
A thesis submitted in fulfilment of the requirements for the degree of Master of Arts in Political Science at the University of Canterbury

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Sed quis custodiet ipsos custodes?
(But who will guard the guardians themselves?)
Decimus Junius Juvenalis (55-127 AD)
Satires, VI, 347-8

And ye shall know the truth, and the
truth shall make you free
John, VIII: 32
Inscribed in the lobby at the George Bush Center for
Intelligence, CIA Headquarters, Langley Virginia

America’s people expect you to be on a
communing level with God and Joe
Stalin ... They expect you to be able to
say that a war will start next Tuesday at
5:32pm
Reported remarks of Gen. Walter Bedell Smith
prior to serving as Director Central Intelligence, 1950-53
(Ransom, 1970: 44)
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Abstract

This thesis analyses the policy debate surrounding National Missile Defense in the US during the 1990s from the framework of strategic intelligence failure. It focuses on the Congressional reaction to the release of the national intelligence estimate “NIE 95-19: Emerging Missile Threats to North America During the Next 15 Years” and the establishment of a new interpretation of foreign ballistic missile threats to the continental US.

The role that partisan politics plays in the oversight of the US intelligence community is a vital and inescapable one. Yet little academic investigation has been devoted to understanding the political nature of intelligence oversight and its potentially catastrophic impact on intelligence product. Instead most of the scholarly literature treats intelligence and its oversight as apolitical, objective processes and intelligence failures as ‘sins’ produced by human error or organisational dysfunction with little analysis of the essentially subjective nature of political debate.

The debate between the Clinton Administration and the Republican Congress can be understood as a conflict between two competing policy frames, each giving their holders a subjective assessment of what threats the US faced from ballistic missiles. Both parties sought to use their competing power over the intelligence community to produce community support for their paradigm and undermine support for that of their rival. The production and release of NIE 95-19 highlighted these competing claims. The unambiguous nature of the NIE’s threat projections caused Congress to wield its oversight powers in an ultimately successful attempt to overturn the findings of the NIE. This represented an unprecedented level of Congressional involvement in strategic intelligence interpretation. Most importantly however it highlights the inherent dichotomy produced by current conceptions of strategic intelligence failure. In building a system of oversight that protected US strategic intelligence from certain apparent sources of failure the ability for Congress to actively meddle in the production of strategic intelligence and arguably undermine the value of long-term projections such as the NIE were massively increased.


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Special thanks to other members of the Political Science Department who have taken a special interest in my progress, particularly Professor Jacob Bercovitch, Professor Mark Francis and Dr Matt Hirshberg, your encouragement is most appreciated.

No acknowledgement of the Political Science Department would be complete without thanking Jill Dolby and Philippa Greenman for their amazing work, good humour, and nous. It is only because of the support that they offer that any post-graduate research reaches completion.

Finally my sanity has only been secured thanks to the support of my friends, in particular the other two musketeers, Tim Street and Nic Mason, and the considerable support of all the members and associates of TBALC. They have helped me stay relatively sane throughout the writing of this thesis. Their wit, inventiveness and devotion to passing the time in entertaining ways remains unrivalled.

James F Caygill
Christchurch, New Zealand
2003
# Glossary of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ABM</td>
<td>Anti Ballistic Missile</td>
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<tr>
<td>BMD</td>
<td>Ballistic Missile Defence</td>
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<td>BMDO</td>
<td>Ballistic Missile Defense Office</td>
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<td>CA</td>
<td>Covert Action</td>
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<td>CI</td>
<td>Counter Intelligence</td>
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<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>COS</td>
<td>Chief of Station</td>
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<td>DCI</td>
<td>Director of Central Intelligence</td>
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<td>DIA</td>
<td>Defense Intelligence Agency</td>
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<td>DOD</td>
<td>Department of Defense</td>
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<td>FBI</td>
<td>Federal Bureau of Investigation</td>
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<td>GPALS</td>
<td>Global Protection against Limited Strike</td>
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<td>HPSCI</td>
<td>House Permanent Select Committee on Intelligence</td>
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<td>HUMINT</td>
<td>Human Intelligence</td>
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<td>ICBM</td>
<td>Inter-Continental Ballistic Missile</td>
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<td>NIC</td>
<td>National Intelligence Council</td>
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<td>NIE</td>
<td>National Intelligence Estimate</td>
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<td>NMD</td>
<td>National Missile Defense</td>
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<td>NSA</td>
<td>National Security Agency</td>
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<td>NSC</td>
<td>National Security Council</td>
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<tr>
<td>ODCI</td>
<td>Office of the Director of Central Intelligence</td>
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<td>OSS</td>
<td>Office of Strategic Services</td>
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<td>SDI</td>
<td>Strategic Defense Initiative</td>
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<td>SIGINT</td>
<td>Signals Intelligence</td>
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<td>SSCI</td>
<td>Senate Select Committee on Intelligence</td>
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<tr>
<td>THAAD</td>
<td>Theatre High Altitude Area Defense</td>
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<td>TMD</td>
<td>Theatre Missile Defense</td>
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**Introduction**

Reframing a policy debate – missile defence as intelligence failure

The role that politics plays in the oversight of the US intelligence community is a vital and inescapable one. Modern intelligence apparatuses exist to provide information to policymakers to better inform the direction of policy. The modern US intelligence community was created in 1947, since then the community has grown in size to thirteen large federal agencies and a parallel bureaucracy designed to oversee the intelligence community has also emerged.

Formal oversight arrangements and academic understandings of when and how the intelligence community might fail in their mission have developed in a similar fashion emerging from an increased interest in the intelligence activities of the US during the 1970s. Such conceptions of intelligence failure have themselves been arrived at from an historical understanding of intelligence failure; as failings became apparent systems were developed to ensure that these did not recur. As such the US intelligence oversight system, while robust in its ability to guard against repeat occurrences of failures that already experienced, is vulnerable to new unencountered forms of failure.

Furthermore, academic analyses (Johnson, 1989) of intelligence failure have tended to treat the oversight function as an automatic discovery of failure, ignoring the political nature of intelligence oversight and its potential to impact on the quality of intelligence product for political, rather than qualitative gains. Past academic focus has treated oversight as an apolitical objective assessment and intelligence failures as ‘sins’ produced by historical accident or systemic bias (Johnson, 1989). Little regard has been given to the essentially subjective nature of the political debate that surrounds intelligence oversight.

During the 1990s the debate over whether, when and how to build a missile defense system to protect the continental United States and Canada from attack by ballistic missiles between the Clinton Administration and the Republican Congress cast such issues into stark relief. While the debate over anti-missile systems was not new, the focus of a potential system on
emerging ballistic missile threats was a new component of the debate which
developed following the 1991 Persian Gulf War and the end of the Cold War.

In 1995 the intelligence community released National Intelligence
Estimate 95-19, *Emerging Missile Threats to North America During the Next
15 Years*, which appeared to deny the emerging missile threat to the US. This
denial lent strong support to the contention of the Clinton administration that
a missile defence system was not as urgent a priority as claimed by
Congressional Republicans because the credible threat did not exist. But the
missile defence advocates did not capitulate. Instead, this thesis argues that
the NMD supporters, as evidenced though open source documents, turned
their attacks directly onto the intelligence community, in an attempt to
undermine the validity of the NIE that did not support their policy platform.
This thesis concludes that this critical episode in US intelligence not only
further soured relations between Congress and the Presidency during this
administration but also damaged, with serious long-term implications, the
integrity of the intelligence community’s work in an attempt to produce a
favourable policy outcome.

The Republican Congress conducted a series of investigations into the
NIE making use of its oversight function to overturn the NIE findings.
Unsuccessful in its first attempts, utilising the GAO and an independent
commission led by a former CIA director, Congress finally found success with
its second independent commission, led by former Secretary of Defense¹
Donald H Rumsfeld, concluded that the US faced imminent threat from
ballistic missiles. The findings of the commission effectively halted debate

¹ The agencies and policies that this thesis is concerned with are all based within the United
States. While distance has been remarkably reduced through technology such that a student
in New Zealand can actually undertake a study of US intelligence policy, there remains a
particular problem for a student of US politics based elsewhere in the English speaking world;
that of spelling.

As a New Zealander writing in New Zealand I have, where possible, used the local New
Zealand English spelling for words. Thus I have used the NZ ‘defence’ rather than the US
‘defense’. However as with everything there are exceptions to this rule: I have retained US
English spelling where that word is part of a proper noun. So to continue the above example I
refer to the US Department of Defense and the Secretary of Defense. Also where a quote is
of American origin I have retained the original spelling; I have not attempted to mark every
instance of US spelling in a quote with the Latin ‘sic’, as might be appropriate were the
volume of quotes less. If at any stage the spelling of words seems out of place or confusing
because of this mixed usage I apologise.
about likely threats in favour of the missile defence advocates. Such a conclusion re-opened the policy debate, shifting the advantage back to those who preferred to concentrate on technical debates such as cost, type and feasibility – rather than engage in debates about the nature and scope of the threat in the post-Cold War strategic environment. The Rumsfeld Commission findings allowed Congressional Republicans to renew their push for continued development and ultimately for a commitment to deploy from presidential candidates in 2000.

The missile defence debate highlighted a new category of intelligence oversight. Previous decade’s oversight had focussed on process-oriented failure, such as failure to protect agents, improper collection of intelligence, and improper covert actions. The investigations into NIE 95-19 demonstrated a desire by overseers to question intelligence that did not suffer from a failure of process but rather to question intelligence because it failed to agree with overseer’s expectations and assumptions about the outside world.

One way to increase understanding of this new Congressional activism surrounding subjective interpretations of intelligence product is the evaluation of cognitive frames, the mental models used as cognitive shortcuts for understanding policy dilemmas, and the methods of interpretive policy analysis (Thomas, 1991; Ross, 2000). The use of mental models and frameworks in interpretive policy analysis is known as policy framing. Policy frames can be understood as belief structures, or the ways in which people perceive their environment that ultimately inform policy decisions (Schön & Rein, 1994: 23). Linking particular parts of a policy to specific symbols, language ‘artefacts’, and mental texts (Yanow, 1996: 1-33) allows policy framers to help shape the way in which a policy is evaluated.

Under such an analysis, the missile defence debate is a conflict between two competing policy frames, each giving their holders a subjective assessment of what threats the US faced from ballistic missiles, and how such threats could be countered with anti-missile systems. Such was the reliance by both frames on a conflicting interpretation of the threat facing the US that the intelligence community’s threat assessment contained within NIE’s became a vital ingredient in gaining credibility for one frame over another; should the intelligence community seem to back one threat
assessment over another then the credibility of the opponent would be seriously damaged. It was almost inevitable that Congress targeted the intelligence community with claims of bias and a failure to provide objective uninhibited intelligence when the threat assessment favoured the frame of its opponent, rather than their own.

The Clinton Administration Frame, supported by NIE 95-19, argued that there was no imminent threat to the US from emerging ballistic missiles because no new states would acquire the ability to launch such missiles. Thus there was no imminent need to hurry to build a missile defence. The counter frame argued that the world was chaotic and that many states hostile to the US might acquire ballistic missiles soon – the conclusion they drew was clear, the US needed to build a missile defence as soon as possible.

The Republican attacks, while understandable within the context of frame conflict and a competitive two party system, had potentially dangerous consequences for the value of the NIE process. The fundamental change in intelligence oversight represented by the investigations in the 1990s mean that the value of much intelligence product has been objectively lessened and undermined by setting new boundaries of acceptable behaviour, particularly in relation to NIEs. The attacks on the intelligence community during the 1990s will inevitably have a lasting affect on the oversight relationship and therefore on the evolving role and scope of the intelligence community in the US. Such changes auger ill for the future value of US intelligence within intractable policy debates between President and Congress.

While there has been much debate within academic communities surrounding moves by the US to build a missile defence system, most of this has focussed on the likely geopolitical consequences, or the technological feasibility of such a deployment. While there are numerous accounts of the missile defence debate during this period, little work has been published on the nature of this debate in relation to the role played by the intelligence community and the consequences of the debate for intelligence product.

Likewise, while some research has been conducted into the new role of the intelligence community since the end of the cold war, the bulk of the literature regarding its role in foreign and defence policy debates is of the cold war era and has yet to take into account changes since that time. The
instability of the post-cold war world has arguably increased the need for robust projections of future threats, yet now more than ever the ability of the intelligence community, and more specifically the Central Intelligence Agency (CIA), to produce such estimates has been thrown into doubt by a change in the nature of oversight that allows a hostile Congress to question the production of estimates when they fail to provide supporting evidence for particular policy programmes. No research has been conducted on the role of intelligence and its potential contestability in this sort of policy debate. If the academic understanding of intelligence oversight, a relatively new field of Congressional oversight having only begun seriously in the last thirty years, is to be increased then this major policy conflict must be properly understood from the point of view of intractable policy debates and the potential for oversight to undermine the value of the intelligence community.

This thesis begins, in Chapter One “The CIA and the US Intelligence Apparatus”, with an outline of the modern intelligence system in the US. It examines the origins and purpose of strategic intelligence at the state level and examines the ways in which intelligence has come to be thought of by policy analysts. Finally it introduces the reader to the modern US intelligence community and its product, particularly that of the NIE. A brief history of the community, from its creation in 1945 to the present, along with an outline of some of the policy problems that have been encountered in the past is given.

Chapter Two, “Guarding the Guards – Intelligence Failure”, follows on from this introduction by examining the parallel growth of oversight frameworks in order to correct perceived failings within the intelligence mission. It examines the academic understanding of intelligence failure, and looks at how such an understanding has evolved from historical experience. The oversight of intelligence grew out of disclosures of intelligence abuses in the 1970s, since then particular institutions within the US polity have undertaken to examine critically the intelligence community. These institutions are introduced and their historical ability to protect against intelligence failure is assessed. Finally, those intelligence failures that concern objectivity are returned to in an attempt to highlight the weakness of both current academic understandings and of the oversight system to deal with such failures. The intention of this chapter is to show that the intelligence oversight system has
grown out of an historical reaction to, rather than a theoretical conception of, intelligence failure, thus exposing it to distortions during the 1990s.

Chapter Three, “Threat Construction and the Intelligence Community”, provides a careful and detailed examination of the events of the domestic policy conflict over missile defence between the Clinton Administration and the Republican Congress. The case study begins with a summary of previous US attempts to put forward a coherent policy on anti-ballistic missile defences, particularly those of the 1980s, and the change in the debate that occurred as a result of the 1991 Persian Gulf War. The conflict over missile defences between the Clinton Administration and the Republican Majority that took over Congress in 1995 is examined with particular attention paid to the aspect of the wider missile defence debate dealing with threat analysis and the effect of the competing threat claims on the missile defence policy debate. The effect of the release of the national intelligence estimate, NIE 95-19, which seemed to refute republican claims about the need to build a missile defence system, is examined and the various investigations into the NIE as an instance of intelligence failure are scrutinized.

Finally the position of Congressional oversight in light of the investigations into NE 95-19 is reconsidered as an instance of intelligence failure itself. If the NIE was not an instance of intelligence failure, that is it represented objective uninhibited intelligence, then attempts to overturn it and replace its findings with more politically acceptable intelligence itself represents a critical failure in the intelligence system.

However, in an attempt to move past a simple casting of blame over the missile defence debate and its use of intelligence, Chapter Four, “Understanding Congressional Intervention in Intelligence”, examines why Congress intervenes in the intelligence process, from the theoretical level. Rather than simply considering congressional intervention as an automatic process that resolves intelligence failures, this chapter considers the cognitive frameworks held by Congressional actors, and seeks to understand under which conditions Congress will intervene in intelligence activities. Making use of existing frameworks regarding Congressional activism concerning intelligence controls, a greater framework for understanding why Congress might feel the need to investigate the objectivity of intelligence and when such
investigations might occur is constructed. This framework takes into account the body of literature surrounding cognitive frames; their use in policy debates, particularly in intractable long running policy debates; and the central role of credibility, rather than objective facts, in attempting to re-frame a debate; in order to build a greater understanding of this new type of congressional activism.

Finally the Conclusion, “Beyond Neo-Positivism: Re-Framing Intelligence Failure”, seeks to build on the previous discussions in order to produce a new understanding of intelligence failure in light of likely future Congressional activism in foreign policy, and more specifically intelligence, debates. The inability of the orthodox approach to intelligence failure to resolve competing claims of objective failure in intelligence is discussed.

The long-term consequences of political intervention in US intelligence are examined paying particular attention to the potential damage done to the national intelligence estimate by an activist Congress seeking to undermine intelligence community claims that run contrary to Congressional policy platforms. An examination of the fundamental theoretical ideas underpinning the intelligence system in the US is begun with a view to suggesting areas of potential future research. Finally in a postscript to the thesis the developments in the US intelligence system following the terrorist attacks of September 11, 2001, are discussed with particular reference to their likely effect on Congressional interpretations of intelligence failure, and a renewed focus on progress oriented failure.

In summary, this thesis investigates past academic conceptions of intelligence failure, the growth of intelligence oversight in line with past conceptions of intelligence failure, the role that policy frames can play in weakening intelligence processes, and how the theory of intelligence failure and oversight might be strengthened to include subjective interpretations of reality without undermining the intelligence mission.

It tries to inject an understanding of political biases into assessments of intelligence failure. In all previous accounts of the missile defence debate during the 1990s little attention has been paid to the way in which the intelligence estimates were attacked, defended, attacked again and ultimately overturned. It seems crucial that, in an age of foreign policy contestability, the
limits of conceptual models of intelligence failure and the political manipulation involved in using such models be properly understood. Such a process of understanding is begun in this dissertation.
Chapter One
The CIA & the US Intelligence Apparatus

The US has been a global power since the end of the Second World War. One factor contributing to this sustained dominance is the development and growth of the intelligence community within the US government. From small beginnings during the war, the US intelligence community, and in particular the civilian Central Intelligence Agency (CIA), has become an integral part of US foreign and defence policy making. The structure of the community, its role in the policy process and the superstructure that manages this sensitive arm of government are of vital importance when seeking to understand the impact the community can have in policy debates.

To properly understand the policy debate surrounding missile defence in the 1990s, and the role of the CIA in this debate, it is necessary to understand the way the community is organised, to at least a moderate degree. This chapter does not attempt to trace a detailed history of the US intelligence community; such histories are many and comprehensive but a summary knowledge of the evolution of the US intelligence community is valuable. Therefore this chapter provides a brief history of the US intelligence apparatus such that the reader may understand why the system in the US exists as it does, how the system works (or does not), and how and why the system is operationally managed within the Executive. Close attention is paid specifically to the CIA, as this is the lead civilian intelligence agency, and plays a key role in co-ordinating intelligence from throughout the community.

Chapter Two will then shift focus to deal with potential failures within the intelligence system and how the US has understood and dealt with failure in the past. The background provided by these two chapters is crucial to understanding why and how the case of the NMD policy debate in the mid-1990s is significant, how it differed importantly from previous conflicts between the legislature, and the intelligence community, and how it can be

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2 Readers interested in detailed operational histories of the US intelligence community are directed to Ransom, 1970 and more recently Richelson, 1989. Readers should also note that comprehensive histories abound regarding individual agencies including the Central Intelligence Agency and the National Security Agency.
used to focus attention on the way intelligence failure has been approached within the academic conception of intelligence activities, and how this might be improved.

1. Origins of Intelligence

States, as long as they seek advantage over other actors in the international system necessitate an intelligence effort for the extra leverage they can provide in international relations. Information is vital to any attempt to gain advantage over opponents. As the Chinese strategist Sun Tzu\(^3\), credited with writing the earliest known treatises on war and military strategy, wrote over two thousand years ago:

Now the reason the enlightened prince and the wise general conquer the enemy whenever they move and their achievements surpass those of ordinary men is foreknowledge. ... What is called ‘foreknowledge’ cannot be elicited from spirits, nor from gods, nor by analogy with past events, nor from calculations. It must be obtained from men who know the enemy situation. ... And therefore only the enlightened sovereign and the worthy general who are able to use the most intelligent people as agents are certain to achieve great things.

