List of Findings and Recommendations 557
Appendix C: An Intelligence Community Primer 579
Appendix D: Common Abbreviations. 591
Appendix E: Biographical Information for Commissioners and List of Commission Staff 595

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CONTENTS

OVERVIEW 1

PART ONE: LOOKING BACK

INTRODUCTION TO PART ONE 39

CHAPTER ONE: IRAQ 43
Introduction 45
Nuclear Weapons 52
The Intelligence Community's Pre-War Assessments 53
Post-War Findings of the Iraq Survey Group 60
Analysis of the Intelligence Community's Pre-War Assessments 65
Biological Warfare 80
The Intelligence Community's Pre-War Assessments 81
Post-War Findings of the Iraq Survey Group 86
Analysis of the Intelligence Community's Pre-War Assessments 87
Conclusion 110
Chemical Warfare 112
The Intelligence Community's Pre-War Assessments 113
Post-War Findings of the Iraq Survey Group 119
Analysis of the Intelligence Community's Pre-War Assessments 121
Conclusion 130
Delivery Systems 132
The Intelligence Community's Pre-War Assessments 134
Post-War Findings of the Iraq Survey Group 141

Digitized by Google
Original from UNIVERSITY OF MINNESOTA

Analysis of the Intelligence Community's Pre-War Assessments 142
Conclusion 146
Regime Decisionmaking 147
The Intelligence Community's Pre-War Assessments 148
Post-War Findings of the Iraq Survey Group 151
Analysis of the Intelligence Community's Pre-War Assessments 154
Conclusion 156
Cause for the Intelligence Community's Inaccurate Pre-War Assessments 157
Collection 157
Analysis 168
Information Sharing 177
Dissemination 180
Politicization 187
Accountability 194

CHAPTER TWO: LIBYA 251
Introduction 252
Comparing Intelligence Assessments with U.S. Findings in Libya 253
Nuclear Weapons 253
Chemical Weapons 254
Biological Weapons 255
Delivery Systems 256
The Underpinnings of Success 257
Nuclear Program 257
Chemical and Biological Warfare Programs 258
Delivery Systems 259
Analysis 259
Looking Ahead 262
Reduced Emphasis on the Target 263
Conclusion 263

CHAPTER THREE: AL-QA'IDA IN AFGHANISTAN 267
Introduction 268

Digitized by Google
Original from UNIVERSITY OF MINNESOTA

Comparison of Intelligence: "Before" and "After" Snapshots of Al-Qa'ida's Weapons of Mass Destruction Programs in Afghanistan 269
Biological Weapons 269
Chemical Weapons 270
Radiological and Nuclear Weapons 271
Awakening to a New Threat: Collection Shortfalls and Analytic Uncertainty 273
Inadequate Collection: Little Insight into Al-Qa'ida's Capabilities and Intentions 273
Analysis: Cross-Discipline Collaboration, Warning, and Evaluation 274
Conclusion 276

CHAPTER FOUR: TERRORISM: MANAGING TODAY'S THREAT 279
Introduction 280
Systemic Flaws as of the "Summer of Threat" 281
Notable Improvements Since the September 11 Attacks 282
Information Sharing: Much Room for Improvement 285
Counterterrorism Warning and Analysis: A Struggle Between Agencies 288
Who's in Charge of Counterterrorism Analysis and Warning? 288
A Failure to Warn with One Voice 292
Text Box: What Part of "Warning" Should Be Competitive? 292
Maintenance of Redundant Capabilities 294
The Failure to Manage Community Resources in Response to the WMD Terrorism Threat 295
Defining Roles and Responsibilities for the WMD Terrorism Threat 296
The Domestic Intelligence Effort on WMD Terrorism 297
Conclusion 298

CHAPTER FIVE: IRAN AND NORTH KOREA: MONITORING THE DEVELOPMENT OF NUCLEAR CAPABILITIES . . 305

Digitized by Google
Original from UNIVERSITY OF MINNESOTA

PART TWO: LOOKING FORWARD

INTRODUCTION TO PART TWO 307

CHAPTER SIX: LEADERSHIP AND MANAGEMENT: FORGING AN INTEGRATED INTELLIGENCE COMMUNITY 311

Introduction 312

Building an Integrated Intelligence Community 313

Levers of Authority: Powers and Limitations of the New DNI 313

Organize Around Missions 317

Coordinate Target Development 319

Facilitate Information Sharing 320

Create Real "Jointness" and Build a Modern Workforce 321

Develop New Mechanisms for Spurring Innovation 326

A Different Kind of "Center": Developing the National Counter Proliferation Center 327

Potential Pitfalls on the Path to Integration 331

Working with the FBI: Integrating Intelligence at Home and Abroad 331

Working with the Defense Department: Coordinating the National Intelligence Program with the Secretary of Defense 332

Text Box: Another Potential Pitfall: Legal Myths in the Intelligence Community 335

Sustained Oversight from the Outside and Improved Self-Examination from Within: Making Sure Reform Happens . . 336

Conclusion 342

Addendum: The Office of the Director of National Intelligence 343

CHAPTER SEVEN: COLLECTION 351

Introduction 352

The Targeting Challenge 353

The Cold War 353

Today's Targets 354

Addressing Today's Collection Demands 355

Creating an "Integrated Collection Enterprise" 356

Digitized by Google

Original from UNIVERSITY OF MINNESOTA

Integrated Target Development 358
Strategic Management of Collection 359
Text Box: Targeting in an Integrated Fashion 360
Integrated Data Management 361
Integrated Strategic Planning and Investment 362
Integrated Development of New Collection Techniques 364
Improving the Performance of Individual Collection Disciplines 365
Human Intelligence Collection 365
Text Box: Collecting Human Intelligence: Custodial Interrogations 373
Technical Intelligence Collection 374
Open Source Collection 377
Protecting Sources and Methods 380
Authorized Disclosures of Sources and Methods 381
The Problem of Media Leaks 381

CHAPTER EIGHT: ANALYSIS 387
Introduction 388
Text Box: Achieving Community Integration Among Analysts 390
Managing the Community of Analysts 391
Tapping Non-Traditional Sources of Information 395
Text Box: Context Is Critical 398
Managing the Influx of Information 401
Fostering Long-Term Research and Strategic Thinking 402
Encouraging Diverse and Independent Analysis 405
Improving Tradecraft Through Training 407
Text Box: What Denial and Deception (D&D) Means for Analysis 410
Making Analysis More Transparent 411
Improving Scientific, Technical, and Weapons Intelligence . . 414
Serving Intelligence Customers 416
Modernizing the Analyst-Customer Relationship 417
Components of the Analyst-Customer Relationship 418
Serving the President and Senior Policymakers 419
Retaining the Best Analysts 423

Digitized by Google
Original from UNIVERSITY OF MINNESOTA

Learning from Past Mistakes 424
Conclusion 425

CHAPTER NINE: INFORMATION SHARING 429
Text Box: An End to "Sharing" 430
Introduction: The Lay of the Land 430
Implementing the New Intelligence Legislation: Disentangling Overlapping Authorities 432
Managing Information Access, Information Security, and Information Technology 436
Learning From Past Information Sharing Experience 438
Setting Uniform Information Sharing Policies 441
Employing Strong Enforcement Mechanisms and Incentives to Drive Change 444
Protecting Privacy and Civil Liberties 445

CHAPTER TEN: INTELLIGENCE AT HOME: THE FBI, JUSTICE, AND HOMELAND SECURITY 451
Introduction 452
Change and Resistance to Change at the FBI 452
Change 452
Resistance to Change 454
Integrating the FBI into the Intelligence Community 457
The DNI's Budget Authority Over the FBI 457
Appointment Authority and the Weakness of the Intelligence Directorate 460
"Intelligence Elements" of the FBI 464
Realigning the FBI's Intelligence Elements 465
Ending the Turf War Between the FBI and CIA 468
The Department of Justice: The Remaining Reorganization . . 471
The Department of Homeland Security: More Walls to Breach 473

CHAPTER ELEVEN: COUNTERINTELLIGENCE 485
Introduction 486
The Counterintelligence Challenge 488

Digitized by Google
Original from UNIVERSITY OF MINNESOTA

The Status Quo 489
Institutionalizing Leadership 490
Inside the Agencies 492
Conclusion 495

CHAPTER TWELVE: COVERT ACTION 499

CHAPTER THIRTEEN: THE CHANGING PROLIFERATION THREAT AND THE INTELLIGENCE RESPONSE 501
Introduction 502
Biological Weapons 503
Introduction: "The Greatest Intelligence Challenge" 503
Biological Threats 505
The Intelligence Gap: What We Don't Know 506
The United States Response: The Biodefense Shield 508
Going Forward: Improving Biological Weapons Intelligence Capabilities 509
Conclusion 516
Nuclear Weapons 516
Introduction 516
Loose Nukes: The Great Unknown 517
Text Box: Established Nuclear Powers: China and Russia 518
The Khan Network: "One-Stop Shopping" for Proliferation . . . 519
Conclusion 520
Chemical Weapons 520
The Interdiction Challenge: Intelligence for Action 522
Introduction 522
Improving the Flow of Information 523
Developing Tools to Do It in Real Time 523
Going Forward: A Different Model 524
Protecting our Borders: The Department of Homeland Security 527
Enlisting Commerce and Treasury to Combat Proliferation . . 529
Introduction 529
Department of Commerce: Enforcing the Export Control Regime 530

Digitized by Google
Original from UNIVERSITY OF MINNESOTA

Department of the Treasury: Stopping Proliferation Financiers 531
Conclusion 532

CONCLUSION 537

POSTSCRIPT: FUTURE INTELLIGENCE CHALLENGES 543
Security, Counterintelligence, and Information Assurance . . . 545
Rethinking Overhead Collection 546
Maximizing Intelligence Support to Public Diplomacy and Information Warfare 547

APPENDICES

Appendix A: Authorizing Executive Order 551
Appendix B: List of Findings and Recommendations 557
Appendix C: An Intelligence Community Primer 579
Appendix D: Common Abbreviations. 591
Appendix E: Biographical Information for Commissioners and List of Commission Staff 595

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INTRODUCTORY NOTE ON CLASSIFICATION

This unclassified report is derived from a 692-page classified report that was delivered to the President on March 31, 2005. We endeavored to write our classified report in a manner that allowed as much of its content as possible to be released—word for word—in this unclassified report. Because our mandate required us to review, and reach conclusions from, some of the more sensitive information in the possession of the United States Government, there was some information that we simply could not release in our unclassified report. Where the unclassified report omits substantive information that appears in the classified report, we make reference to the omission and, where possible, offer a general description of the omitted material.

We also note here that there are two chapters of our classified report that we could not include at all in our unclassified version. First, our classified report contained a chapter addressing the United States' intelligence capabilities with respect to two countries of proliferation concern, Iran and North Korea. Regrettably, even generalized statements about the state of the Intelligence Community's understanding of these countries are classified, and so we could not include our findings in this area in our unclassified report. Second, our classified report includes a short chapter on covert action which also is too sensitive to include in an unclassified format.

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OVERVIEW OF THE REPORT

INTRODUCTION

On the brink of war, and in front of the whole world, the United States government asserted that Saddam Hussein had reconstituted his nuclear weapons program, had biological weapons and mobile biological weapon production facilities, and had stockpiled and was producing chemical weapons. All of this was based on the assessments of the U.S. Intelligence Community. And not one bit of it could be confirmed when the war was over.

While the intelligence services of many other nations also thought that Iraq had weapons of mass destruction, in the end it was the United States that put its credibility on the line, making this one of the most public—and most damaging—intelligence failures in recent American history.

This failure was in large part the result of analytical shortcomings; intelligence analysts were too wedded to their assumptions about Saddam's intentions. But it was also a failure on the part of those who collect intelligence—CIA's and the Defense Intelligence Agency's (DIA) spies, the National Security Agency's (NSA) eavesdroppers, and the National Geospatial-Intelligence Agency's (NGA) imagery experts.* In the end, those agencies collected precious little intelligence for the analysts to analyze, and much of what they did collect was either worthless or misleading. Finally, it was a failure to communicate effectively with policymakers; the Intelligence Community didn't adequately explain just how little good intelligence it had—or how much its assessments were driven by assumptions and inferences rather than concrete evidence.

Was the failure in Iraq typical of the Community's performance? Or was Iraq, as one senior intelligence official told the Commission, a sort of "perfect storm"—a one-time breakdown caused by a rare confluence of events that conspired to create a bad result? In our view, it was neither.

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* While we have attempted to write this report in a way that is accessible to those not acquainted with the world of intelligence, we have included a primer on the U.S. Intelligence Community at Appendix C of this report for readers who are new to the subject.

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The failures we found in Iraq are not repeated everywhere. The Intelligence Community played a key role, for example, in getting Libya to renounce weapons of mass destruction and in exposing the long-running A.Q. Khan nuclear proliferation network. It is engaged in imaginative, successful (and highly classified) operations in many parts of the world. Tactical support to counterterrorism efforts is excellent, and there are signs of a boldness that would have been unimaginable before September 11, 2001.

But neither was Iraq a "perfect storm." The flaws we found in the Intelligence Community's Iraq performance are still all too common. Across the board, the Intelligence Community knows disturbingly little about the nuclear programs of many of the world's most dangerous actors. In some cases, it knows less now than it did five or ten years ago. As for biological weapons, despite years of Presidential concern, the Intelligence Community has struggled to address this threat.

To be sure, the Intelligence Community is full of talented, dedicated people. But they seem to be working harder and harder just to maintain a *status quo* that is increasingly irrelevant to the new challenges presented by weapons of mass destruction. Our collection agencies are often unable to gather intelligence on the very things we care the most about. Too often, analysts simply accept these gaps; they do little to help collectors identify new opportunities, and they do not always tell decisionmakers just how limited their knowledge really is.

Taken together, these shortcomings reflect the Intelligence Community's struggle to confront an environment that has changed radically over the past decade. For almost 50 years after the passage of the National Security Act of 1947, the Intelligence Community's resources were overwhelmingly trained on a single threat—the Soviet Union, its nuclear arsenal, its massive conventional forces, and its activities around the world. By comparison, today's priority intelligence targets are greater in number (there are dozens of entities that could strike a devastating blow against the United States) and are often more diffuse in character (they include not only states but also nebulous transnational terror and proliferation networks). What's more, some of the weapons that would be most dangerous in the hands of terrorists or rogue nations are difficult to detect. Much of the technology, equipment, and materials necessary to develop biological and chemical weapons, for example, also has legitimate commercial applications. Biological weapons

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themselves can be built in small-scale facilities that are easy to conceal, and weapons-grade uranium can be effectively shielded from traditional detection techniques. At the same time, advances in technology have made the job of technical intelligence collection exceedingly difficult.

The demands of this new environment can only be met by broad and deep change in the Intelligence Community. The Intelligence Community we have today is buried beneath an avalanche of demands for "current intelligence"—the pressing need to meet the tactical requirements of the day. Current intelligence in support of military and other action is necessary, of course. But we also need an Intelligence Community with *strategic* capabilities: it must be equipped to develop long-term plans for penetrating today's difficult targets, and to identify political and social trends shaping the threats that lie over the horizon. We can imagine no threat that demands greater strategic focus from the Intelligence Community than that posed by nuclear, biological, and chemical weapons.

The Intelligence Community is also fragmented, loosely managed, and poorly coordinated; the 15 intelligence organizations are a "Community" in name only and rarely act with a unity of purpose. What we need is an Intelligence Community that is *integrated*: the Community's leadership must be capable of allocating and directing the Community's resources in a coordinated way. The strengths of our distinct collection agencies must be brought to bear together on the most difficult intelligence problems. At the same time we need a Community that preserves diversity of analysis, and that encourages structured debate among agencies and analysts over the interpretation of information.

Perhaps above all, the Intelligence Community is too slow to change the way it does business. It is reluctant to use new human and technical collection methods; it is behind the curve in applying cutting-edge technologies; and it has not adapted its personnel practices and incentives structures to fit the needs of a new job market. What we need is an Intelligence Community that is flexible—able to respond nimbly to an ever-shifting threat environment and to the rapid pace of today's technological changes.

In short, to succeed in confronting today's and tomorrow's threats, the Intelligence Community must be transformed—a goal that would be difficult to meet even in the best of all possible worlds. And we do not live in the best of

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worlds. The CIA and NSA may be sleek and omniscient in the movies, but in real life they and other intelligence agencies are vast government bureaucracies. They are bureaucracies filled with talented people and armed with sophisticated technological tools, but talent and tools do not suspend the iron laws of bureaucratic behavior. Like government bodies everywhere, intelligence agencies are prone to develop self-reinforcing, risk averse cultures that take outside advice badly. While laudable steps were taken to improve our intelligence agencies after September 11, 2001, the agencies have done less in response to the failures over Iraq, and we believe that many within those agencies do not accept the conclusion that we reached after our year of study: that the Community needs fundamental change if it is to successfully confront the threats of the 21st century.

We are not the first to say this. Indeed, commission after commission has identified some of the same fundamental failings we see in the Intelligence Community, usually to little effect. The Intelligence Community is a closed world, and many insiders admitted to us that *it has an almost perfect record of resisting external recommendations.*

But the present moment offers an unprecedented opportunity to overcome this resistance. About halfway through our inquiry, Congress passed the *Intelligence Reform and Terrorism Prevention Act of 2004*, which became a sort of a *deus ex machina* in our deliberations. The act created a Director of National Intelligence (DNI). The DNI's role could have been a purely coordinating position, with a limited staff and authority to match. Or it could have been something closer to a "Secretary of Intelligence," with full authority over the principal intelligence agencies and clear responsibility for their actions—which also might well have been consistent with a small bureaucratic superstructure. In the end, the DNI created by the intelligence reform legislation was neither of these things; the office is given broad responsibilities but only ambiguous authorities. While we might have chosen a different solution, we are not writing on a blank slate. So our focus has been in large part on how to make the new intelligence structure work, and in particular on giving the DNI tools (and support staff) to match his large responsibilities.

We are mindful, however, that there is a serious risk in creating too large a bureaucratic structure to serve the DNI: the risk that decisionmaking in the field, which sometimes requires quick action, will be improperly delayed. Balancing these two imperatives—necessary agility of operational execution

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and thoughtful coordination of intelligence activities—is, in our view, the DNI's greatest challenge.

In considering organizational issues, we did not delude ourselves that organizational structure alone can solve problems. More than many parts of government, the culture of the Intelligence Community is formed in the field, where organizational changes at headquarters are felt only lightly. We understand the limits of organizational change, and many of our recommendations go beyond organizational issues and would, if enacted, directly affect the way that intelligence is collected and analyzed. But we regret that we were not able to make such detailed proposals for some of the most important technical collection agencies, such as NSA and NGA. For those agencies, and for the many other issues that we could only touch upon, we must trust that our broader institutional recommendations will enable necessary reform. The DNI that we envision will have the budget and management tools to dig deep into the culture of each agency and to force changes where needed.

This Overview—and, in far more detail, the report that follows—offers our conclusions on what needs to be done. We begin by describing the results of our case studies—which include Iraq, Libya, Afghanistan, and others—and the lessons they teach about the Intelligence Community's current capabilities and weaknesses. We then offer our recommendations for reform based upon those lessons.

Three final notes before proceeding. First, our main tasks were to find out how the Intelligence Community erred in Iraq and to recommend changes to avoid such errors in the future. This is a task that often lends itself to hubris and to second-guessing, and we have been humbled by the difficult judgments that had to be made about Iraq and its weapons programs. We are humbled too by the complexity of the management and technical challenges intelligence professionals face today. We recommend substantial changes, and we believe deeply that such changes are necessary, but we recognize that other reasonable observers could come to a different view on some of these questions.

Second, no matter how much we improve the Intelligence Community, weapons of mass destruction will continue to pose an enormous threat. Intelligence will always be imperfect and, as history persuades us, surprise can never be completely prevented. Moreover, we cannot expect spies, satellites, and analysts

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to constitute our only defense. As our biological weapons recommendations make abundantly clear, all national capabilities—regulatory, military, and diplomatic—must be used to combat proliferation.

Finally, we emphasize two points about the scope of this Commission's charter, particularly with respect to the Iraq question. First, we were *not* asked to determine whether Saddam Hussein had weapons of mass destruction. That was the mandate of the Iraq Survey Group; our mission is to investigate the reasons why the Intelligence Community's pre-war assessments were so different from what the Iraq Survey Group found after the war. Second, we were not authorized to investigate how policymakers used the intelligence assessments they received from the Intelligence Community. Accordingly, while we interviewed a host of current and former policymakers during the course of our investigation, the purpose of those interviews was to learn about how the Intelligence Community reached and communicated its judgments about Iraq's weapons programs—not to review how policymakers subsequently used that information.

