



POLICY DISRUPTION BY NIE

By Edward A. Turzanski

On December 3, 2007, the U.S. intelligence community declassified the key judgments portion of the November 2007 National Intelligence Estimate on “Iran: Nuclear Intentions and Capabilities.” Critics of the Bush administration have seized upon the document as proof positive that the president and his foreign policy team have intentionally overstated the status of Iran’s nuclear weapons program--just as was allegedly done with Saddam Hussein’s Iraq--to justify a shoot-then-ask foreign policy. In fact, the substance, omissions, timing, and authorship of the document speak more to what many have come to see as a relentless guerrilla campaign by the analytical portion of the intelligence community against the president’s foreign and antiterror policies than they do to any policy deception by the administration.

Of all the activities and products generated by the intelligence community, none has proven to be as problematic over time as NIEs, which represent the collective wisdom and judgment of the 16 agencies that compose the intelligence community. Because these agencies must agree on the conclusions reached, the documents often provide low-risk, “lowest common denominator” intelligence judgments, and the conclusions are often qualified to the point of being useless to policymakers. Dissenting opinions are not generally welcome and are routinely relegated to footnotes, and in many cases, these footnotes remain classified. In the case of the 2007 Iran NIE, only the key judgments section has been declassified, leaving some 140 pages--and doubtless some footnotes that would highlight disagreement on key points--outside public scrutiny.

Not only is this unhelpful in the effort to discern what is really happening on a given issue, but NIEs have on occasion delivered astoundingly incorrect judgments on crucial matters of national interest. A 1962 NIE stated that the Soviets would not place missiles in Cuba; two in 1974 said that Hanoi was unlikely to launch a major offensive in the first half of 1975; and one in 1989 suggested that hostilities in the Persian Gulf were unlikely over the next two years. In the lead-up to the 1991 Gulf War, the intelligence community produced an assessment of Saddam’s WMD and overall military capabilities that was much too benign. To compensate, it erred on the other side of caution and produced one on his pre-2003 invasion status that was far too robust. In assessing the NIE on Iran, it has to be noted that the intelligence community has an unenviable record in correctly assessing the status of nuclear weapons programs, having missed key events in the development of nuclear weapons in the USSR, Pakistan, India, Libya, North Korea and Iraq.

To further complicate matters, the 2007 NIE appears to directly contradict the fundamental finding of a 2005 NIE which maintained that Iran had an active nuclear weapons program. In stating “We judge with high confidence that in fall 2003, Tehran halted its nuclear weapons program” and that as of the end of October 2007, Tehran had not restarted the same, the 2007 NIE undermines the rationale put forward by the Bush administration to compel Iranian cooperation with International Atomic Energy Agency inspections of its nuclear program. As if this reversal was not dramatic enough, it was made public while the Bush administration was in the advanced stages of engineering a third round of UN Security Council sanctions against Iran for its noncompliance with IAEA inspections of its nuclear facilities. Thus, the published portions of the NIE severely, and maybe permanently, set back the goal of forcing Iran to open its nuclear sites to IAEA scrutiny. They surprised both friends and foes of the Bush policy towards Iran.

Because both the substance and timing of the declassified portions of the NIE have had such a large effect on policy, the president and Congress need to compel satisfactory answers to several questions.

First, what intelligence prompted the change in assessment of the Iranian nuclear weapons program? The intelligence community is entrusted with the critical job of presenting to elected policymakers information about threats and adversaries that is real-time, value-added, policy-relevant and predictive. This is why we spend nearly \$45 billion per year on an intelligence capability and why we allow the intelligence community to keep its sources and methods out of the public realm. This information, or “intelligence,” is neither intended to be a policy recommendation nor expected to be a prophecy. The

intelligence community cannot make policy because it is not accountable to the electorate, and it should not opine on matters about which it does not have credible sources of information. The declassified portions of the 2007 NIE do not address the basis upon which the key judgment about Iran's suspending its nuclear weapons program in 2003 is predicated. Subsequent to the publication of the key judgments, the intelligence community did state that the source was confidential information held by the Iranian military, and additional reporting has mentioned intercepts of communications and a defector as possible sources. The veracity of these sources has been vigorously challenged by allied intelligence communities and by at least one international group--the IAEA, headed by Mohammed El Baradei, no friend of the Bush administration--normally not disposed to supporting the Bush administration's posture on nonproliferation matters.

Second, what assumptions does the intelligence community make about the present and future state of the program? If some person(s) within the Iranian military provided the key information that led to the intelligence community's fundamental reassessment of its position on the Iranian nuclear program, it would be reasonable for policymakers to ask what else is known about the program's current state. Here the NIE is less instructive in its key judgments than it is in a footnote thereto. The NIE assesses "with moderate confidence" that Tehran had not restarted its nuclear weapons program as of mid-2007 and with "moderate-to-high confidence" that Iran does not currently have a nuclear weapon. As to Iran's intentions, it acknowledges that "we do not know whether it currently intends to develop nuclear weapons." But the footnote carries a bombshell: "For purposes of this Estimate, by 'nuclear weapons program' we mean Iran's nuclear weapons design and weaponization work and covert uranium conversion-related and uranium enrichment-related work; *we do not mean Iran's declared civil work related to uranium conversion and enrichment.*" (emphasis added)

Many in the nonproliferation business would argue that the distinction between military and civilian nuclear programs is artificial at best, and that continuation of Iran's nuclear activity, outside IAEA inspection and at a scale (3,000 centrifuges) far beyond what a peaceful nuclear energy program needs, is *precisely* the work that will allow Iran to make the jump to usable nuclear weapons. Even if it has suspended work on warhead design, if Iran is still enriching uranium, we should know how quickly Iran could build a warhead if it enriches enough uranium to place into one. The NIE only says that Iran could likely produce enough uranium for a warhead by 2009, and more in the period 2010 to 2015.