(Sun Tzu, 1963: 144-9)

While acquiring some information may take little effort, any effort to gain knowledge for strategic purposes signals the beginning of an intelligence effort, and begins a game with vast consequences. In what becomes a reinforcing cycle, once a strategic advantage in terms of knowledge is gained the state must undertake efforts to keep this knowledge, and with it the advantage, from others.

Through history states have from time to time established public or secret organisations, often attached to their militaries or foreign missions, charged with acquiring information for the strategic advantage of the state against its rivals (usually although not always other states). In the US, ‘intelligence’ was well defined by Vice President Rockefeller and his commission of inquiry into intelligence abuses in the 1970s when they wrote:

\(^3\) Sun Tzu’s writings remain at the pinnacle of military strategy the central theme of which is having more information than your enemy. Only Clausewitz may be considered as influential.
Intelligence is information gathered for policymakers which illuminates the range of choices available to them and enables them to exercise judgement. ... without sound intelligence, national policy decisions and actions cannot effectively respond to actual conditions and reflect the best national interests or adequately protect ... national security. 

(Commission on CIA Activities within the United States, 1975: 6, quoted in Richelson, 1989: 4)

Intelligence gathering on behalf of the state, then, takes an extremely important place in a state’s decision making apparatus. Without clear and precise intelligence, states cannot hope to make the best decisions the first time around, and in a chaotic, often violent, international system there is often no second chance to put mistakes right.

2. **Intelligence Activities & The Intelligence Cycle**

Intelligence agencies are, as stated above, charged with keeping the apparatus of state informed. While this can be as simple as re-packaging news bulletins from around the world into a single bulletin that those in the top levels of government are able to read at a glance, it can be as complicated as infiltrating the intelligence agencies of other states to know what secrets they are keeping and seeking. Generally though, no matter what the activity, it falls into one of the following four categories (deGraffenreid, 1986: 11-12).

Principal among the missions of any intelligence agency is, and must be, the collection of information. Collection can involve simply allocating resources in terms of manpower to procure public information, as in the above example regarding foreign news sources, or it can involve espionage and the use of secret agents, when the information is gathered covertly, as would be the case when attempting to steal confidential documents from a foreign embassy.

With the collection of information arises the need for the second category of activity - analysis. Without interpretation, much information is useless to leaders who often do not have the time or the inclination to wade through lengthy documents in order to extract subtleties that may point to important developments in a foreign state of interest.

A third activity vital to the ongoing integrity of any intelligence mission, although not directly related to the provision of intelligence is
counterintelligence (CI). Protecting the state, or even just the agency, from infiltration by foreign spies becomes an extremely important task once an intelligence effort is undertaken. In what can be a self-reinforcing cycle, once states have secrets worth keeping from others and/or they actively seek to discover the secrets of others, they must also protect their own secrets and those they have acquired. Hence a counterintelligence effort usually runs parallel to the ‘main’ intelligence efforts of collection and analysis. Indeed some states for various reasons opt to adopt a ‘defensive’ intelligence system operating only a CI mission and forgoing other intelligence missions.

Finally, a fourth activity often falls into the lap of intelligence agencies, due to their clandestine nature. Referred to occasionally by professionals as “the third option”, the others being diplomacy and open warfare (Johnson, 1989: 17), covert action (CA) has been defined in the US by the Hughes-Ryan Act of 1974 as “operations in foreign countries, other than activities intended solely for obtaining necessary intelligence” (Johnson, 1989: 18). While this definition might seem annoyingly ambiguous, it is purposefully of the catch-all type. Activities that would fall under the rubric of CA include propaganda campaigns; paramilitary activities such as the Bay of Pigs intervention by the US in Cuba in 1961; political campaigns including the rigging of elections; and economic activities such as unleashing parasites or diluting pesticides in foreign economies (Johnson, 1989: 21-29).

While these four categories serve to illustrate the breadth of intelligence operations they are not the only way of categorising and understanding the way in which the intelligence mission is carried out. As the below graphic illustrates, the Collection and Analysis categories can be further subjected to analysis by fitting them into an operational self-reinforcing cycle:
First a need for intelligence is identified by government. The acquisition of intelligence is planned for and direction is given as to how to gain the required information. This stage is of primary importance; if an objectively real need is not identified at this point it can fatally undermine the entire intelligence effort, making any intelligence actually gathered useless in time of crisis.

Secondly the intelligence community, such as is involved in any particular programme, sets about gathering the required data in raw form. This may be as simple as referring to files on hand or may require the use of clandestine assets in the field, communication interception, or satellite monitoring.

Once gained the raw information is processed. Credibility of sources must be assessed; inferences must be drawn and then interpreted. Often here too mistakes can be made. Failure to believe a credible source; believing a compromised source; inferring the wrong information, particularly the application of motive to actions, are particularly difficult and error ridden activities that inevitably colour the finished intelligence (Aspin, 1981).

The processed intelligence must then be published in a form that will be readily understood by the policymakers whose need it was that sparked the effort in the first place. Finally, once published the intelligence product
must be disseminated to the correct people in order that vital decisions are made in an informed manner without dangerous delay. Intelligence about global events then further drives the planning and direction of new or renewed intelligence efforts and so the cycle is renewed.

Every stage in this cycle is vital for the proper functioning of the next in the loop. If any stage breaks down, if for example the finished intelligence cannot be properly understood and is misinterpreted by policymakers, then the intelligence mission has failed the state. (Ransom, 1970: 15)

Johnson (1991b) adds another model for understanding the roles of intelligence services. He suggests that strategic intelligence efforts may be thought of in terms of both ‘information and response’ (1991b: 46). Intelligence agencies collect and analyse information and then act to “protect the nation against harm and advance its interests abroad” (1991b: 46). A graphical representation of this conception might be drawn thus:

![Information / Response Model of Strategic Intelligence](image)

This reflexive model helps illustrate the important role that CA and CI have taken on in modern intelligence systems. Both stages I and III through the intermediary stage II involve the use of intelligence services and logically so. Clearly secrecy is vital in the conduct of both CA and CI missions, and there seems little point in duplicating organisations when intelligence agencies (those that gathered the information in the first place) have agents already in the field with a capacity to respond to events in line with the national interest.
It should be noted that intelligence can also be separated into two distinct forms. Current Intelligence deals with issues of immediate concern to the Executive. The death of a foreign leader, a military coup or the test firing of a new ballistic missile would fall into this category. Estimates, on the other hand, deal with situations of ongoing concern that require the careful monitoring of events over a long timeframe. Estimates generally state the current situation and attempt as far as is possible to provide projections of probable developments (Richelson, 1989: 289).

3. The US Intelligence Community

To understand the rapid growth in the United States intelligence system in the latter half of the twentieth century one need not travel far back into the nation’s distant past. As Johnson notes, while secret agents and clandestine operations were conducted from the state’s beginnings in the eighteenth century⁴, it was the catastrophe of the Japanese surprise attack at Pearl Harbor, on 7 December 1941, which endowed the US with the determination to never again face such a strategic intelligence failure. (Johnson, 1989: 13)

For the duration of the Second World War the US, and in particular during its latter stages its President, Harry S Truman, made do with the Office of Strategic Services (OSS), an office within the War Department that had arisen out of the wartime need for strategic intelligence. Truman, however, became determined to overhaul the US system; the OSS lacked co-ordination, had poor lines of accountability and was too amateur an organisation to stop any future Pearl Harbour. The OSS was also unable to function as the sort of centralised intelligence agency that Truman desperately desired; one that would be able to halt the arrival on the President’s desk of copious intelligence reports, from numerous agencies, at times contradictory in findings, and would instead be able to supply one summary document by which the commander in chief could keep informed (Ransom, 1970: 76; Johnson, 1989: 14).

⁴ The Continental Congress established the Committee of Secret Correspondence in 1776, with spies led by Paul Revere. (Johnson, 1989: 12)
While the will to reform existed even with the war’s end, priority could not be given immediately to the overhaul of the US intelligence system. Debate raged as to the correct structure to be adopted; as early as 1944 President Truman had received carefully planned arguments for a centralised intelligence agency. But at the same time particular parts of the armed forces were arguing against the proposed complete centralisation. The military pointed out that the individual armed services had a need for intelligence peculiar to their services and thus centralisation would seriously hamper their own missions. In a compromise the Navy argued in favour of the establishment of a central intelligence agency to co-ordinate intelligence on a national level but one that would exist beside departmental agencies, a solution by confederation rather than centralisation (Ransom, 1970: 77).

Even with support for the confederation compromise, exactly where to situate the proposed agency was hardly a simple decision when the Washington bureaucracy was involved. The Department of State, following the British model for national intelligence argued that they ought to control any new agency as it fitted with their overseas activities, while the military remained dubious of intelligence reporting outside their purview (Ransom, 1970: 77-78). In the interim the OSS’s experienced staff were snatched up by competing departments\(^5\): State received the benefit of the research, analysis and presentation sections, forming what was to become its Bureau of Intelligence and Research; the War Department gained the secret agents and covert operations groups (Ransom, 1970: 78).

By 1946 Truman was prepared to fix the problem. In issuing an Executive Order, the President established the Central Intelligence Group (Ransom, 1970: 79-80; Johnson, 1989: 14), replacing the OSS, and reporting to an executive council comprising the President’s representative, and the Secretaries of State, War, and the Navy. The President now received a single intelligence digest on a daily basis, “Here, at last …, a practical way had been

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\(^5\) President Truman formally disbanded the OSS on October 1, 1945. Its activities were of a wartime nature and while Truman saw the need to resolve the question of proper provision of strategic intelligence, he was not comfortable continuing a broad ranged spying effort in the immediate post-war, pre-cold war period (Ransom, 1970: 76). As will be seen, his opinion rapidly changed.
found for keeping the President informed as to what was going on” wrote President Truman in his Memoirs (Ransom, 1970: 80).

But the Central Intelligence Group did not last long. The drive to resolve issues of defence organisation that arose from the war effort sparked the Congress into a massive re-organisation effort in the form of the National Security Act, signed by Truman on July 26, 1947. The Act forced a degree of centralisation on the armed forces, and by extension, the fledgling intelligence effort. The Central Intelligence Group and its executive council were disbanded and replaced with the Central Intelligence Agency (CIA) and the National Security Council (NSC) comprising the President, the Vice President, and the Secretaries of State, and Defence. The new CIA reported through its director, the Director of Central Intelligence (DCI), to the NSC and thus directly to the President. (Ransom, 1970: 80-81; Johnson, 1989: 14)

While the National Security Act did go a long way towards rationalising the US intelligence effort and centralising it under the CIA, its reforms were still in large part a compromise that left the new system seriously strained; strains that would show at various times over the next fifty years (Johnson, 1989: 14-16). Facing strong entrenched opposition to complete centralisation the Act had left many other Federal agencies with intelligence interests intact, such that over the next few decades the CIA feuded bitterly with other agencies including the Federal Bureau of Investigation (FBI), G-2 (Army Intelligence), the Atomic Energy Commission, and the State Department for supremacy in the intelligence bureaucracy (Johnson, 1989: 15).

In the decades following the National Security Act and its post-war re-organisation a large and complex network of agencies has emerged charged with the functions of intelligence gathering for the US. No less than six separate governmental departments and one external agency are listed as members of the US Intelligence Community and one department, the Department of Defense lists eight separate agencies within its own jurisdiction, expanding the number of organisations engaged in intelligence gathering to fourteen⁶. As was successfully argued during the period of the

⁶ These agencies are: the Department of State’s Bureau of Intelligence and Research; elements of the Department of Energy aimed at foreign intelligence collection; the Office of Intelligence Support within the Department of the Treasury; the Federal Bureau of
CIA’s establishment, the Department of Defense (DOD) maintains a large requirement for specific intelligence, and the apparent duplication within the US community is in part a reflection of the requirements of the US military for service specific intelligence. All of these agencies are theoretically coordinated by the Director of Central Intelligence (DCI), but as is shown by the schematic in Appendix One, and as is discussed below, this can at times be a somewhat Herculean task.

But while the CIA may \textit{in fact} be dwarfed by the other intelligence agencies, it remains the ‘central’ agency in the intelligence community, and one of three ‘national’ intelligence agencies along with the NSA and the NRO, both with very technical missions (Richelson, 1989). Its director, the DCI, wears two hats as director of the CIA, and director of the entire intelligence community. As will be seen the CIA also has the task of assimilating – or centralising - intelligence from throughout the community into intelligence product for the wider government. As will be seen it has largely been the CIA that has borne the brunt of criticism directed towards the intelligence community, and the way in which the CIA has been written, debated, and theorised about within the US can be generalised to reflect a general attitude towards the entire community.

\subsection*{3.1 The CIA}

The CIA remains the romantic spy agency of the US despite its small size in the overall community. Since its inception it has remained the agency within the US government with responsibility for human intelligence (HUMINT), intelligence gathered by human agents in the field; just as the NSA is the agency responsible for signals intelligence (SIGINT), intelligence gathered through electronic communications interception, and the NRO is responsible for satellite intelligence. The CIA is also \textit{the} central agency for intelligence within the US government. Through the office of its director, the
ODCI, the CIA maintains a centralising function for intelligence gathered throughout the intelligence community, acting as the funnel for information travelling upwards to the president.\footnote{Although it should be noted that the Secretaries of Defense and State can report intelligence from their departments directly to the President as members of the NSC and with the Attorney General and the Secretaries for Energy, Homeland Security, Transportation and the Treasury as members of the Cabinet.}

The CIA, since its creation in 1947, has assumed a number of roles and functions some statutory in nature others a far cry from what lawmakers envisaged in creating the agency. Under the National Security Act of 1947 the CIA was empowered to fulfil five functions (Ransom, 1970: 85; Richelson, 1989: 12):

1. To advise the National Security Council on intelligence relating to national security;
2. To recommend to the NSC the co-ordination of intelligence within departments;
3. To correlate, evaluate and disseminate intelligence;
4. To perform for existing intelligence agencies those functions the NSC decides to centralise;
5. To perform other functions and duties relating to national security intelligence as decided by the NSC.

While the functions, particularly number five, may be seen as deliberately vague,\footnote{The intentions of Congress in the wording of the National Security Act and subsequent amendments will be discussed in the following chapter.} a number of restrictions were also placed on the CIA. In order to guard against fears within Congress of the CIA turning into a Gestapo-like organisation the CIA was banned from having any “police, subpoena, law-enforcement powers or internal security functions” (Ransom, 1970: 86; Johnson, 1989: 35-7). Indeed while the DCI, subject to NSC approval, was given the power to inspect all intelligence product of other agencies in order that the CIA might fulfil its correlation, evaluation and dissemination function, the Act specifically required that FBI files be available only on written request in a further effort to limit CIA involvement in domestic activities (Ransom, 1970: 86). The DCI was given further powers in 1949 under an amendment to the National Security Act, the Central Intelligence Agency Act, which saw the DCI exempted from normal Civil Service
regulations. This meant the DCI was able to hire and fire at will, and was freed from reporting requirements of official titles, employee numbers, salaries and other details normally required of federal agencies (Ransom, 1970: 86-87).

Whilst free from many constraints it is clear that the CIA’s primary mission, at least as far as its establishing legislation was concerned, was to gather and interpret intelligence (Ransom, 1970: 82-83; Johnson, 1989: 16). The CIA fulfils this task through the use of CIA paid operatives and assets, and through those outside its employ such as defectors, émigrés and travellers (Richelson, 1989: 234). Most CIA officers operate in foreign territories through CIA stations usually situated in the US embassy within that territory. This provides them with resources they would not otherwise have access to including an all-important access to diplomatic immunity. CIA stations in foreign countries are managed by the Chief of Station (COS), who depending on the particular station might control as many as 150 CIA officers (Richelson, 1989: 234).

Intelligence gathered by CIA stations is analysed at CIA headquarters in Langley, Virginia. Here the finished intelligence product is assembled. Such product includes but is not limited to the following seven categories: (Ransom, 1970: 45)

1. **Raw**: so important it is disseminated at once to decision makers;
2. **Written Memo**: a brief analysis quickly passed up the decision chain;
3. **Oral Briefings**: allowing for question and answer sessions between analysts and policy makers;
4. **Eyes Only Digests**: published daily for approximately three dozen decision makers;
5. **Digests**: published weekly or less frequently relating to specific topics of interest to policy makers;
6. **National Intelligence Estimates**: (discussed below);
7. **National Intelligence Surveys**: a comprehensive survey of political and social events within a state of interest, to provide background information to policy makers.

But while the CIA’s mandate, explicitly authorised the collection and analysis activities, it also provided for an interpretation leading to a far more
expansive role than might have been first contemplated. The fifth authority granted by Congress, the catchall “other such functions” clause, quickly enabled the NSC to use the CIA as the covert arm in its cold war with the Soviet Union. President Truman’s announcement to Congress on March 12, 1947, of his decision to support Greek anti-Communist factions, the famous Truman Doctrine to contain communism on a global scale (Crabb et al, 1986: 124-127), meant the NSC had found an ‘other such function’ which the CIA was perfect for. Truman had little hesitation in authorising the CIA to initiate CA missions, taking the so-called ‘quiet option’ (Johnson, 1989: 17). This then is the sort of work the CIA has become famous (perhaps infamous) for: the Bay of Pigs; assassination attempts against Fidel Castro; rigging elections; and conducting secret campaigns against factions engaged in civil war around the globe (Oseth, 1985: 25-32). As will be seen in the following chapter it was the CA missions, tacked on to the CIA’s brief over and above the specific intelligence function, that were to almost exclusively be responsible for marring its relationship with Congress and the American people.

The CIA also undertook the necessary CI function in order to protect its other efforts. Although the CIA remained constrained from CI activities within the US, the exclusive purview of the FBI, it demanded a CI role in foreign activities. Finding foreign agents and, rather than bringing them to justice, exploiting them for strategic gain: feeding false information, creating defections, and generally sabotaging foreign intelligence missions became the CI game within the game (Oseth, 1985: 21-25), and indeed has gained almost as much of a romantic image as covert action.

3.2 The ODCI and the NIE

At the top of the CIA sits its director, the DCI, with his administration, the ODCI, attempting to pull the opinions and desires of the CIA and the rest of the intelligence community into one co-ordinated effort. The DCI remains a vital office and perhaps more than any other single position has the ability to shape the entire intelligence community. The most successful DCI’s of which Allen Dulles (1953-61) would top the list, are able to move the community in new directions, focus strategies and generally shape the course of US
intelligence direction for decades after they leave office (Ransom, 1970: 99). The weakest DCI’s fall prey to bureaucratic games, are unable to co-ordinate the community and leave a greater web of intrigue and bureaucratic politics then when they took office. It is important to note that while a civilian generally fills the DCI’s role, of the fourteen DCI’s four, including three in its first two decades, were military personnel.

The DCI and the ODCI is the hub of the CIA/Community relationship. While the CIA may at times fight bureaucratic turf battles between other intelligence agencies throughout the community, it is through the office of its director, that it gains its strongest voice for national intelligence, because the DCI speaks not only for his own agency, but for the whole community. It is the DCI, and no other agency head, that sits as a de-facto member of the NSC, and the co-ordinating role of the ODCI plays a pivotal role in producing the most important intelligence product within the entire community, the National Intelligence Estimate (NIE).

The NIE is, as its name suggests, a national estimate based on intelligence collected by the intelligence community as a whole on any subject where an estimate of likely events is requested by policy makers and is published by the National Intelligence Council – part of the ODCI. As the House Committee on Foreign Affairs wrote in 1980 the NIE is “a thorough assessment of a situation in the foreign environment which is relevant to the formulation of foreign, economic, and national security policy, and which projects probable future courses of action and developments.” (Richelson, 1989: 291)

Importantly the NIE distinguishes itself from other finished intelligence product in its comprehensive and synthetic nature. It brings together the intelligence of all the members of the community in one single estimate of future events. This synthesis lowers the possibility of individual agencies producing biased reports, in attempts to justify pet projects or capture policy goals, and while such bias may not always have been eliminated from intelligence product, and while this very goal may at times be controversial as discussed later, this in essence is the NIE’s raison d’etre (Jeffreys-Jones,

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9 Although it should be noted that resignation from the armed services is required before taking office as DCI.
1989: 57). This elimination of bias and synthesis of community opinion by civilians was the principal reason the NIE was first suggested; in the report of the Dulles-Jackson-Correa committee. The committee reported to the National Security Council on New Years Day, 1949, and criticised the CIA as it was then constituted for its inability to provide such national estimates (Jeffreys-Jones, 1989: 56-7). Allen Dulles (future DCI and brother to John Foster Dulles, future Secretary of State to President Eisenhower) lead the charge for a comprehensive national estimate and waged a campaign of strategic leaks in order to push the Truman administration into accepting his committee’s findings (Jeffreys-Jones, 1989: 57).