LOOKING BACK: CASE STUDIES IN FAILURE AND SUCCESS

Our first task was to evaluate the Intelligence Community's performance in assessing the nuclear, biological, and chemical weapons activities of three countries: Iraq, Afghanistan, and Libya. In addition, we studied U.S. capabilities against other pressing intelligence problems—including Iran, North Korea, Russia, China, and terrorism. We wanted a range of studies so we would not judge the Intelligence Community solely on its handling of Iraq, which was—however important—a single intelligence target. In all, the studies paint a representative picture. It is the picture of an Intelligence Community that urgently needs to be changed.

Iraq: An Overview

In October 2002, at the request of members of Congress, the National Intelligence Council produced a National Intelligence Estimate (NIE)—the most authoritative intelligence assessment produced by the Intelligence Community—which concluded that Iraq was reconstituting its nuclear weapons program and was actively pursuing a nuclear device. According to the exhaustive study of the Iraq Survey Group, this assessment was almost com-

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pletely wrong. The NIE said that Iraq's biological weapons capability was larger and more advanced than before the Gulf War and that Iraq possessed mobile biological weapons production facilities. This was wrong. The NIE further stated that Iraq had renewed production of chemical weapons, including mustard, sarin, GF, and VX, and that it had accumulated chemical stockpiles of between 100 and 500 metric tons. All of this was also wrong. Finally, the NIE concluded that Iraq had unmanned aerial vehicles that were probably intended for the delivery of biological weapons, and ballistic missiles that had ranges greater than the United Nations' permitted 150 kilometer range. In truth, the aerial vehicles were not for biological weapons; some of Iraq's missiles were, however, capable of traveling more than 150 kilometers. The Intelligence Community's Iraq assessments were, in short, riddled with errors.

Contrary to what some defenders of the Intelligence Community have since asserted, these errors were *not* the result of a few harried months in 2002. Most of the fundamental errors were made and communicated to policymakers well before the now-infamous NIE of October 2002, and were not corrected in the months between the NIE and the start of the war. They were not isolated or random failings. Iraq had been an intelligence challenge at the forefront of U.S. attention for over a decade. It was a known adversary that had already fought one war with the United States and seemed increasingly likely to fight another. But, after ten years of effort, the Intelligence Community still had no good intelligence on the status of Iraq's weapons programs. Our full report examines these issues in detail. Here we limit our discussion to the central lessons to be learned from this episode.

The first lesson is that the Intelligence Community cannot analyze and disseminate information that it does not have. The Community's Iraq assessment was crippled by its inability to collect meaningful intelligence on Iraq's nuclear, biological, and chemical weapons programs. The second lesson follows from the first: lacking good intelligence, analysts and collectors fell back on old assumptions and inferences drawn from Iraq's past behavior and intentions.

The Intelligence Community had learned a hard lesson after the 1991 Gulf War, which revealed that the Intelligence Community's pre-war assessments had underestimated Iraq's nuclear program and had failed to identify all of its chemical weapons storage sites. Shaken by the magnitude of their errors,

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intelligence analysts were determined not to fall victim again to the same mistake. This tendency was only reinforced by later events. Saddam acted to the very end like a man with much to hide. And the dangers of underestimating our enemies were deeply underscored by the attacks of September 11, 2001.

Throughout the 1990s, therefore, the Intelligence Community assumed that Saddam's Iraq was up to no good—that Baghdad had maintained its nuclear, biological, and chemical technical expertise, had kept its biological and chemical weapons production capabilities, and possessed significant stockpiles of chemical agents and weapons precursors. Since Iraq's leadership had not changed since 1991, the Intelligence Community also believed that these capabilities would be further revved up as soon as inspectors left Iraq. Saddam's continuing cat-and-mouse parrying with international inspectors only hardened these assumptions.

These experiences contributed decisively to the Intelligence Community's erroneous National Intelligence Estimate of October 2002. That is not to say that its fears and assumptions were foolish or even unreasonable. At some point, however, these premises stopped being working hypotheses and became more or less unrebuttable conclusions; worse, the intelligence system became too willing to find confirmations of them in evidence that should have been recognized at the time to be of dubious reliability. Collectors and analysts too readily accepted any evidence that supported their theory that Iraq had stockpiles and was developing weapons programs, and they explained away or simply disregarded evidence that pointed in the other direction.

Even in hindsight, those assumptions have a powerful air of common sense. If the Intelligence Community's estimate and other pre-war intelligence had relied principally and explicitly on inferences the Community drew from Iraq's past conduct, the estimate would still have been wrong, but it would have been far more defensible. For good reason, it was hard to conclude that Saddam Hussein had indeed abandoned his weapons programs. But a central flaw of the NIE is that it took these defensible assumptions and swathed them in the mystique of intelligence, providing secret information that seemed to support them but was in fact nearly worthless, if not misleading. The NIE simply didn't communicate how weak the underlying intelligence was.

This was, moreover, a problem that was not limited to the NIE. Our review found that *after* the publication of the October 2002 NIE but *before* Secre-

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tary of State Colin Powell's February 2003 address to the United Nations, intelligence officials within the CIA failed to convey to policymakers new information casting serious doubt on the reliability of a human intelligence source known as "Curveball." This occurred despite the pivotal role Curveball's information played in the Intelligence Community's assessment of Iraq's biological weapons programs, and in spite of Secretary Powell's efforts to strip every dubious piece of information out of his proposed speech. In this instance, once again, the Intelligence Community failed to give policymakers a full understanding of the frailties of the intelligence on which they were relying.

Finally, we closely examined the possibility that intelligence analysts were pressured by policymakers to change their judgments about Iraq's nuclear, biological, and chemical weapons programs. The analysts who worked Iraqi weapons issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgments. That said, it is hard to deny the conclusion that intelligence analysts worked in an environment that did not encourage skepticism about the conventional wisdom.

Other Case Studies: An Overview

Our remaining case studies present a more mixed picture. On the positive side, Libya is fundamentally a success story. The Intelligence Community assessed correctly the state of Libya's nuclear and chemical weapons programs, and the Intelligence Community's use of new techniques to penetrate the A.Q. Khan network allowed the U.S. government to pressure Libya into dismantling those programs. In counterterrorism, the Intelligence Community has made great strides since September 11, in particular with respect to tactical operations overseas. These successes stemmed from isolated efforts that need to be replicated in other areas of intelligence; in the case of Libya, from innovative collection techniques and, in the case of terrorism, from an impressive fusion of interagency intelligence capabilities.

But we also reviewed the state of the Intelligence Community's knowledge about the unconventional weapons programs of several countries that pose current proliferation threats, including Iran, North Korea, China, and Russia. We cannot discuss many of our findings from these studies in our unclassified report, but we can say here that we found that we have only limited access to critical information about several of these high-priority intelligence targets.

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Lessons Learned from the Case Studies

Our case studies revealed failures and successes that ran the gamut of the intelligence process. Although each of these studies is covered in far greater detail in the report itself, we include here a summary of the central lessons we drew from them.

Poor target development: not getting intelligence on the issues we care about most. You can't analyze intelligence that you don't have—and our case studies resoundingly demonstrate how little we know about some of our highest priority intelligence targets. It is clear that in today's context the traditional collection techniques employed by individual collection agencies have lost much of their power to surprise our adversaries. The successful penetrations of "hard targets" that we did find were usually the result either of an innovative collection technique or of a creative integration of collection capabilities across agencies. In general, however, the Intelligence Community has not developed the long-term, coordinated collection strategies that are necessary to penetrate today's intelligence targets.

Lack of rigorous analysis. Long after the Community's assessment of Iraq had begun to fall apart, one of the main drafters of the NIE told us that, if he had to grade it, he would still give the NIE an "A." By that, he presumably meant that the NIE fully met the standards for analysis that the Community had set for itself. That is the problem. The scope and quality of analysis has eroded badly in the Intelligence Community and it must be restored. In part, this is a matter of tradecraft and training; in part, too, it is a matter of expertise.

Analytic "tradecraft"—the way analysts think, research, evaluate evidence, write, and communicate—must be strengthened. In many instances, we found finished intelligence that was loosely reasoned, ill-supported, and poorly communicated. Perhaps most worrisome, we found too many analytic products that obscured how little the Intelligence Community actually *knew* about an issue and how much their conclusions rested on inference and assumptions. We believe these tendencies must be reversed if decisionmakers are to have confidence in the intelligence they receive. And equally important, analysts must be willing to admit what they don't know in order to focus future collection efforts. Conversely, policymakers must be prepared to accept

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uncertainties and qualifications in intelligence judgments and not expect greater precision than the evaluated data permits.

Good "tradecraft" without expertise, however, will only get you so far. Our case studies identified areas in which the Community's level of expertise was far below what it should be. In several instances, the Iraq assessments rested on failures of technical analysis that should have been obvious at the time—failure to understand facts about weapons technology, for example, or failures to detect obvious forgeries. Technical expertise, particularly relating to weapons systems, has fallen sharply in the past ten years. And in other areas, such as biotechnology, the Intelligence Community is well behind the private sector.

But the problem of expertise goes well beyond technical knowledge. During the Cold War, the Intelligence Community built up an impressive body of expertise on Soviet society, organization, and ideology, as well as on the Soviet threat. Regrettably, no equivalent talent pool exists today for the study of Islamic extremism. In some cases, the security clearance process limits the Intelligence Community's ability to recruit analysts with contacts among relevant groups and with experience living overseas. Similarly, some security rules limit the ways in which analysts can develop substantive expertise. Finally, poor training or bad habits lead analysts to rely too much on secret information and to use non-clandestine and public information too little. Non-clandestine sources of information are critical to understanding societal, cultural, and political trends, but they are insufficiently utilized.

Lack of political context—and imagination. The October 2002 NIE contained an extensive technical analysis of Iraq's suspected weapons programs but little serious analysis of the socio-political situation in Iraq, or the motives and intentions of Iraqi leadership—which, in a dictatorship like Iraq, really meant understanding Saddam. It seems unlikely to us that weapons experts used to combing reports for tidbits on technical programs would ever have asked: "Is Saddam bluffing?" or "Could he have decided to suspend his weapons programs until sanctions are lifted?" But an analyst steeped in Iraq's politics and culture at least *might* have asked those questions, and, of course, those turn out to be the questions that could have led the Intelligence Community closer to the truth. In that respect, the analysts displayed a lack of imagination. The Iraq example also reflects the Intelligence Community's increasing tendency to separate regional, technical, and

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(now) terrorism analysis—a trend that is being exacerbated by the gravitational pull toward centers like the National Counterterrorism Center (NCTC).

Overemphasis on and underperformance in daily intelligence products. As problematic as the October 2002 NIE was, it was not the Community's biggest analytic failure on Iraq. Even more misleading was the river of intelligence that flowed from the CIA to top policymakers over long periods of time—in the President's Daily Brief (PDB) and in its more widely distributed companion, the Senior Executive Intelligence Brief (SEIB). These daily reports were, if anything, more alarmist and less nuanced than the NIE. It was not that the intelligence was markedly different. Rather, it was that the PDBs and SEIBs, with their attention-grabbing headlines and drumbeat of repetition, left an impression of many corroborating reports where in fact there were very few sources. And in other instances, intelligence suggesting the existence of weapons programs was conveyed to senior policymakers, but later information casting doubt upon the validity of that intelligence was not. In ways both subtle and not so subtle, the daily reports seemed to be "selling" intelligence—in order to keep its customers, or at least the First Customer, interested.

Inadequate information sharing. There is little doubt that, at least in the context of counterterrorism, information sharing has improved substantially since September 11. This is in no small part due to the creation of the Terrorist Threat Integration Center (now NCTC) and the increased practice of housing collectors and analysts together, which provides a real-world solution to some of the bureaucratic and institutional barriers that exist between the big intelligence-collecting agencies. But in the three and a half years since September 11, this push to share information has not spread to other areas, including counterproliferation, where sharing is also badly needed. Furthermore, even in the counterterrorism context, information sharing still depends too much on physical co-location and personal relationships as opposed to integrated, Community-wide information networks. Equally problematic, individual departments and agencies continue to act as though they own the information they collect, forcing other agencies to pry information from them. Similarly, much information deemed "operational" by the CIA and FBI isn't routinely shared, even though analysts have repeatedly stressed its importance. All of this reveals that extensive work remains yet to be done.

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Poor human intelligence. When the October 2002 NIE was written the United States had little human intelligence on Iraq's nuclear, biological, and chemical weapons programs and virtually no human intelligence on leadership intentions. While classification prevents us from getting into the details, the picture is much the same with respect to other dangerous threats. We recognize that espionage is always chancy at best; 50 years of pounding away at the Soviet Union resulted in only a handful of truly important human sources. Still, we have no choice but to do better. Old approaches to human intelligence alone are not the answer. Countries that threaten us are well aware of our human intelligence services' *modus operandi* and they know how to counter it. More of the same is unlikely to work. Innovation is needed. The CIA deserves credit for its efforts to discover and penetrate the A.Q. Khan network, and it needs to put more emphasis on other innovative human intelligence methods.

Worse than having no human sources is being seduced by a human source who is telling lies. In fact, the Community's position on Iraq's biological weapons program was largely determined by sources who were telling lies—most notably a source provided by a foreign intelligence service through the Defense Intelligence Agency. Why DIA and the rest of the Community didn't find out that the source was lying is a story of poor asset validation practices and the problems inherent in relying on semi-cooperative liaison services. That the NIE (and other reporting) didn't make clear to policymakers how heavily it relied on a single source that no American intelligence officer had ever met, and about whose reliability several intelligence professionals had expressed serious concern, is a damning comment on the Intelligence Community's practices.

The challenge to traditional signals intelligence. Signals intelligence—the interception of radio, telephone, and computer communications—has historically been a primary source of good intelligence. But changes in telecommunications technology have brought new challenges. This was the case in Iraq, where the Intelligence Community lost access to important aspects of Iraqi communications, and it remains the case elsewhere. We offer a brief additional discussion of some of the modern challenges facing signals intelligence in our classified report, but we cannot discuss this information in an unclassified format.

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Regaining signals intelligence access must be a top priority. The collection agencies are working hard to restore some of the access that they have lost; and they've had some successes. And again, many of these recent steps in the right direction are the result of innovative examples of cross-agency cooperation. In addition, successful signals intelligence will require a sustained research and development effort to bring cutting-edge technology to operators and analysts. Success on this front will require greater willingness to accept financial costs, political risks, and even human casualties.

Declining utility of traditional imagery intelligence against unconventional weapons programs. The imagery collection systems that were designed largely to work against the Soviet Union's military didn't work very well against Iraq's unconventional weapons program, and our review found that they aren't working very well against other priority targets, either. That's because our adversaries are getting better at denial and deception, and because the threat is changing. Again, we offer details about the challenges to imagery intelligence in our classified report that we cannot provide here.

Making the problem even more difficult, there is little that traditional imagery can tell us about chemical and biological facilities. Biological and chemical weapons programs for the most part can exist inside commercial buildings with no suspicious signatures. This means that we can get piles of incredibly sharp photos of an adversary's chemical factories, and we still will not know much about its chemical weapons programs. We can still see a lot—and imagery intelligence remains valuable in many contexts, including support to military operations and when used in conjunction with other collection disciplines—but too often what we can see doesn't tell us what we need to know about nuclear, biological, and chemical weapons.

Measurement and signature intelligence (MASINT) is not sufficiently developed. The collection of technologies known as MASINT, which includes a virtual grab bag of advanced collection and analytic methods, is not yet making a significant contribution to our intelligence efforts. In Iraq, MASINT played a negligible role. As in other contexts, we believe that the Intelligence Community should continue to pursue new technology aggressively—whether it is called MASINT, imagery, or signals intelligence. Innovation will be necessary to defeat our adversaries' denial and deception.

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An absence of strong leadership. For over a year, despite unambiguous presidential direction, a turf battle raged between CIA's Counterterrorist Center (CTC) and the Terrorist Threat Integration Center (now NCTC). The two organizations fought over roles, responsibilities, and resources, and the Intelligence Community's leadership was unable to solve the problem. The intelligence reform act may put an end to this particular conflict, but we believe that the story reflects a larger, more pervasive problem within the Intelligence Community: the difficulty of making a decision and imposing the consequences on all agencies throughout the Community. Time and time again we have uncovered instances like this, where powerful agencies fight to a debilitating stalemate masked as consensus, because no one in the Community has been able to make a decision and then make it stick. The best hope for filling this gap is an empowered DNI.

LOOKING FORWARD: OUR RECOMMENDATIONS FOR CHANGE

Our case studies collectively paint a picture of an Intelligence Community with serious deficiencies that span the intelligence process. Stated succinctly, it has too little *integration* and too little *innovation* to succeed in the 21st century. It rarely adopts integrated strategies for penetrating high-priority targets; decisionmakers lack authority to resolve agency disputes; and it develops too few innovative ways of gathering intelligence.

This section summarizes our major recommendations on how to change this state of affairs so that full value can be derived from the many bright, dedicated, and deeply committed professionals within the Intelligence Community. We begin at the top, and suggest how to use the opportunity presented by the new intelligence reform legislation to bring better integration and management to the Intelligence Community. Our management recommendations are developed in greater detail in Chapter Six of our report. We next offer recommendations that would improve intelligence collection (Chapter 7) and analysis (Chapter 8). Then we examine several specific and important intelligence challenges—improving information sharing (Chapter 9); integrating domestic and foreign intelligence in a way that both satisfies national security imperatives and safeguards civil liberties (Chapter 10); organizing the Community's counterintelligence mission (Chapter 11); and a largely classified chapter on managing covert action (Chapter 12). We then devote a stand-alone chapter to

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examining the most dangerous unconventional weapons challenges the Intelligence Community faces today and offer specific prescriptions for improving our intelligence capabilities against these threats (Chapter 13).

Leadership and Management: Forging an Integrated Intelligence Community

A former senior Defense Department official described today's Intelligence Community as "not so much poorly managed as unmanaged." We agree. Everywhere we looked, we found important (and obvious) issues of interagency coordination that went unattended, sensible Community-wide proposals blocked by pockets of resistance, and critical disputes left to fester. Strong interagency cooperation was more likely to result from bilateral "treaties" between big agencies than from Community-level management. This ground was well-plowed by the 9/11 Commission and by several other important assessments of the Intelligence Community over the past decade.

In the chapter of our report devoted to management (Chapter 6), we offer detailed recommendations that we believe will equip the new Director of National Intelligence to forge today's loose confederation of 15 separate intelligence operations into a real, integrated Intelligence Community. A short summary of our more important management recommendations follows:

- ***Strong leadership and management of the Intelligence Community are indispensable.*** Virtually every senior intelligence official acknowledged the difficulty of leading and managing the Intelligence Community. Along with acting as the President's principal intelligence advisor, this will be the DNI's main job. His success in that job will determine the fate of many other necessary reforms. We thus recommend ways in which the DNI can use his limited, but not insignificant, authorities over money and people. No matter what, the DNI will not be able to run the Intelligence Community alone. He will need to create a management structure that allows him to see deep into the Intelligence Community's component agencies, and he will need to work closely with the other cabinet secretaries—especially the Secretary of Defense—for whom several Intelligence Community agencies also work. New procedures are particularly needed in the budget area, where today's Intelligence Community has a wholly inadequate Planning, Programming, and Budgeting System.

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- ***Organize around missions.*** One of the most significant problems we identified in today's Intelligence Community is a lack of cross-Community focus on priority intelligence missions. By this, we mean that in most cases there is not one office, or one individual, who is responsible for making sure the Intelligence Community is doing all it can to collect and analyze intelligence on a subject like proliferation, or a country like Iran. Instead, intelligence agencies allocate their scarce resources among intelligence priorities in ways that seem sensible to them but are not optimal from a Community-wide perspective. The DNI needs management structures and processes that ensure a strategic, Community-level focus on priority intelligence missions. The specific device we propose is the creation of several "Mission Managers" on the DNI staff who are responsible for developing strategies for all aspects of intelligence relating to a priority intelligence target: the Mission Manager for China, for instance, would be responsible for driving collection on the China target, watching over China analysis, and serving as a clearinghouse for senior policymakers seeking China expertise.

- ***Establish a National Counter Proliferation Center.*** The new intelligence legislation creates one "national center"—the National Counterterrorism Center (NCTC)—and suggests the creation of a second, similar center devoted to counterproliferation issues. We agree that a National Counter Proliferation Center (NCPC) should be established but believe that it should be fundamentally different in character from the NCTC. The NCTC is practically a separate agency; its large staff is responsible not only for conducting counterterrorism analysis and intelligence gathering but also for "strategic operational planning" in support of counterterrorism policy. In contrast, we believe that the NCPC should be a relatively small center (*i.e.*, fewer than 100 people); it should primarily play a *management and coordination* function by overseeing analysis and collection on nuclear, biological, and chemical weapons across the Intelligence Community. In addition, although we agree that government-wide strategic planning is required to confront proliferation threats, we believe that entities other than the NCPC—such as a Joint Interagency Task Force we propose to coordinate interdiction efforts—should perform this function.