The third question is, what prompted the change in Iran's actions in fall 2003, as the new NIE says it did (a dramatic policy shift)? The NIE presents beliefs about the philosophy of Iranian leadership without providing specific supporting information: "Our assessment that Iran halted the program in 2003 primarily in response to international pressure indicates Tehran's decisions are guided by a cost-benefit approach rather than a rush to a weapon irrespective of the political, economic, and military costs." "International pressure" could only refer to the U.S.-led operations in Afghanistan, where the Taliban had been routed, and Iraq, where Saddam had been toppled. Yet the NIE goes on to state

"This, in turn, suggests that some combination of threats of intensified international scrutiny and pressures, along with opportunities for Iran to achieve its security, prestige, and goals for regional influence in other ways, might--if perceived by Iran's leaders as credible -- prompt Tehran to extend the current halt to its nuclear weapons program. It is difficult to specify what such a combination might be."

If the first part of the key judgment is to be believed (that Iran halted the program in 2003 primarily in response to international pressure), then clearly fear of preemptive military action motivated the Iranians, much as it did Libya's Khaddafi, who gave up his nuclear program rather than face the fate which claimed Saddam. It is highly unlikely that those who wrote the 2007 NIE are arguing for military action against Iran; though the effect of the document in eroding international consensus for further sanctions could make preemptive military action more likely if another NIE--or some other state (e.g., Israel) reaches a different key judgment about Iran's nuclear weapons program.

This leads to the fourth question: How do the intelligence communities of our allies and the IAEA view the key judgments of the NIE? By all accounts, the Bush administration was dismayed by the reversal in the 2007 NIE. Its allies in Britain and Israel were even more displeased; while the French, reflecting the disposition of the pro-American President Nicolas Sarkozy, have remained largely silent on the matter. A senior British official expressed concerns that the U.S. intelligence community fell under the influence of Iranian misinformation on the key question of whether Iran had ended its nuclear program, commenting "It's not as if the American intelligence agencies are regarded as brilliant performers in the region. They got badly burned over Iraq."¹ The Israelis were even more demonstrative in their disagreement, stating publicly that they would present their Iran nuclear weapons evidence to Admiral Michael Mullen, Chairman of the U.S. Joint Chiefs of Staff, on his December 9 visit to Israel.² Perhaps the most telling reaction came from an unnamed IAEA senior official quoted in the *New York Times* as saying "To be frank, we are more skeptical...We don't buy the American analysis 100 percent. We are not that generous with Iran."

This brings us to a final question: Is there anything about the way in which the NIE was produced and released that can provide a better understanding of its context? As former American UN Ambassador John Bolton has observed, a number of the individuals involved in drafting and approving the NIE were not intelligence professionals, but former State Department officials imported into the office of the Director of National Intelligence under former DNI John Negroponte. Three of them

¹ "Iran 'Hoodwinked' CIA over Iran," Telegraph, Dec. 12, 2007.

² [Amir Oren](#), "U.S. army chief meets Israeli officials to discuss Iran report," Haaretz, Dec. 10, 2007.

are known as being opposed to Bush administration policies concerning Iran and Iraq: C. Thomas Fingar, deputy director of national intelligence for analysis; Vann H. Van Diepen, national intelligence officer for WMD and proliferation; and Kenneth C. Brill, director of the National Counterproliferation Center. Van Diepen is known to be especially resistant to the use of sanctions to achieve changes in the disposition of states such as Iran and has many allies in the State Department/ intelligence community analysis wing of the national security structure who believe that the path to a more stable world lies in negotiating with Iran (without precondition). News accounts have also reported that the Bush Administration was forced into declassifying the key judgments when it did because the *New York Times* had indicated that it would be publishing a leaked version of the document.

The leak and subsequent publication of the Iran NIE stopped cold the administration's efforts to engineer a new round of sanctions to compel Iranian cooperation with IAEA monitoring efforts ("Why punish the Iranians if there's no there, there?" argue the Russians and Chinese). And so, the Bush administration's foreign policy has once again been disrupted by an unauthorized disclosure of classified information. From extraordinary rendition of terror suspects to the NSA's communication intercept program, from interrogation methods to uncontroversial programs such as the SWIFT terror finance monitoring program; unelected, unaccountable members of the intelligence community, who are sworn to maintain the confidentiality of classified programs and materials, have tried to influence policy (and to our lasting detriment have often succeeded) by means of unauthorized, illegal leaks to media sources.

The 2007 NIE now joins the sad recitation of instances of policymaking by leaking and adds the element of policy disruption by NIE. It is worth recalling the findings of the 2005 Robb-Silberman Commission, which investigated what the intelligence community knew about WMD programs around the world. That commission stated that "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." Thus we have an intelligence community that has a difficult time divining the secrets of our adversaries, is even worse at keeping our own secrets, and appears to have a hard time staying out of policymaking. Our next president cannot afford to continue to be burdened by an intelligence analysis gang that cannot--or will not--shoot straight. Transforming it into a competent tool of American policy should be at the top of the priority list for the new administration.

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