As a result of this perceived need for co-ordinated estimates, one of the first actions of the fourth DCI, General Walter Bedell Smith, taking office in 1950, was to establish the NIE under the direct jurisdiction of the ODCl. The NIE would be a national document that while written by the CIA would not carry the tag of a CIA document, but the full force of the entire intelligence community. In establishing the NIE, Gen. Smith firmly placed the CIA where it had previously stood only in legislative terms (Kent, 1994), at the very top of the intelligence community, with all the bureaucratic management problems that this might entail in attempting to coordinate a disparate and often divided community with very diverse interests (Jeffreys-Jones, 1989: 57).

Despite occasional bureaucratic issues over writing the NIE, it has, since its inception, remained a key document in the intelligence cycle. As Ransom notes, the NIE “is [potentially] the single most influential document in national security policy making” (1970: 147) and as former CIA Executive Director Lyman Kirkpatrick states, NIE’s “are perhaps the most important documents created in the intelligence mechanisms of our government” (Ransom, 1970: 147).

The NIE and its importance goes directly to the heart of why a state engages in intelligence gathering in the first instance – to inform policy. During the cold war a president wishing to better set policy for countering Soviet ballistic missiles would need to know the likely course of Soviet missile development over the next few years. In this instance he and his National Security Council would turn to the latest estimate in the NIE series 11-8, Soviet Capabilities for Strategic Nuclear Conflict (Richelson, 1989: 292), in an
effort to gauge what an effective US policy response ought to be. Without reliable and up-to-date NIE’s the executive branch is unable to set effective policy.

Indeed so important is the NIE that while some ongoing series might take up to four months to compile and publish, events in the real world might well overtake the regular scheduled estimates to such a degree that the CIA might need to ‘crash’ new estimates through the system. One such illustration of the production of crash estimates comes from the Suez crisis in 1956 when the CIA was forced to turn around NIE’s in a total time of three and a half hours (Ransom, 1970: 152). Although such an illustration reflects an obviously extreme situation, a new estimate required by changing events might well be pushed through the system in a matter of days without significant loss of precision.

3.3 The NSC and the President

At the top of the entire structure, although formally considered to be outside of the intelligence community as such sit the National Security Council and the commander in chief, the President of the United States of America. Presidents have at their disposal three primary means of influencing the intelligence community beyond simply issuing a request for information – a part of the day-to-day business of the NSC. Presidents issue Executive Orders concerning the intelligence community at least once every administration (Richelson, 1989: 366). Although these often overlap in content with previous administrations, they set the tone for the conduct of the intelligence community delineating acceptable practise (Oseth, 1985: 91) from areas as wide as dealings with academics, CIA Officer relations with State Department Ambassadors, and Congressional Oversight. Generally these Executive Orders are non-classified and are general in nature.

Presidents also issue classified directives, and while the names given to these change from administration to administration they again deal with the conduct of the intelligence community. The existence of these two types of directives creates a problem for those wishing to study the treatment of the intelligence community by different presidents. It is obviously difficult if not impossible to assess the impact, if not the intent, of Presidents when the
subjects in question are secret directives to secret organisations, with secret guidelines, operating in secret, and generally reporting in secret.

Below the commander in chief sits the management body constituted by the National Security Act of 1947, the National Security Council. As noted above the council comprises the President, the Secretaries of Defense and State, and any number of other members determined by the President; different administrations have arranged the NSC membership differently. The NSC, which the DCI reports to, issues NSC directives much like the President, and it is generally speaking the NSC which is considered the primary user of intelligence within the US government. It is the President, through the National Security Council, that ultimately sets the direction for the US intelligence community.

Since the creation of the modern intelligence system in the US the President has additionally been required to take a more active role in the management of his intelligence community with the advent of stricter oversight by the Congress. With the passage of the Hughes-Ryan amendment to the Foreign Assistance Act 1961 in 1974 the President was required to make a ‘finding’ in order to authorise covert action. The President was also required to inform Congress in a timely fashion of these covert actions. More discussion on the evolution of these controls imposed by Congress as a response to perceived failure follows in the next chapter.

Presidents have also been served in the intelligence oversight area by rather ineffective groups such as the President’s Foreign Intelligence Advisory Board (PFIAB) established following recommendations of the Hoover Commission in 1955 (Ransom, 1970: 166) but with little desire to examine intelligence failure and acting more like a group of ‘visiting alumni’ than intelligence overseers (Ransom in Johnson, 1991: 50), and the Intelligence Oversight Board (IOB) referred to by journalist William Safire as the ‘three blind mice’, a seemingly accurate description of their failure to spot glaring intelligence failures, like that of the Iran Contra affair (Johnson, 1991: 49).

4. Concluding Remarks

As can be seen, since the end of World War Two the US intelligence system has grown into a massive operation designed to supply the rest of
government with the necessary information in order to make decisions that maximise the national interest in an often hostile, dynamic strategic environment. Through the CIA in particular the US has attempted to conduct far reaching intelligence missions that have sought to gauge the capabilities of their international competitors (primarily in the last half century the USSR) not only at any given moment but also projecting into the future.

The system has by and large worked well. While the CIA and other organisations might have taken criticism for failures on occasion their successes have been remarkable and many. Yet one of the fundamental problems posed by the existence of secret agencies, the existence of which are perceived to be vital to the national interest is the problem that these agencies are secret. While they execute their missions successfully there seems to be little to complain about. But by their very nature it is difficult if not impossible to tell if they are executing their missions correctly.

President Truman desired a modern intelligence system in order that the US not face another failure of strategic intelligence as it had in the attack on Pearl Harbour in 1947. But waiting for another Pearl Harbour in order to find out that your secret agencies have not been doing their job is not an acceptable way to conduct affairs of state. How the US polity and academic discourse have sought to address the notion of intelligence failure, past experiences and responses to intelligence failure within the US, and how these conceptions and responses led to the policy debates and attacks on the CIA during the 1990s is the subject of the following chapter.
Chapter Two
Guarding the Guards – Intelligence Failure

With the creation in the US of a modern intelligence system by the passage of the National Security Act of 1947, the question posed by the Roman satirist, Juvenal (see quote page), was begged: But who will guard the guards themselves? Ensuring that the complex system created to prevent another Pearl Harbour actually did and continues to do its job is obviously vital. Whilst protecting state secrets, how can one trust a body, when outside observers have no way of knowing how well the secret agencies are doing their job? If they fail in their task in an obvious way then the state and the public know they were not reliable, but unfortunately the sensitive and vital nature of their task means any remedial action is rendered inconsequential by the magnitude of the failure. It is of primary importance that potential failures by intelligence agencies are minimised by putting systems in place designed to check intelligence activities and where possible correct errors before a critical failure occurs. It is rather too late to discover that a state’s security was inadequate if the very thing that it was there to protect has been stolen or destroyed whether through incompetence or betrayal; hence Juvenal’s question.

Establishing the modern intelligence apparatus in the US only did half the job. For in acknowledging the need for an intelligence apparatus in protecting and informing the state, President Truman and the Congress that passed the legislation failed to provide mechanisms for ensuring that the system continued to function efficiently and successfully execute its mission. Oversight of the activities of the executive is a basic undertaking of Congress and the relative reluctance of Congress to undertake oversight of the intelligence mission arguably left a fundamental hole in that aspect of government weakening the intelligence cycle accordingly.

Despite its obvious importance it took almost twenty five years for academics and policy makers to consider the difficulty that intelligence failure poses to the state and to intelligence agencies. From its rather ad hoc beginnings to the present status quo, the way that intelligence failure has come to be conceived of and watched for within academic and policy circles,
has been a direct part of the evolving relationship between the intelligence community and the rest of the US polity. The way that perceived intelligence failures have been addressed over the decades since the rise of the modern intelligence apparatus following World War Two led directly to the policy debates and attacks on the CIA during the 1990s, which in turn allows a critical examination of the way in which intelligence failure has been understood and dealt with in the past and how it might be reconsidered for the future.

1. **Intelligence Failure**

Ensuring that secret government agencies are continuing to perform correctly is especially important in a democratic state where citizens place importance on certain freedoms that the activities of intelligence agencies might reasonably be expected to hinder. The failure within the intelligence process of agencies and actors to carry out their function or to act with due diligence to ensure the success of the intelligence mission is what is meant here by the term *intelligence failure*.

Having a group of actors and agencies outside of the intelligence system whose job it is to monitor and critique intelligence agencies has been standard practice within most democratic states that choose to operate a modern intelligence system; a system of oversight that while rarely perfect is considered infinitely preferable to simply allowing intelligence agencies to carry out their functions unchallenged. Generally speaking democratic states have more to lose by the failure of their intelligence systems than other states, precisely because they place a premium on openness of government and civil liberties of their citizens. Perhaps a better way of conceptualising this is to assume that, in democratic states, there are more ways in which intelligence systems can fail, because in such states more rules exist surrounding the proper way in which governments conduct themselves. Thus the protection of citizens and their civil rights from their own government’s secret agencies can be just as important if not more important than simply ensuring that the
apparatus continues to provide all the necessary intelligence that it exists to provide.

Intelligence failure can take many forms, that is to say the intelligence mission can fail in many specific ways. But generally it is possible to categorise the types of intelligence failure so that they may each be anticipated, systems can be put in place to protect against them, and the state may establish counter measures for when, despite their best efforts, some errors get through the safety net and a failure inevitably occurs. How intelligence failure is conceived of and then guarded against within a state can have long ranging consequences for the intelligence mission of that state. The areas of the intelligence mission that overseers are allowed access to, or indeed feel comfortable accessing can set the stage for the way in which any failures, real or perceived may be dealt with. Focussing attention on abuse of citizen’s civil rights, for example, may well mean that the intelligence community does not cross the line in this area, but may mean that there has been less attention than might have been optimal paid to the scope and range of other intelligence activities.

Loch Johnson (1989) finds seven distinct failures, or ‘sins’, that threaten US strategic intelligence and the society within which it sits, that therefore need to be prepared for and guarded against. Some represent failures that can only be applied to CA missions, those activities ‘tacked on’ to the intelligence agencies of the US based on their clandestine nature, others apply only to the analysis and dissemination of intelligence product to policy makers. All however have a massive impact on the quality and utility of the intelligence mission and while some have been corrected for with careful attention to the controls that can and ought to be placed on intelligence agencies some have yet to be properly accounted for within the oversight framework.

While Johnson did not further distinguish his sins of strategic intelligence, the intelligence failures represented by his seven sins (see table below) can be further grouped into three broad categories that will help with understanding the nature of the intelligence oversight relationship as it has developed during the past three decades. The three types of intelligence failure are interpretive failures, operational failures, and accountability failures.
<table>
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<tr>
<th>Types of Failure</th>
<th>Johnson’s Sins of Strategic Intelligence (1989)</th>
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<td>Interpretive Failures</td>
<td>Failure to provide objective, uninhibited intelligence</td>
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<td>Disregard of objective intelligence by policymakers</td>
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<td>Operational Failures</td>
<td>Indiscriminate collection of intelligence</td>
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<td>Indiscriminate use of covert action</td>
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<td>Inadequate protection of officers and agents abroad</td>
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<td>Improper use of intelligence within the US</td>
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<tr>
<td>Accountability Failures</td>
<td>Inadequate accountability in the chain of command</td>
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Of these seven sins only sin number five deals explicitly with the operational workings of the intelligence community, something that would be reasonably expected to be dealt with ‘in house’\(^{10}\). The remaining sins all require the intervention of an outside actor to call into question the actions of the intelligence community before actual failure, or sin, can be identified. Indeed sin two refers not to the actions of the intelligence community but instead the failure of other parts of government to make use of the intelligence product.

How these sins have affected the US intelligence effort and in particular what attempts have been made to resolve the challenges posed by these sins lies at the heart of the evolution of the relationships between agencies within the US intelligence community, and those between the intelligence community and the rest of the US government and people.

2. **Intelligence Watchdogs - The Guards’ Guards**

The actors that have played a role in uncovering and guarding against intelligence failure are all key parts of the US polity. Firstly those parts of the

\(^{10}\) Although debate over this failure has occasionally entered the public arena when agents are lost in public situations, as with the death of Richard C Welch, CIA Chief of Station in Greece, who was killed by terrorists in 1975 (Johnson, 1990: 70).
executive not engaged in intelligence work have played a role in monitoring those that have. Outside of the executive the other branches of the federal government have, despite slow beginnings, been instrumental in monitoring and correcting failures. Both the courts and the Congress have acted when intelligence failure has been perceived. Finally the media and private citizens have also acted as watchdogs for intelligence failure, often acting as the initiators of investigations or legal challenges of intelligence practises.

Clearly the first port of call for monitoring the success or failure of the intelligence community is its managers within the executive. The Executive Office of the President, within which both the CIA and its governing body, the National Security Council sit, is undeniably in the best position, with the most knowledge of the community’s operations and short-term objectives. Yet the NSC, the statutory manager of the intelligence community through the Director of Central Intelligence, has not had a good track record of monitoring intelligence failure. For instance, Dean Rusk, Secretary of State during the Kennedy and Johnson administrations, complained that despite being a statutory member of the NSC he never saw a budget for the CIA (Johnson, 2000: 202). Indeed it was the NSC and employees of the Council that were responsible for the major intelligence failure of the 1980s, the Iran-Contra Affair discussed below (Woodward, 1987). Outside the NSC, the rest of the Executive Office of the President has not maintained a high standard of oversight. The PFIAB and the IOB, as discussed in the previous chapter, have acted less as overseers and more as friendly gatherings of academics and retirees (Johnson, 1991a).

Bureaucratic competition within the intelligence community has the potential to limit or uncover intelligence failure, but as is discussed below regarding the so called A-team/B-team experiment, such competition among intelligence agencies has also been responsible for producing and exacerbating intelligence failures such that while competition between agencies might on occasion prove useful it would be a mistake to expect much in the way of reliable oversight. Indeed the track record of the entire executive when it comes to oversight of the intelligence function is flawed (Johnson, 1989) and it has fallen to outside agencies both governmental and
non governmental to provide an effective check on the intelligence community.

Outside the executive lie the other interested parties that have maintained a varying degree of watchfulness for intelligence failure. The media as one of these groups has often snapped at stories regarding the secret agencies. The CIA has operated a number of policies designed to maintain its secrecy in the face of media enquiry including the requirement of former employees to submit written material to a review board for censorship (Jeffreys-Jones, 1989: 186-7; Dempsey, 1998: 55) and a broad policy of not commenting on news stories regarding the agency, whether favourable or not (Ransom, 1970: 83). Yet the media has been responsible for triggering some of the largest reforms within the US intelligence community and the formal oversight framework due to its diligence and ability to mobilise public and political will against perceived failure. The general ability of journalists and media organisations to expose cover-ups, to publicise embarrassing leaks and turn them into damning floods, and to generally keep the public aware of governmental mistakes is vital in the area of intelligence failure. The media more often than not has been the initiating group behind movement in other branches of government to inquire into intelligence failures over the past half century.

Within the US federal system power is divided between the executive, the judiciary and the legislature. As Ornstein puts it, the Founding Fathers created a system “of shared and overlapping powers, vaguely defined, that would inevitably lead to questions and conflicts between the branches” (Ornstein, 1986: 35). Logically enough then, the two other groups that play a vital role in overseeing the activities of the US intelligence community, especially in monitoring for intelligence failure are the two other branches of the federal government the judiciary and the legislature.

The judiciary, guardian of the Constitution and ultimate judge of the line between lawful and unlawful activity, has played a part by showing occasional interest in intelligence activities. As might be expected the courts have tended to focus on those sins that would be most likely to impinge on citizen’s civil rights. While all of Johnson’s sins are of interest to the courts where activities cross the line of legality, in practise, it has been cases of establishing freedom
of information – the rights of agencies to censor material, and sins three, six and seven that have most involved the intervention of the courts\(^{11}\).

The legislature, in the form of the Congress, on the other hand has slowly established a far wider interest in intelligence than the courts. The struggle between the executive and the legislature has caused the evolution of a system of oversight that ensures that while the President, as head of the executive, or at the very least an agency head may have the final say on agency actions and policy direction, should Congress desire to know something of an executive agency its demands are usually met, lest Congressional members become annoyed at the agency and wield their powers to remove the annoyance (Henkin, 1990).

Short of actual deletion of specific programmes, something requiring enormous political willpower, Congress has several powers over the executive that are more easily used. Congress can explicitly call upon these powers or more often simply threaten their use, so that the need to maintain a constructive relationship with Congress has often forced the executive to include the Congressional leadership in the policy loop rather than force the Congressional hand. Through its legislative function Congress provides for the existence of government agencies, authorises monies for the running of government agencies, and annually appropriates these monies. Through these powers, and the implied power to conduct investigations into the activities of executive agencies - in order to audit the proper execution of Congressional authorisations and appropriations, the Congress maintains a high degree of control over the actions of the executive branch of the federal government.

For most areas of the federal government this oversight of governmental activities by the Congress has taken a standard form. The legislative committee with responsibility for a particular executive agency originates authorisation for agency expenditure, which can either be a permanent authorisation, fixed for a set number of years, or on an annual

\(^{11}\) For detailed discussion of the involvement of the Courts in constraining intelligence activities, the reader is directed to Oseth (1985). Decisions of particular note include Katz v United States, United States v United States District Court, and United States v Butenko which are concerned with the establishment of legal precedents surrounding the use of wire taps for foreign and domestic purposes (Oseth, 1985: 55-56).
basis. This authorisation effectively sets the upper limit for the agency’s budget. Thus a legislative committee can wield a large degree of power over any particular executive agency. Coupled to this an agency must have funds appropriated to it. This process is conducted on an annual basis originating with the House Appropriations Committee and its various sub-committees. Such appropriations usually serve to limit further the funding of an agency below that set in the authorisation process.

Whilst Congressional oversight of the executive has grown in a rather controlled fashion over the last two centuries, intelligence gathering, as a relative newcomer has been subject to a far greater ad hoc evolution of oversight from Congress. The relationship between the CIA and Congress has evolved slowly from very limited beginnings to the comprehensive one of the 1990’s such that the intelligence community, and the CIA in particular, finds itself serving two masters now (Johnson, 2000: 212), executive and Congress. The role that these guards of the guards have played in uncovering intelligence failure, evolving a system to cope with these failures, and the position this left the intelligence community in forms the foundation for an investigation into the political debates and its interpretation by both sides during the 1990s.

3. Intelligence Control as Response to Sin

The evolution of intelligence oversight mechanisms in the US has been fundamentally reactive; a response to real or perceived sins as they came to light in the course of the intelligence mission. But such a response requires an active interest in accounting for intelligence activities by the watchdogs mentioned above, and such an interest was a long time in coming. During the early decades of the intelligence apparatus thoughts of oversight were pushed aside as Congress chose blissful ignorance of executive activity over diligence and responsibility.

It took almost twenty-five years for policy makers and academics to concern themselves with intelligence failure. In the early years of the CIA and the post-war national security framework, Congress paid little attention to the
secret apparatus. Even during the debate surrounding the National Security Act 1947 concerns were raised regarding the powers of the proposed CIA but little attention was paid to these congressmen, and they were quickly overruled (Johnson, 1989). Certainly their concerns did not affect the passing of the Act nor the revisions to it in the form of the Central Intelligence Act 1949 which further empowered the CIA and the DCI and removed them from normal civil service reporting requirements.

From the emergence of the US from World War Two the overriding consensus between both Congressional parties was to ensure that the increasing security needs of a US faced with a growing cold war with the USSR were well provided for by Congress. Under the Presidential leadership of first the Democratic Truman and then the Republican Eisenhower, the national security system grew with Congressional support across party lines (Johnson, 1989).