- ***Build a modern workforce.*** The intelligence reform legislation grants the DNI substantial personnel authorities. In our view, these authorities

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come none too soon. The Intelligence Community has difficulty recruiting and retaining individuals with critically important skill sets—such as technical and scientific expertise, and facility with foreign languages—and has not adapted well to the diverse cultures and settings in which today's intelligence experts must operate. We propose the creation of a new human resources authority in the Office of the DNI to develop Community-wide personnel policies and overcome these systemic shortcomings. We also offer specific proposals aimed at encouraging "joint" assignments between intelligence agencies, improving job training at all stages of an intelligence professional's career, and building a better personnel incentive structure.

- ***Create mechanisms for sustained oversight from outside the Intelligence Community—and for self-examination from the inside.*** Many sound past proposals for intelligence reform have withered on the vine. Either the Intelligence Community is inherently resistant to outside recommendations, or it lacks the institutional capacity to implement them. In either case, sustained external oversight is necessary. We recommend using the new Joint Intelligence Community Council—which comprises the DNI and the cabinet secretaries with intelligence responsibilities—as a high-level "consumer council." We also recommend the President's Foreign Intelligence Advisory Board play a more substantial advisory role. Like others before us, we suggest that the President urge Congress to reform its own procedures to provide better oversight. In particular, we recommend that the House and Senate intelligence committees create focused oversight subcommittees, that the Congress create an intelligence appropriations subcommittee and reduce the Intelligence Community's reliance on supplemental funding, and that the Senate intelligence committee be given the same authority over joint military intelligence programs and tactical intelligence programs that the House intelligence committee now exercises. Finally—and perhaps most importantly—we recommend that the DNI create mechanisms to ensure that the Intelligence Community conducts "lessons learned" and after-action studies so that it will be better equipped to identify its *own* strengths and weaknesses.

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Additional Leadership and Management Recommendations

In addition to those described above, Chapter Six of our report offers recommendations concerning:

- How to build a coordinated process for "target development"—that is, the directing of collection resources toward priority intelligence subjects;
- How to spur innovation outside individual collection agencies;
- How the DNI might handle the difficult challenges of integrating intelligence from at home and abroad, and of coordinating activities and procedures with the Department of Defense; and
- How the DNI might organize the office of the DNI to fit needed leadership and management functions into the framework created by the intelligence reform legislation.

Integrated and Innovative Collection

The intelligence failure in Iraq did not begin with faulty analysis. It began with a sweeping collection failure. The Intelligence Community simply couldn't collect good information about Iraq's nuclear, biological, or chemical programs. Regrettably, the same can be said today about other important targets, none of which will ever be easy targets—but we can and should do better.

Urging each individual collection agency to do a better job is not the answer. Where progress has been made against such targets, the key has usually been more integration and more innovation in collecting intelligence. As a result, we recommend the following:

- ***Create a new Intelligence Community process for managing collection as an "integrated enterprise."*** In order to gather intelligence effectively, the Intelligence Community must develop and buy sophisticated technical collection systems, create strategies for focusing those systems on priority targets, process and exploit the data that these systems collect, and plan for the acquisition of future systems. Today, each of these functions is performed primarily within individual collection agencies, often with little or no Community-level direction or interagency coordination. We propose that the DNI create what we call an

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"integrated collection enterprise" for the Intelligence Community—that is, a management structure in which the Community's decentralized collection capabilities are harmonized with intelligence priorities and deployed in a coordinated way.

- ***Create a new Human Intelligence Directorate.*** Both the Defense Department and the FBI are substantially increasing their human intelligence activities abroad, which heightens the risk that intelligence operations will not be properly coordinated with the CIA's human espionage operations, run by its Directorate of Operations (DO). The human intelligence activities of the Defense Department and the FBI should continue, but in the world of foreign espionage, a lack of coordination can have dangerous, even fatal, consequences. To address this pressing problem, we suggest the creation of a new Human Intelligence Directorate within the CIA, to which the present DO would be subordinate, to ensure the coordination of all U.S. agencies conducting human intelligence operations overseas. In addition to this coordination role, the Human Intelligence Directorate would serve as the focal point for Community-wide human intelligence issues, including helping to develop a national human intelligence strategy, broadening the scope of human intelligence activities, integrating (where appropriate) collection and reporting systems, and establishing Community-wide standards for training and tradecraft.

- ***Develop innovative human intelligence techniques.*** The CIA's Directorate of Operations is one of the Intelligence Community's elite and storied organizations. However, the DO has remained largely wedded to the traditional model—a model that does not meet the challenges posed by terrorist organizations and nations that are "denied areas" for U.S. personnel. Accordingly, we recommend the establishment of an "Innovation Center" within the CIA's new Human Intelligence Directorate—but *not* within the DO. This center would spur the use of new and nontraditional methods of collecting human intelligence. In the collection chapter of our report, we also detail several new methods for collecting human intelligence that in our judgment should either be explored or used more extensively.

- ***Create an Open Source Directorate within the CIA.*** We are convinced that analysts who use open source information can be more effective

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than those who don't. Regrettably, however, the Intelligence Community does not have an entity that collects, processes, and makes available to analysts the mass of open source information that is available in the world today. We therefore recommend the creation of an Open Source Directorate at the CIA. The directorate's mission would be to deploy sophisticated information technology to make open source information available across the Community. This would, at a minimum, mean gathering and storing digital newspapers and periodicals that are available only temporarily on the Internet and giving Intelligence Community staff easy (and secure) access to Internet materials. In addition, because we believe that part of the problem is analyst resistance, not lack of collection, we recommend that some of the new analysts allocated to CIA be specially trained to use open sources and then to act as open source "evange-analysts" who can jumpstart the open source initiative by showing its value in addressing particular analytic problems. All of this, we believe, will help improve the Intelligence Community's surprisingly poor "feel" for cultural and political issues in the countries that concern policymakers most. The Open Source Directorate should also be the primary test bed for new information technology because the security constraints—while substantial—are lower for open source than for classified material.

- ***Reconsider MASINT.*** Measurements and signatures can offer important intelligence about nuclear, biological, and chemical weapons. But the tools we use to collect these measurements and signatures—tools collectively referred to within the intelligence community as "MASINT"—do not obviously constitute a single discipline. In a world of specialized collection agencies, there is reason to suspect that these orphaned technologies may have been under-funded and under-utilized. We recommend that the DNI take responsibility for developing and coordinating new intelligence technologies, including those that now go under the title MASINT. This could be done by a special coordinator, or as part of the DNI's Office of Science and Technology. The DNI's office does not need to directly control MASINT collection. Rather, we recommend that individual collection agencies assume responsibility for aspects of MASINT that fall naturally into their bailiwicks. At the same time, the DNI's designated representative would promote and monitor the status of new technical intelligence programs throughout the Intelligence

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Community to ensure that they are fully implemented and given the necessary attention.

Additional Collection Recommendations

In addition to those described above, Chapter Seven of our report offers recommendations concerning:

- Developing new human and technical collection methods;
- Professionalizing human intelligence across the Intelligence Community;
- Creating a larger and better-trained human intelligence officer cadre;
- Amending the Foreign Intelligence Surveillance Act to extend the duration of certain forms of electronic surveillance against non-U.S. persons, to ease administrative burdens on NSA and the Department of Justice; and
- Improving the protection of sources and methods by reducing authorized and unauthorized disclosures.

Transforming Analysis

Integrated, innovative collection is just the beginning of what the Intelligence Community needs. Some of the reforms already discussed, particularly the DNI-level "Mission Managers," will improve analysis. But much more is needed. In particular, analytic expertise must be deepened, intelligence gaps reduced, and existing information made more usable—all of which would improve the quality of intelligence.

As an overarching point, however, the Intelligence Community must recognize the central role of analysts in the intelligence process. Needless to say, analysts are the people who analyze intelligence, put it in context, and communicate the intelligence to the people who need it. But in addition, analysts are the repositories for what the Intelligence Community *doesn't* know, and they must clearly convey these gaps to decisionmakers—as well as to collectors so that the Intelligence Community does everything it can to fill the holes. (Analysts will also play an increasingly prominent role in information security, as they "translate" intelligence from the most sensitive of sources to a variety of consumers, ranging from state and local first responders to senior policymakers.) To enable analysts to fulfill these roles, we recommend the following:

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- ***Empower Mission Managers to coordinate analytic efforts on a given topic.*** The Mission Managers we propose would serve as the focal point for all aspects of the intelligence effort on a particular issue. They would be aware of the analytic expertise in various intelligence agencies, assess the quality of analytic products, identify strategic questions receiving inadequate attention, encourage alternative analysis, and ensure that dissenting views are expressed to intelligence users. When necessary, they would recommend that the DNI use his personnel authorities to move analysts to priority intelligence topics. At the same time, Mission Managers should *not* be responsible for providing a single, homogenized analytic product to decisionmakers; rather, Mission Managers should be responsible for encouraging alternative analysis and for ensuring that dissenting views are expressed to intelligence customers. In sum, Mission Managers should be able to find the right people and expertise and make sure that the right analysis, including alternative analysis, is getting done.

- ***Strengthen long-term and strategic analysis.*** The most common complaint we heard from analysts in the Intelligence Community was that the pressing demand for current intelligence "eats up everything else." Analysts cannot maintain their expertise if they cannot conduct long-term and strategic analysis. Because this malady is so pervasive and has proven so resistant to conventional solutions, we recommend establishing an organization to perform only long-term and strategic analysis under the National Intelligence Council, the Community's existing focal point for interagency long-term analytic efforts. The new unit could serve as a focal point for Community-wide alternative analysis, thereby complementing agency-specific efforts at independent analysis. And although some analysts in this organization would be permanently assigned, at least half would serve only temporarily and would come from all intelligence agencies, including NGA and NSA, as well as from outside the government. Such rotations would reinforce good tradecraft habits, as well as foster a greater sense of Community among analysts and spur collaboration on other projects.

- ***Encourage diverse and independent analysis.*** We believe that diverse and independent analysis—often referred to as "competitive analysis"—should come from many sources. As we have just noted, we recommend that our proposed long-term research and analysis unit, as well

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as the National Intelligence Council, conduct extensive independent analysis. In some circumstances there is also a place for a "devil's advocate"—someone appointed to challenge the consensus view. We also think it important that a not-for-profit "sponsored research institute" be created *outside* the Intelligence Community; such an institute would serve as a critical window into outside expertise, conduct its own research, and reach out to specialists, including academics and technical experts, business and industry leaders, and representatives from the nonprofit sector. Finally, the Intelligence Community should encourage independent analysis throughout its analytic ranks. In our view, this can best be accomplished through the preservation of dispersed analytic resources (as opposed to consolidation in large "centers"), active efforts by Mission Managers to promote independent analysis, and Community-wide training that instills the importance of such analysis.

- ***Improve the rigor and "tradecraft" of analysis.*** Our studies, and many observers, point to a decline in analytic rigor within the Intelligence Community. Analysts have suffered from weak leadership, insufficient training, and budget cutbacks that led to the loss of our best, most senior analysts. There is no quick fix for tradecraft problems. However, we recommend several steps: increasing analyst training; ensuring that managers and budget-writers allot time and resources for analysts to actually *get* trained; standardizing good tradecraft practices through the use of a National Intelligence University; creating structures and practices that increase competitive analysis; increasing managerial training for Intelligence Community supervisors; enabling joint and rotational assignment opportunities; ensuring that finished intelligence products are sufficiently transparent so that an analyst's reasoning is visible to intelligence customers; and implementing other changes in human resource policies—such as merit-based-pay—so that the best analysts are encouraged to stay in government service.

- ***Communicating intelligence to policymakers.*** The best intelligence in the world is worthless unless it is effectively and accurately communicated to those who need it. The Iraq weapons of mass destruction case is a stark example. The daily reports sent to the President and senior policymakers discussing Iraq over many months proved to be disastrously one-sided. We thus offer recommendations on ways in which intelligence products can be enhanced, including how the President's Daily

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Brief (PDB) might be improved. In this regard, we suggest the elimination of the inherently misleading "headline" summaries in PDBs and other senior policymaker briefs, and that the DNI oversee production of the PDB. To accomplish this, we recommend the DNI create an analytic staff too small to routinely undertake drafting itself, but large enough to have background on many of the issues that are covered by the PDB. The goal would be to enable the DNI to coordinate and oversee the process, without requiring him to take on the heavy—and almost overwhelming—mantle of daily intelligence support to the President. Critically, the DNI's staff would also ensure that the PDB reflects alternative views from the Community to the greatest extent feasible.

We also recommend that the DNI take responsibility, with the President's concurrence, for the three primary sources of intelligence that now reach the President: the PDB, the President's Terrorism Threat Report—a companion publication produced by the NCTC and focused solely on terrorism-related issues—and the briefing by the Director of the FBI. We suggest that the DNI coordinate this intelligence in a manner that eliminates redundancies and ensures that only material that is necessary for the President be included. We think this last point is especially important because we have observed a disturbing trend whereby intelligence is passed to the President (as well as other senior policymakers) not because it requires high-level attention, but because passing the information "up the chain" provides individuals and organizations with bureaucratic cover.

- ***Demand more from analysts.*** We urge that policymakers actively probe and question analysts. In our view, such interaction is not "politicization." Analysts should expect such demanding and aggressive testing without—as a matter of principle and professionalism—allowing it to subvert their judgment.

Additional Analysis Recommendations

In addition to those described above, Chapter Eight of our report offers recommendations concerning:

- Developing technologies capable of exploiting large volumes of foreign language data without the need for human translations;

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Additional Analysis Recommendations (Continued)

- Improving career-long analytical and managerial training;
- Creating a database for all finished intelligence, as well as adopting technology to update analysts and decisionmakers when intelligence judgments change;
- Improving the Intelligence Community's science, technology, and weapons expertise;
- Changing the way analysts are hired, promoted, and rewarded; and
- Institutionalizing "lessons learned" procedures to learn from past analytical successes and failures.

Information Sharing

While the new intelligence reform legislation correctly identifies information sharing as an area where major reforms are necessary, the steps it takes to address the problem raise as many questions as they answer. The legislation creates a new position—a "Program Manager" who sits outside of the Intelligence Community and reports directly to the President—responsible for creating an integrated, government-wide Information Sharing Environment for all "terrorism information." At the same time, the Director of National Intelligence is given responsibility for facilitating information sharing for *all* intelligence information *within* the Intelligence Community.

We believe that these two separate statutory information sharing efforts should be harmonized. We are less confident that any particular mechanism is optimal. Perhaps the least bad solution to this tricky problem—short of new legislation—is to require that the Program Manager report to the President *through* the DNI, and that the Information Sharing Environment be expanded to include all intelligence information, not just intelligence related to terrorism. In recommending this solution, however, we emphasize that information sharing cannot be understood merely as an Intelligence Community endeavor; whoever leads the effort to build the Information Sharing Environment must be sensitive to the importance of distributing necessary information to those who need it both in the non-intelligence components of the federal government, and to relevant state, local, and tribal authorities.

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We also make specific recommendations concerning how best to implement the information sharing effort. Among these recommendations are: designating a single official under the DNI who will be responsible for both information sharing *and* information security, in order to break down cultural and policy barriers that have impeded the development of a shared information space; applying advanced technologies to the Information Sharing Environment to permit more expansive sharing with far greater security protections than currently exist in the Intelligence Community; and establishing clear and consistent Community-wide information sharing and security policies. Last but not least, we recommend that the DNI jettison the phrase "information sharing" itself, which merely reinforces the (incorrect) notion that information is the property of individual intelligence agencies, rather than of the government as a whole.

Finally, we believe it is essential to note the importance of protecting civil liberties in the context of information sharing. We believe that the intelligence reform act provides the framework for appropriate protection of civil liberties in this area, and that all information sharing must be done in accordance with Attorney General guidelines relating to "U.S. persons" information. At the same time, in our view the pursuit of privacy and national security is *not* a zero-sum game. In fact, as we describe in our report, many of the very same tools that provide counterintelligence protection can be equally valuable in protecting privacy.

Intelligence at Home: the FBI, Justice, and Homeland Security

Although the FBI has made strides in turning itself into a true collector and analyst of intelligence, it still has a long way to go. The Bureau, among other things, has set up Field Intelligence Groups in each of its 56 field offices and created an Executive Assistant Director for Intelligence with broad responsibility for the FBI's intelligence mission. Yet even FBI officials acknowledge that its collection and analysis capabilities will be a work in progress until at least 2010.

In our view, the biggest challenge is to make the FBI a full participant in the Intelligence Community. This is not just a matter of giving the Bureau new resources and new authority. It must also mean integrating the FBI into a Community that is subject to the DNI's coordination and leadership. Unfortunately, the intelligence reform legislation leaves the FBI's relationship to the

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DNI especially murky. We recommend that the President make clear that the FBI's intelligence activities are to be fully coordinated with the DNI and the rest of the Community.

- ***Create a separate National Security Service within the FBI that includes the Bureau's Counterintelligence and Counterterrorism Divisions, as well as the Directorate of Intelligence.*** The intelligence reform act empowers the DNI to lead the Intelligence Community, which includes the FBI's "intelligence elements." Although the statute leaves the term ambiguous, we believe that "elements" must include *all* of the Bureau's national security-related components—the Intelligence Directorate *and* the Counterterrorism and Counterintelligence Divisions. Anything less and the DNI's ability to coordinate intelligence across our nation's borders will be dangerously inadequate.

  Simply granting the DNI authority over the Bureau's current Directorate of Intelligence is, we believe, insufficient. We say this because the Directorate of Intelligence has surprisingly little operational, personnel, and budgetary authority. Currently the directorate has no authority to initiate, terminate, or re-direct any collection or investigative operation in any of the FBI's 56 regional field offices that are scattered throughout the nation or within any of the four operational divisions (Counterintelligence, Counterterrorism, Cyber, and Criminal) at FBI Headquarters. Although the Directorate of Intelligence may "task" the field offices to collect against certain requirements, it has no direct authority to ensure that FBI resources actually carry out these requirements. Its "taskings" are really "askings." Nor does the directorate contain the great bulk of the FBI's intelligence analysts. And the directorate has no clear control over the Bureau's portion of the National Intelligence Program budget, which is largely spent by the Counterterrorism and Counterintelligence Divisions. In short, the intelligence directorate has few, if any, mechanisms for exercising direct authorities over FBI's intelligence collectors or analytic products. With a direct line of authority only to the Bureau's Directorate of Intelligence, the DNI cannot be ensured influence over the Bureau's national security functions, and the FBI will not be fully integrated into the Intelligence Community.

  We therefore recommend the creation of a separate National Security Service *within the FBI* that has full authority to manage, direct, and control

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all Headquarters and Field Office resources engaged in counterintelligence, counterterrorism, and foreign intelligence collection, investigations, operations, and analysis. Critically, this division would then be subject to the same DNI authorities as apply to such Defense agencies as NSA and NGA. Of equal importance, this structure would maintain the Attorney General's oversight of the FBI's activities to ensure the Bureau's compliance with U.S. law. In this sense, the Attorney General's role would be similar to that of the Secretary of Defense, who—even with the appointment of the DNI—continues to oversee Defense Department agencies within the Intelligence Community, like NSA and NGA.

- ***Ensure better mechanisms for coordination and cooperation on foreign intelligence collection in the United States.*** The expansion of the FBI's intelligence collection and reporting activities over the past few years has engendered turf battles between the CIA and the FBI that have already caused counterproductive conflicts both within and outside of the United States. In particular, the two agencies have clashed over the domestic collection of foreign intelligence—an area in which they have long shared responsibilities. We see no reason to change the status quo dramatically or to expand the FBI's authority over foreign intelligence gathering inside the United States. If unanticipated conflicts emerge, both agencies should be instructed to take their differences to the DNI for resolution. The two agencies' capabilities should complement, rather than compete with, one another. We also expect that such an integrated approach would continue to rely on the existing Attorney General guidelines, which carefully limit the way both agencies operate within the United States, and with regard to U.S. persons overseas. We believe that strong CIA/FBI cooperation and clear guidelines are essential for protection of civil liberties as well as for effective intelligence gathering.

- ***Reorient the Department of Justice.*** Every agency that has major responsibility for terrorism and intelligence has been overhauled in the past four years. With one exception: at the Department of Justice, the famous "wall" between intelligence and criminal law still lingers, at least on the organization charts. On one side is the Office of Intelligence Policy and Review, which handles Foreign Intelligence Surveillance Court orders—those court orders that permit wiretaps and physical searches for national security reasons. On the other side are two separate sections of the Criminal Division (Counterterrorism and Counterespionage), reporting to two separate Deputy

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Assistant Attorneys General. This organizational throwback to the 1990s scatters intelligence expertise throughout the Department and in some cases has contributed to errors that hampered intelligence gathering. A single office with responsibility for counterterrorism, counterintelligence, and intelligence investigations would ensure better communication and reduce the tendency to rebuild the wall along bureaucratic lines.

We recommend that these three components (perhaps joined by a fourth Justice Department component that coordinates issues related to transnational crimes) be placed together under the authority of an Assistant Attorney General for National Security who would, like the Assistant Attorney General for the Criminal Division, report either directly to the Deputy Attorney General, or to a newly created Associate Attorney General responsible for both the National Security and Criminal Divisions.