It has been well argued that, in creating the CIA, Congress was deliberately creating a spy agency that would actively keep secrets from Congress (Ransom, 1970: 159; Oseth, 1985: 58). Following the passage of the 1947 Act DCI Hillenkoetter is remembered to have stopped his legislative counsel, Walter Pforzheimer, in the corridor and suggested that he might not be able to afford to keep him on as he did not see that there would be any work for him (Snider, 1997). This apathy and disinterest set the tone for the early treatment of the CIA and other intelligence agencies by Congress. Budgets were hidden among other agency authorisations and appropriations, usually that of the Department of Defense (Jeffreys-Jones, 1989: 74) with the approval of one or two committee chairmen amounting to full Congressional approval.

Continuing into the agency’s second decade the congressional disinterest remained strong. Under the skilful direction of DCI Allen Dulles, brother to the Secretary of State, John Foster Dulles, there seemed little reason for Congress to concern itself with spying. Although the Hoover Commission expressed concern at the lack of Congressional oversight and supervision in 1955 (Ransom, 1970: 161) there seemed little interest in changing the status quo. In terms of formal oversight arrangements, the CIA was loosely monitored through the armed services and appropriations
committees of Congress, and while the question of establishing separate committees to oversee the community occasionally emerged, the issue never gained momentum (Ransom, 1970). These were the golden days of the intelligence community and for Congress too; it really was a case of “Trust in God and Allen Dulles” (Ransom, 1970: 172); rather than Congressional apathy for oversight, Congress simply trusted that the national security apparatus would function as and when required.

The lack of interest, whether out of a deliberate avoidance of responsibility or simple lack of direct interest causing intelligence operations to be a low priority, continued into the 1970s. Former DCI James R Schlesinger recalled to Loch Johnson a meeting in 1973 with the chairman of the sub-committee of the Senate Armed Services Committee tasked with overseeing intelligence matters. When Schlesinger attempted to inform the senator, John Stennis (D, Mississippi), of current CIA programmes the senator quickly stopped him saying “No, no, my dear boy, don’t tell me. Just go ahead and do it - but I don’t want to know.” (Johnson, 2000: 202; 2002: 1).

3.1 Regulating Covert Action and Domestic Activity

Perhaps the arrangement could have lasted; certainly while matters remained stable no change was demanded. The occasional intelligence failure in past decades had caused interest, the most public of which was the failure of the covert action at the Bay of Pigs in 1961, but no lasting change to the lack of formal oversight had emerged, simply the acceptance that presidents could not afford to take the intelligence agencies for granted (Jeffreys-Jones, 1989). But the dam finally burst in 1973, with the previous decades of neglect ensuring a wealth of information was there to flood out. The golden days of a free hand for the intelligence agencies, Johnson’s ‘Era of Trust’ (1947-74) was about to come to an abrupt end; a two-year chaotic scramble of accusation and investigation had dawned, Johnson’s ‘Era of Skepticism’ (1974-76) had begun (Johnson, 1989: 208) and the bi-partisan consensus had shifted from one of disinterest to one demanding investigation.

The flood began with the publication of an article by Seymour M. Hersh in the New York Times on December 22, 1974. Hersh charged the CIA with
massive domestic operations at their height keeping files on around ten thousand US citizens (Johnson, 1989: 207) and with questionable covert actions including the toppling of the democratically elected Allende regime in Chile (Jeffreys-Jones, 1989: 196). The honeymoon of deliberate ignorance was over; Congress did not sit idly by as public fury grew (Oseth, 1985: 49). Before the end of 1974 the long stalled Hughes-Ryan Amendment to the Foreign Assistance Act 1961 was passed. Under it Congress refused appropriation to CIA covert actions without a signed Presidential finding that the action was important to the national security of the US. Congress further required that it be informed of the action within a timely fashion, although the ‘timely’ stipulation was to provide ‘wiggle room’ for successive presidential administrations (Oseth, 1985: 58). The covert bombing in Laos and Cambodia conducted by the Nixon administration, and the failure by Congress to exercise control over these campaigns helped bring on the sea-change in congressional oversight during this era (Marchetti & Marks, 1975: 102; Oseth, 1985:1, 57).

As 1975 began President Ford established a commission of inquiry led by Vice President Rockefeller to investigate the charges levelled at the CIA (Johnson, 1989: 207). Further investigations were launched by both branches of Congress. In the House the committee led by Representative Otis Pike (D, New York) focussed on the costs and risks of the intelligence effort as well as questioning the quality of the finished intelligence product (Oseth, 1985: 59). In the Senate, holding the most extensive of the three investigations, Senator Frank Church (D, Idaho) chaired an examination of the ‘abuses’ and searched for ways to improve Congressional participation in the intelligence cycle. Among other abuses the Congressional investigations found that intelligence controls had been extremely lax, although the Bay of Pigs had sparked a relative tightening, with few covert actions gained prior approval of the NSC (Johnson, 1991a).

3.2 Establishing Specialist Oversight

With the disclosures of 1974 and 1975 fresh impetus for a formal home for intelligence oversight was gained. Several committees maintained some
form of oversight function but this was limited, and deliberately treated the intelligence community with kid gloves. Finance committees and foreign relations committees from time to time expressed only an extremely limited interest in the actions of the CIA and other intelligence agencies.

The approach that had received the most attention, although still falling short of being implemented, had been a bi-partisan joint committee of both branches of Congress. The Senate had entertained the formation of a joint twelve person committee as early as 1956 (Ransom, 1970: 163). The Mansfield Resolution (named for Senator Mike Mansfield; D, Montana) was reported favourably out of the Senate Rules and Administration Committee. The resolution called for the establishment of a joint committee of the House and Senate to have legislative oversight of the CIA and for the committee to be kept informed of all CIA activities. Yet the debate inevitably stalled and although the proposal popped up again from time to time no serious action towards a joint committee was taken.

But following the investigations in both branches of Congress there was a new resolve to formalise the oversight arrangements. In May 1976 the Senate passed resolution 400 establishing the Senate Select Committee on Intelligence (the SSCI or Sissy in Washington slang). SSCI is balanced nine members to eight in favour of the majority party. In the House of Representatives the machinery moved more slowly. Established a year later than the SSCI after much of the furore surrounding the disclosures of the previous years had calmed, the House Permanent Select Committee on Intelligence (HPSCI or Hip-See in Washington slang) was less structurally built towards bipartisan consensus, with nine members of the majority party and only four of the minority.

Through the latter half of the 1970s Congress and the executive worked to establish principles of practise that would allow oversight of the intelligence community without rendering the agencies in question unable to function. The passage of the Intelligence Accountability Act (known also as the Intelligence Oversight Act) in 1980 saw the requirement that Congress (in practise the committees and the ranking party leaders) be kept informed of all important intelligence activities (Johnson, 1989: 209). The new relationship was largely finalised.
Domestic abuses and a wide interpretation by the intelligence community of its statutory brief had led Congress to crack down on sins three, four and six. Any political good will that the intelligence community had managed to build up since its creation had dried up. But new arrangements were in place that anticipated that a new dialogue between Congress and the community would take place, attempting to ensure that such failures or sins were unlikely to happen again.

3.3 Re-regulating Covert Action

With the disclosures of the 1970s behind the intelligence community and with Congress settled into a new oversight relationship that saw members of the two intelligence committees regularly briefed on intelligence activities it was with much surprise and anger that the revelations surrounding the sale of arms to Iran in exchange for the release of hostages and the routing of the proceeds from these arms sales through Swiss bank accounts to the contra army in Nicaragua came to light in 1986.

This scandal went to the heart of the command structure of the intelligence community, the NSC and the DCI. The Presidential finding approving of the covert action had been oral and only become written (as envisaged by the Hughes-Ryan Amendment) after the operation was well under way. This had been conducted with the complicity of DCI Casey and staff members of the NSC had actively worked to re-route the money to the contras, circumventing the prohibition by Congress that no US assistance be given to the contras (Johnson, 1989: 225). This then was sin number seven in the full light of day.

Following Congressional investigations of the affair it was clear that the executive had chosen to ignore any law of Congress that did not suit its purposes (Woodward, 1987). Any partnership that might have been thought to have existed by Congress was shattered and the resulting distrust (following the scandal on the part of Congress and on the part of the executive at the resulting talk of explicit rigid controls on the intelligence agencies)
3.4 Questioning Objectivity – Interpretive Failures

Throughout the course of the development of controls by Congress against the operational failures a different evolution was also taking place although without the explicit interest of Congress. Since its foundation the CIA and the rest of the intelligence community had developed formal lines of communication by which information and criticism were passed that increased the rigour of intelligence product. Such communication channels theoretically reduced the likelihood that the community would not pass on accurate intelligence to policymakers – the commission of the first interpretive failure Johnson classed as strategic intelligence sin number one (Jeffreys-Jones, 1989: 57).

Although through the decades there had been examples – sometimes very public ones – of a failure in these systems; controversy still surrounds the enemy order of battle estimates reported by Gen. Westmorland in Vietnam (Johnson, 1989) and the CIA’s failure to properly predict the collapse of the Cuban invasion resulting in the Bay of Pigs debacle (Johnson, 1989). In general though, the internal struggles within the intelligence community represented an attempt to find agreement, often elusive, on what the objective facts were before submitting the findings of the community to policymakers. The greatest example of this dynamic tension within the community can be seen in a specific manifestation of the fight between the CIA and elements of the defence establishment over the levels of Soviet military expenditure. The way in which this argument was conducted and its conclusions greatly inform an understanding of the way that the US has come to understand not only sin one but also sin two – the disregard of objective intelligence by policymakers.

This disagreement saw each side claim the other was deliberately failing to provide objective intelligence to policymakers in attempts to curry favour. The objectivity of National Intelligence Estimate (NIEs) was targeted as a document that allowed the CIA to impose its biases over defence department ‘truth’. The nature of the NIE process means that dissenting opinions are supposed to be hammered out and argued through before the estimate is compiled and sent to policymakers (Ransom, 1970; Jeffreys-Jones, 1989). Dissenting agencies have an opportunity to put their case, and
if their reasons for dissent are strong enough, their minority opinion might be included in the final product. This process is arguably vital for maintaining the credibility of the NIE as the principle document of US intelligence, unfettered by departmental biases, as discussed in the previous chapter. Indeed as was noted, this was the sole purpose in its creation.

However, during the 1970s bureaucratic infighting over national estimates boiled over with defence agencies arguing that the CIA was not providing objective estimates – the CIA was being accused of committing sin number one. Leading the charge against the CIA was the PFIAB, calling for the end to the synthetic ‘national’ estimates in favour of competitive analysis by different agencies. Following strong advocacy in 1976, in favour of the competitive system by Deputy Secretary of Defense with responsibility for Intelligence, Robert F Ellsworth, the resistance of the CIA was broken. Acquiescing to the mounting pressure the competitive assessment system was implemented by the newly appointed DCI George Bush (Jeffreys-Jones, 1989: 212).

The system implemented by DCI Bush had normal CIA analysis conducted by an A-Team, while another analysis using the same source material was conducted by the alternative B-Team. It was the dissenting views produced by the hawkish B-Team led by Richard Pipes that generated a large amount of publicity for the view that the Soviet Union’s military strength was vastly underestimated in traditional CIA estimates. Pipes, however, was eventually discredited and Congress rejected the argument that the CIA had a ‘dovish bias’ in 1978 (Jeffreys-Jones, 1989: 225); the A-Team/B-Team analysis was eventually canned.

The so called A-Team/B-Team experiment has come to be seen as an attempt to institute hawkish estimates that hindsight shows to have greatly overestimated the foreign threat. It is no real surprise then that these estimates were promoted by groups that benefited greatly in terms of increased budget allocations from the hawkish outlook12 (Jeffreys-Jones, 1989: 212-3, 225). The charge that the CIA NIEs were a critical interpretive

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12 Jeffreys-Jones (1989) clearly sees the A-Team/B-Team experiment adopted by the Ford administration as a way of appeasing the so-called ‘superhawks’ of the Republican party who tended to support DIA claims of Soviet military spending over those of CIA (212-3).
intelligence failure – sin one – had in fact caused sin one to occur – but not in the way originally proposed. Instead objective assessments had been turned into flawed ones by a political battle within the bureaucracy. The very biasing of estimates that had been anticipated and forestalled by the establishment of the National Intelligence Estimate system by DCI Gen. Smith had occurred as a result of allowing a competitive system.

How had this happened? How had objective assessments been open to the charge of lacking objectivity? And how had a biased assessment process been allowed to supplant a rigorous analysis process? The answer lies in the nexus between the two interpretive failures; in the role of politics in correcting and indeed perceiving intelligence failure. The CIA has faced countless attacks of bias, especially during the 1980s and the Reagan era, yet if anything these incidents serve to highlight the problem, particularly from within government, and without the benefit of hindsight, of separating these two interpretive failures.

4 Re-Examining Sins One and Two

The framework of intelligence oversight within the US, as explained above, has been developed as a response to very real intelligence failures. However these failures only represent some of the possible ways in which the intelligence mission can fail. While systems of Congressional oversight have limited the abuse of civil rights, and imposed limits on the scope of covert action, these systems have not evolved in a manner able to properly deal with the first of Johnson’s sins.

It is a part of the fundamental nature of intelligence that means the oversight process is shrouded in secrecy. The nature of the information being gathered and critiqued means that other sources cannot be easily turned to when corroboration is desired. Thus it is a relatively easy task for those with political axes to grind to level the charge of bias at an intelligence agency, or for an intelligence agency to level the charge of political bias at political overseers. Where political opinion as to the likelihood of the real world situation is divided, lack of corroborative information allows mud thrown at the
intelligence community to, at least in part, stick. That is to say that the accuser is rarely required to prove their case in order to make at least a short term case against the intelligence community. It obviously helps the indictment if the actor making the claim is also within the intelligence information loop.

Consider the model presented in the previous chapter. From the Information/ Response Model of Strategic Intelligence one can create a larger model of the workings of the intelligence community and how the concepts of sins one and two, and most importantly a contestable reality might be conceptualised within this process.

In the model above an objective reality can be considered to exist outside the reflexive process to which everything within reacts. The model can be easily built on to allow for failure within each step of the process. Consider the A-Team/B-Team example of Soviet military expenditure, the expenditure is real, and ought to be discoverable thorough intelligence work. This stage is demonstrated in the new model below, where path A represents the intelligence agencies correctly identifying the objective reality and path B represents a failure, the passage of inaccurate information.

Moreover the next step in the process can also be represented in the model. Once the intelligence community has conducted its collection and analysis phase the information is passed on to stage two, here again there are two choices, A or B, where A represents the intelligence community informing policymakers of the correct level of expenditure, and B represents a communication of a false level of expenditure. An additional possibility is also
allowed for; events may unfold that expose the previously hidden reality to policymakers, in effect short circuiting the intelligence community.

Finally the last step of the original model can be similarly changed to allow for failure. The policymakers now have the ability to make a decision contrary to the evidence as reported by the intelligence community. The reasons this might happen are varied and will be discussed in later chapters but for now all that needs to be acknowledged is that the relationships between reality and the intelligence community, within the intelligence community and between the intelligence community and policymakers leave plenty of room for error and biases (path B in the new model) to cause the entire intelligence mission to fail.

It is clear from this new model that the path to a successful intelligence mission is fraught with the possibility of failure. In developing his sins of strategic intelligence Loch Johnson acknowledged the possibility that these failures to treat objective information correctly might occur, but he failed to address the very large problem that has faced the policy sciences for many decades – the way people interpret objective realities differs greatly depending on their own biases. In the area of intelligence and national security a failure to properly interpret objective information can have serious if not fatal consequences.
4.1 Politics and Intelligence Oversight

Clearly there is a fine balance that must be struck between too little oversight – increasing the potential for failure and too much oversight – adding compliance costs that cause the intelligence mission to become cumbersome and unable to respond to changing global situations as it needs to if it is to properly provide policymakers with strategic intelligence. This dynamic tension is an ongoing, evolving one, domestic and international factors will have a bearing on the levels of intelligence oversight required, but there is general acceptance of the duty to oversee in order to improve the quality of the intelligence apparatus.

The heart of the investigations into the CIA’s 1995 NIE regarding long term ballistic missile threats to the US, NIE 95-19, and thus their involvement in the National Missile Defense debate between the Clinton White House and the Republican Congress can be shown to centre on differing subjective interpretations regarding intelligence failure and an external ‘objective’ reality. As will be shown in the following chapter, the Republicans argued that the CIA committed a fundamental error in intelligence in the writing of NIE 95-19; that they were failing to provide the government with objective, unbiased intelligence. Conversely, without an absolute, objective, knowledge of the situation in reality it can be argued that the Republicans were themselves committing a fundamental error of intelligence in failing to heed unbiased intelligence. The two sides in the NMD debate took differing, and opposed viewpoints in the argument over intelligence failure. As in the A-Team/B-Team experiment, how one might go about reaching an objective conclusion regarding which failure was committed, whether this is even possible, and the consequences of attempting such an investigation will be discussed in later chapters.

5 Concluding Remarks

Finding a way to understand intelligence failure in light of the essentially political debates that can engulf foreign and security policy in order
to properly understand how and when sins one and two might occur and what ought to be done when they do occur is the central focus of this thesis.

Previous attempts to categorise intelligence failure have arisen out of historical experience and a rather restrictive notion that it is always possible distinguish when the intelligence system is failing to provide objective intelligence. In establishing these criteria against which to test the intelligence system the obvious role played by partisan politics has been mislaid. The following chapter will examine the subject of contested realities, policy frames, and the way in which policy debates can be better understood in terms of subjective interpretations of reality and their effect on policy outcomes. It will attempt to build a framework through which these policy debates can be understood and through which the concept of intelligence failure through incorrect identification with reality might be reconstructed.
Chapter Three

As discussed in previous chapters, oversight of the US intelligence community evolved in response to very real failures in the intelligence mission. However these failures only represent a part of the entire spectrum of possible failures. While systems of Congressional oversight limited the abuse of civil rights, and imposed limits on the scope of covert action\(^\text{13}\), these systems have not evolved in a manner able to properly deal with the two most important of the strategic intelligence sins, the interpretive failures, 1) failing to provide objective intelligence and 2) ignoring objective intelligence.

This chapter presents the events surrounding the domestic debate in the US during the 1990s over whether to develop and deploy defences against ballistic missile attack. Central to this policy debate are the investigations conducted under Congressional oversight into the intelligence community’s 1995 NIE regarding long-term ballistic missile threats to the US, NIE 95-19. The role that the NIE played in the debate centred on differing subjective interpretations regarding intelligence failure and an external ‘objective’ reality. This debate represents the most prominent use of intelligence oversight powers in attempts to overturn US policy, and while it has received much attention from scholars interested in the actual policy outcomes, little inquiry has been made regarding its significance in terms of an evolving theory of intelligence failure.

The policy debate surrounding the development and deployment of a system to protect the US from ballistic missile attack that took place during the 1990s produced claims of intelligence failure from opposing sides in the debate. Of the sins of strategic intelligence (Johnson, 1989), both sin one and sin two were alleged to have occurred depending on which side of the policy debate one agreed with. Each claimed sin was mutually exclusive of the other sin by their very nature. Understanding how and why these claims were made

\(^{13}\) The short and medium term affects of the September 11 terrorist attacks on intelligence controls in the US will be discussed in the conclusion of the thesis.
in this case will help in the establishment of a meta-framework for understanding the universal tension between intelligence product being accepted by its consumers, and being rejected.

The threat component of the missile defence debate saw the clash of two competing interpretations of the international environment. One stated that the US would face imminent threat of attack from states that would acquire and then use ballistic missiles, thus a missile defence was a necessary and urgent priority for the US. Those that supported this general assertion claimed that the intelligence community’s estimates constituted a failure in the intelligence process and a clear deliberate manipulation of the intelligence community in order to present a skewed estimate of the threat environment (Towell, 1996); a commission of the interpretive failure to provide objective intelligence. The other argument countered, as the intelligence community asserted, that there was no immediate threat from newly acquired ballistic missiles and that attempts to claim otherwise constituted a clear failure in the intelligence process and thus a commission of strategic intelligence sin two.