- ***Strengthen the Department of Homeland Security's relationship with the Intelligence Community.*** The Department of Homeland Security is the primary repository of information about what passes in and out of the country—a critical participant in safeguarding the United States from nuclear, biological, or chemical attack. Yet, since its inception, Homeland Security has faced immense challenges in collecting information effectively, making it available to analysts and users both inside and outside the Department, and bringing intelligence support to law enforcement and first responders who seek to act on such information. We did not conduct a detailed study of Homeland Security's capabilities, but it is clear to us that the department faces challenges in all four roles it plays in the intelligence community—as collector, analyst, disseminator, and customer.

  Among the obstacles confronting Homeland Security, we found during the course of our study that the Department's Immigration and Customs Enforcement still operates under an order inherited from the Treasury Department in the 1980s. The order requires high-level approval for virtually all information sharing and assistance to the Intelligence Community. We think this order should be rescinded, and we believe the DNI should carefully examine how Homeland Security works with the rest of the Intelligence Community.

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Counterintelligence

Every intelligence service on the planet wants to steal secrets from the last remaining superpower. But as other nations increase their intelligence operations against the United States, U.S. counterintelligence has been in a defensive crouch—fractured, narrowly focused, and lacking national direction. This may change as a result of the President's newly announced counterintelligence strategy. The good ideas in the strategy must, however, still be put into practice.

CIA does counterintelligence abroad, but its capabilities are limited. The FBI's counterintelligence efforts within the United States are well-staffed, but hardly strategic in their nature. Finally, the Defense Department's counterintelligence capabilities lack effective cross-department integration and direction. To address these concerns, we recommend four steps to strengthen counterintelligence: the empowerment of the nation's chief counterintelligence officer, the National Counterintelligence Executive (NCIX); the development of a new CIA capability for enhancing counterintelligence abroad; the centralization of the Defense Department's counterintelligence functions; and, as suggested earlier, bringing the FBI into the Intelligence Community to ensure that its robust counterintelligence capabilities are employed in line with the DNI's priorities. Moreover, all of these efforts must focus greater attention on the technical aspects of counterintelligence, as our adversaries shift from human spying to attempting to penetrate our information infrastructure.

Covert Action

If used in a careful and limited way, covert action can serve as a more subtle and surgical tool than forms of acknowledged employment of U.S. power and influence. As part of our overall review of the Intelligence Community, we conducted a careful study of U.S. covert action capabilities. Our findings were included in a short, separate chapter of our classified report. Regrettably, this area is so heavily classified that we could not include a chapter on the subject in our unclassified report.

We will, however, state here—at a necessarily high level of generality—some of our overall conclusions on covert action. At the outset, we note that we found current covert action programs in the counterproliferation and counterterrorism areas to be energetic, innovative, and well-executed within

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the limits of their authority and funding. Yet some critically important programs are hobbled by lack of sustained strategic planning, insufficient commitment of resources on a long-term basis, and a disjointed management structure. In our classified report we suggest organizational changes that we believe would consolidate support functions for covert action and improve the management of covert action programs within the Intelligence Community; we are unable to provide further details on these recommendations, however, in this unclassified format.

Addressing Proliferation

So far, we have focused on improving the Intelligence Community writ large—on the theory that only a redesigned Community can substantially improve its performance in assessing the threat posed by weapons of mass destruction. But quite apart from the structural changes we have already recommended, the Intelligence Community also needs to change the way it approaches two of the greatest threats—biological weapons and new forms of nuclear proliferation.

Biological Weapons

The 2001 anthrax attacks on the United States killed five people, crippled mail delivery in several cities for a year, and imposed more than a billion dollars in decontamination costs. For all that, we were lucky. Biological weapons are cheaper and easier to acquire than nuclear weapons—and they could be more deadly. The threat is deeply troubling today; it will be more so tomorrow, when genetic modification techniques will allow the creation of even worse biological weapons. Most of the traditional Intelligence Community collection tools are of little or no use in tackling biological weapons. In our classified report, we discuss some of the specific challenges that confront our intelligence effort against the biological threat—but regrettably we cannot discuss them here.

Faced with a high-priority problem that does not yield to traditional methods, large parts of the Intelligence Community seem to have lowered their expectations and focused on other priorities. This is unacceptable. The Intelligence Community, and the government as a whole, needs to approach the problem with a new urgency and new strategies:

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- ***Work with the biological sciences community.*** The Intelligence Community simply does not have the in-depth technical knowledge about biological weapons that it has about nuclear weapons. To close the expertise gap, the Community cannot rely on hiring biologists, whose knowledge and skills are extremely important, but whose depth and timeliness of expertise begins eroding as soon as they move from the laboratory to the intelligence profession. Instead, the DNI should create a Community Biodefense Initiative to institutionalize outreach to technical experts inside and outside of government. We describe specific components of this initiative in the body of our report.

- ***Make targeted collection of biological weapons intelligence a priority within the Intelligence Community.*** The Intelligence Community's collection woes starkly illustrate the need for more aggressive, targeted approaches to collection on biological threats. We recommend that the DNI create a deputy within the National Counter Proliferation Center who is specifically responsible for biological weapons; this deputy would ensure the implementation of a comprehensive biological weapons targeting strategy, which would entail gaining real-time access to non-traditional sources of information, filtering open source data, and devising specific collection initiatives directed at the resulting targets.

- ***Leverage regulation for biological weapons intelligence.*** The United States should look outside of intelligence channels for enforcement mechanisms that can provide new avenues of international cooperation and resulting opportunities for intelligence collection on biological threats. In the corresponding chapter of our report, we recommend encouraging foreign criminalization of biological weapons development and establishing biosafety and biosecurity regulations under United Nations Security Council Resolution 1540. We also propose extending biosecurity and biosafety regulations to foreign institutions with commercial ties to the United States.

Nuclear Weapons

The intelligence challenge posed by nuclear weapons continues to evolve. The Intelligence Community must continue to monitor established nuclear states such as Russia and China, and at the same time face newer and potentially more daunting challenges like terrorist use of a nuclear weapon. But the focus of the U.S. Intelligence Community has historically been on the capa-

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bilities of large nation states. When applied to the problem of terrorist organizations and smaller states, many of our intelligence capabilities are inadequate.

The challenges posed by the new environment are well-illustrated by two aspects of nuclear proliferation. The first is the continuing challenge of monitoring insecure nuclear weapons and materials, or "loose nukes"—mainly in the former Soviet Union but also potentially in other nations. The second aspect is the appearance of non-state nuclear "brokers," such as the private proliferation network run by the Pakistani scientist A.Q. Khan. In Khan's case, innovative human intelligence efforts gave the United States access to this proliferation web. However, not only does the full scope of Khan's work remain unknown, but senior officials readily acknowledge that the Intelligence Community must know more about the private networks that support proliferation. The Intelligence Community must adapt to the changing threat.

Intelligence Support to Interdiction

So far, the Intelligence Community has enjoyed a number of successes intercepting materials related to nuclear, biological, and chemical weapons (and their related delivery systems)—the process commonly referred to as "interdiction." But success has come at a cost. The Intelligence Community has focused so much energy on its own efforts that the Community shows less ambition and imagination in supporting other agencies that should play a large role in interdiction. Many other federal agencies could do more to interdict precursors, weapons components, and dangerous agents if they had effective intelligence support. We recommend several mechanisms to improve intelligence support to these agencies, most particularly the creation of a counterproliferation Joint Interagency Task Force modeled on similar entities that have proved successful in the counternarcotics context.

Moreover, since it may not be possible in all cases to identify proliferation shipments before they reach the United States, our last line of defense is detecting and stopping these shipments before they reach our border. Yet new sensor technologies have faced challenges. In the corresponding chapter of this report, we suggest how the Intelligence Community and Department of Homeland Security can work together on this issue.

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Leveraging Legal and Regulatory Mechanisms

Intelligence alone cannot solve the proliferation threat. But it may not have to. Information that spies and eavesdroppers would spend millions for and risk their lives to steal can sometimes be easily obtained by the right Customs, Treasury, or export control officials. The industries that support proliferation are subject to a host of regulatory regimes. But the agencies that regulate industry in these areas—Treasury, State, Homeland Security, and Commerce—do not think of themselves as engaged in the collection of intelligence, and the Intelligence Community only rarely appreciates the authorities and opportunities presented by regulatory regimes.

Given the challenges presented by quasi-governmental proliferation, the United States must leverage all of its capabilities to flag potential proliferators, gain insight into their activities, and interdict them, where appropriate. We therefore recommend a series of possible changes to existing regulatory regimes, all designed to improve insight into nuclear, biological, or chemical proliferation and enhance our ability to take action. These changes include negotiating ship boarding agreements that include tagging and tracking provisions to facilitate the surveillance of suspect vessels, taking steps to facilitate greater coordination between the Commerce Department (and Immigrations and Customs Enforcement) and the Intelligence Community, using Commerce Department and Customs and Border Protection regulations to facilitate information sharing about suspect cargo and persons and to justify related interdictions, and expanding the Treasury Department's authority to block assets of proliferators.

CONCLUSION

The harm done to American credibility by our all too public intelligence failings in Iraq will take years to undo. If there is good news it is this: without actually suffering a massive nuclear or biological attack, we have learned how badly the Intelligence Community can fail in struggling to understand the most important threats we face. We must use the lessons from those failings, and from our successes as well, to improve our intelligence for the future, and do so with a sense of urgency. We already have thousands of dedicated officers and many of the tools needed to do the job. With that in mind, we now turn first to what went wrong in Iraq, then to other intelligence cases, and finally to our detailed recommendations for action.

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PART ONE
LOOKING BACK

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PART ONE: LOOKING BACK

The President asked this Commission to perform two tasks: to assess the intelligence capabilities of the United States with respect to weapons of mass destruction "and related threats" of the 21st century, and to recommend ways to improve those capabilities. Part One of this report details our findings in connection with the first of these two objectives.

In order to assess the Intelligence Community's capabilities, we conducted a series of case studies that are reported in separate chapters of this report. Three of these case studies—Iraq, Libya, and Afghanistan—concern countries that were specified by the President. Each provided an opportunity that is all too rare in the uncertain world of intelligence: namely, to compare what the Intelligence Community believed about a country's unconventional weapons programs with the "ground truth." With respect to Iraq, the President asked us to compare the Intelligence Community's pre-war assessments about Iraq's weapons programs with the post-war findings of the Iraq Survey Group—and to analyze why the pre-war assessments were so mistaken. He also instructed us to perform similar "before and after" reviews of the Intelligence Community's performance in assessing the unconventional weapons programs of Libya before its government's decision to forfeit them, and of Afghanistan before the Operation Enduring Freedom military campaign. The first three chapters of this report detail our findings on each of these countries.

The Executive Order establishing this Commission also asked us to look for lessons beyond those provided by our reviews of these three countries, instructing us to examine the Intelligence Community's capabilities with respect to the threats posed by weapons of mass destructions in the hands of terrorists and in "closed societies." In response to these directives, we have examined the Intelligence Community's progress in improving its counterterrorism capabilities since the September 11 attacks. We also looked at the qual-

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ity of our intelligence on the nuclear weapons programs of North Korea and Iran, although we regret that we are unable to discuss our findings in an unclassified format.

In sum, we include four of these case studies in this report—Iraq, Libya, Afghanistan, and Terrorism—and we draw heavily upon the lessons we learned from all of them in proposing recommendations for change in Part Two of this report. These case studies are not the only basis for our recommendations, however. We also reviewed the Intelligence Community's current capabilities with respect to other critical countries—such as China and Russia—and examined special challenges facing the Intelligence Community, such as that of integrating intelligence across the foreign-domestic divide, and of improving our counterintelligence capabilities. While our examination of these issues did not lead to separate written case studies, we use evidence gathered from these and other areas of our review of the Intelligence Community in explaining the recommendations we make in Part Two of this report.

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CHAPTER ONE
CASE STUDY: IRAQ

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INTRODUCTION

As war loomed, the U.S. Intelligence Community was charged with telling policymakers what it knew about Iraq's nuclear, biological, and chemical weapons programs. The Community's best assessments were set out in an October 2002 National Intelligence Estimate, or NIE, a summation of the Community's views.[1] The title, *Iraq's Continuing Programs for Weapons of Mass Destruction*, foretells the conclusion: that Iraq was still pursuing its programs for weapons of mass destruction (WMD). Specifically, the NIE assessed that Iraq had reconstituted its nuclear weapons program and could assemble a device by the end of the decade; that Iraq had biological weapons and mobile facilities for producing biological warfare (BW) agent; that Iraq had both renewed production of chemical weapons, and probably had chemical weapons stockpiles of up to 500 metric tons; and that Iraq was developing unmanned aerial vehicles (UAVs) probably intended to deliver BW agent.

These assessments were all wrong.

This became clear as U.S. forces searched without success for the WMD that the Intelligence Community had predicted. Extensive post-war investigations were carried out by the Iraq Survey Group (ISG). The ISG found no evidence that Iraq had tried to reconstitute its capability to produce nuclear weapons after 1991; no evidence of BW agent stockpiles or of mobile biological weapons production facilities; and no substantial chemical warfare (CW) stockpiles or credible indications that Baghdad had resumed production of CW after 1991. Just about the only thing that the Intelligence Community got right was its pre-war conclusion that Iraq had deployed missiles with ranges exceeding United Nations limitations.

How could the Intelligence Community have been so mistaken? That is the question the President charged this Commission with answering.[2]

We received great cooperation from the U.S. Intelligence Community. We had unfettered access to all documents used by the Intelligence Community in reaching its judgments about Iraq's WMD programs; we had the same access to all of the Intelligence Community's reports on the subject—including the articles in the President's Daily Brief that concerned Iraq's weapons programs. During the course of our investigation, we and our staff reviewed thousands of pages of documents—ranging from raw operational traffic produced

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by intelligence operators to finished intelligence products—and interviewed hundreds of current and former Intelligence Community officials.

We also drew on the labors of others. The Butler Commission report on the quality of British intelligence was an important resource for us, as was the work of Australian and Israeli commissions. The careful and well-researched July 2004 report of the Senate Select Committee on Intelligence on this topic was particularly valuable.

This report sets out our findings. For each weapons category, it tells how the Intelligence Community reached the assessments in the October 2002 NIE. It also offers a detailed set of conclusions. But before beginning, we offer a few broader observations.

An "Intelligence Failure"

Overall Commission Finding

The Intelligence Community's performance in assessing Iraq's pre-war weapons of mass destruction programs was a major intelligence failure. The failure was not merely that the Intelligence Community's assessments were wrong. There were also serious shortcomings in the way these assessments were made and communicated to policymakers.

For commissions of this sort, 20/20 hindsight is an occupational hazard. It is easy to forget just how difficult a business intelligence is. Nations and terrorist groups do not easily part with their secrets—and they guard nothing more jealously than secrets related to nuclear, biological, and chemical weapons. Stealing those secrets, particularly from closed and repressive regimes like Saddam Hussein's Iraq, is no easy task, and failure is more common than success. Intelligence analysts will often be forced to make do with limited, ambiguous data; extrapolations from thin streams of information will be the norm.

Indeed, defenders of the Intelligence Community have asked whether it would be fair to expect the Community to get the Iraq WMD question absolutely right. How, they ask, could our intelligence agencies have concluded that Saddam Hussein *did not* have weapons of mass destruction—given his history of using them, his previous deceptions, and his repeated efforts to obstruct

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United Nations inspectors? And after all, the United States was not alone in error; other major intelligence services also thought that Iraq had weapons of mass destruction.

We agree, but only in part. We do not fault the Intelligence Community for formulating the hypothesis, based on Saddam Hussein's conduct, that Iraq had retained an unconventional weapons capability and was working to augment this capability. Nor do we fault the Intelligence Community for failing to uncover what few Iraqis knew; according to the Iraq Survey Group only a handful of Saddam Hussein's closest advisors were aware of some of his decisions to halt work on his nuclear program and to destroy his stocks of chemical and biological weapons. Even if an extraordinary intelligence effort had gained access to one of these confidants, doubts would have lingered.

But with all that said, we conclude that the Intelligence Community could and should have come much closer to assessing the true state of Iraq's weapons programs than it did. It should have been less wrong—and, more importantly, it should have been more candid about what it did not know. In particular, it should have recognized the serious—and knowable—weaknesses in the evidence it accepted as providing hard confirmation that Iraq had retained WMD capabilities and programs.

How It Happened

The Intelligence Community's errors were not the result of simple bad luck, or a once-in-a-lifetime "perfect storm," as some would have it. Rather, they were the product of poor intelligence collection, an analytical process that was driven by assumptions and inferences rather than data, inadequate validation and vetting of dubious intelligence sources, and numerous other breakdowns in the various processes that Intelligence Community professionals collectively describe as intelligence "tradecraft." In many ways, the Intelligence Community simply did not do the job that it exists to do.

Our review revealed failings at each stage of the intelligence process. Many past discussions of the Iraq intelligence failure have focused on intelligence analysis, and we indeed will have much to say about how analysts tackled the Iraq WMD question. But they could not analyze data that they did not have, so we begin by addressing the failure of the Intelligence Community to collect more useful intelligence in Iraq.

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There is no question that collecting intelligence on Iraq's weapons programs was difficult. Saddam Hussein's regime had a robust and ruthless security system and engaged in sophisticated efforts to conceal or disguise its activities from outside intelligence services—efforts referred to within the Intelligence Community as "denial and deception." The United States had no Iraq embassy or official in-country presence; human intelligence operations were often conducted at a distance. And much of what we wanted to know was concealed in compartmented corners of the Iraqi regime to which few even at high levels in the Iraqi government had access.

Still, Iraq was a high-priority target for years, and the Intelligence Community should have done better. It collected precious little information about Iraq's weapons programs in the years before the Iraq war. And not only did the Community collect too little, but much of what it managed to collect had grave defects that should have been clear to analysts and policymakers at the time. Indeed, one of the most serious failures by the Intelligence Community was its failure to apply sufficiently rigorous tests to the evidence it collected. This failure touched all the most salient pieces of evidence relied on by our intelligence agencies, including the aluminum tubes, reporting on mobile BW, uranium from Niger, and assertions about UAVs.

One of the most painful errors, however, concerned Iraq's biological weapons programs. Virtually all of the Intelligence Community's information on Iraq's alleged mobile biological weapons facilities was supplied by a source, codenamed "Curveball," who was a fabricator. We discuss at length how Curveball came to play so prominent a role in the Intelligence Community's biological weapons assessments. It is, at bottom, a story of Defense Department collectors who abdicated their responsibility to vet a critical source; of Central Intelligence Agency (CIA) analysts who placed undue emphasis on the source's reporting because the tales he told were consistent with what they already believed; and, ultimately, of Intelligence Community leaders who failed to tell policymakers about Curveball's flaws in the weeks before war.

Curveball was not the only bad source the Intelligence Community used. Even more indefensibly, information from a source who was *already known* to be a fabricator found its way into finished pre-war intelligence products, including the October 2002 NIE. This intelligence was also allowed into Secretary of State Colin Powell's speech to the United Nations Security Council, despite the source having been officially discredited almost a year earlier. This

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communications breakdown could have been avoided if the Intelligence Community had a uniform requirement to reissue or recall reporting from a source whose information turns out to be fabricated, so that analysts do not continue to rely on an unreliable report. In the absence of such a system, however, the Defense Intelligence Agency (DIA), which disseminated the report in the first place, had a responsibility to make sure that its bad source did not continue to pollute policy judgments; DIA did not fulfill this obligation.

Lacking reliable data about Iraq's programs, analysts' starting point was Iraq's history—its past use of chemical weapons, its successful concealment of WMD programs both before and after the Gulf War, and its failure to account for previously declared stockpiles. The analysts' operating hypothesis, therefore, was that Iraq probably still possessed hidden chemical and biological weapons, was still seeking to rebuild its nuclear weapons program, and was seeking to increase its capability to produce and deliver chemical and biological weapons. This hypothesis was not unreasonable; the problem was that, over time, it hardened into a presumption. This hard and fast presumption then contributed to analysts' readiness to accept pieces of evidence that, even at the time, they should have seen as seriously flawed.

In essence, analysts shifted the burden of proof, requiring evidence that Iraq did *not* have WMD. More troubling, some analysts started to disregard evidence that did not support their premise. Chastened by the effectiveness of Iraq's deceptions before the Gulf War, they viewed contradictory information not as evidence that their premise might be mistaken, but as evidence that Iraq was continuing to conceal its weapons programs.

The Intelligence Community's analysis of the high-strength aluminum tubes offers an illustration of these problems. Most agencies in the Intelligence Community assessed—incorrectly—that these were intended for use in a uranium enrichment program. The reasoning that supported this position was, first, that the tubes *could* be used in centrifuges and, second, that Iraq was good at hiding its nuclear program.