This conflict over threat perceptions came within the wider context of the ballistic missile defence (BMD\(^\text{14}\)) debate. The ABM debate in the US, over the course of several decades was fought in a number of different specialist areas with competing claims regarding the affect of ABM systems being contested in each. This chapter does not attempt to systematically outline or resolve the many claims and counter claims made regarding the overall value or feasibility of developing and deploying an ABM system. Nor does it attempt to give a full historical account of the events surrounding the debate over missile defences in the 1990s; such works are widely available\(^\text{15}\). Instead what is presented here is a précis of the missile defence policy debate beginning with a brief account of US anti-missile endeavours in the 1980s but

\(^{14}\) The acronyms BMD and ABM (Anti-Ballistic Missile) Defences are used within this chapter interchangeably. The acronym NMD (National Missile Defense) is used more specifically to refer to the ABM systems of ground based missile interceptors favoured by some policy makers during the 1990s.

\(^{15}\) Of particular value to the reader interested in the lengthy policy debate, surrounding missile defences in the US are for the Reagan era SDI, Bush Snr GPALS and the Clinton NMD, Frances Fitzgerald, 2000; for the Clinton era NMD and early Bush programmes, Bradley Graham, 2001.
primarily focussing on the policy debate during the Clinton Administration (1992-2000). Particular attention is paid to the different interpretations of the threats facing the US from ballistic missiles and how this particular area of the wider policy debate involved the US intelligence community.\(^\text{16}\)

1. **Prologue: SDI, GPALS and the Patriot**

Ballistic Missile Defence (BMD) has been a dream of defence planners around the world since the inception of ballistic missile offence. The construction of strategic arsenals in both the US and USSR in the 1950s saw the first tentative steps towards developing effective missile defences by both superpowers. However a myriad of problems, particularly the technical difficulty in attempting to destroy incoming ballistic missiles (usually with other missiles), saw programmes quickly de-prioritised and then killed. The near impossible task of anti-missile defences has often been likened to the task of hitting a bullet with a bullet; as such US initiatives to develop ABM systems tended to be ended soon after the initial idealism had faded from the policy programmes.

However on March 23, 1983, President Reagan shocked many with his impassioned vision, contained within an address to the nation:

> What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

Ronald Reagan, March 23, 1983

Accordingly Reagan announced the Strategic Defense Initiative (SDI), a programme within the DOD to develop and deploy a non-nuclear ABM system to protect the US from Soviet attack. As Payne notes, critics were quick to point out the holes in the President’s vision; earning the nickname ‘Star Wars’ for its planned use of space based technology, the SDI was met

\(^{16}\)Occasionally the separate ‘sub-debates’ intervene in the sub-debate over threat analysis and it will be necessary therefore to introduce the reader to parts of these other debates. For the most part however these ‘sub-debates’ can be treated as separate parts of the overall whole; the debate over the technical efficacy of ABM systems is largely irrelevant to the debate over threats, as is the likely reaction from international actors to deployment.
with a “great deal of scepticism and criticism, even ridicule”, ABM systems were claimed to be “infeasible, and probably undesirable…” (Payne, 1986: 18).

As domestic opposition increased, costs skyrocketed and the technical challenges became apparent, the Reagan Administration cautiously revised plans for the SDI. While the Reagan Administration remained committed to the programme’s key tenet of shielding civilian populations as well as likely military targets in a Soviet first strike, the Strategic Defense Initiative Office (SDIO), moved to cut initial deployment plans into a phased approach, with ‘Phase One’ designed to primarily protect US military targets and thus preserve a second strike capability (Hildreth and Woolf, 2001).

When President Bush took office in 1988 observers expected the SDI vision to fade. Bush, as Vice President had privately held many concerns regarding the wisdom of Reagan’s approach to strategic arms limitation (Fitzgerald, 2000: 470). He had been a major supporter of the strategic balance that SDI threatened (Fitzgerald, 2000: 470) and some of the harshest critics of SDI were close advisors to the new President, including his top defence advisor Brent Scowcroft (Fitzgerald, 2000: 480). However, faced with a looming confrontation with the Republican right if he fully rejected the Reagan SDI vision (Fitzgerald, 2000: 481) Bush instead chose the middle course. While accepting the continuation of the SDI move towards deployment of ‘Phase One’ Bush chose to cut the enormous budgets for the Initiative, stripping $7 billion from the $40 that was proposed over the next five years (Fitzgerald, 2000: 481).

The Senate intervened in 1990 against the creeping costs of implementing Bush’s re-jigged vision for ‘Phase One’. It cut the budget requests for the space based system by almost two thirds and refocused the system to near-term ground-based interceptors and long range so called ‘exotic technologies’ (Fitzgerald, 2000: 484). The new system, known as GPALS (Global Protection Against Limited Strikes) ended the vision of a comprehensive defence against ballistic missiles. GPALS, as its name suggested, was designed to protect the US from limited ballistic missile attack, under a hundred rockets, launched either accidentally by the Soviet Union or by the increasingly threatening ‘rogue states’. It was also a technical
departure from the SDI, relying on a mix of ground-based interceptors and the space based ‘Brilliant Pebbles’ with an estimated cost of $40 billion.

But even this system seemed too ambitious for a Congress keen to shed the massive budgets that the SDI had enjoyed over the previous decade. If GPALS was not going to protect the US from the massive attacks of the Soviet Union, then what was the point? Where was the urgent need for an ABM system? As if on cue, GPALS was thrown a lifeline. Within a fortnight of the GPALS announcement, on January 3, 1991, hostilities between the American led coalition and Iraqi forces occupying Kuwait, beginning on January 16, provided the perfect vehicle to reenergize ABM advocates, and quieten sceptics.

As a sideline to the main conflict in Kuwait the Iraqi military launched attacks using ex-Soviet Scud missiles against targets in Saudi Arabia and Israel. CNN and other news channels broadcast pictures of US Army Patriot missile batteries firing on incoming Scuds and either destroying them or knocking them off course. In the afterglow of the Gulf War the Pentagon claimed a 96% success rate for the Patriot, hitting almost all of the forty-two Scuds that they engaged (Fitzgerald, 2000: 489). In Congress the mood was in favour of rapid deployment of US ABM defences along the same lines as the Patriot. “We should focus on what these events teach us: Americans and our allies should never again be defenseless against a ballistic missile attack; and we need not be” wrote Representative John Kyl (R, Arizona) and member of the House Armed Services Committee (Fitzgerald, 2000: 485).

By July the hastily prepared Missile Defense Act had passed both chambers of Congress. The Act called for the deployment within five years of one hundred interceptors at a single site, before enlarging the system to multiple sites to fully protect the continental US against limited ballistic missile attack (Fitzgerald, 2000: 486-7). Furthermore while the bill authorized ground deployment it also included increased appropriations for space-based systems in the longer term, just as GPALS had envisaged (Fitzgerald, 2000:

17 The threat of Soviet missile attack remained high in the minds of US defence planners at this time. While the Soviet Bloc was crumbling events had yet to unfold in Russia that would see the collapse of the Soviet Union itself.
487). As a result of the high expectations SDIO funding for fiscal year 1992 increased to $4.15 billion a 43% increase (Fitzgerald, 2000: 487).

The Persian Gulf War had reversed the likely course of missile defences in the US. It had established in the minds of the public not only the ability of the US to ‘kill’ incoming missiles but also that the threat of limited ballistic missile attack existed from sources other than the USSR or China. Saddam Hussein’s willingness to lob short-range missiles like the Scud at his neighbours reinforced the image of rogue nations willing to attack either the US itself, its forces around the globe, or its allies. If these sorts of nations could get their hands on long-range ballistic missiles then there might be no place safe without an ABM system.

Yet the increased faith in ABM systems was exactly that, a ‘faith’ – and one either had it or didn’t depending on 1) how they defined ‘success’ and 2) the link made between Patriot as a working programme and the theoretical possibility of full-blown BMD. The Patriot interceptor was an Army programme with no official connection to the SDI, and was designed to protect troops in the field from short-range missiles by exploding in their path. As Frances Fitzgerald notes:

[The Patriot] was technically irrelevant to the mission of defending the United States. The task of blowing aside a Scud in its short trajectory through the atmosphere and that of hitting a warhead travelling through space and descending into the atmosphere were two different things. To say that, because the Patriot worked, an ABM defense of the US should be deployed, was the equivalent of saying that anyone who could build a barn could build a skyscraper.

(Fitzgerald, 2000: 486)

Indeed, even the high success rate claimed for the Patriot came unstuck under close scrutiny. Investigations by Israeli and US personnel concluded that no evidence existed to support even a single successful interception of a Scud by the Patriot. By April 1992 the Army had revised the Patriot’s success rate down to 70% for Scuds launched at Saudi Arabia and 40% for Scuds launched at Israel. Under closer Congressional scrutiny they again revised ‘kill’ rates down to 25%. But the GAO was more critical, stating that for 91% of cases the Army could only prove that the Patriots had come close to their target Scuds, not that they had ‘killed’ them. (Fitzgerald, 2000: 489)
Despite these obstacles supporters of BMD realised that they had an opportunity to move forward with their programmes. Thanks to the Patriot’s coverage the public now believed that an ABM system was feasible, it was no longer the fanciful dream of a former president, or military hawks. The supporters of SDI had all the political capital they needed in order to move ahead with plans for a revised GPALS – the first stage of which comprised ground based interception systems.

But the President who had signed up for GPALS didn’t stay in office long enough to cement the programme. The election of the Democratic Party candidate William J Clinton saw calls from the public for a ‘peace dividend’ following the end of the Cold War met by a ‘Bottom Up Review’ of defence spending in 1993 (Hildreth & Woolf, 2001). Clinton subsequently moved the focus of the ABM systems development to theatre missile defence (TMD) and cut back on the GPALS programmes putting them on the development backburner. Clinton remained unconvinced of the need, in the post cold war world, to rapidly deploy a missile shield that protected the US. If long-range ballistic missiles remained in the hands of their current owners\(^{18}\), there would be no new threat demanding an expensive missile shield, current measures for protecting America would suffice. However, since US forces around the globe could clearly be threatened in just the way that they had been in the Persian Gulf War, with short-range missiles, protecting these forces was where the priority for the US should lie.

The forerunner for the new TMD system was the Army’s THAAD (Theatre High Altitude Area Defense) system and the programme was taken under the wing of the SDIO which in line with the new focus was renamed the Ballistic Missile Defence Organization (BMDO).

2. The Clinton Administration v The Contract with America

But the Republican Party, especially those within it who had championed the GPALS system were not pleased with the new developments under Clinton. In 1993 the party, in preparation for the mid-term elections in

\(^{18}\) ICBM technology
1994 began to organise an assertive policy platform with which to combat their Democratic rivals led by the President. House Republicans led by Newt Gingrich (R, Georgia) and other members of the Republican Party – both conservative and moderate - signed up for the Contract With America, a programme for major reform across the policy spectrum. Part of the platform included the promise to renew “America’s commitment to an effective national missile defense by requiring the Defense Department to deploy antiballistic missile systems capable of defending the United States against ballistic missile attack.” (quoted in Graham, 2001: 25) The Republicans made substantial gains in 1994, securing majorities in both the House and the Senate. Gingrich became Speaker of the House of Representatives, while other Republican leaders also benefited, Jesse Helms (R, North Carolina) took charge of the Senate Foreign Relations Committee and Strom Thurmond (R, South Carolina) took the chair of the Senate Armed Services Committee.

With Congressional control came the promise of a fight with the Clinton Administration over BMD. Congressional Republicans pushed hard to have the Clinton Administration policy overturned. Attempts to write into the defence appropriations bill for 1996 requirements to deploy a ground-based system by 2003 were met with a Democratic filibuster in the Senate and finally a Presidential veto. In order to resolve the stalemate the bill was redrafted without the requirement to deploy; Republicans opting instead to increase the appropriation for missile defence from the requested $371 million to $745 million. (Graham, 2001)

As the 1996 Presidential election approached another bill was tabled calling for the rapid deployment of a NMD system and much was made of the ‘evidence’ of the threat gathered during 1991 and the lack of interest from the Clinton Administration. Former Senate Majority Leader Robert Dole’s campaign against President Clinton featured a barrage of attacks against the administration over BMD deployment (Graham, 2001). The Clinton Administration was refusing to defend America by working as fast as possible to deploy a missile shield (Towell, 1996). As the pressure appeared to be building for the Clinton administration to make a decision regarding NMD, the Executive branch produced what had historically been its most effective weapon: the findings of the intelligence community.
2.1 NIE 95-19: The Threat Denied

In November 1995 the intelligence community issued the national intelligence estimate NIE 95-19 Emerging Missle Threats to North America During the Next 15 Years. NIE 95-19 represented the continuation of the intelligence series that had last had an estimate published in 1993. In it the intelligence community reached the conclusion that "no country, other than the major declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that threaten the contiguous 48 states"19 (Hildreth and Woolf, 2001: 8)

In one move the Clinton administration had out manoeuvred the Republican Congress. While the NIE allowed that the North Koreans were developing a ballistic missile that would threaten remote parts of Hawaii and Alaska, it declared longer-range projects unlikely. Furthermore the threat from such regimes as Iran or Iraq was dismissed as those states were concentrating efforts on regional concerns rather than long-range weaponry. (NIE 95-19 Presidential Summary, 1995; Daalder et al, 2000: 8-9) The claim that rogue states would soon acquire and launch ballistic missiles against the US was comprehensively undermined.

As Clark (2000) writes, “Prior to [NIE 95-19’s] release, the administration’s main argument was that missile defence was too costly. Afterward it argued that missile defence was unwarranted because there was no threat”. The argument had shifted; as the tables below demonstrate, prior to the release of NIE 95-19 the debate surrounding BMD within the US centred on two main areas: cost and feasibility. The main political debate focussed on the cost of proposed development and deployment of BMD programmes. Feasibility was a technical debate that remained largely the domain of scientists and boffins, provided that the cost debate could be won, the technical debate was assumed to be surmountable.

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19 The Presidential Summary of NIE 95-19 was published by the Washington Times in its article "Do We Need a Missle Defense System?", Washington Times, 14 May 1996. The Summary remains publicly available from the Federation of American Scientists. It has never been officially declassified.
Prior to release of NIE 95-19:

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Following release of NIE 95-19:

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Following the release of NIE 95-19 all arguments surrounding both feasibility and cost were undercut by the denial of a credible threat, the entire intelligence community was openly challenging the actual need for an ABM system. It no longer mattered if a system was likely to cost $16 billion or $20 billion. Without the threat all other arguments regarding feasibility or cost were irrelevant.

3. Calling Sinners to Repentance: NIE 95-19 as Intelligence Failure

NIE 95-19 changed the terms of the NMD debate from questions of scope, cost, feasibility to the now highly charged arena of threat assessment, an arena that was becoming increasingly partisan as the Cold War consensus surrounding the threat posed by the Soviet Union collapsed. By stating that the US would face no new ballistic missile threat the intelligence community was effectively ruling out the need for an ABM system that supporters of NMD were demanding was an urgent priority. If the ballistic missile threat to the US over the next 15 years remained with the states that already had ballistic missiles then the NMD system would be useless.

Such a categorical assertion, and one that seemed to starkly depart from the earlier NIEs 93-19 and 93-17, led Congressional Republicans and other supporters of ABM systems, to the conclusion that the Clinton Administration must have politically manipulated the findings of the NIE, so clearly did it shore up the administration’s inclination towards non-deployment
of ABM systems. Rep. Curt Weldon (R-Pa), then chairman of a House Armed Services Committee’s subcommittee recalls exclaiming, “This is over, this is [expletive], this is a politicized process” as he closed a classified intelligence briefing regarding NIE 95-19 to his subcommittee (Dobbs, 2002).

If they were right NIE 95-19 was a clear-cut case of the intelligence community failing to provide objective intelligence. Clearly then the Congress had a legitimate oversight role in attempting to establish whether or not the administration had attempted to produce intelligence designed to reflect its policy goals rather than any actual objective reality. The intelligence community was denying all that the Republican majority had learned from the Gulf War and since, all that they believed about the world and the likely threats it posed to America. Representative Curt Weldon (R, Pa) called the Clinton Administration’s use of intelligence estimates and official testimony over the ballistic missile threat “An absolutely disgusting outrage.” (Towell, 1996) This dissonance between their worldviews and the contrary findings of the intelligence community demanded inquiry.

3.1 The GAO Report

In February 1996 the House Committee on National Security asked the GAO to investigate NIE 95-19 and compare it with the two previous estimates dealing with similar threats, NIE 93-19 and NIE 93-17. The GAO responded in August with a report (see Appendix Two for full unclassified text) critical of the 1995 estimate. The GAO established that NIE 95-19 was overly certain in its judgements and that its critical assumptions were not explicitly stated. Primarily the GAO criticised NIE 95-19 for the way in which its key judgements were worded, citing the difference, in wording rather than substantive conclusions, between the 1995 and 1993 estimates (GAO, 1996).

This was enough evidence for the Republican Congress to work with. At face value there was circumstantial evidence to suggest that US intelligence had failed, that the sin of bias on the part of the intelligence community had been committed. As Clark (2000) notes,
Intelligence Officer for Strategic Programs – the officer responsible for writing such NIEs

(Clarke, 2000: 209)

There remained questions that Congress wanted answers for. While the conclusions did not substantively differ between the 1993 and 1995 estimates, the wording was such that the possibility of political interference remained. Had the Clinton Administration pushed the intelligence community into producing an NIE that supported their policy on BMD rather than producing a policy on BMD that was informed by the intelligence community?

4. Congressional Oversight as Intelligence Failure

There is no question that Congress was within its rights to question the objectivity of the 1995 NIE. NIE 95-19 differed from the 1993 NIEs that Congress was understandably alarmed. Indeed had Congress done nothing arguably they would have been failing the intelligence community in their capacity as independent overseers. Yet there is a fine line to be walked in any Congressional investigation into intelligence. At what point does a legitimate inquiry into the objectivity of intelligence product become a biased refusal to accept the legitimate findings of the community? What evidence would be judged sufficient to clear or incriminate the intelligence community? Could Congressmen and women who had fought along partisan lines over ABM systems be considered impartial in investigating such important findings from the intelligence community? These were questions that the oversight system had never been required to answer, although the oversight framework that had developed in the US assumed that the answer was in the affirmative.

4.1 The Gates Commission

While the GAO investigations were being pursued the SSCI formed its own investigation panel. The SSCI charged an independent commission with reviewing the underlying assumptions contained in NIE 95-19. Headed by former DCI Robert M Gates and known therefore as the Gates Panel or the Gates Commission. Its report to the SSCI (see Appendix Three for full unclassified text) stated that:
Certain members of Congress alleged that NIE 95-19 had been ‘politcized’, implying that Intelligence Community analysts’ views had been influenced by policymakers or individual policy preferences seeking to downplay an emerging missile threat. The Panel found no evidence of politicization and is completely satisfied that the analysts’ views were based on evidence before them and their substantive analysis. There was no breach of the integrity of the intelligence process. Beyond this, the Panel believes that unsubstantiated allegations challenging the integrity of Intelligence Community analysts by those who simply disagree with their conclusions, including Members of Congress, are irresponsible. Intelligence forecasts do not represent ‘revealed truth’, and it should be possible to disagree with them without attacking the character and integrity of those who prepared them – or the integrity of the intelligence process itself.

(Independent Panel’s report on NIE 95-19, 1996)

Furthermore the panel concluded that while the NIE had been written with more haste than was ideal, understating its case in some areas and failing to acknowledge the possibility of other scenarios for missile proliferation, generally speaking:

…the Intelligence Community has a strong case that, for sound technical reasons, the United States is unlikely to face an indigenously developed and tested intercontinental ballistic missile threat from the Third World before 2010, even taking into account the acquisition of foreign hardware and technical assistance. That case is even stronger than presented in the NIE.

(Independent Panel’s report on NIE 95-19, 1996)

The apparent inconsistency between the 1995 NIE and those of 1993 was apparently due to the failure in 1995 to bring supporting evidence for the arguments from the highly classified supporting documents into the more widely circulated, although still classified, NIE (Independent Panel’s report on NIE 95-19, 1996). Richard Cooper, the chairman of the National Intelligence Council, the group within the ODCl charged with writing NIEs stated in congressional testimony that while the intelligence community had modified some views since 1993 (they believed that the North Korean Taepodong project had slowed), they still held views largely consistent with those of 1993 (Graham, 2001: 34).