By focusing on whether the tubes could be used for centrifuges, analysts effectively set aside evidence that the tubes were better suited for use in rockets, such as the fact that the tubes had precisely the same dimensions and were made of the same material as tubes used in the conventional rockets that Iraq had declared to international inspectors in 1996. And Iraq's denial and deception

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capabilities allowed analysts to find support for their view even from information that seemed to contradict it. Thus, Iraqi claims that the tubes were for rockets were described as an Iraqi "cover story" designed to conceal the nuclear end-use for the tubes. In short, analysts erected a theory that almost could not be disproved—both confirming and contradictory facts were construed as support for the theory that the tubes were destined for use in centrifuges.

In the absence of direct evidence, premises and inferences must do. Analysts cannot be faulted for failures of collection. But they can be faulted for not telling policymakers just how little evidence they had to back up their inferences and how uncertain even that evidence itself was. The October 2002 NIE and other pre-war intelligence assessments failed to articulate the thinness of the intelligence upon which critical judgments about Iraq's weapons programs hinged.

Our study also revealed deficiencies in particular intelligence products that are used to convey intelligence information to senior policymakers. As noted above, during the course of its investigation the Commission reviewed a number of articles from the President's Daily Brief (PDB) relating to Iraq's WMD programs. Not surprisingly, many of the flaws in other intelligence products can also be found in the PDBs. But we found some flaws that were inherent in the format of the PDBs—a series of short "articles" often based on current intelligence reporting that are presented to the President each morning. Their brevity leaves little room for doubts or nuance—and their "headlines" designed to grab the reader's attention leave no room at all. Also, a daily drumbeat of reports on the same topic gives an impression of confirming evidence, even when the reports all come from the same source.

The Commission also learned that, on the eve of war, the Intelligence Community failed to convey important information to policymakers. After the October 2002 NIE was published, but before Secretary of State Powell made his address about Iraq's WMD programs to the United Nations, serious doubts became known within the Intelligence Community about Curveball, the aforementioned human intelligence source whose reporting was so critical to the Intelligence Community's pre-war biological warfare assessments. These doubts never found their way to Secretary Powell, who was at that time attempting to strip questionable information from his speech.

These are errors—serious errors. But these errors stem from poor tradecraft and poor management. The Commission found no evidence of political pressure to

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influence the Intelligence Community's pre-war assessments of Iraq's weapons programs. As we discuss in detail in the body of our report, analysts universally asserted that in no instance did political pressure cause them to skew or alter any of their analytical judgments. We conclude that it was the paucity of intelligence and poor analytical tradecraft, rather than political pressure, that produced the inaccurate pre-war intelligence assessments.

The Iraq Study

This case study proceeds in two parts. The study first details the stream of pre-war intelligence assessments, from the Gulf War to Operation Iraqi Freedom, and compares those to the post-war findings of the Iraq Survey Group. That comparison is provided for each weapons type—nuclear, biological, chemical, and their delivery systems—and also for the political context in Iraq during this time period. For each of these sections, the report also offers the Commission's findings, which often identify specific flaws that led to the inaccuracies in the assessments. The study then identifies the overarching conclusions about the collection, analysis, and dissemination of intelligence that we drew from our examination of the Intelligence Community's performance on the Iraq WMD question.

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NUCLEAR WEAPONS

Nuclear Weapons Summary Finding

The Intelligence Community seriously misjudged the status of Iraq's alleged nuclear weapons program in the 2002 NIE and other pre-Iraq war intelligence products. This misjudgment stemmed chiefly from the Community's failure to analyze correctly Iraq's reasons for attempting to procure high-strength aluminum tubes.

The pre-war estimate of Iraq's nuclear program, as reflected in the October 2002 NIE *Iraq's Continuing Programs for Weapons of Mass Destruction*, was that, in the view of most agencies, Baghdad was "reconstituting its nuclear weapons program" and "if left unchecked, [would] probably…have a nuclear weapon during this decade," although it would be unlikely before 2007 to 2009.[3] The NIE explained that, in the view of most agencies, "compelling evidence" of reconstitution was provided by Iraq's "aggressive pursuit of high-strength aluminum tubes."[4] The NIE also pointed to additional indicators, such as other dual-use procurement activity, supporting reconstitution. The assessment that Iraq was reconstituting its nuclear program and could therefore have a weapon by the end of the decade was made with "moderate confidence."[5]

Based on its post-war investigations, the Iraq Survey Group (ISG) concluded—contrary to the Intelligence Community's pre-war assessments—that Iraq had not tried to reconstitute a capability to produce nuclear weapons after 1991.[6] Moreover, the ISG judged that Iraq's work on uranium enrichment, including development of gas centrifuges, essentially ended in 1991, and that its ability to reconstitute its enrichment program progressively decayed after that time.[7] With respect to the aluminum tubes, the ISG concluded that Iraq's effort to procure the tubes is "best explained by its efforts to produce 81-mm rockets," and the ISG uncovered no evidence that the tubes were intended for use in a gas centrifuge.[8]

The Community was, in brief, decidedly wrong on what many would view as the single most important judgment it made. The reasons why the Community was so wrong are not particularly glamorous—failures of analysts to question assumptions and apply their tradecraft correctly, errors in technical and factual analysis, a paucity of collection, and failure by the Community to authen-

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ticate relevant documents. But these seemingly workaday shortcomings collectively led to a major mis-estimation of a critical intelligence question.

This chapter details our review of the Intelligence Community's performance on the nuclear issue. Like the chapters that follow on the Community's assessments of other aspects of Iraq's weapons programs, this chapter is divided into three sections. First, we review the Intelligence Community's pre-war assessments of Iraq's nuclear program. We then summarize the findings of the ISG regarding Iraq's nuclear efforts and how those findings compare to the Intelligence Community's assessments. The final section contains our findings concerning the causes of the Intelligence Community's failures on the aluminum tubes issue and the now-infamous Niger story.

The Intelligence Community's Pre-War Assessments

The Intelligence Community's assessments of Iraq's pre-war nuclear program were not made in a vacuum. Rather, as the Intelligence Community later explained, its assessments were informed by its analysis of Iraq's nuclear ambitions and capabilities spanning the preceding fifteen years, as well as by "lessons learned from over a decade of dealing with Iraqi intransigence on this issue."[9] Thus the proper starting point for an evaluation of the Intelligence Community's assessments lies at the conclusion of the first Gulf War—when the Intelligence Community reviewed the state of Saddam Hussein's nuclear programs and was surprised by what it found.

Post-Gulf War. Following the Gulf War, based on a variety of sources of intelligence including reporting from defectors, the Intelligence Community learned that Iraq's nuclear weapons program went "far beyond what had been assessed by any intelligence organization" in 1990-1991.[10] Before the Gulf War, in November 1990, the Community had assessed that, because analysts had not detected a formal, coordinated nuclear weapons program, Iraq likely would not have a nuclear weapon until the late 1990s.[11] Thus after the war the Intelligence Community was surprised to discover the breadth of Iraq's nuclear weapons program, including the wide range of technologies Iraq had been pursuing for uranium enrichment, which in turn indicated that Iraq "had been much closer to a weapon than virtually anyone expected."[12] This humbling discovery that Iraq had successfully concealed a sophisticated nuclear program from the U.S. Intelligence Community exer-

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cised a major influence on the Intelligence Community's assessments throughout the early 1990s and afterwards.

Iraq's subsequent and continuing attempts to evade and deceive international inspectors heightened analysts' concerns.[13] In a 1994 Joint Atomic Energy Intelligence Committee (JAEIC) assessment, *Iraq's Nuclear Weapons Program: Elements of Reconstitution*, the Intelligence Community agreed that the "Iraqi government is determined to covertly reconstitute its nuclear weapons program," and that, although Iraq had not yet begun reconstitution, it "would most likely choose the gas centrifuge route" and would "invest a great deal of time and effort" to "conceal its efforts from long-term monitoring."[14]

Mid-1990s. Still, through the mid-1990s, analysts continued to assess that Iraq had not yet reconstituted its nuclear program. Most agencies judged in a 1993 NIE that "if sanctions are lifted and especially if inspections cease, Baghdad will rapidly accelerate its effort" to produce nuclear weapons.[15] And all agencies agreed in a September 1994 JAEIC assessment that Iraq "still seems to be pursuing" its former program.[16] The Intelligence Community believed that if Iraq were able to mount a dedicated centrifuge program, it would probably take the Iraqis five to seven years to produce enough fissile material for a nuclear weapon.[17] This consensus was best reflected by an October 1997 assessment by the JAEIC, which reaffirmed its previous judgments that Iraq would need five to seven years to produce fissile material indigenously, assuming some availability of foreign technical assistance and supplies.[18] Whether that five to seven year clock had started to run, however, was unclear: this assessment noted that although there was "no firm evidence that reconstitution had begun, six years had passed since the Gulf War and the Community could not be certain whether the starting point for the five to seven year timeline was in the past or future."[19]

During this period, the lack of specific intelligence on the subject continued to complicate analysts' abilities to assess Iraq's ability to reconstitute its nuclear program. The Intelligence Community noted in a 1998 assessment, for instance, that there was limited and often contradictory human intelligence reporting on Iraqi nuclear efforts, with some human intelligence sources indicating that Iraq was continuing "low-level theoretical research for a weapons program" while other sources reported that "all nuclear-related activity [had been] halted."[20] The Intelligence Community acknowledged that it had an "incomplete picture of the Iraqi nuclear program."[21]

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Post-1998. The end of international inspections in 1998, prompted by Saddam Hussein's preventing the inspectors from doing their work, increased concern among analysts that Iraq would use that opportunity to reconstitute its nuclear program. Accordingly, in 1999, the JAEIC noted that although it still had no specific evidence that reconstitution had begun, the absence of inspectors gave Iraq greater *opportunity* to conduct covert research and development.[22] As of December 2000, however, an Intelligence Community Assessment noted that Iraq still did not appear to have taken major steps toward reconstitution.[23] Thus, after the departure of inspectors, the Intelligence Community assumed that Iraq had the opportunity and the desire to jumpstart its covert nuclear weapons program; by the end of 2000, however, the Community had seen no firm evidence that this was actually happening.

This judgment began to shift in early 2001 as a result of a discovery that, in hindsight, was the critical moment in the development of the Intelligence Community's assessment of Iraq's nuclear program. In March 2001, intelligence reporting indicated that Iraq was seeking high-strength tubes made of 7075 T6 aluminum alloy.[24] The Intelligence Community obtained samples of the tubes when a shipment bound for Iraq was seized overseas.[25]

At this point, a debate began within the Intelligence Community about the reason why Iraq had procured the tubes. The CIA assessed that the tubes were most likely for gas centrifuges for enriching uranium and believed that the tubes provided compelling evidence that Iraq had renewed its gas centrifuge uranium enrichment program.[26] CIA subsequently identified possible non-nuclear applications for the tubes,[27] but continued to judge that the tubes were destined for use in Iraqi gas centrifuges[28]—even while acknowledging that the Intelligence Community had very little information on Iraq's WMD programs to corroborate this assessment.[29]

This judgment concerning the tubes' likely intended use was echoed by another expert technical entity within the Intelligence Community. Analysts from the National Ground Intelligence Center (NGIC), a component of the U.S. Army recognized as the national experts on conventional military systems, judged that while it could "not totally rule out the possibility" that the tubes could be used for rockets and thus were not destined for a nuclear-related use, the tubes were, technically speaking, poor choices for rocket bodies. NGIC's expert judgment was therefore that there was a very low probability the tubes were designed for conventional use in rockets.[30]

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Because of NGIC's expertise on conventional weapons systems such as rockets, NGIC's view that the tubes were poor choices for rocket bodies gave CIA analysts greater confidence in their own judgment that the tubes were likely for use in centrifuges.[31]

Other entities took a different view, however. The Department of Energy (DOE), the U.S. government's primary repository of expertise on nuclear matters, assessed that the tubes—although they "could be used to manufacture centrifuge rotors"—were "not well-suited for a centrifuge application" and were more likely intended for use in Iraq's Nasser 81 millimeter Multiple Rocket Launcher (MRL) program.[32] The International Atomic Energy Agency (IAEA) agreed with DOE's assessment, concluding that the tubes were usable in a gas centrifuge application but that they were not directly suited to that use.[33]

Despite this disagreement, the CIA informed senior policymakers that it believed the tubes were destined for use in Iraqi gas centrifuges.[34] While noting that there was disagreement within the Intelligence Community concerning the most likely use for the tubes, the CIA pointed out that there was also interagency consensus that the tubes *could* be used for centrifuge enrichment.[35] This consensus on capability led many analysts at both CIA and DIA to think that the tubes supplied the evidence that Iraq was starting to "reconstitute" its nuclear program.[36]

Other streams of evidence also raised flags. At about the same time, analysts began to see indications that Iraq was seeking procurement of other dual-use items that would be consistent with a possible renewed effort at developing centrifuges.[37] This activity concerned even DOE, which had expressed skepticism that the intercepted tubes had centrifuge applications.[38] These concerns were affected by the Intelligence Community's history of underestimating Iraq's nuclear program; as the National Intelligence Council (NIC) would later observe, analysts became concerned during 2002 that "they may again be facing a surprise similar to the one in 1991."[39]

In the months before the October 2002 NIE, the CIA continued to assess that the tubes were intended for use in gas centrifuges, albeit with slight variations in the strength of that formulation, pointing out that Iraq's interest in the tubes was "key" to the assessment that Iraq was "reconstituting its centrifuge program."[40] CIA presented this view in an Intelligence Assessment, entitled

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Iraq's Hunt for Aluminum Tubes: Evidence of a Renewed Uranium Enrichment Program, in which CIA concluded that the aluminum tubes "are most likely for gas centrifuges for enriching uranium" and that Iraq's pursuit of such tubes provided "compelling evidence that Iraq has renewed its gas centrifuge uranium enrichment program."[41] The assessment noted that "some" in the Intelligence Community believed conventional armament applications, such as multiple rocket launchers, were "more likely end-uses," but the assessment noted that NGIC, the "national experts on conventional military systems," had found such uses "highly unlikely."[42] At the same time, DOE disseminated a separate assessment arguing that, while the tubes could be modified for use as centrifuge rotors, "other conventional military uses [we]re more plausible."[43] The Department of State's Bureau of Intelligence and Research (INR) agreed with DOE's assessment.[44]

October 2002 NIE. The Intelligence Community judged in the NIE with moderate confidence that "Baghdad ha[d] reconstituted its nuclear weapons program."[45] Only INR dissented from this assessment, although INR judged in the President's Summary of the NIE that the overall evidence "indicates, at most, a limited Iraqi nuclear reconstitution effort."[46] By reconstitution, the Intelligence Community meant that Iraq was in the "process of restoring [its] uranium enrichment capability."[47] To the relevant CIA and DIA analysts, the pursuit of aluminum tubes provided "compelling evidence" of reconstitution.[48] In particular, the composition, dimensions, cost, and tight manufacturing tolerances for the tubes were assessed by CIA and DIA to exceed by far those needed for non-nuclear purposes, thus demonstrating that the tubes were intended for a nuclear-related use.[49] At the interagency coordination meeting for the NIE, both NSA and the National Geospatial-Intelligence Agency (NGA) agreed with the CIA/DIA position on the tubes.[50] DOE and INR dissented from the tubes judgment, assessing that the tubes were more likely for use in tactical rockets.[51]

The NIE stated that the conclusion that the tubes indicated reconstitution was bolstered by additional evidence that suggested Iraq could be rebuilding its nuclear program:

1. ***Other Dual-Use Procurements.*** Reporting indicated that Iraq was attempting to procure other dual-use items that would be required to build a gas centrifuge plant, such as magnets, "high-speed balancing machines," and machine tools.[52] These items are all dual-use materials,

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however, and the reporting provided no direct indication that the materials were intended for use in a nuclear program, as indicated in the NIE.[53]

2. ***Nuclear Cadre.*** The NIE also pointed to evidence that Iraq was making efforts to preserve, and in some cases re-establish and enhance, its cadre of weapons personnel.[54] Reporting indicated that some scientists had been reassigned to the Iraqi Atomic Energy Commission (IAEC) and that Iraq had "reassembled" many scientists, engineers, and managers from Iraq's previous nuclear program.[55]

3. ***Activity at Suspect Sites.*** Sources indicated that Iraq was trying to procure a magnet production line in 1999-2001 and one report indicated the plant would be located at Al-Tahadi, where analysis suggested construction of buildings in late 2000 that could have housed a magnet production line.[56] Both sources indicated, however, that magnet procurements were likely affiliated with Iraq's missile program, rather than with nuclear applications, though some reporting noted that the cadre of scientists and technicians at the site formerly worked in the nuclear program.[57]

Uranium from Niger. Although the NIE did not include uranium acquisition in the list of elements bolstering its conclusion about reconstitution, it did note that Iraq was "vigorously trying to procure uranium ore and yellowcake" from Africa.[58] This statement was based largely on reporting from a foreign government intelligence service that Niger planned to send up to 500 tons of yellowcake uranium to Iraq.[59] The status of the arrangement was unclear, however, at the time of the coordination of the Estimate and the NIE therefore noted that the Intelligence Community could not confirm whether Iraq succeeded in acquiring the uranium.[60] Iraq's alleged pursuit of uranium from Africa was thus not included among the NIE's Key Judgments.[61] For reasons discussed at length below, several months after the NIE, the reporting that Iraq was seeking uranium from Niger was judged to be based on forged documents and was recalled.[62]

In short, all of the coordinating agencies, with the exception of INR, agreed that Iraq was reconstituting its nuclear program.[63] Of those agencies that agreed on reconstitution, all but DOE agreed that the tubes provided "compelling evidence" for that conclusion. DOE reaffirmed its previous assessments

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that, while the tubes could be modified for use in a gas centrifuge, they were poorly suited for such a function and were most likely designed for use in conventional rockets.[64] On the question of reconstitution, DOE believed that the other factors—the attempted procurement of magnets and balancing machines, efforts to reconstitute the nuclear cadre, activity at suspect sites, and evidence of Iraqi efforts to obtain uranium from Africa—justified the conclusion that Iraq was reconstituting its nuclear program.[65] None of the other agencies placed significant weight on reporting about attempts to procure uranium from Africa to support their conclusion of reconstitution.[66]

Post-NIE. The publication of the NIE did not settle the dispute about the aluminum tubes and so, in the period between the NIE and the invasion of Iraq, debate within the Intelligence Community over their significance continued. INR, for its part, continued to see "no compelling reason to judge that Iraq ha[d] entered" the timeframe of at least five to seven years that the Intelligence Community agreed Baghdad would need to produce sufficient fissile material for a nuclear weapon.[67] DOE, meanwhile, continued to believe that reconstitution was underway but that the "tubes probably were not part of the program," [68] assessing instead that the tubes were intended for use in conventional rockets.[69] On the other side of the dispute, NGIC and CIA continued to assess that the tubes were destined for use in gas centrifuges.[70] Outside the Intelligence Community, the IAEA, after inspections resumed in fall 2002, also weighed in on the dispute, concluding with DOE and INR that the tubes were likely intended for use in Iraq's 81 millimeter rocket program.[71]

During this time the CIA continued to explain to senior policymakers that the Intelligence Community was not of one view on the most likely use for the tubes,[72] but CIA offered its own view that the "alternative explanation" for the tubes' intended use—that they would be used for rockets—was likely an Iraqi "cover story."[73] The CIA also noted the overall paucity of information on Iraq's programs, but suggested that the lack of information was due in part to Iraq's successful efforts to hide its illicit activity.[74]

Other countries' intelligence agencies views of the tubes were, on balance, somewhat more circumspect than that of the majority in the NIE. For its part, the British Joint Intelligence Committee assessed, as did the NIE, that the aluminum tubes, with some modifications, would be suitable for use in a centrifuge, but noted that there was no definitive intelligence that the tubes were destined for the nuclear program.[75] The views of the Australian Office of

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National Assessments on the relevance of the tubes to Iraq's nuclear program were "inconsistent and changeable."[76]

Post-War Findings of the Iraq Survey Group

The Iraq Survey Group concluded that Iraq had not tried to reconstitute a capability to produce nuclear weapons after 1991.[77] It concluded that Iraq's efforts to develop gas centrifuges for uranium enrichment ended in 1991, as did Iraq's work on other uranium enrichment programs, which Iraq had explored prior to the Gulf War.[78] The ISG also found no evidence that Iraq had taken steps to advance its pre-1991 work in nuclear weapons design and development.[79] Although the ISG did find indications that Saddam remained interested in reconstitution of the nuclear program after sanctions were lifted, it concluded that Iraq's ability to reconstitute its program progressively decayed after 1991.[80]

Not long after the start of the Iran-Iraq war in 1980, Iraq started to pursue formally a uranium enrichment program using a variety of uranium enrichment techniques.[81] By 1990, Iraq had built two magnetic-bearing centrifuges (with foreign assistance) using imported carbon fiber rotors and two oil-bearing centrifuges.[82] During the first Gulf War, however, nearly all of the key nuclear facilities in Iraq—those involved in the processing of nuclear material or weapons research—were bombed and many of the facilities were largely destroyed.[83]

After the Gulf War, Iraq initially chose not to disclose the extent of its nuclear program and instead sought to hide any evidence of it. Accordingly, the director of Iraq's Military Industrialization Commission, Hussein Kamil, ordered the collection of all inculpatory documents and equipment. The equipment and documentation were then moved to a variety of locations to hide them from the IAEA. Hussein Kamil ordered at least one set of all nuclear-related documents and some equipment to be retained by a senior scientist.[84]

Despite Iraqi efforts, in early summer 1991 the IAEA confronted Baghdad with evidence of uranium enrichment components during the course of its inspections. At that point Baghdad admitted to its large pre-war enrichment programs, but still did not fully declare the extent of its centrifuge program.[85]

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Indeed, Iraq continued to resist more comprehensive disclosure of its pre-1991 nuclear program until after the defection of Hussein Kamil in 1995, when a large number of documents and equipment fell into the hands of UNSCOM and the IAEA. From this point forward, according to the ISG, the Iraqis appear to have been more cooperative and provided more complete information. For example, the Iraqis largely declared their pre-1991 centrifuge program, although a full set of documents obtained by Iraq from German engineers in the 1980s was not supplied to IAEA inspectors.[86]

Although the Iraqis did not make more comprehensive disclosures about their nuclear program until 1995, the Iraq Survey Group concluded that Iraq had actually ended its nuclear program in 1991. More specifically, the ISG assessed that Iraq's development of gas centrifuges essentially ended in 1991 and that Iraq did not continue work on any of the other pre-1991 enrichment methods it had explored, including electromagnetic isotope separation (EMIS).[87] The ISG did point out, however, that many of the former EMIS engineers and scientists continued to work for either the Iraqi Atomic Energy Commission or the Military Industrialization Commission in roles that could preserve their technical skills.[88]

Despite these efforts to preserve the skills and talent of the nuclear cadre, the intellectual capital underlying Iraq's nuclear program decayed in the years after 1991.[89] For example, starting around 1992, the Director of Iraq's Military Industrialization Commission transferred personnel from the former nuclear program to various military research and production facilities. Some of the work performed by these former nuclear scientists by its nature preserved for Iraq capabilities that would be needed for a reconstituted nuclear program. Still, the ISG noted that the overall decline of the Iraqi economy made it very difficult to retain scientists, many of whom departed for better prospects abroad.[90]

With the influx of funds from the Oil-for-Food program and later the suspension of cooperation with UNSCOM, Saddam began to pay renewed attention to former members of the Iraq nuclear program. In the late 1990s, for instance, he raised salaries for those in the Military Industrialization and Iraqi Atomic Energy Commissions, and new programs, such as joint programs with universities, were initiated to employ the talent of former nuclear program employees.[91] In the year before Operation Iraqi Freedom, Iraq's Military Industrialization Commission also took steps to improve capabilities that

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could have been applied to a renewed centrifuge program for uranium enrichment. But the ISG did not uncover information indicating that the technologies being pursued were intended to support such a program.[92]

With respect to Iraq's interest in procuring high-strength aluminum tubes, the ISG concluded that the Iraqi attempt to procure the tubes is best explained by Iraq's efforts to produce effective 81 millimeter rockets; the ISG uncovered no evidence that the tubes were intended for use in a gas centrifuge.[93] The ISG arrived at this conclusion only after investigating the key indicators that suggested a possible centrifuge end-use for the tubes—for example, the tubes' dimensions and tight manufacturing tolerances—and found no evidence of a program to design or develop an 81 millimeter aluminum rotor centrifuge.[94]

What the ISG found instead was that, with respect to the dimensions of the tubes, Iraqi nuclear scientists thought it was at best impractical for Iraq to have made a centrifuge with 81 millimeter rotors. For example, Ja'far Diya Ja'far, the head of Iraq's pre-1991 uranium enrichment program, stated in post-war debriefings that, while it was possible to make a rotor from the tubes, he thought it would be impractical to do so.[95] He also said that using 81 millimeter rockets as a "cover story" for a centrifuge project would not have been very useful, because Iraq had difficulty importing *any* goods.[96] Ja'far similarly did not consider it reasonable that Iraq could have pursued a centrifuge program based on 81 millimeter aluminum tubes, judging the technical challenges to doing so were too great.[97]

Conversely, the Iraq Survey Group investigation did uncover what it judged to be plausible accounts that linked the tubes to 81 millimeter rockets, and which answered questions about why the Iraqis had sought such tight manufacturing specifications for the tubes. For example, some sources indicated to the ISG that the tight tolerance requests were driven by a desire to improve the accuracy of the rockets. Inconsistencies among rockets had resulted in past variations in range and accuracy, according to these sources, and the Iraqis chose to address this problem by tightening specifications.[98] Another explanation was that the engineering drawings for the Iraqi 81 millimeter rocket, which was originally reverse-engineered from an Italian air-to-ground rocket (the Medusa), had undergone many ad hoc revisions over the years because the Iraqis were using their 81 millimeter rockets as ground-to-ground rockets. An Iraqi military committee was convened to return the design to the original Italian-based design, according to the ISG report, and that military committee

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then set new, and more strict, specifications.[99] The ISG also learned that misfires sometimes resulted from pitting in the tubes caused by improper storage and corrosion, a problem that could explain the requirement that the tubes be anodized and shipped carefully.[100]

Though ultimately concluding that the evidence did not show that the Iraqis intended a nuclear end-use for the tubes, the Iraq Survey Group did note some inconsistencies in the explanation that the tubes were intended for use in tactical rockets.[101] For example, the ISG found technical drawings that showed that Iraq's 81 millimeter rocket program had a history of using tubes that fell short of the strict manufacturing standards demanded in the procurement attempts before the war.[102] Also, the ISG found evidence that, in the months just before the war, the Iraqis accepted lower-quality, indigenously produced aluminum tubes for its 81 millimeter rockets, despite the continuing efforts to procure high-specification tubes from abroad.[103] Iraq also explored the possibility (about a year before the war) of using steel for the rocket bodies. This approach was rejected, however, because it would have required significant design modifications for the existing 81 millimeter rocket design.[104] The ISG noted that these efforts raise questions about whether high-specification tubes were really needed for rockets.[105]

The ISG reconciled this evidence by judging that Iraq's continued efforts to obtain tubes from abroad, even while simultaneously accepting some indigenously produced tubes for use in rockets, could be explained in large measure by bureaucratic inefficiencies and fear of senior officials in the ranks of the Iraqi government.[106] For example, Dr. Huwaysh, the head of the Military Industrialization Commission, "exhibited a rigid managerial style" and frequently made unreasonable production demands. The fear of being held responsible for rejected tubes or components affected the lead production engineer and he therefore decided to tighten specifications for the rocket program. Similarly, a report from the rocket program noted that some engineers requested tight specifications in order to appear effective in addressing problems. Also, because Huwaysh demanded results quickly, the engineers did not have time to attempt a detailed analysis of the causes for rocket scatter and inaccuracy; instead, the engineers simply tightened some specifications in the hope that that would improve accuracy.[107] Other factors influencing the continuing efforts to procure tubes from abroad included the "lack of sufficient indigenous manufacturing capabilities"—an

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effort that Iraq only began in 2002—the high costs of production, and the "pressure of the impending war."[108]

The ISG noted that one other factor that the Intelligence Community had cited as evidence that the tubes were intended for use in a centrifuge was that the potential supplier was asked to provide 84 millimeter tubes—a change that would have meant the tubes could *not* be used in an 81 millimeter rocket.[109] But the ISG found no clear indication that it was Iraq (or an Iraqi entity) that was making these inquiries about 84 millimeter tubes.[110] In any event, the ISG concluded that, although a larger diameter tube would be better for use in a centrifuge, Iraq already had 500 tons of 120 millimeter diameter aluminum shafts which it had imported before sanctions were imposed in 1990. And, furthermore, Iraq was using those shafts in the months before Operation Iraqi Freedom to support the flow-forming operations related to the 81 millimeter rocket program.[111]

With respect to alleged "high-level interest" in tubes by Iraqi leaders, the ISG concluded that such interest in the tubes appears to have focused on efforts to produce 81 millimeter rockets rather than on any element of a nuclear program.[112]

The Iraq Survey Group also found no evidence that Iraq sought uranium from abroad after 1991.[113] With respect to the reports that Iraq sought uranium from Niger, ISG interviews with Ja'far Diya Ja'far, the head of Iraq's pre-1991 enrichment programs, indicated that Iraq had only two contacts with the Nigerien government after 1998—neither of which was related to uranium.[114] One such contact was a visit to Niger by the Iraqi Ambassador to the Vatican Wissam Zahawie, the purpose of which Ja'far said was to invite the Nigerien President to visit Iraq (a story told publicly by Zahawie).[115] The second contact was a visit to Iraq by a Nigerien minister to discuss Nigerien purchases of oil from Iraq—with no mention of "any kind of payment, *quid pro quo*, or offer to provide Iraq with uranium ore, other than cash in exchange for petroleum."[116] The use of the last method of payment is supported by a crude oil contract, dated June 26, 2001, recovered by the ISG.[117]

The ISG found only one offer of uranium to Baghdad since 1991—an offer that Iraq appears to have turned down.[118] The ISG found a document in the headquarters of the Iraqi Intelligence Service that reveals that a Ugandan businessman had approached the Iraqi Embassy in Nairobi with an offer to

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sell uranium, reportedly from the Congo. The Iraqi Embassy in Nairobi, reporting back to Baghdad on the matter on May 20, 2001, indicated that the Embassy told the Ugandan that Iraq did not deal with "these materials" because of the sanctions.[119]

Finally, and on a broader plane, even if an order to reconstitute had been given, Iraq Survey Group interviews with former senior officials indicated that Iraq would not have been able to do so given the conditions inside the country in 2002.[120] Unsurprisingly, therefore, the ISG found no indication that Iraq had resumed fissile material or nuclear weapon research and development activities after 1991.[121]

Analysis of the Intelligence Community's Pre-War Assessments

This marked disjuncture between the Intelligence Community's assessments and the findings of the Iraq Survey Group about Iraq's purported nuclear weapons program was not solely the product of bad luck or the inherent difficulties of making intelligence judgments. It arose out of fundamental flaws in the way the Intelligence Community approached its business.

Above all, the Intelligence Community's failure on the nuclear issue was a failure of analysis. To be sure, the paucity of intelligence contributed to that failure. Although signals intelligence played a key role in some respects that we cannot discuss in an unclassified format, on the whole it was not useful. Similarly, though imagery intelligence showed some construction at a possible suspect nuclear site in or around 2000, imagery provided little helpful insight into the purpose of that activity and nothing beyond that. And, other than information on the alleged uranium deal that was later determined to be unreliable, very little human intelligence was available to provide insight into Iraq's intentions. The time pressures of the October 2002 NIE also may have hampered the normal thorough review before dissemination.[122]

But on the crucial question of whether the aluminum tubes were for use in a gas centrifuge or in tactical rockets—an analytical question—the Intelligence Community got it wrong.[123] And, notably, it was not one of the difficult and inherently speculative questions intelligence analysts often confront; it was not a question that required the Intelligence Community to make a prediction about future events or to draw conclusions about the state of the world based upon limited information. Rather, the critical question

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was, at bottom, largely a technical one, where the critical facts were known or knowable: namely, how well-suited were the aluminum tubes for tactical rockets and centrifuges, respectively? An even-handed assessment of the evidence should have led the Intelligence Community to conclude that the tubes were more likely destined for tactical rockets. This section examines this analytic failure and other issues uncovered by our review of the Intelligence Community's performance.

Nuclear Weapons Finding 1

The Intelligence Community's judgment about Iraq's nuclear program hinged chiefly on an assessment about Iraq's intended use for high-strength aluminum tubes it was seeking to procure. Most of the agencies in the Intelligence Community erroneously concluded these tubes were intended for use in centrifuges in a nuclear program rather than in conventional rockets. This error was, at the bottom, the result of poor analytical tradecraft—namely, the failure to do proper technical analysis informed by thorough knowledge of the relevant weapons technology and practices.

The judgment of most agencies that Baghdad's pursuit of aluminum tubes "provide[d] compelling evidence" that Iraq was reconstituting its weapons turned upon two separate but related analytical determinations.[124] The first was that the tubes would not have been well-suited for use in Iraq's conventional military arsenal—in particular, as a conventional rocket casing. The second was that the tubes *were* a suitable fit for centrifuges in a nuclear program.

This section addresses the soundness of each of these conclusions in turn. We find that the Intelligence Community—and in particular, conventional weapons analysts at the National Ground Intelligence Center (NGIC) in the Defense Department—got the first of these two questions completely wrong; the intercepted tubes were not only well-suited, but were in fact a precise fit, for Iraq's conventional rockets, and the Intelligence Community should have recognized as much at the time. The second question—whether the tubes would have been well-suited for centrifuge applications—was a closer one, but we conclude that certain agencies were more wedded to the analytical position that the tubes were destined for a nuclear program than was justified by the technical evidence. We also conclude that these misjudgments, while reflecting lapses in basic tradecraft, ultimately stemmed from a deeper source:

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analysts' willingness to accept that a superficially enticing piece of evidence confirmed the prevailing assumption—that Iraq was attempting to reconstitute its nuclear program—was wrong. That CIA and DIA reached this conclusion was a product of, in our view, an effort to fit the evidence to the prevailing assumptions.

Suitability of the tubes for conventional rockets. The most egregious failure regarding the aluminum tubes was the inability of certain agencies to assess correctly their suitability for a conventional weapons system. While the CIA and DIA acknowledged that the tubes *could* be used for rockets, these agencies believed it was highly unlikely that the tubes had been intended for such a use.[125] But these agencies' basis for believing this was wrong. Iraq had been seeking tubes composed of a particular material—high-strength 7075-T6 aluminum—which CIA and DIA viewed as suggestive of a nuclear end-use.[126] But that material is wholly consistent with a non-nuclear end-use. This same material in fact has been used in rockets manufactured by Russia, Switzerland, and twelve other countries, according to Department of Defense rocket design engineers.[127] Indeed, *Iraq itself* had used this kind of aluminum in its Nasser 81 rocket program and had declared that use in its 1996 declaration to the IAEA.[128]

Yet NGIC, the national experts on conventional military systems, assessed in September 2002 that the material and tolerances of the tubes sought by Iraq were "highly unlikely" to be intended for rocket motor cases.[129] That assessment was clearly mistaken and should have been recognized as such at the time. NGIC later conceded, in written testimony to the Senate Select Committee on Intelligence, that "lightweight rockets, such as those originally developed for air-to-ground systems, typically use 7075-T6 aluminum for the motor casing."[130] As the experts on such systems, NGIC should have been aware of these facts. Similarly, although NGIC assessed that the tolerances of the tubes Iraq was seeking were "excessive" for rockets, NGIC was not aware at that time of the tolerances required for the Iraqi Nasser 81 rockets, for the Italian Medusa rocket on which the Nasser 81 was based, or for comparable U.S. rockets.[131]

NGIC also believed that the tubes would make poor choices for rocket motor bodies because the walls of the tubes were too thick.[132] But the tubes Iraq was seeking had precisely the same dimensions—including the same wall thickness—as the tubes that Iraq itself used in its Nasser 81 rockets in 1996.[133]

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This fact also should not have come as a revelation to NGIC analysts, as DOE had published detailed assessments of the tubes used in the Nasser 81 rocket—including their dimensions—in August 2001, and as the IAEA had noted Iraq's use of the Nasser 81 rocket in its earlier catalogs of Iraq's weapons programs.[134] Yet the two primary NGIC rocket analysts said that they did not know the dimensions of the Nasser 81 rockets at that time. While these analysts assert that they had no access to IAEA information and did not receive the DOE reporting in question,[135] we believe that NGIC could and should have conducted a more exhaustive examination of the question. We agree with the conclusion of the Senate Select Committee on Intelligence that NGIC's performance represents a "serious lapse" in analytical tradecraft.[136]

CIA and DIA's confidence in their conclusions also led them to fail to pursue additional, easily obtainable data on the tubes that would have pointed them in the direction of conventional weapons applications. For example, though elements of the Intelligence Community were aware that the Nasser 81 millimeter rocket was likely reverse-engineered from the Italian Medusa air-to-ground rocket, neither DIA nor CIA—the two most vociferous proponents of a nuclear end-use—obtained the specifications for the Medusa rocket until well after the commencement of Operation Iraqi Freedom.[137] Indeed, CIA appears to have consciously bypassed attempts to gather this crucial data. A CIA officer had actually suggested that CIA track down the precise dimensions and specifications of the Medusa rocket in order to evaluate the possibility that the tubes Iraq was seeking were in fact intended for rockets. CIA rejected the request in early September 2002, however, on the basis that such information was not needed because CIA judged the tubes to be destined for use in centrifuges—a textbook example of an agency prematurely closing off an avenue of investigation because of its confidence in its conclusions.[138]

Suitability of tubes for nuclear centrifuges. As discussed above, a debate raged within the Intelligence Community in the months preceding the Iraq war on a second question as well: namely, whether the intercepted aluminum tubes were well-suited for use in nuclear centrifuges. According to both DOE and CIA centrifuge experts, the resolution of this issue depended primarily on the answer to two highly technical questions: first, whether the tubes had a sufficiently large internal diameter (and hence could allow the requisite gas flow) to enrich uranium effectively, and whether the walls of the tubes were too thick for use as centrifuge rotors.[139] While generally the analytical issue of the tubes' suitability for centrifuges was more technically complex than

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that of their fit for conventional rocket applications, the manner in which certain agencies answered these two technical questions about centrifuge-suitability suggests that their analysis was driven more by their underlying assumptions than by the available scientific evidence.

For example, to answer the first question, analysts from CIA's Weapons Intelligence, Non-Proliferation, and Arms Control Center (WINPAC) sought the assistance of the DOE National Laboratories—specifically, Oak Ridge National Laboratory—to test the tubes.[140] The Oak Ridge laboratory concluded that, while it was technically possible to enrich uranium using tubes of the diameter the Iraqis were seeking, it would be suboptimal to do so.[141] The prototype design unit that Iraq built before the Gulf War—which used carbon fiber rotors and was built with the assistance of German engineers using the European Urenco design—had a separative capability four to five times greater than would a centrifuge built using the 81 millimeter tubes for rotors.[142] Accordingly, to support a program that could produce one nuclear device per year, Iraq would need to manufacture and deploy 10,000 to 14,000 such machines.[143] The number of tubes Iraq was seeking, however, would be enough to manufacture 100,000 to 150,000 of these machines, which could produce 170-260 kg of highly enriched uranium per year (enough for 8-10 nuclear devices per year). But DOE pointed out that no proliferator has ever operated such a large number of centrifuges.[144] In other words, the tubes Iraq was seeking were so suboptimal for uranium enrichment that it would have taken many thousands of them to produce enough uranium for a weapon—and although Iraq was in fact seeking thousands of tubes, DOE assessed it would have been highly unlikely for a proliferator to choose a route that would require such a large number of machines.

With respect to the second suitability question—whether the walls of the tubes were too thick for centrifuge use—CIA's WINPAC sought the assistance of a contractor to perform separate tests (a "spin test") of the tubes in order to determine if they were strong enough to withstand the extremely high speeds at which centrifuge rotors must spin.[145] The initial test performed by the contractor was reported to have resulted in successfully spinning a tube at 60,000 revolutions per minute (rpm).[146] The NIE included these test results and explained that this test provided only a rough indication that the tubes were suitable as centrifuge rotors. The NIE noted, however, that additional tests would be performed at higher speeds to determine whether the tubes

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were suitable for operations under conditions that replicated gas centrifuge operations.[147]

Unfortunately, these subsequent tests—performed by CIA contractors in January 2003—only clouded an already murky picture. The contractors' initial findings gave the appearance that the tubes were of insufficient strength for use in centrifuge equipment. The CIA, however, questioned the methodology used by its contractors, asserting that the test results had failed to distinguish between the failures of the *tubes* and failures of the *test equipment* itself.[148] The contractors then provided a "correction" with new test data, which, the CIA believed, demonstrated that the tubes had sufficient strength to be spun at speeds of 90,000 rpm.[149] But DOE was unpersuaded by the corrected findings and argued that the CIA's conclusions were not supported by the test results.[150] At bottom, the ineptly handled spin tests did little more than deepen the divisions between CIA and DOE over the tubes' intended use; in the words of one former senior Intelligence Community official, the tests were "like throwing a lighted match into gasoline."[151]

In any event, the initial technical tests led all agencies to agree that the tubes *could* be used to build gas centrifuges for uranium enrichment.[152] DOE, however, did not believe that tubes were *intended* for such use, a view with which INR agreed. DOE's view was based on disagreement with CIA's view on both counts—DOE argued that the diameter of the tubes was too small and the walls were too thick for centrifuge use. The tubes, in DOE's judgment, were therefore "not favorable for direct use as centrifuge rotors."[153]

CIA countered that the dimensions of the tubes were "similar" to Iraq's prewar Beams gas centrifuge design and "nearly matched" the tube size used in another type of gas centrifuge, the Zippe design.[154] Nuclear analysts from WINPAC explained that prior to the Gulf War Iraq had pursued the development of a Beams centrifuge with aluminum rotors that had a wall thickness in excess of 3.0 millimeters, and that Iraq had built an oil centrifuge with aluminum rotors in excess of 6.0 millimeters. CIA also asserted that the unclassified document describing Zippe's design could be interpreted as using rotors with wall thicknesses that ranged from 1.0 millimeter to 2.8 millimeters.[155] WINPAC reasoned that, although these dated models for centrifuges were not ideal, Iraq was likely to build what it *could* rather than what would be the optimal design.[156] Specifically, old centrifuge designs using aluminum rotors were the only ones Iraq had successfully built in the past without extensive

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assistance from foreign experts.[157] Similarly, DIA assessed that "[a]lternative uses" for the tubes were "possible," but that such alternatives were "less likely because the specifications [of the tubes] are consistent with late 1980s Iraqi gas centrifuge rotor designs."[158]

DOE disputed this analysis on several grounds. From the outset, DOE believed that Iraq would pursue a more advanced design, such as the Urenco-style centrifuge that Iraq had pursued with the covert assistance of German engineers before the Gulf War.[159] DOE also disagreed with CIA's technical conclusion that the tubes were a plausible match for the Zippe design; it asserted that the optimum Zippe design required a wall thickness no greater than a certain figure (the figure itself is classified).[160] Finally, DOE noted that the Beams design had never been successfully used to enrich uranium—Beams himself could never get his design to work beyond pilot-plant operation.[161] As DOE subsequently explained, in DOE's view it was therefore irrelevant, and misleading, to point to similarities with this design as evidence the tubes were intended for use in a centrifuge.[162]

In sum, although even DOE agreed that the tubes *could* be used for centrifuges, DOE's assessment that such use was unlikely proved closer to the mark. DIA and CIA analysts overestimated the likelihood that the tubes were intended for use in centrifuges, an erroneous judgment that resulted largely from the unwillingness of many analysts to question—or rigorously test—the underlying assumption that Iraq would try to reconstitute its nuclear program.