The conclusions of the Gates Commission were stark. There had been no political manipulation of the intelligence community and it continued to do its job without intended bias. Indeed Gates went beyond simply clearing the community of intelligence failure and pointed the finger at Congress. By taking such a partisan approach to investigating the NIE, Congress was itself in danger of failing the intelligence mission.
In 1997 the Intelligence Community again reiterated its assessment that the US would not face any new missile threat for 10-15 years (Hildreth and Woolf, 2001: 8), but Congress remained unconvinced that these findings were not politically motivated.

4.2 The Rumsfeld Commission

As a result of this continuing scepticism from Congress the investigations continued. In the fiscal year 1997 National Defense Appropriations Act Congress required the CIA to appoint another independent panel to review the ballistic missile threat to the US. The Commission to Assess the Ballistic Missile Threat to the United States (The Rumsfeld Commission) headed by former Secretary of Defense Donald H Rumsfeld, reported to the HPSCI and the SSCI in July 1998 (see Appendix Four for text of Executive Summary minus attachments20).

The Commission concluded that states such as North Korea, Iran and Iraq would be able to “inflict major destruction on the US within about five years of a decision to acquire such a capability (10 years in the case of Iraq)” (Commission to Assess the Ballistic Missile Threat, 1998) and that the US might not be aware that a state had taken such a decision to acquire the technology for some years. Furthermore the threat “posed by these emerging capabilities is broader, more mature, and evolving more rapidly than has been reported in estimates and reports by the intelligence community.” (Commission to Assess the Ballistic Missile Threat, 1998) This then was at face value a markedly different interpretation of the external threat environment than that of NIE 95-19.

Indeed this was a complete re-working of the intelligence available in order to replace the threat assessment of NIE 95-19. The Commission cut out the intelligence community and circumvented the normal intelligence cycle in order to end the debate.

We approached our assignment not as intelligence analysts, but as policymakers, with decades of experience in dealing with the intelligence

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20 The Commission presented its findings in a classified report 307 pages in length. The 27 page Executive Summary was unclassified and released to the public.
community and its products. As such, we approached it in a way that was
different from the normal intelligence analyst's approach

(Rumsfeld, 1998)

However the difference between NIE 95-19 and the Rumsfeld
Commission’s assessment could easily be overstated. As Commission
member Richard Garwin wrote in the Bulletin of the Atomic Scientists that
November:

Much has been made of the differences between our judgement and that
of [NIE 95-19], but the differences are more apparent than real. The Rumsfeld
commission did not say that an ICBM threat to the United States from Iraq, Iran,
or North Korea would actually emerge in the next five years or less... We simply
judged that these nations have the capacity to develop ballistic missiles

(Garwin, 1998).

In effect the Rumsfeld Commission was dodging the bullet. They were
providing evidence of what was possible, where the intelligence community in
its national estimates were required to report on what was likely. The
Rumsfeld Commission had provided a ‘worst-case’ analysis, as one senior
intelligence official responded, “they say it’s conceivable that missiles could
come online sooner. What we’re saying it it’s conceivable but not likely.”
(quoted in Gronlund & Wright, 1998: 47). Chairman of the Joint Chiefs of
Staff, Gen. Shelton, agreed with this view, “through unconventional, high risk
development programs and foreign assistance, rogue nations could acquire
an ICBM capability in a short time, and that the intelligence community may
not detect it. We view this as an unlikely development.” (quoted in Gronlund &

While some continued to argue that the re-evaluated threat was not in
itself justification for an ABM programme the ground had effectively been
conceded. Richard Garwin continued to argue against the efficacy of an anti-
missile system while continuing to support the threat assessment he and his
fellow commissioners had made (Garwin, 1998). Such arguments however
relied on the older terms of cost/efficiency and technical feasibility, the trump
card, the lack of a threat, had been removed from the anti-NMD lobby’s hand.

The Rumsfeld Commission successfully altered the accepted
understanding of the threats facing the US from ballistic missiles. Where
previously the threat seemed at best ambiguous, argued over by small
partisan groups but largely ignored by the rest of the country, the threat now seemed clear and present. NMD advocates had a clear case against the Clinton administration for stalling on building a missile shield. Where NIE 95-19 had threatened to close the threat argument for the foreseeable future in favour of those claiming no threat, the persistence of Congressional Republicans in arguing against NIE 95-19 had paid off. They and other NMD supporters had managed to overturn the accepted threat orthodoxy and shut out those that claimed otherwise. It was a remarkable turnaround that allowed NMD advocates the chance to finally move ahead with their systems.

As Senator Jesse Helms (R, North Carolina) stated at hearings held over the findings of the Rumsfeld Commission:

> I have watched in disbelief as the Clinton Administration, and the US intelligence community, have wilfully and repeatedly ignored the writing on the wall. Like many, I was appalled by the National Intelligence Estimate on Missile Threats (NIE 95-19), which simply made too many intellectual errors…not to have been politically skewed. … I continue to shake my head in astonishment that, for the last three years, our national security policy has been driven by these assumptions…rather than eating humble pie, that latest National Intelligence Estimate vainly clings to a variant of the formulation first used in NIE 95-19. The unclassified key judgement of the 1998 NIE is that: “Beyond the North Korean TD-2, we judge it unlikely, despite the extensive transfer of theater missile technology, that other countries (except Russia and China as just mentioned) will develop, produce, and deploy an ICBM capable of reaching any part of the United States over the next decade.

(Helms, 1998)

The battle in overturning the anti-ABM findings of NIE 95-19 had finally been won by the Republican Congress. They could once again resume their pressure on the Clinton Administration to deploy an ABM system with all due haste.

### 4.3 The Taepo Dong and Apparent External Verification

Events in the international arena further acted to undermine the findings of NIE 95-19 and support the grimmer view outlined by the Rumsfeld Commission. Surprising everyone, in August 1998, North Korea tested its Taepo Dong I rocket with partial success (Daalder and Goldgeier, 2000: 9). The threat seemed suddenly real, and to have come with no warning, just as the Rumsfeld commission had suggested it could. While the Taepo Dong I could only hit remote areas of Alaska and some Hawaiian islands, the next generation in the North Korean development programme, the Taepo Dong II
would be able to strike anywhere in the US. This then was the looked for external verification of the threat.

But this missile test was not the repudiation of NIE 95-19 and the vindication of the Rumsfeld Commission that the launch was claimed to be (Gronlund & Wright, 1998). NIE 95-19 had acknowledged the existence of the Taepo Dong I but thought it unlikely that the next generation missile the Taepo Dong II would be able to be developed within the fifteen-year time frame of its estimate:

One of [North Korea’s] missiles in development is assessed to have a range of 4,000 to 6,000 kilometers…North Korea is unlikely to obtain the technological capability to develop a longer range operational ICBM…We have no evidence that Pyongyang has begun or intends to begin such a program, and we think we would detect propulsion system development.

(NIE 95-19 Presidential Summary)

Yet this was overlooked by critics keen to jump on the bandwagon of the Rumsfeld Commission21. The launch had surprised the CIA but only in that it represented an attempt to add a third stage to the two stage Taepo Dong I and using the resulting rocket as a space launch vehicle (Walpole, 1998).

Furthermore even if NIE 95-19 had failed to predict the North Korean test, this was no default vindication of the Rumsfeld Commission over the NIE. Such an interpretation overlooks the requirements placed upon intelligence estimates that were not placed upon the Commission. As previously stated, intelligence estimates are estimates of likely events. As such they do not represent a statement of what will happen but what should happen, given the available information and the balance of probability.

The most famous illustration of this principle is with regards to the national estimate prepared in 1962 that suggested the Soviet Union would not seek to place nuclear missiles in Cuba. The Soviets placed missiles in Cuba, and a crisis resulted that brought the world to the edge of a nuclear exchange. However senior CIA staff continued to defend the estimate as the most likely

21 The view put forward by Clark, that “in August 1998, North Korea tested a three-stage ballistic missile…at least 12 years ahead of the intelligence community’s estimate of its ability to do so” (Clark, 2000: 211) is a twisting of the CIA’s prediction, and the assertion (Clark, 2000: 208) that NIE 95-19 contained no dissenting views is simply incorrect (see GAO Report, 1996: 8, in Appendix Two).
course of events for decades following the Cuban Missile Crisis (Cohen, 1989). Just because the events had proved the prediction incorrect, did not invalidate the prediction itself at the time that it was made.

The NIE had been required to state what, in the opinion of the intelligence community, was likely to happen over the course of the next fifteen years. The Rumsfeld Commission was free from any such constraints to hedge their bets by saying, in effect, it was too hard to tell what would happen, but that anything might.

5. The Quiet Surrender

The concession of ground over the threat of ballistic missile attack saw the quiet surrender of the Executive on two fronts. Primarily, the Clinton Administration bowed to Congressional pressure and disengaged from the head on fight over ABM systems; instead they worked to stall deployment of a system while making some progress on technical development. On a second front, the intelligence community changed the tone of their national estimates regarding ballistic missile threat. As Rep. Curt Weldon (R-Pa) has reportedly commented, “it was the largest turnaround ever in the history of the [CIA], and I was a part of making it happen. (Dobbs, 2002)”

During the period of the battle over threat estimates the Clinton Administration had effectively stalled on firm commitments to deploy a BMD system. In 1996, President Clinton adopted the 3+3 programme and effectively bought time on the issue. The programme called for three years of technological development (1997-2000), followed by three years of deployment (2000-2003) should the decision be made to deploy at the end of the first three year period based on feasibility and the level of threat (Hildreth & Woolf, 2001). In 1999, the second three-year period was lengthened to five years, and in the summer of 2000 President Clinton announced he would not proceed with deployment. Development would continue and the victor in the Presidential elections in November of 2000 would make a final decision on deployment of the BMD system. But the ground had been conceded, as Clinton himself admitted in the speech deferring the deployment decision, “the bottom line on this decision is this: because the emerging missile threat is
real, we have an obligation to pursue a missile defense system that could enhance our security. (Clinton, 2000)"

Nevertheless, the political victory for NMD advocates over the threat assessment came at a price largely ignored by mainstream commentators. Just as had happened with military spending and NIE’s in the 1970s, partisan groups had succeeded in attacking the intelligence community in order to win a political victory. In doing so the value of the intelligence produced by the community was diminished greatly. In the 1990s the Congress, for the first time, used its oversight capabilities, which had been growing since the 1970s to leverage short-term political gains against long term undermining of the intelligence community.

As part of the ongoing debate on ballistic missile threat Congress had directed, in 1998, that the intelligence community make to Congress annual reports on the ballistic missile threat. The first in 1998 had been received badly in light of the Rumsfeld Commission’s findings (see comments from Jesse Helms above). In 1999 the intelligence community released its second report on the ballistic missile threat22. There was a marked change in the language of the 1999 report from that of 1995. Throughout the document were assertions of what ‘could’ happen and where attempts were made to state the course of likely events there was much more hedging of assertions (National Intelligence Council, 1999). The key judgement from the 1999 estimate was that:

During the next 15 years the United States most likely will face ICBM threats from Russia, China, North Korea, probably from Iran, and possibly from Iraq, although the threats will consist of dramatically fewer weapons than today because of significant reductions we expect in Russian strategic forces.

(quoted in Huiskens, 2001)

Clearly the intelligence community had learned not to make bold claims to a Congress that expected certain judgements regarding the external threat environment to remain unchallenged by the intelligence community.

22 The 1999 NIE pertaining to missile threats was classified. However the estimate was summarised for Congress in an unclassified report from the National Intelligence Council in the ODIC. References are therefore made to this unclassified report rather than the classified NIE.
Indeed the annual report on the threat published in 2001 goes even further than the 1999 report. The tone of the document is much more similar to that of the Rumsfeld Commission, asserting what could happen rather than what is likely to happen (National Intelligence Council, 2001).

6. Concluding Remarks

It is possible that Congress acted with the best of intentions in investigating the 1995 threat assessment of the US intelligence community for political bias. On the one hand the intelligence community could well have been reaching politically motivated decisions in order to please its presidential master. On the other hand the attempts to overturn the findings of NIE 95-19 by Congressional Republicans was arguably uncompromising in itself to the point of political bias. Despite the findings of an independent commission, consisting of highly ranked lay people and experts and headed by a former DCI, that supported the claims of NIE 95-19 the Congressional Republicans remained unsatisfied that the intelligence being provided was objective. This refusal to accept the intelligence presented is arguably a classic instance of strategic intelligence failure.

Definitively knowing on which side lies the bias is difficult if not impossible at the best of times. In the NMD case there remains evidence to support both cases. The launch by North Korea in 1998 of its Taepo Dong missile could be seen as the type of circuit-breaking event suggested in the previous chapter (see fig: The Passage of Information from Real World to Policy). Such an event lends weight to the claim by Congressional Republicans and the Rumsfeld Commission that NIE 95-19 had vastly underestimated the threat to the US. On the other hand, the Taepo Dong launch was not unpredicted by NIE 95-19 and even if it had been, to prove the intelligence community wrong over a single launch, would not and should not actually invalidate all estimations of future events made by intelligence community. After all, intelligence is about making ‘best guess’ predictions; as such NIE’s do not represent the findings of infallible oracles. Intelligence
predictions will be wrong on occasion and the reasons for them being wrong will not always be owing to factors of political manipulation or bias.

The transformation of the ABM debate from one centring on cost and technical feasibility to one centred on external threat and the actual need for an ABM system drew the intelligence community into the policy debate. In such a debate it was inevitable that, given the powers over the intelligence community held by Congress, the bipartisan hostility surrounding BMD would damage the intelligence community by undermining the confidence in its statements on national security. Since the creation of the intelligence community in 1947 there had been little debate surrounding the accuracy of the intelligence community’s judgements surrounding the external threat environment. Debate had been vigorous within the intelligence community, but such debate had never spilt out into the arena of Congressional politics in the manner that it did over ABM systems.

As such, scholarly understanding of the intelligence community and its place within the US polity would be greatly advanced by seeking an answer to the larger questions regarding the two types of strategic intelligence failure dealing with objectivity of provider and receiver; Why and How do these failures occur? In finding answers to these questions, our understanding such failures, of when repeat incidents of mutual accusation might occur, and what these mean for US intelligence are strengthened.

Subsequent chapters will examine the reasons why groups might seek to attack intelligence product, for what purposes and when; to understand why intelligence, like science has become an arena for conflict where in the past it was an arena where the experts were trusted. They will also investigate the long-term consequences of allowing such attacks to occur under the auspices of improving intelligence product when in fact they are largely ignoring the quality concerns of intelligence and merely using the community as a tool in other political endeavours.

Better understanding the tension between intelligence product’s acceptance or rejection by its consumers, on the grounds of its probable objectivity is vital to this task. At times possible objections will be based in reality, that is, the intelligence will be rejected correctly, at other times however the rejection itself qualifies as intelligence failure – Johnson’s sin
number two. Knowing when and how policymakers might attack intelligence product will better inform the intelligence mission, improving the general quality and utility of its product.

In the past while the intelligence community might arguably have been open to politicisation from the Presidency, it was not subject to such political interference from Congress. With the system of intelligence oversight that has evolved to cope with some types of intelligence failure the intelligence community is now open to political abuse from the Congress as well. Understanding the consequences of continuing to allow the Congress to attack the intelligence community for political rather than qualitative reasons will have a wide range of implications for the long-term utility of the US intelligence community.

An examination of these issues will begin with attempts at understanding the reasons for why and when groups, particularly Congress, will choose to reject intelligence product and attack the intelligence community presented in the following chapter.
Chapter Four
Understanding Congressional Intervention in Intelligence

As the debate over BMD during the 1990s demonstrates, the authority that the intelligence community had enjoyed on matters of international events over previous decades was open to political attack. It is clear that should the intelligence community produce findings that threatened congressionally favoured policy programmes, rather than altering the policy programme, as was theoretically the goal of the intelligence mission, concerted efforts to protect the policy and challenge the intelligence may be undertaken instead. Rather than intelligence acting as a simple information loop with which to inform policy in Washington, there is a much larger process at work which will govern when and why intelligence will be judged acceptable by policymakers. What determines whether the intelligence is accepted or rejected, and how the rejection process takes place is the subject of this chapter.

At the most simplest of levels, intelligence is unacceptable to policymakers when it is wrong, if the intelligence is wrong then any resulting policy is likely to be responding to an incorrect set of assumptions. This then is Johnson’s (1989) sin of failure to provide objective intelligence to policymakers, whether through mistake or mischief. However, this simply begs the question, when will intelligence overseers and policymakers question intelligence, when will the think that the intelligence they have been provided with is wrong? Why and when will political groups, particularly Congress, choose to attack the intelligence community rather than alter their policy?

Understanding when Congress will intervene in the intelligence mission in order to correct an assumed failure is important if academic inquiry is to be advanced beyond the two dimensional, and essentially positivist, level represented by Johnson’s sins of strategic intelligence (Johnson, 1989). Such a framework provides a starting point for understanding how and when intelligence can be deemed to have failed, but it provides little understanding of when such a framework will be applied by those charged with monitoring the intelligence agencies. Such attempts to categorise intelligence failure arose out of historical experience and the tacit acceptance of the assumption
that it is possible to distinguish when the intelligence system is failing in its mission to provide objective intelligence. In establishing the criteria against which to test the intelligence system the obvious role played by partisan politics, and the actual conceptions of failure held by political actors, have been left out or forgotten.

The BMD policy debate demonstrated for the first time that Congress was willing to use its oversight powers on a broad scale to question intelligence. Previously Congress had exercised its oversight powers over alleged violations of citizen’s rights or the conduct of illegal activities - overseeing the operational failures. With BMD Congress acted over the provision of intelligence that contradicted the Congressional majority’s understanding of the world, and thus its policy platform – overseeing perceived interpretive failure.

This chapter examines the subject of contested realities and policy frames in order to understand better the conditions under which Congress is likely to intervene in the intelligence cycle for interpretive reasons. It suggests that Congressional oversight might be understood better in terms of the subjectivity of overseer’s interpretations of reality and the conflicts that arise from clashes between two or more competing understandings of reality, in this case those of the intelligence community and overseers. Using tools of interpretive policy analysis developed around the areas of discourse analysis, cognitive framing, intractable policy conflicts and framing effects the concept of intelligence failure can be re-examined with a greater sensitivity to the essentially political nature of oversight.

1. Predicting Changes in Intelligence Controls

One place to start an investigation into when intelligence overseers will challenge the objectivity of intelligence is by looking at when overseers have acted in the past to increase, or decrease the controls on the intelligence apparatus. Thomas (1991) suggests a model for understanding the changing debate surrounding intelligence controls within the US over the last three decades. He suggests that intelligence policy, specifically intelligence controls, will continue in the status quo form until the intervention of three
factors (external environment, bureaucratic competition, and the political agenda) that together help build a new political desire for change in intelligence policy. This framework helps explain the convergence and/or divergence of views surrounding intelligence oversight itself and when it might be expected that intelligence would become a subject of national political debate.

If policymakers perceive a threatening environment, (Thomas, 1991: 23) the need for intelligence is likely to be obvious throughout the branches of government. The more obvious the perceived threat is to policymakers regardless of where they stand on the political spectrum, the less debate there will be about controlling and reigning in the intelligence agencies.

When the perceived threat is extreme, and is shared by most of those in a position to influence policy, there is virtually no debate over intelligence control. However, when the perception of threat from the external environment is unclear or not commonly shared, intelligence control becomes a political issue, and the other two factors become important in analysing the resulting debate.

(Thomas, 1991: 23)

Partisan disagreement over the external threat environment is likely to lead to disagreements over the need for intelligence and therefore the need to restrain or unleash the intelligence agencies. Although not considered by Thomas, it might also be assumed that partisan disagreement over the external threat environment would likely lead to a greater likelihood of intelligence community product regarding the external environment being the subject of political controversy, as in the NMD case.