The influence of assumptions on the analytical process. As we have seen, the majority of intelligence agencies—and in particular, CIA and DIA—were simply wrong on the question of whether the aluminum tubes were suitable for conventional rocket applications. A similar dynamic emerged during the intra-Community debate on whether the tubes were a good fit for centrifuge designs; while the judgments were in this case more defensible, CIA and DIA consistently construed quite ambiguous technical data as supporting the conclusion that the aluminum tubes were well-suited for use as centrifuges. A consistent pattern emerges: certain analysts, and certain agencies, were clearly inclined to view evidence—even exceedingly technical evidence—through the prism of their assumptions that Iraq was reconstituting its nuclear program.

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This tendency is reflected in the way these analysts interpreted other information about the tubes as well. For instance, CIA and DIA assessed that the tight manufacturing tolerances that Iraq required for the tubes pointed towards centrifuge use, because of the increased cost and manufacturing challenges that would result from these stringent requirements.[163] But as DOE pointed out, although the specifications did seem excessive for use in conventional rockets, the tolerances were also a peculiar requirement if they were destined for centrifuges; the specifications were neither as tight as those previously used by Iraq for centrifuges nor as tight as those typically desired for high-speed rotating equipment.[164] Moreover, the tubes would have required substantial modifications to make them suitable for centrifuge use,[165] and the required modifications would have been inconsistent with the tight manufacturing tolerances demanded.[166] Finally, the tight specifications were not inconsistent with conventional rocket applications; as DOE pointed out to the Senate Select Committee on Intelligence, it is in fact quite common for inexperienced engineers to over-specify tolerances when trying to reverse-engineer equipment.[167]

The focus of certain intelligence agencies on the cost of the tubes offers another example of analysts straining to fit the data into their prevailing theories. The NIE cites reporting indicating that Iraq paid "up to" $17.50 for the tubes, and noted that the willingness to pay this "high" price was indicative of the high priority of the purchase—a fact which, it is suggested, supports the view that the tubes had nuclear application.[168] But in fact this price was not unusually elevated. DOE obtained a price quote from a U.S. manufacturer—without the tight tolerances—of $19.27 per tube.[169]

Adherence to prevailing assumptions also led analysts to discount contrary evidence. Both CIA and DIA were quick to dismiss evidence which tended to show that the tubes were intended for use in Iraq's rocket program, instead attributing such contrary evidence to Iraq's "deception" efforts. Analysts were well aware that Iraq historically had been very successful in "denial and deception"[170] activities, and that, at least in part because of such activities, the Intelligence Community had underestimated the scope of Iraq's pre-Gulf War nuclear program. So analysts, in order to ensure that they were not fooled again, systematically discounted the possibility that the tubes were for rockets.

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Indeed, in some instances, analysts went even further, interpreting information that contradicted the prevailing analytical line as intentional deception, and therefore as *support* for the prevailing analytical view. For example, NGIC characterized the Iraqi claim that the tubes were for use in tactical rockets as "a poorly disguised cover story," reasoning that Iraq was claiming such an end-use for the tubes because Iraq was aware that its intentions to use the tubes in a nuclear centrifuge application "have been compromised."[171] CIA also noted in a Senior Executive Memorandum that Iraq "has established a cover story…to disguise the true nuclear end use" for the aluminum tubes, explaining that Iraq may be exploiting press reports regarding the disagreement within the Intelligence Community about the tubes.[172] In some quarters, then, the thesis that the tubes were destined for centrifuges took on the quality of a hypothesis that literally could not be disproved: both confirming and contradictory facts were construed as supporting evidence.[173]

The unwillingness to question prevailing assumptions that Iraq was attempting to reconstitute its nuclear program therefore resulted in faulty analysis of the aluminum tubes. While CIA analysts now agree with the ISG position that the tubes were most likely intended for use in rockets rather than in centrifuge applications,[174] as of March 2005, CIA had still not published a reassessment of its position on the tubes.[175]

Nuclear Weapons Finding 2

In addition to citing the aluminum tubes, the NIE's judgment that Iraq was attempting to reconstitute its nuclear weapons program also referred to additional streams of intelligence. These other streams, however, were very thin, and the limited value of that supporting intelligence was inadequately conveyed in the October 2002 NIE and in other Intelligence Community products.

Nuclear Weapons Finding 3

The other indications of reconstitution—aside from the aluminum tubes—did not themselves amount to a persuasive case for a reconstituted Iraqi nuclear program. In light of the tenuousness of this other information, DOE's argument that the aluminum tubes were not for centrifuges but that Iraq was, based on these other streams of information, reconstituting its nuclear program was a flawed analytical position.

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Until now, this review has focused on flaws in the Intelligence Community's assessment concerning the likely uses of the aluminum tubes—the central basis for the overall judgment that Iraq was reconstituting. But the Intelligence Community also identified in the NIE other evidence to support this conclusion, including Iraq's attempts to procure other dual-use items needed for a gas centrifuge such as magnets and balancing machines, efforts to reconstitute its nuclear cadre, and activity at suspect sites. This evidence, however, was based on thin streams of reporting (and indeed, as will be shown, the NIE's recitation of this evidence was also marred by inaccuracies).[176] Analysts are of course often called upon to make judgments based on limited information, particularly on difficult targets such as Iraq's nuclear program. With that said, the NIE too often failed to communicate the paucity of intelligence supporting its assessments and also contained several inaccurate statements.

For example, the NIE indicated that according to sensitive reporting, Saddam Hussein was "personally interested in the procurement of aluminum tubes."[177] This sensitive reporting was a single report from a liaison service which reported that Saddam was "closely following" the purchase of the tubes.[178] Yet even this single report was under dispute. According to one CIA officer, it was the service's intelligence officer who said Saddam was following the purchase, although another CIA officer at the meeting remembered the exchange differently.[179] Even though fundamental doubts existed about the validity and ultimate source of this information, CIA was not able to clarify this point (which was understandable, given the uncertainties inherent in working with liaison services) and allowed the NIE to use the information without reflecting this uncertainty (which was not understandable).[180]

In other places, the NIE's assertions concerning Iraq's nuclear program were simply factually incorrect. First, the NIE pointed to Iraq's attempts to procure a permanent magnet production capability as evidence that Iraq was reconstituting its uranium enrichment program. It noted that "a large number of personnel for the new production facility worked in Iraq's pre-Gulf War centrifuge program."[181] This, however, was a mistake; the National Intelligence Officer (NIO) for Strategic and Nuclear Programs subsequently noted that the workers had not been associated with Iraq's centrifuge program but with the former EMIS program.[182] And the NIE misidentified a front company involved in procurement efforts and the items being procured; the company involved in the initial aluminum tube procurement was seeking high-

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speed spin testing machines, while another company, also involved in tube procurement, was seeking balancing machines.[183]

In light of this, DOE's position on Iraqi nuclear reconstitution appears rather dubious. DOE was alone in its view that these other procurement attempts, combined with the later-recalled reporting regarding uranium from Africa, provided sufficient evidence to conclude that Iraq was reconstituting. Leaving aside the factual errors noted above, there was no evidence that Iraq had actually obtained the dual-use items it was seeking, and DOE conceded that there was no evidence that the magnets Iraq was seeking were intended for the nuclear program.[184] With respect to the alleged uranium enrichment procurement efforts in Africa, DOE reasoned that any indication that Iraq was attempting to procure uranium covertly would be a significant indication of Iraq's intention to pursue a nuclear program.[185]

The gossamer nature of the evidence relied upon by DOE, and the doubts expressed about the attempts to procure uranium from Africa long before the reporting was recalled (more in a moment about this) had led senior officials in other agencies to question the substantive coherence of DOE's position. The former NIO for Strategic and Nuclear Programs, for one, said that he had not fully understood the logic supporting DOE's conclusion that Iraq was reconstituting despite specifically questioning DOE on this point during the NIE coordination meeting.[186] Similarly, a former senior intelligence officer remarked in November 2004 that DOE's position had "made sense politically but not substantively."[187] In fact, the DOE intelligence analyst who participated in the coordination meetings for the NIE—while maintaining that there was no political pressure on DOE, direct or indirect, to agree with the reconstitution conclusion at the NIE coordination meeting—conceded to this Commission that "DOE didn't want to come out before the war and say [Iraq] wasn't reconstituting."[188]

As mentioned above, DOE's position rested in part on a piece of evidence not relied upon by any of the other intelligence agencies in the NIE—that of Iraq's attempts to procure uranium from Niger.[189] This evidence was unconfirmed at the time of the NIE and subsequently shelved because of severe doubts about its veracity. As will be shown in the next section, the Intelligence Community was right to have its doubts about this story, and DOE was wrong

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to rely on it as an alternative piece of evidence confirming Iraq's interest in reconstitution.

Nuclear Weapons Finding 4

The Intelligence Community failed to authenticate in a timely fashion transparently forged documents purporting to show that Iraq had attempted to procure uranium from Niger.

Intelligence Community agencies did not effectively authenticate the documents regarding an alleged agreement for the sale of uranium yellowcake from Niger to Iraq. The President referred to this alleged agreement in his State of the Union address on January 28, 2003—evidence for which the Intelligence Community later concluded was based on forged documents.[190]

To illustrate the failures involved in vetting this information, some details about its collection require elaboration. The October 2002 NIE included the statement that Iraq was "trying to procure uranium ore and yellowcake" and that "a foreign government service" had reported that "Niger planned to send several tons" of yellowcake to Iraq.[191] The statement about Niger was based primarily on three reports provided by a liaison intelligence service to CIA in late 2001 and early 2002.[192] One of these reports explained that, as of early 1999, the Iraqi Ambassador to the Vatican planned to visit Niger on an official mission. The report noted that subsequently, during meetings on July 5-6, 2000, Niger and Iraq had signed an agreement for the sale of 500 tons of uranium.[193] This report stated that it was providing the "verbatim text" of the agreement.[194] The information was consistent with reporting from 1999 showing that a visit to Niger was being arranged for the Iraqi Ambassador to the Vatican.[195]

Subsequently, Vice President Cheney requested follow-up information from CIA on this alleged deal.[196] CIA decided to contact the former U.S. ambassador to Gabon, Ambassador Joseph Wilson, who had been posted to Niger early in his career and maintained contacts there, to see if he would be amenable to traveling to Niger. Ambassador Wilson agreed to do so and, armed with CIA talking points, traveled to Niger in late February 2002 and met with former Nigerien officials.[197]

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Following the trip, CIA disseminated an intelligence report in March 2002 based on its debriefing of Ambassador Wilson.[198] The report carried the caveat that the individuals from whom the Ambassador obtained the information were aware that their remarks could reach the U.S. government and "may have intended to influence as well as to inform."[199] According to this report, the former Prime Minister of Niger said that he was not aware of any contracts for uranium that had been signed between Niger and any rogue states. He noted that if there had been such an agreement, he would have been aware of it.[200] He said, however, that in June 1999 he met with an Iraqi delegation to discuss "expanding commercial relations" between Niger and Iraq, which the Prime Minister interpreted as meaning the delegation wanted to discuss yellowcake sales. The Prime Minister let the matter drop, however, because of the United Nations sanctions on Iraq.[201]

The British Government weighed in officially on the Niger subject on September 24, 2002, when it disseminated a white paper on Iraq's WMD programs stating that "there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa."[202]

The story grew more complicated when, on October 9, 2002, several days after the NIE was published, an Italian journalist provided a package of documents to the U.S. Embassy in Rome, including documents related to the alleged agreement for the sale of uranium from Niger to Iraq.[203] The State Department passed these documents on to elements of the CIA. Although the documents provided to the Embassy by the Italian journalist related to the purported agreement, these elements of the CIA did not retain copies of the documents or forward them to CIA Headquarters because they had been forwarded through Embassy channels to the State Department.[204]

WINPAC analysts, for their part, only requested and obtained copies of the documents several months later—after State's INR had alerted the Intelligence Community in October 2002 that it had serious doubts about the authenticity of the documents.[205] And, even after this point, CIA continued to respond to policymakers' requests for follow-up on the uranium deal with its established line of analysis, without attempting to authenticate the documents and without noting INR's doubts about the authenticity of the information—despite not having looked at the documents with a critical eye.

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For example, in mid-January 2003, the Chairman of the Joint Chiefs of Staff requested information—other than information about the aluminum tubes—about why analysts thought Iraq was reconstituting its nuclear program. In response, WINPAC published a current intelligence paper pointing to Iraqi attempts to procure uranium from several African countries, citing "fragmentary reporting," and making no reference to questions about the authenticity of the source documents.[206] Shortly thereafter, the National Security Council and Office of the Secretary of Defense requested information from the NIO for Strategic and Nuclear Programs and from DIA, respectively, on the uranium deal. The responses included information based on the original reporting, without any mention of the questions about the authenticity of the information.[207]

The CIA had still not evaluated the authenticity of the documents when it coordinated on the State of the Union address, in which the President noted that the "British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."[208] Although there is some disagreement about the details of the coordination process, no one in the Intelligence Community had asked that the line be removed.[209] At the time of the State of the Union speech, CIA analysts continued to believe that Iraq probably was seeking uranium from Africa, although there was growing concern among some CIA analysts that there were problems with the reporting.[210]

The IAEA, after receiving copies of the documents from the United States, reviewed them and immediately concluded that they were forgeries.[211] As the IAEA found, the documents contained numerous indications of forgery—flaws in the letterhead, forged signatures, misspelled words, incorrect titles for individuals and government entities, and anomalies in the documents' stamps.[212] The documents also contained serious errors in content. For example, the document describing the agreement made reference to the legal authority for the agreement, but referenced an out-of-date statutory provision. The document also referred to a meeting that took place on "Wednesday, July 7, 2000" even though July 7, 2000 was a Friday.[213]

When it finally got around to reviewing the documents during the same time period, the CIA agreed that they were not authentic. Moreover, the CIA concluded that the original reporting was based on the forged documents and was thus itself unreliable.[214] CIA subsequently issued a recall notice at the beginning of April, 2003 for the three original reports, noting that "the foreign gov-

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ernment service may have been provided with fraudulent reporting."[215] On June 17, 2003, CIA produced a memorandum for the Director of Central Intelligence (DCI) stating that "since learning that the Iraq-Niger uranium deal was based on false documents earlier this spring we no longer believe that there is sufficient other reporting to conclude that Iraq pursued uranium from abroad."[216] The NIO for Strategic and Nuclear Programs also briefed the Senate and House Intelligence Committees, on June 18 and 19, respectively, on the CIA's conclusions in this regard.[217]

Given that there were already doubts about the reliability of the reporting on the uranium deal, the Intelligence Community should have reviewed the documents to evaluate their authenticity as soon as they were made available in early October 2002, rather than waiting over six months to do so. The failure to review these documents caused the Intelligence Community to rely on dubious information when providing highly important assessments to policymakers about the likelihood that Iraq was reconstituting its nuclear program. The Community's failure to undertake a real review of the documents—even though their validity was the subject of serious doubts—was a major failure of the intelligence system.[218]

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BIOLOGICAL WARFARE

Biological Warfare Summary Finding

The Intelligence Community seriously misjudged the status of Iraq's biological weapons program in the 2002 NIE and other pre-war intelligence products. The primary reason for this misjudgment was the Intelligence Community's heavy reliance on a human source—codenamed "Curveball"—whose information later proved to be unreliable.

The Intelligence Community assessed with "high confidence" in the fall of 2002 that Iraq "has" biological weapons, and that "all key aspects" of Iraq's offensive BW program "are active and that most elements are larger and more advanced than they were before the Gulf War."[219] These conclusions were based largely on the Intelligence Community's judgment that Iraq had "transportable facilities for producing" BW agents.[220] That assessment, in turn, was based largely on reporting from a single human source.

Contrary to the Intelligence Community's pre-war assessments, the ISG's post-war investigations concluded that Iraq had unilaterally destroyed its biological weapons stocks and probably destroyed its remaining holdings of bulk BW agent in 1991 and 1992.[221] Moreover, the ISG concluded that Iraq had conducted no research on BW agents since that time, although Iraq had retained some dual-use equipment and intellectual capital.[222] The ISG found no evidence of a mobile BW program.[223]

That Iraq was cooking up biological agents in mobile facilities designed to elude the prying eyes of international inspectors and Western intelligence services was, along with the aluminum tubes, the most important and alarming assessment in the October 2002 NIE. This judgment, as it turns out, was based almost exclusively on information obtained from a single human source—codenamed "Curveball"—whose credibility came into question around the time of the publication of the NIE and collapsed under scrutiny in the months following the war. This section discusses how this ultimately unreliable reporting came to play such a critical role in the Intelligence Community's pre-war assessments about Iraq's BW program. We begin by discussing the evolution of the Intelligence Community's judgments on this issue in the years preceding the second Iraq war; compare these pre-war

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assessments with what the ISG found; and, finally, offer our conclusions about the Intelligence Community's performance against the Iraqi BW target, focusing in particular on Curveball and the handling of his information by the Intelligence Community.

We note at the outset that this section includes new information about the failure of the Intelligence Community—and particularly of Intelligence Community management—to convey to policymakers serious concerns about Curveball that arose in the months preceding the invasion of Iraq. Although these findings are significant, we believe that other lessons about the Intelligence Community's assessments of Iraq's purported BW programs are the more critical ones. At bottom, the story of the Intelligence Community's performance on BW is one of poor tradecraft by our human intelligence collection agencies; of our intelligence analysts allowing reasonable suspicions about Iraqi BW activity to turn into near certainty; and of the Intelligence Community failing to communicate adequately the limited nature of their intelligence on Iraq's BW programs to policymakers, in both the October 2002 NIE and other contemporaneous intelligence assessments.

The Intelligence Community's Pre-War Assessments

The Intelligence Community's assessment of Iraq's BW program—like its judgments about Iraq's other WMD programs—evolved over time. The October 2002 NIE reflected a shift, however, in the Community's judgments about the state of Iraq's BW program. Previous Community estimates had assessed that Iraq *could* have biological weapons; the October 2002 estimate, in contrast, assessed with "high confidence" that Iraq "has" biological weapons. This shift in view, which began in 2000 and culminated in the October 2002 NIE, was based largely on information from a single source—Curveball—who indicated that Iraq had mobile facilities for producing BW agents.