The second of Thomas’ factors is one of bureaucratic competition within and between intelligence agencies. Agencies will naturally compete with each other for government funding, and therefore attempt to justify their own programmes and challenge those of their bureaucratic rivals (Thomas, 1991). As in the A-team/B-team experiment, and indeed in the NMD case if one considers the extensive defence commitments to NMD, competition between rival agencies can lead to the contesting of intelligence product in attempts to protect particular policy programmes conducted by particular agencies.

Finally, Thomas suggests that the foreign policy agenda plays a vital role in controlling intelligence. If there is no bipartisan consensus over foreign
policy goals, intelligence will be pulled into the general debate as a key element (Thomas, 1991: 24). In attempting to re-establish a bipartisan direction to foreign policy, partisan groups are likely to call on the intelligence agencies to provide evidence that their claims regarding foreign policy are the right claims. Similar in its effect on intelligence product to the external environment factor, if the lack of foreign policy consensus is highly charged politically it can be reasonably assumed that it will lead to a great deal of controversy over intelligence product that favours one course of action over another.

Of these three factors, Thomas argues that the first, external environment, is by far the most important. General political agreement over the external environment will see little or no controversy surrounding intelligence agencies, unless the other factors are present. However if the political consensus breaks down over the external environment, then the intelligence community is likely to be pulled into the political fight, regardless of whether or not the other two factors are present (Thomas, 1991).

Thomas’ framework deals specifically with the intensity of intelligence controls. Thus, he suggests that the debate surrounding intelligence agencies is over whether or not to restrain the intelligence community. In times when there is high external threat intelligence controls will be relaxed; when there is little threat, intelligence controls will be tightened; when there is political disagreement, intelligence controls will themselves become the subject of political debate (Thomas, 1991).

<table>
<thead>
<tr>
<th>Party A: High External Threat</th>
<th>Party B: Low External Threat</th>
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<tr>
<td>Party B: High External Threat</td>
<td>Lessen Oversight</td>
</tr>
<tr>
<td>Party A: Low External Threat</td>
<td>Political Controversy</td>
</tr>
<tr>
<td>Party B: Low External Threat</td>
<td>Increase Oversight</td>
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Nevertheless, constructing a framework explaining when Congress will seek to change intelligence controls is not the same as explaining when
Congress will attack the actual intelligence product. One way of looking at the difference is the difference between arguing over the quantity of intelligence and the results produced from that quantum of intelligence versus arguing over the quality of the intelligence and the results produced from that level of quality. Thomas seems to imply a basic trade-off between intelligence controls and intelligence product; increasing one decreases the other.

Thomas’ framework serves as a reasonable starting point to go beyond the setting of intelligence controls to offer insight into when Congress would be likely to attack the quality of intelligence product. Congressional activism in foreign policy has increased since the 1970s as Congressional members have begun to question the way in which Presidents have interpreted and reacted to the outside world (Foley and Owens, 1996). Perhaps an answer lies in the developing interest in foreign policy held by Congress and its conflict with the executive nature of the intelligence community.

It is reasonable to expect that, if the Congress was engaged in a dispute over foreign or defence policy with the President, in order to engage on an equal footing with the Administration, it would need to rely on intelligence product to support its arguments, just as the President relies on the intelligence community. If then intelligence product seemingly changed its tone and undermined the policy stance of Congress, it seems reasonable that Congress would be likely to question the validity of the intelligence.

Congress, because of its increased interest in foreign policy had and continues to have a direct political stake in the pronouncements of the intelligence community where once it did not. Furthermore, it was the growth in oversight controls over the past two decades provided Congress with the instrumental means to contest intelligence community analysis.

2. Interpretive Analysis and the Intelligence Cycle

Thomas’ framework suggests that policymakers rely heavily on the way in which they perceive the world in order to form opinions about what policies should be pursued. Ultimately, Congressional overseers react to failure because they perceive that something is ‘wrong’ with the intelligence they are vetting. Accusations of failure arise because there is an incongruity between
the view of what is ‘right’, held by the overseers, and the actions of the intelligence community. In this sense there is no difference between questioning intelligence agencies because they act outside their mandate and questioning intelligence agencies because they make wild claims about the outside world that strike Congress as absurd; both instances occur because they cause alarm bells to ring in the heads of overseers, and thus the matter is raised.

The increase in direct Congressional interest in the setting of foreign policy goals, especially since the end of the Cold War (Foley and Owens, 1996) has served to position Congress, armed with its oversight powers in a unique position to challenge the President over matters of intelligence failure. Previous academic inquiry into the intelligence community and its oversight, took a reflexive approach to the interaction of intelligence agencies and their policymaking handlers, as reflected in the Information/Response Model of Strategic Intelligence (see below).

Greater analysis of this nexus in the policy process can be conducted using the insights provided by interpretive policy analysts. It is possible to open the black box of policy, begin to shed light on the approach to intelligence taken by policymakers and understand why conflicts between the Congress and the President might occur. Moving beyond the positivist understanding of policy debates that has dominated intelligence policy analysis is vital if an academic understanding of intelligence controversies is to be advanced. Understanding under what conditions and through what means intelligence product is likely to be challenged represents an area of collaboration between traditional intelligence theory and interpretive policy analysis.

Interpretive policy analysis gives analysts the means to understand the way in which different organisational frameworks, policy regimes and cultural predispositions influence policy formation, evaluation and change. Such analyses seek to understand what policymakers bring to the policy process by way of bias or preference and how the ways that they think about policy dilemmas shape policy outcomes. Interpretive analysis opens the so-called ‘black box’ of policy by considering the mental models held by policy makers, analysing the language that they use to conduct policy debates, what they
emphasise about situations, what they choose to ignore, and how policymakers see the world and the ways that they approach problems when they arise. Such analysis pays close attention to the actual decision making processes with careful attention paid to group dynamics, and the ways in which different sides in a policy debate present the case for their preferred course of action.

2.1 Cognitive Frames and Interpretive Analysis

In attempting to understand the acceptance, or not, of intelligence product by policymakers the notion of cognitive frames and a constructed reality are important. Policymakers, like all other people, have particular ways of understanding the world around them. People construct and refer to mental models and frameworks of their external environment which they use as a reference source when attempting to select a course of action.

The use of mental models and frameworks in interpretive policy analysis is known as policy framing. As Schön & Rein (1994: 23) state, policy frames can be seen as “the underlying structures of belief, perception, and appreciation” which support policy positions. Frames allow shortcuts to be made in the cognitive understanding of a particular policy. Linking particular parts of a policy to specific symbols, language ‘artefacts’, and mental texts (Yanow, 1996: 1-33) allows policy framers to help shape the way in which a policy is evaluated.

As Ross (2000) notes, the concept of framing traditionally covers two distinct areas of academic inquiry. In the first instance the concept is used to understand the way in which leaders and other actors within the policy process construct and present frames around different policy issues in order to build working coalitions and achieve support for their policy programme. This instance, referred to by Druckman (2001) as the ‘framing effect’, is “when, in the course of describing an issue or event, a speaker’s emphasis on a subset of potentially relevant considerations causes individuals to focus on these considerations when constructing their opinions.” (Druckman, 2001: 1042). Consciously framing a policy can then represent an “active means of shaping discourse with the aim to reinforce or convert” (Ross, 2000: 171), by
presenting a policy in a certain light that seeks to elicit particular responses from other policy makers or the wider citizenry.

Some scholars see issue framing as a purely ‘top-down’ phenomenon. For these scholars, such as Herman and Chomsky (1988), frames are tools of elites used to enhance their control over the rest of the polity. Elites engage in the framing process in attempts to impose their worldview on the public. Whilst it is undoubtedly true that political leaders, will seek to construct and impose their own issue frames on the rest of the policy process (Jacoby, p.751: 2000), it must also be acknowledged that other actors within the policy process will, to varying degrees, attempt to and succeed in constructing their own frames through which to understand and implement policy (Yannow, 1996: 1-33). In this way, the framing process should be considered to be more dynamic than it is acknowledged to be by scholars such as Chomsky. Although certain groups will undoubtedly have an advantage in getting their frame accepted as ‘the frame’, that is, ‘the’ way of understanding a problem or issue, the process should not be considered an exclusive process, but simply a dynamic process between different actors that produces a way of viewing the world, a frame, and thus produces particular policy outcomes. An analysis of this framing process will help observers understand the biases and products of the policy process itself.

The second use of framing in academic literature is with reference to the existing, extant, frames within the policy environment. It is used in this instance to “capture prevailing cultural perspectives, predispositions and prejudices that condition the way individuals, organisations and states interpret and approach the political world”. (Ross, 2000: 171)

However, the separation of the literature into two ‘camps’, one dealing with extant frames, the other with the framing process, that is, the attempt to construct an entirely new frame, is in some senses a false distinction. As Ross argues traditional academic understanding of the active framing process, is flawed by its treatment of the public as “empty vessels” (Ross, 2000: 173). If the concept of framing is to hold any traction then it must be acknowledged that a new policy cannot be understood without the use of existing cognitive frames. Any attempt to construct a new frame around a
policy cannot take place without a certain amount of friction with the existing frames. Extant frames can thus be understood as the lens with which proposed changes are viewed, accepted or rejected, and which ultimately inform any reframing process.

2.2 Frames in Policy Debates

The strength with which different actors hold to existing frames will inevitably impact on the ability for other actors to successfully propose and impose new frames and therefore new policy. The framing process, and its relative success can be correlated to the underlying biases and ideational setting, the extant frame, a new policy is proposed onto. New policies and frames are more likely to be accepted and implemented in line with the wishes of the proposing actor the more they are congruous with the extant frame held by the accepting actor. (Ross, 2000)

The ways in which the world is interpreted and evaluated by different actors within power structures will have a direct bearing on the likelihood of change in any given policy domain. Even if the explicit environmental conditions are ‘ripe’ for policy to change, change may not occur. If the organisations and actors within the particular policy environment largely agree on a mental framework that denies the need for change, then it will be extremely hard to achieve change even if the physical constraints that were previously thought to be blocking policy change have been removed. In the intelligence field, this is evident in Thomas’ framework. Even if the actual physical environment has changed, as it did following the end of the Cold War, if political consensus remains about the threatening nature of the external environment, little is likely to change in intelligence policy even though the major threat, against which the entire intelligence apparatus was conceived, has disappeared.

Extant frames represent a powerful barrier to any attempt by actors within the policy process to construct and impose new frames. If any attempt to construct a new frame is to be made successful, a proper understanding of the existing frame is necessary. Failure to understand fully the frames that dominate a particular policy environment can lead to a simple rebuilding and
strengthening of the extant frame, making real policy change even harder. As Schöhn and Rein argue:

“Evidence that one party regards as devastating to a second party’s argument, the second may dismiss as irrelevant or innocuous. Or the second may easily patch his or her argument so as to incorporate the new evidence within it”

(Schöhn & Rein, 1994, 30)

In the NMD debate it is clear that when the intelligence community presented, in NIE 95-19, what it felt was compelling evidence of the lack of an imminent threat from ballistic missiles, this evidence was not treated as expected. Instead of the Congressional NMD advocates changing their policy preferences to reflect the reality presented in the intelligence estimates, there was a concerted counter framing effort by NMD supporters to cast the ‘evidence’ in a light that suggested it was irrelevant or misguided. Such a reaction by NMD supporters is suggestive of the strength of the cognitive frame that they held.

It is telling that the Congressional reaction to NIE 95-19 did not simply comprise an investigation into the findings of the estimate to ascertain if the conclusions it reached were valid. The first two investigations largely vindicated the findings contained in the estimate. Instead, Congressional overseers continued to seek a way to overturn the intelligence community findings ultimately engaging a Commission whose task was to essentially re-write, or re-frame, the missile threat, not as intelligence product but, as already mentioned (see previous chapter), as policy advice. This effectively cut the intelligence community, which could no longer be relied upon to provide acceptable advice, out of the policy debate entirely.

3. Intractable Policy Controversy

Interpretive policy analysis is generally applied in fields of policy where there is ‘intractable debate’ (Schöhn & Rein, 1994). These areas usually have ongoing debate across the political spectrum with long running arguments about both the nature of the problem to be solved, and the method to be employed to solve it. The most obvious examples of this type of debate were the theoretical literature is quite strong are welfare reform and healthcare in
moderndemocraties(Jacoby,2000;Ross,2000;Yanow,1996;Schön&Rein,1994).

Interpretiveanalysesofthesepolicydebateshavehelpedtoilluminate
theinherentbiasesheldbypartiestothedebatethroughwhichthedebate
canbemovedforwardinaconstructivesense,leadingtopositivepolicy
outcomes. Thelessonsofinterpretivemanalysisofthistypecanbetransferred
tootherlesspopularpolicydebates(withintheinterpretiveliterature),suchas
defenceandsecuritypolicyinthisinstance,whereanalystcangain
valuableinsightstothewayinwhichdebatesarestructured,andthelikely
outcomesfromsuchdebates. Defencelandforeignpolicydebatesare
particularlyripeforanalysis,asmanyintractableconflictshavearisen
followingtheendoftheColdWarasaperceivedchangeintheglobal
strategicenvironmentcausedsomepartisangroupsatoptiadvocateare-thinkof
thesepolicyareas.

ForSchön&Rein(1994)aintractablepolicycontroversyismorethan
asimpledisagreementoverpolicy. Normalpolicydisagreementsare
generallyresolvablebyareferencetothefacts’thatbothpartieswillreadily
accept. Intractablecontroversieshoweverarenotsoreadilyresolvable.
Attempts to resort to ‘the facts’ result in parties contesting the relevancy of the
factsinqustion,orevenifthereisagreementonwhichfactsshouldbereduced
referredto,thefactsaregivendifferentinterpretations.

Byfocusingourattentionondifferentfactsandbyinterpretingthesame
factsindifferentways,wehavearemarkableability,whenearembroiledin
controversy,todismisstheevidencededucedbyourantagonists.
(Schön&Rein,1994:5)

Suchintractablecontroversiesarethesresultofdeeplyseated
disagreementbetweentheconflictingpartiesandrepresentafundamental
conflictbetweentheframesheldbyeachparty,asinistheseframesthat
determinehowfactsshouldbeinterpretedandwhatcourseofactionshould
beadoptedtosolvetheperceivedpolicyproblem(Schön&Rein,1994:29).
Suchintractableconflictsmaybeveremainhiddennfromviewbynormalpolicy
disputesuntilaparticularreferencetothefactshighlightstheunderlying
conflictbetweenthecompetingframes(Schön&Rein,1994:4).
Such an approach can be applied to the debate over ABM systems. The refusal of Congressional Republicans to accept the ‘facts’ as reported to them by the intelligence community in NIE 95-19 represents the first signs of an intractable controversy. The evidence presented in NIE 95-19, which in normal policy disagreements would have called for a review of the NMD programme instead caused a review of the evidence.

The clashing frames of the Clinton administration and the missile defence advocates led by Congressional Republicans caused controversy over not only what should happen over missile defences but also over what counted as compelling evidence in the NMD argument. It is of little wonder then that the intelligence community as the provider of ‘the facts’ should be drawn into the policy controversy. A construct of the competing frames held by the Clinton administration and the Congressional Republicans can be built highlighting six key elements that the groups came into conflict over.

<table>
<thead>
<tr>
<th>Frame Elements</th>
<th>Clinton Frame</th>
<th>Republican Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>External Environment</td>
<td>Stable</td>
<td>Chaotic</td>
</tr>
<tr>
<td>Potential US Enemies</td>
<td>Few</td>
<td>Multiple</td>
</tr>
<tr>
<td>Approach of Enemies</td>
<td>Rational</td>
<td>Irrational</td>
</tr>
<tr>
<td>Primary Target of Enemies</td>
<td>Deployed Forces, Allies</td>
<td>Homeland</td>
</tr>
<tr>
<td>Ballistic Missile Threat</td>
<td>Distant</td>
<td>Imminent</td>
</tr>
<tr>
<td>Resulting Policy Priority</td>
<td>TMD</td>
<td>NMD</td>
</tr>
</tbody>
</table>

However, a conflict between competing frames goes only part of the way to explaining why Congress might have felt bound to continue attacking the conclusions of NIE 95-19. Clearly, the theory regarding policy frames suggests that these mutual differences would be likely to cause a policy conflict, but a conflict for conflict’s sake is of no real use to either side in the ongoing policy battle. Those who held the ‘Republican Frame’ needed to find a way to overturn the legitimacy of the ‘Clinton Frame’ and in its place impose
their own frame. Such a re-framing exercise would have been essential to the ultimate success of Republican NMD demands, and was arguably finally accomplished, as the interpretive theory suggests, using credible elites as the apparent source of the ‘new’ frame.

3.1 Re-framing: Credibility over Reality

As Druckman (2001) writes, it has been a common assumption in the framing literature that elites face little or no constraint in attempting to conduct a re-framing exercise, otherwise referred to as a framing effect, other than the expenditure of resources (Druckman, 2001: 1044). As referred to above, it has been assumed by many authors that the re-framing process is an exercise engaged in by elites almost at will. However, this assumption should be questioned. Merely saying something often is not in itself enough to have your frame accepted.

One of the most important factors driving the acceptance of a framing effect seems to be the credibility of the actor attempting to engage the in re-framing exercise. As Druckman’s research (2001) suggests an incredible actor is unlikely to be successful in their attempt at re-framing; on the other hand a highly credible actor is more likely to have their interpretation of ‘the facts’ accepted by the wider audience.

“In short, the existence of framing effects may not indicate that elites are engaging in ‘free-wheeling exercises in pure manipulation,’ but rather they may reflect citizens seeking guidance from credible elites.”

(Druckman, 2001: 1045)

An actor’s credibility seems to rely on two key elements presented by Arthur Lupia; in the eyes of the target audience, the actor, attempting to re-frame an issue successfully, must possess ‘relevant knowledge’ and he or she must ‘be trusted to reveal all that they know’ (in Druckman, 2001: 1045).

In the case of intelligence oversight, these two factors are readily present. Intelligence overseers have access to almost all relevant knowledge in the case of intelligence estimates. Where their access is impeded, they have the ability to make political capital out of this obstacle until access is granted. Bradley Graham (2001) notes the impact of a meeting in February 1998 between the Rumsfeld Commission members and DCI George Tenet
over access to intelligence in order to conduct fully their assessment into the
missile threat facing the US. Following the meeting, in which the
commissioners complained bitterly of CIA stone walling over access to
classified intelligence data, the commissioners were granted full access to the
raw data (Graham, 2001: 31) and thus their credibility on the first of the two
categories was assured.

The second of the two categories is harder to judge. Without engaging
in large surveys of public opinion, it is difficult to know how much different
public figures are trusted. However, it seems a reasonable conclusion to
reach that for the majority of the population a highly regarded and highly
ranked public figure such as former Defence Secretary Donald Rumsfeld
would have a greater chance of being trusted by the public. Particularly over
issues of alleged intelligence failures where he might be presumed to be
skilled and experienced enough to understand the full range of issues
involved yet outside the intelligence loop in terms of a high commitment to a
particular policy recommendation.

It is part of the nature of intelligence that the oversight process be
shrouded in secrecy, and the nature of the information being gathered means
that no other sources for this information can really be turned to for
corroboration. Thus, it is a relatively easy task for those with political axes to
grind to level the charge of bias at an intelligence agency, where political
opinion as to the likelihood of the real world situation is divided it seems that
some of the mud is likely to stick. The criteria for actor credibility noted above
mean that it is highly unlikely that once called into question, the intelligence
community will be able to defend itself successfully against a concerted effort
to re-frame its findings.

What Loch Johnson (1989: 208) referred to as the end of the ‘era of
trust’ in the intelligence community ended with the shocking disclosures in
1973 has extremely important implications for the ability of intelligence chiefs
to defend themselves successfully against outside attempts to undermine
their product. In the task of separating the two types of interpretive failure (see
chapter two), the requirement for credibility favours Congressional attempts to
label intelligence as having failed under the interpretive failure type one,
failure to provide objective intelligence. The general lack of trust in the
intelligence community means that attempts to successfully defend the community and have congressional investigations classed as interpretive failure type two, failure to heed objective intelligence, are much less likely to be successful.

4. Congressional Intervention in Intelligence

So given the insights into the bias people and groups hold towards ‘evidence’ and ‘facts’ in hotly contested policy debates, what does this specifically tell observers about the relationship between Congress and the intelligence community? What implications does this have for the application of oversight functions that rely on the interpretation of evidence, and a judgement about how ‘objective’ such evidence is?