Background. In the early 1990s, the Intelligence Community knew little about Iraq's BW program.[224] Prior to the Gulf War, the Intelligence Community judged that Iraq was developing several BW agents, including anthrax and botulinum toxin, at a number of facilities.[225] The Intelligence Community further assessed that Iraq might have produced up to 1,000 liters of BW agent, and that Iraq had used some of it to fill aerial bombs and artillery shells. At that time, however, the Community judged that it had insufficient information to make assessments about BW agent testing and deployment of filled

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munitions.[226] Between 1991 and 1995, the Intelligence Community learned little more about Iraq's BW program. However, there was some additional human intelligence reporting indicating that pre-Gulf War assessments of Iraq's BW program had substantially underestimated the quantities of biological weapons that Iraq had produced. Moreover, this reporting suggested that the Intelligence Community was unaware of some Iraqi BW facilities.[227]

It was not until 1995—when UNSCOM presented the Iraqis with evidence of continuing BW-related imports and Saddam Hussein's son-in-law, Hussein Kamil, defected—that Iraq made substantial declarations to the United Nations about its activities prior to the Gulf War, admitting that it had produced and weaponized BW agents.[228] These declarations confirmed that the Intelligence Community had substantially underestimated the scale and maturity of Iraq's pre-Desert Storm BW program. Iraq had, before the Gulf War, weaponized several agents, including anthrax, botulinum toxin, and aflatoxin; produced 30,165 liters of BW agent; and deployed some of its 157 bombs and 25 missile warheads armed with BW agents to locations throughout Iraq.[229] Following these declarations, the Intelligence Community estimated in 1997 that Iraq was still concealing elements of its BW program, and it assessed that Iraq would likely wait until either sanctions were lifted or the UNSCOM presence was reduced before restarting agent production. [230]

After 1998, the Intelligence Community found it difficult to determine whether activity at known dual-use facilities was related to WMD production. The departed inspectors had never been able to confirm what might be happening at Iraq's suspect facilities. Accordingly, the Intelligence Community noted that it had no reliable intelligence to indicate resumed production of biological weapons, but assessed that in the absence of inspectors Iraq *probably* would expand its BW activities.[231] These assessments were colored by the Community's earlier underestimation of Iraq's programs, its lack of reliable intelligence, and its realization that previous underestimates were due in part to effective deception by the Iraqis.[232] By 1999, the CIA assessed that there was some Iraqi research and development on BW and that Iraq could restart production of biological weapons within a short period of time. The 1999 NIE on Worldwide BW Programs judged that Iraq was "revitalizing its BW program" and was "probably continuing work to develop and produce BW agents."[233]

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Growing concern. The Intelligence Community's concern about Iraq's BW program increased in early 2000, and the Community began to adjust upward its estimates of the Iraq BW threat, based on a "substantial volume" of "new information" regarding mobile BW facilities in Iraq.[234] This information came from an Iraqi chemical engineer, subsequently codenamed Curveball, who came to the attention of the Intelligence Community through a foreign liaison service. That liaison service debriefed Curveball and then shared the debriefing results with the United States. The foreign liaison service would not, however, provide the United States with direct access to Curveball. Instead, information about Curveball was passed from the liaison service to DIA's Defense HUMINT Service, which in turn disseminated information about Curveball throughout the Intelligence Community.

Between January 2000 and September 2001, DIA's Defense HUMINT Service disseminated almost 100 reports from Curveball regarding mobile BW facilities in Iraq.[235] These reports claimed that Iraq had several mobile production units and that one of those units had begun production of BW agents as early as 1997.[236]

Shortly after Curveball started reporting, in the spring of 2000, his information was provided to senior policymakers.[237] It was also incorporated into an update to a 1999 NIE on Worldwide BW Programs. The update reported that "new intelligence acquired in 2000…causes [the IC] to adjust our assessment upward of the BW threat posed by Iraq…The new information suggests that Baghdad has expanded its offensive BW program by establishing a large-scale, redundant, and concealed BW agent production capability."[238] In December 2000, the Intelligence Community produced a Special Intelligence Report that was based on reporting from Curveball, noting that "credible reporting from a single source suggests" that Iraq has produced biological agents, but cautioned that "[w]e cannot confirm whether Iraq has produced…biological agents."[239]

By 2001, however, the assessments became more assertive. A WINPAC report in October 2001, also based on Curveball's reporting about mobile facilities, judged "that Iraq continues to produce at least…three BW agents" and possibly two others. This assessment also concluded that "the establishment of mobile BW agent production plants and continued delivery system development provide Baghdad with BW capabilities surpassing the pre-Gulf War era."[240] Similar assessments were provided to senior policymakers.[241] In late

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September 2002, DCI Tenet told the Senate's Intelligence and Armed Services Committees (and subsequently the Senate Foreign Relations Committee) that "we know Iraq has developed a redundant capability to produce biological warfare agents using mobile production units."[242]

October 2002 NIE. The October 2002 NIE reflected this upward assessment of the Iraqi BW threat that had developed since Curveball began reporting in January 2000. The October 2002 NIE reflected the shift from the late-1990s assessments that Iraq *could* have biological weapons to the definitive conclusion that Iraq "has" biological weapons, and that its BW program was larger and more advanced than before the Gulf War.[243] Information about Iraq's dual-use facilities and its failure to account fully for previously declared stockpiles contributed to this shift in assessments.[244] The information that Iraq had mobile BW production units, however, was instrumental in adjusting upward the assessment of Iraq's BW threat.[245] And for this conclusion, the NIE relied primarily on reporting from Curveball, who, as noted, provided a large volume of reporting through Defense HUMINT channels regarding mobile BW production facilities in Iraq.[246] Only in May 2004, more than a year after the commencement of Operation Iraqi Freedom, did CIA formally deem Curveball's reporting fabricated and recall it.[247] At the time of the NIE, however, reporting from three other human sources—who provided one report each on mobile BW facilities—was thought to have corroborated Curveball's information about the mobile facilities.[248] These three sources also proved problematic, however, as discussed below.

Another asylum seeker (hereinafter "the second source") reporting through Defense HUMINT channels provided one report in June 2001 that Iraq had transportable facilities for the production of BW.[249] This second source recanted in October 2003, however, and the recantation was reflected in a Defense HUMINT report in which the source flatly contradicted his June 2001 statements about transportable facilities.[250] Though CIA analysts told Commission staff that they had requested that Defense HUMINT follow-up with this second source to ascertain the reasons for his recantation, DIA's Defense HUMINT Service has provided no further information on this issue.[251] Nor, for that matter, was the report ever recalled or corrected.[252]

Another source, associated with the Iraqi National Congress (INC) (hereinafter "the INC source"), was brought to the attention of DIA by Washington-based representatives of the INC. Like Curveball, his reporting was handled

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by Defense HUMINT. He provided one report that Iraq had decided in 1996 to establish mobile laboratories for BW agents to evade inspectors.[253] Shortly after Defense HUMINT's initial debriefing of the INC source in February 2002, however, a foreign liaison service and the CIA's Directorate of Operations (DO) judged him to be a fabricator and recommended that Defense HUMINT issue a notice to that effect, which Defense HUMINT did in May 2002. Senior policymakers were informed that the INC source and his reporting were unreliable. The INC source's information, however, began to be used again in finished intelligence in July 2002, including the October 2002 NIE, because, although a fabrication notice had been issued several months earlier, Defense HUMINT had failed to recall the reporting.[254]

The classified report here discusses a fourth source (hereinafter "the fourth source") who provided a single report that Iraq had mobile fermentation units mounted on trucks and railway cars.

Post-NIE. After publication of the NIE in October 2002, the Intelligence Community continued to assert that Baghdad's biological weapons program was active and posed a threat, relying on the same set of sources upon which the NIE's judgments were based.[255] For example, a November 2002 paper produced by CIA's Directorate of Intelligence (DI) reiterated the NIE's assessment that Iraq had a "broad range of lethal and incapacitating agents" and that the "BW program is more robust than it was prior to the Gulf War."[256] The piece contended that Iraq was capable of producing an array of agents and probably retained strains of the smallpox virus. It further argued that technological advances increased the potential Iraqi BW threat to U.S. interests. And a February 2003 CIA Intelligence Assessment anticipated Iraqi options for BW (and CW) use against the United States and other members of the Coalition; the report stated that Iraq "maintains a wide range of…biological agents and delivery systems" and enumerated 21 BW agents which it judged Iraq could employ.[257]

Statements about biological weapons also appeared in Administration statements about Iraq in the months preceding the war. Secretary of State Colin Powell's speech to the United Nations Security Council on February 5, 2003, relied on the same human sources relied upon in the NIE.[258] Secretary Powell was not informed that one of these sources—the INC source—had been judged a fabricator almost a year earlier. And as will be discussed at length below, serious doubts about Curveball had also surfaced within CIA's Direc-

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torate of Operations at the time of the speech—but these doubts also were not communicated to Secretary Powell before his United Nations address.

Reliance on Curveball's reporting also affected post-war assessments of Iraq's BW program. A May 2003 CIA Intelligence Assessment pointed to the post-invasion discovery of "two probable mobile BW agent productions plants" by Coalition forces in Iraq as evidence that "Iraq was hiding a biological warfare program."[259] Curveball, when shown photos of the trailers, identified components that he said were similar to those on the mobile BW production facilities that he had described in his earlier reporting.[260]

Post-War Findings of the Iraq Survey Group

The Iraq Survey Group found that the Intelligence Community's pre-war assessments about Iraq's BW program were almost entirely wrong. The ISG concluded that "Iraq appears to have destroyed its undeclared stocks of BW weapons and probably destroyed remaining holdings of bulk BW agent" shortly after the Gulf War.[261] According to the ISG, Iraq initially intended to retain elements of its biological weapons program after the Gulf War. UNSCOM inspections proved unexpectedly intrusive, however, and to avoid detection, Saddam Hussein ordered his son-in-law and Minister of the Military Industrial Commission Hussein Kamil to destroy, unilaterally, Iraq's stocks of BW agents.[262] This took place in either the late spring or summer of 1991.[263] But Iraq retained a physical plant at Al-Hakam and the intellectual capital necessary to resuscitate the BW program.[264] Simultaneously, Iraq embarked on an effort to hide this remaining infrastructure and to conceal its pre-war BW-related activities.[265]

In early 1995, however, UNSCOM inspectors confronted Iraqi officials with evidence of 1988 imports of bacterial growth media in quantities that had no civilian use within Iraq's limited biotechnology industry.[266] This confrontation, followed by the defection of Hussein Kamil in August 1995, prompted Iraq to admit that it had produced large quantities of bulk BW agent before the Gulf War.[267] Iraq also released a large cache of documents and issued the first of several "Full, Final and Complete Declaration[s]" on June 22, 1996, further detailing its BW program. UNSCOM subsequently supervised the destruction of BW-related facilities at Al-Hakam in 1996.[268]

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The Iraq Survey Group found that the destruction of the Al-Hakam facility effectively marked the end of Iraq's large-scale BW ambitions.[269] The ISG did judge that after 1996 Iraq "continued small-scale BW-related efforts" under the auspices of the Iraqi Intelligence Service, and also retained a trained cadre of scientists who could work on BW programs and some dual-use facilities capable of conversion to small-scale BW agent production.[270] Nevertheless, the ISG "found no direct evidence that Iraq, after 1996, had plans for a new BW program or was conducting BW-specific work for military purposes."[271]

With respect to mobile BW production facilities, the "ISG found no evidence that Iraq possessed or was developing production systems on road vehicles or railway wagons."[272] The ISG's "exhaustive investigation" of the two trailers captured by Coalition forces in spring 2003 revealed that the trailers were "almost certainly designed and built exclusively for the generation of hydrogen." The ISG judged that the trailers "cannot … be part of any BW program."[273]

Analysis of the Intelligence Community's Pre-War Assessments

The Intelligence Community fundamentally misjudged the status of Iraq's BW programs. As the above discussion demonstrates, the central basis for the Intelligence Community's pre-war assessments about Iraq's BW program was the reporting of a single human source, Curveball. This single source, whose reporting came into question in late 2002, later proved to be a fabricator.

Our intelligence agencies get burned by human sources sometimes—it is a fact of life in the murky world of espionage. If our investigation revealed merely that our Intelligence Community had a source who later turned out to be lying, despite the best tradecraft practices designed to ferret out such liars, that would be one thing. But Curveball's reporting became a central part of the Intelligence Community's pre-war assessments through a serious breakdown in several aspects of the intelligence process. The Curveball story is at the same time one of poor asset validation by our human collection agencies; of a tendency of analysts to believe that which fits their theories; of inadequate communication between the Intelligence Community and the policymakers it serves; and, ultimately, of poor leadership and management. This

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section thus focuses primarily on our investigation of the Curveball episode, and the findings we drew from it.

Biological Warfare Finding 1

The DIA's Defense HUMINT Service's failure even to attempt to validate Curveball's reporting was a major failure in operational tradecraft.

The problems with the Intelligence Community's performance on Curveball began almost immediately after the source first became known to the U.S. government in early 2000. As noted above, Curveball was not a source who worked directly with the United States; rather, the Intelligence Community obtained information about Curveball through a foreign service. The foreign service would not provide the United States with direct access to Curveball, claiming that Curveball would refuse to speak to Americans.[274] Instead, the foreign intelligence service debriefed Curveball and passed the debriefing information to DIA's Defense HUMINT Service, the human intelligence collection agency of the Department of Defense.

The lack of direct access to Curveball made it more difficult to assess his veracity. But such lack of access does not preclude the Intelligence Community from attempting to assess the source's bona fides and the credibility of the source's reporting. Indeed, it is incumbent upon professional intelligence officers to attempt to do so, through a process referred to within the Intelligence Community as "vetting" or "asset validation."

Defense HUMINT, however, did not even attempt to determine Curveball's veracity. A Defense HUMINT official explained to Commission staff that Defense HUMINT believed that it was just a "conduit" for Curveball's reporting—that it had no responsibility for vetting Curveball or validating his information.[275] In Defense HUMINT's view, asset validation is solely the responsibility of analysts—in their judgment if the analysts believe the information is credible, then the source is validated.[276] This line echoes what Defense HUMINT officials responsible for disseminating Curveball's reporting told the Senate Select Committee on Intelligence; they told the Committee that it was not their responsibility to assess the source's credibility, but that it instead was up to the analysts who read the reports to judge the accuracy of the contents.[277]

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The Senate Select Committee on Intelligence concluded that this view represents a "serious lapse" in tradecraft, and we agree.[278] Analysts obviously play a crucial role in validating sources by evaluating the credibility of their reporting, corroborating that reporting, and reviewing the body of reporting to ensure that it is consistent with the source's access. But analysts' validation can only extend to whether what a source says is internally consistent, technically plausible, and credible given the source's claimed access. The process of validation also must include efforts by the operational elements to confirm the source's bona fides (*i.e.*, authenticating that the source has the access he claims), to test the source's reliability and motivations, and to ensure that the source is free from hostile control.[279] To be sure, these steps are particularly difficult for a source such as Curveball, to whom the collection agency has no direct access. But human intelligence collectors can often obtain valuable information weighing on even a liaison source's credibility, and the CIA's DO routinely attempts to determine the credibility even of sources to whom it has no direct access. In light of this, we are surprised by the Defense HUMINT's apparent position that it had no responsibility even to *attempt* to validate Curveball.

As a footnote to this episode, while DIA's Defense HUMINT Service felt no obligation to vet Curveball or validate his veracity, it would later appear affronted that another agency—CIA—would try to do so. On February 11, 2003, after questions about Curveball's credibility had begun to emerge, an element of the DO sent a message to Defense HUMINT officials expressing concern that Curveball had not been vetted. The next day the Defense HUMINT division chief who received that message forwarded it by electronic mail to a subordinate, requesting input to answer CIA's query. In that electronic mail message, the Defense HUMINT division chief said he was "shocked" by CIA's suggestion that Curveball might be unreliable. The reply—which the Defense HUMINT official intended for Defense HUMINT recipients only but which was inadvertently sent to CIA as well—observed that "CIA is up to their old tricks" and that CIA did not "have a clue" about the process by which Curveball's information was passed from the foreign service.[280]

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Biological Warfare Finding 2

Indications of possible problems with Curveball began to emerge well before the 2002 NIE. These early indications of problems—which suggested unstable behavior more than a lack of credibility—were discounted by the analysts working the Iraq WMD account. But given these warning signs, analysts should have viewed Curveball's information with greater skepticism and should have conveyed this skepticism in the NIE. The analysts' resistance to any information that could undermine Curveball's reliability suggests that the analysts were unduly wedded to a source that supported their assumptions about Iraq's BW programs.

As we have discussed, when information from Curveball first surfaced in early 2000, Defense HUMINT did nothing to validate Curveball's reporting. Analysts within the Intelligence Community, however, did make efforts to assess the credibility of the information provided by Curveball. In early 2000, when Curveball's reporting first surfaced, WINPAC analysts researched previous reporting and concluded that Curveball's information was plausible based upon previous intelligence, including imagery reporting, and the detailed, technical descriptions of the mobile facilities he provided.[281] As a WINPAC BW analyst later told us, there was nothing "obviously wrong" with Curveball's information, and his story—that Iraq had moved to a mobile capability for its BW program in 1995 in order to evade inspectors—was logical in light of other known information.[282]

At about the same time, however, traffic in the CIA's Directorate of Operations began to suggest some possible problems with Curveball.[283] The first CIA concerns about Curveball's reliability arose within the DO in May 2000, when a Department of Defense detailee assigned to the DO met Curveball. The purpose of the meeting was to evaluate Curveball's claim that he had been present during a BW accident that killed several of his coworkers by seeing whether Curveball had been exposed to, or vaccinated against, a BW agent.[284] Although the evaluation was ultimately inconclusive,[285] the detailee raised several concerns about Curveball based on their interaction.

First, the detailee observed that Curveball spoke excellent English during their meeting.[286] This was significant to the detailee because the foreign service had, on several earlier occasions, told U.S. intelligence officials that one

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reason a meeting with Curveball was impossible was that Curveball did not speak English. Second, the detailee was concerned by Curveball's apparent "hangover" during their meeting. The detailee conveyed these impressions of Curveball informally to CIA officials, and WINPAC BW analysts told Commission staff that they were aware that the detailee was concerned that Curveball might be an alcoholic.[287] This message was eventually re-conveyed to Directorate of Operations supervisors via electronic mail on February 4, 2003—literally on the eve of Secretary Powell's speech to the United Nations. The electronic mail stated, in part:

> I do have a concern with the validity of the information based on Curveball having a terrible hangover the morning of [the meeting]. I agree, it was only a one time interaction, however, he knew he was to have a [meeting] on that particular morning but tied one on anyway. What underlying issues could this be a problem with and how in depth has he been vetted by the [foreign liaison service]?[288]

By early 2001, the DO was receiving operational messages about the foreign service's difficulties in handling Curveball, whom the foreign service reported to be "out of control," and whom the service could not locate.[289] This operational traffic regarding Curveball was shared with WINPAC's Iraq BW analysts because, according to WINPAC analysts, the primary BW analyst who worked on the Iraq issue had close relations with the DO's Counterproliferation Division (the division through which the operational traffic was primarily handled).[290] This and other operational information was not, however, shared with analysts outside CIA.[291]

A second warning on Curveball came in April 2002, when a foreign intelligence service, which was also receiving reporting from Curveball, told the CIA that, in its view, there were a variety of problems with Curveball. The foreign service began by noting that they were "inclined to believe that a significant part of [Curveball's] reporting is true" in light of his detailed technical descriptions.[292] In this same message, however, the foreign service noted that it was "not convinced that Curveball is a wholly reliable source," and that "elements of [Curveball's] behavior strike us as typical of individuals we would normally assess as fabricators."[293] Even more specifically, the foreign service noted several inconsistencies in Curveball's reporting which caused the foreign service "to have doubts about Curveball's reliability."[294] It should

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be noted here that, like the handling foreign service, this other service continued officially to back Curveball's reporting throughout this period.

Again, these concerns about Curveball were shared with CIA analysts working on the BW issue.[295] But none of the expressed concerns overcame analysts' ultimate confidence in the accuracy of his information. Specifically, analysts continued to judge his information credible based on their assessment of its detail and technical accuracy, corroborating documents, confirmation of the technical feasibility of the production facility designs described by Curveball, and reporting from another human source, the fourth source mentioned above.[296] But it should be noted that during the pre-NIE period—in addition to the more general questions about Curveball's credibility discussed above—at least some evidence had emerged calling into question the substance of Curveball's reporting about Iraq's BW program as well.[297]

Specifically, a WINPAC BW analyst told us that two foreign services had both noted in 2001 that Curveball's description of the facility he claimed was involved in the mobile BW program was contradicted by imagery of the site, which showed a wall across the path that Curveball said the mobile trailers traversed. Intelligence Community analysts "set that information aside," however, because it could not be reconciled with the rest of Curveball's information, which appeared plausible.[298] Analysts also explained away this discrepancy by noting that Iraq had historically been very successful in "denial and deception" activities and speculated that the wall spotted by imagery might be a temporary structure put up by the Iraqis to deceive U.S. intelligence efforts.[299]

Analysts' use of denial and deception to explain away discordant evidence about Iraq's BW programs was a recurring theme in our review of the Community's performance on the BW question.[300] Burned by the experience of being wrong on Iraq's WMD in 1991 and convinced that Iraq was restarting its programs, analysts dismissed indications that Iraq had actually abandoned its prohibited programs by chalking these indicators up to Iraq's well-known denial and deception efforts. In one instance, for example, WINPAC analysts described reporting from the second source indicating Iraq was filling BW warheads at a transportable facility near Baghdad. When imagery was unable to locate the transportable BW systems at the reported site, analysts assumed this was not because the activity was not taking place, but rather because Iraq was hiding activities from U.S. satellite overflights.[301] This tendency was best

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