Consider the model presented in chapter one, the Information/Response Model of Strategic Intelligence (shown below). From this model a larger, more comprehensive model of the workings of the intelligence community incorporating an understanding of cognitive framing and intractable policy conflicts might be built within which a better appreciation of how the two types of interpretive failure might be conceptualised within this process can be gained.

In the model above, an objective reality can be considered to exist outside the reflexive process to which everything within reacts. Consider the A-Team/B-Team example of Soviet military expenditure, such expenditure is
real, and at a level that might be reasonably assumed to be discoverable by thorough intelligence work. This stage is demonstrated in the new model below, where path A represents the intelligence agencies correctly identifying the objective reality and path B represents a failure, the passage of inaccurate information.

Moreover, the next step in the process can also be represented in the model. Once the intelligence community has conducted its collection and analysis phase (stage one above) the information is passed on to stage two, here again there are two choices, A or B, where A represents the intelligence community informing policymakers of the correct expenditure, and B represents a communication of an incorrect expenditure amount. The policymakers now have the ability to make a decision contrary to the evidence reported by the intelligence community. They may either accept or reject the information they are given, and adopt a policy accordingly.

![Passage of Information from Real World to Policy](image)

But an obvious problem arises over the nature of the basis for policymakers' rejection or acceptance of the intelligence provided. Certainly, one way this may be enabled is the potential for global events to ‘short-circuit’ this entire information provision process and reveal the actual situation in question. The testing of nuclear weapons by India in 1998 proved to policymakers that India had nuclear weapons, without the need to trust the intelligence community. Nevertheless, such opportunities are rare and even if
events do occur that look as though they confirm or deny intelligence findings, such assertions are open to debate, as with the North Korean missile launch in 1998 (see chapter three).

Often it is not easy to know beyond a doubt that the system has failed, especially not within the original intelligence cycle. Unless global events do conspire to demonstrate that the assessment of the intelligence community was false, the public and even policymakers with access to intelligence material may not in fact ever know that the system had failed, or at what stage this failure occurred. Certainly, given the role of the intelligence community in being the unit of government designed to get information it may well often be beyond the capacity of policymakers and oversight groups to prove that a failure has taken place. At best it might be possible to make a plausible argument that failure has occurred but proving this seems difficult if not impossible.

It is clear, from the model presented above, that there are many paths that the intelligence process can follow with few leading to successful outcomes and only one optimal outcome. It seems the doom of the intelligence mission to be unable to conclusively prove (except with on occasion with hindsight) that it has objectively established the reality it reports to policymakers. Where prima facie evidence exists to support two mutually exclusive interpretations of reality there is likely to be room for a counter argument with equal claims of credibility in the public eye to that of the intelligence agency to be put forward.

Policymakers are inevitably going to check the intelligence that they receive against the cognitive frames that they hold in order to evaluate the validity of the intelligence. If there is an incongruity between the intelligence and the frame then alarm bells are likely to ring and either the cognitive frame by which they understand the world will have to be altered or the intelligence will be questioned (see diagram below).
It is the rejection of intelligence that runs contrary to the cognitive frame held by overseers that is likely to lead to a charge of interpretive failure on the part of the intelligence community. Because of the nature of intelligence, because intelligence product is the only real source of information for a number of policy decisions, the only way that intelligence overseers have of assessing the ‘objectivity’ of intelligence product is whether the conclusions ‘feel right’. The congruity of the intelligence product with the cognitive frame, the mental model of the world, held by the overseers, drives such a gut reaction.

This then is second edge to the sword of oversight, the challenge presented by the growth of intelligence controls in the US. Where in the past no such controls existed, no challenge could be mounted against the intelligence community’s findings. This had serious implications for the protection of citizens’ rights, which ultimately led to the calls for greater oversight. However, the growth in oversight, along with overseers who might be at odds with the Executive over matters of foreign or security policy means that the intelligence community now feeds two masters with product. The executive, by its very nature generally worked to a single set of policy goals. By adding the Congress to the list of intelligence consumers, there has
inevitably been a growth in competition for the support of the intelligence community, and the resulting backlash against the community when such support fails to materialise, or when intelligence product runs counter to the worldview of Congressional overseers.

5. Concluding Remarks

The heart of the investigations into the NIC’s 1995 NIE regarding long-term ballistic missile threats to the US, NIE 95-19, and thus the involvement of the intelligence community in the National Missile Defense debate between the Clinton Administration and the Republican Congress can be shown to centre on differing subjective interpretations regarding intelligence failure, different policy frames. Simply put the Republicans argued that the CIA committed a fundamental error in intelligence in the writing of NIE 95-19; that they were failing to provide the government with objective, unbiased intelligence. Conversely, without an absolute, objective, knowledge of the situation in reality it can be argued that the Republicans were themselves committing a fundamental error of intelligence in failing to heed unbiased intelligence. The two sides in the NMD debate took differing, and opposed viewpoints in the argument over intelligence failure.

What was essentially the clash of two competing frames, saw an inability by either party to gain traction by recourse to ‘the facts’ as such ‘facts were themselves the subject of political controversy. The greater ability of the intelligence overseers in Congress to call on trusted individuals to present a new statement of ‘the facts’, and engage in a re-framing exercise, allowed them to gain traction in the overall debate and eventually prevail in the policy dispute.

Such a development in intelligence oversight was unprecedented. Since the creation of the intelligence community in 1947 there had been little debate regarding oversight of the intelligence community to ensure the accuracy of its judgements dealing with the external threat environment. Debate had been vigorous within the intelligence community, and had sometimes spilt into public arenas, but such debate had never been cause for
Congress to consider exercising its oversight powers in the manner that it did over ABM systems.

The literature on policy controversies suggests that such an outcome was inevitable. As Thomas notes, intelligence is likely to become a matter of political debate when there is disagreement on foreign policy goals, or indeed on the nature of the external environment itself. For accusations of bias and failure to be levelled at the intelligence community by Congressional overseers there needed only be a policy disagreement of sufficient controversy that each side was willing, indeed felt that it was right, to question the integrity of the intelligence community when it released findings that contradicted their extant frame.

It is less because of actual obvious failure on the part of the intelligence community and more because the intelligence community speaks with authority that it will be dragged into such policy controversies as the BMD debate. Both sides seek the evidence of the intelligence community to support their claims in the wider policy debate. Should the intelligence community deny this ability to one of the parties by producing intelligence that clearly rules out its utility to the party, then that party is very likely to attack the intelligence community. Given the nature of the executive branch, it is difficult if not impossible to see such policy disputes between the intelligence community and the President. However, the links between the intelligence community and Congress are far more public, and thus the intelligence community is far more likely to face a public dressing down.

A summary of the insights gained thus far, and of the possible implications for the US intelligence community and the wider polity of Congressional willingness to intervene over perceived interpretive failure will be discussed in the concluding sections of this thesis.
Conclusion
Beyond Neo-Positivism: Reframing Intelligence Failure

This concluding chapter summarises the case study findings in support of the argument that there is a need for a new understanding of the role and scope of Congressional oversight of intelligence, in light of the developments surrounding the American missile defence debate during the 1990s. This process is conducted in three sections begun by looking at the orthodox approach to intelligence failure and intelligence oversight. The critique of this orthodox understanding is presented, a number of logical holes are pointed to and traditional notions of the development of the intelligence system are challenged. To support this call for revision the emergence in the 1990s of an actual willingness by intelligence overseers to challenge intelligence analysis, represented in the national missile defence case, is presented. An analytical methodology by which the willingness of Congress to challenge intelligence analysis can be understood is investigated in light of the academic literature dealing with cognitive frames and intractable policy debates. The use of interpretive and discourse analyses can make an important contribution to the largely descriptive/historical tradition that characterizes scholarship on US intelligence.

Finally, various areas of future research are considered in light of current academic understandings. Considerable advances in the understanding of these aspects of policy debates and of intelligence systems would greatly enhance scholarship in intelligence theory and the wider fields of foreign policy and national security issues.

1. Intelligence Failures and Congressional Oversight

Since President Truman created a modern intelligence system in the US in 1947, the system’s relationship with the rest of the polity has changed dramatically. From a situation where the community of intelligence agencies reported almost exclusively to the President, with little or no interest in their activities from other branches of government, the system has undergone a number of revisions, or corrections.
Loch Johnson (1989: 208) separated the history of the intelligence community into several eras noting the change in the relationship between the intelligence community, Congress, and the wider polity that caused a transition to a new era. From the creation of the intelligence community in 1947 until the intelligence disclosures of the early 1970s there existed, according to Johnson, an Era of Trust (1947-74). Oversight was weak, and the intelligence community was trusted to produce intelligence to the best of its ability.

From 1973, with the disclosures of dubious activities by the intelligence community both within the US and against foreign governments, Congress took an active part in monitoring the work of the intelligence apparatus. The resultant public outcry and loss of trust in the intelligence agencies ended the free reign of the intelligence community; a new era began. The so-called Era of Scepticism (1974-76) began with the work of the Church and Pike Committees. Congress began to take a closer look at the intelligence agencies and recognised the need to establish formal oversight arrangements. This took the form of committee oversight in both the House of Representatives and in the Senate, and for a while the new relationship seemed to work well.

For Johnson (1989) the establishment of formal oversight ended the brief era of special investigations and heralded a new start in the relationship between Congress and the intelligence community. This fresh start was the first time in the community’s history that it had to work with Congressional interest on a day-to-day basis, understandably then Johnson termed it the Era of Uneasy Partnership (1976-86). This important contribution ended with a brief analysis of the Reagan ear and the immediate impact of the Iran/Contra affair. The subsequent development of the intelligence field represented uncharted territory that has never been fully accounted for under Johnson’s model.

One way of conceiving of the role taken on by intelligence overseers from 1973 onwards was as one of process oversight. Overseers took on the task of monitoring the way in which the intelligence agencies performed their tasks;
<table>
<thead>
<tr>
<th>Operational Failures</th>
<th>Accountability Failures</th>
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<tr>
<td>Indiscriminate collection of intelligence</td>
<td>Inadequate accountability in the chain of command</td>
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<tr>
<td>Indiscriminate use of covert action</td>
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<tr>
<td>Inadequate protection of officers and agents abroad</td>
<td></td>
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<tr>
<td>Improper use of intelligence within the US</td>
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</table>

Congress became involved in the intelligence cycle as a response to perceived operational failings within the intelligence community. It was the unpleasant knowledge that the intelligence community had been ‘up to no good’ that forced Congress to take an active interest in the community. It is natural then that Congress’ ongoing interest in the intelligence agencies be one of guaranteeing to their constituents that such transgressions not recur, continued oversight from Congress would be the check to ensure this.

The traditional approach to intelligence and its oversight in the US adopts the attitude of prudent monitoring and corrective intervention. It has been self-evident since the 1970s that there needs to be intelligence overseers in order that there not be further instances of operational failure within the system. Failures, when identified can be thought of as anomalies that require corrective treatment. The system works well until something breaks, at which point the overseers are there to step in, locate the source of the problem and ensure that the problem is fixed. Operational oversight has largely been about establishing the boundaries within which the intelligence community must operate, establishing and policing which intelligence-gathering methods should be allowed and which should be denied to intelligence agencies in a democratic society like the US.

Indeed there has been an expectation that since the 1970s the US system has been running smoothly in the direction of the perfect system; that progressively, as the intelligence community grows and develops more

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23 The reader should be aware that such an interest in the activities of the intelligence community came against the backdrop of a decline in trust in government in general following the war in Vietnam and the Watergate scandal.
efficient intelligence gathering systems there is an accompanying refinement of intelligence controls and oversight: a linear development towards perfection. The Iran/Contra affair serves as a reminder that the system can fail; yet these failures are anomalies that are likely to occur only once, and never again; furthermore such failures were the fault of the executive branch, not Congress. Steadily as failures are highlighted and dealt with by establishing a new boundary for proper action the system becomes more perfectly refined, and the instances of failure less frequent.

The traditional view of the development of intelligence in the US and companion oversight arrangements is that the pre-1973 era was a golden period for the intelligence community but a bad period for the US polity because of the lack of formal restraints. By contrast the period since is marked by the development of a working relationship between the intelligence community and its Congressional overseers. Thus, while not being as unrestrained for the intelligence agencies, it is cast as a better period for the US polity overall. The trade-off is a simple one, increase intelligence controls and thereby decrease intelligence gathering potential, decrease controls and increase potential intelligence at the expense of citizens’ civil rights.

The tension is constant but it is felt that somewhere there is an equilibrium (B) where a balance is struck and both sides benefit from the
other's activity without too much being compromised by either side. Traditionally it has been the restraining of the intelligence community, from a starting position of little or no restraint (A), which has caused the increase in intelligence oversight to be seen as the advance towards a better system.

While the notion that equilibrium can be found in the first place might be challenged, it must be recognised that the increasing of controls on the one hand comes with the imposition of costs on the intelligence community and the wider polity that are not recognised by the trade-off presented in the graph above. An increase in Congressional control over intelligence processes inevitably leads to an increase in Congressional control over the interpretation of intelligence product. While the two are not directly connected, the latter can certainly result from the former as the means of controlling intelligence processes directly enables control over interpretation. As Congress becomes an integral part of the intelligence cycle it is able to exert control over it, in a way that was previously reserved exclusively for the President.

Congressional control ability to intervene in a disagreement over interpretation of intelligence is not necessarily a bad thing. Congressional overseers might pick up errors in judgement, institutional biases and other errors of interpretation that could lead to unwanted outcomes in the intelligence cycle. But as the NMD case demonstrates, once the means for Congressional involvement in intelligence interpretation have been established, if a major disagreement erupts along with a major split in the overall foreign policy orientation of the US, the interpretation of intelligence is likely to become a political tool producing serious consequences for the quality of intelligence available to the state.

1.2 The Case Study

Where intelligence oversight was initially concerned with operational failures, the emergence of the US from the Cold War released Congress from its foreign policy consensus. One of the points of greatest partisan conflict during the 1990s was that of ballistic missile defence for the continental US.
Missile defence as a policy programme survived the Cold War by suggesting that the US needed protection from ballistic missile fired by rogue states, by states that would acquire ballistic missile technology in the two decades following the end of the Cold War. The Republican Party for the mid-term elections in 1994 adopted a vigorous missile defence policy and the subsequent Republican majority in Congress pursued policies designed to push the Executive into adopting their stance on missile defence. When in 1995 the intelligence community produced a national intelligence estimate on future missile threats to the continental untied states, NIE 95-19, which concluded that it was unlikely that there would be any new ballistic missile threats to the US for the following 15 years missile defence advocates were outraged.

Under the auspices of Congressional oversight, missile defence advocates conducted a series of investigations into NIE 95-19. Ultimately, following three investigations, the investigations produced a contrary interpretation of the intelligence material suggesting that the ballistic missile threat to the US was much more imminent. It was this counter interpretation, produced by a commission formed by Congress and led by former Secretary of Defense Donald Rumsfeld, which formed the basis of Republican debate surrounding missile defence, and ultimately led to the adoption of an aggressive missile defence programme under President George W. Bush.

The NMD case is an analytical case study of a critically important intelligence controversy of the mid 1990s. It is a policy controversy the resolution of which not only led directly to major international repercussions, but to a major new innovation in the treatment of intelligence by Congressional politicians. Before the NIE controversy Congress seemed reluctant to directly challenge the findings of the intelligence community. The NIE controversy heralded a change in this willingness, and demonstrated Congressional interest in overseeing not only operational failures, but also interpretive failures, failures of expert judgement on the part of the intelligence community.

Johnson’s (1989) first two sins of strategic intelligence (below) had been largely overlooked by Congressional overseers during the first two decades of intelligence oversight. Johnson’s inclusion of these two failures
seemed less of an historical account of intelligence failures that the oversight system had dealt with and more of a self-evident objective statement of when intelligence would have clearly failed in its mission. After all it is extremely difficult, if not impossible to separate the two interpretive failures without a separate source of objective evidence to tell the analyst which party has failed to give regard to the ‘correct’ evidence.

<table>
<thead>
<tr>
<th>Interpretive Failures</th>
<th>Failure to provide objective, uninhibited intelligence</th>
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<td>Disregard of objective intelligence by policymakers</td>
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Whatever the difficulties of actually operationalising the two interpretive failures, it is clear that in the hotly contested NMD debate Congressional overseers found an issue that pushed them to investigate intelligence product, rather than subsidiary operational activities.

1.3 A New Approach to Intelligence Scholarship

In understanding why such an interest was taken in intelligence analysis during the NMD debate it is necessary to turn to the policy literature surrounding intractable policy debates and the use of cognitive frames and framing effects in policy debates.

Traditional intelligence theory takes an historical approach whereby decisions are simply deemed to be taken, policy decisions are within a ‘black box’ which traditional analysis cannot open, thus no real analysis of the competing demands on policymakers or intelligence analysts is undertaken. Such a positivist, or neo-positivist, approach only gets academic knowledge a certain way to understanding why things happen as they do in the US intelligence system. In order to move beyond this approach and understand why policymaker might react the way that they do it is necessary to turn to theoretical and analytical tools of the policy sciences that have been largely overlooked in US intelligence policy analysis.

The way that intelligence is thought of by policymakers and overseers is critical in understanding how and why intelligence is treated by these
actors. Thus it is necessary to recast, or re-frame, intelligence failure in light of the biases and mental models held by overseers in order to be very clear about when the intelligence system has failed, or indeed what ‘failure’ and oversight actually means for the intelligence mission.

All people construct mental models of their external environment in the minds through which they interpret data, and decide on courses of action. Interpretive analysis of these mental models, or frames, allows the policy analyst an insight into the priorities and biases of decision makers within the policy environment. In hotly contested and highly political policy debates it is especially important to be able to understand how and why particular decisions are taken. Understanding why particular decision makers reacted as they did is often directly related to understanding the biases and mental models through which they perceived the policy problem.

As an instance of overseer activism, which enlightens observers regarding both actor biases and policy change techniques, the NMD case study is both subject interesting, as well as methodologically unique. By understanding the cognitive biases of policymakers and overseers it is possible to understand why they reacted in the fashion that they did to intelligence product as it impacted on the NMD debate. Such recognition of inherent bias and subjectivity gives added explanatory traction that traditional historical studies do not have. As such the use of cognitive frames and framing effects to analyse intelligence oversight within the context of an intractable policy debate allows the policy analyst to "break open" the descriptive world of intelligence scholarship.

1.4 The Neo-Conservative Agenda

In examining the events in the intelligence community over the last decade it is extremely tempting to look for hidden motives and agenda. It is hard to overlook the prominent place in the missile defence debate, and indeed the history of US national security taken by such Republican heavyweights as Donald Rumsfeld. Rumsfeld led the commission that successfully re-framed the ballistic missile threat to the US in 1998, but he
has also maintained a close involvement with the intelligence community throughout his career.

It was during Rumsfeld’s tenure as Secretary of Defense for President Ford that the A-team/B-team experiment with contestable intelligence estimates was conducted producing hawkish estimates of Soviet defence spending from DOD allied analysts in opposition to the more conservative estimates produced by the CIA (see chapter two). Furthermore Rumsfeld, once again in the position of Secretary of Defense for President George W Bush has instituted bureaucratic moves to re-establish DOD abilities to contest intelligence estimates so that intelligence analysis that is provided by the CIA that does not support the DOD view can be contested at the highest levels (Schmitt and Shanker, 2002).

Rumsfeld has indeed exerted a huge influence on the direction of Republican security policy throughout his career in Washington. However it is irrelevant to the arguments of this thesis whether this was part of a neo-conservative agenda represented by groups that Rumsfeld has associated with, such as the Project for the New American Century, or not. Rumsfeld is a vastly experienced campaigner in Washington political circles. His experience and success in fighting bureaucratic battles against parts of the intelligence community made him the perfect candidate to lead a successful re-framing campaign against the NIC and the findings contained in NIE 95-19.

To attempt to prove or disprove links with particular political groups in order to reinforce notions of particular policy bias is largely irrelevant to the analysis conducted. It is a central assertion of this thesis that political bias in political actors as they inevitably judge information on how it ‘fits’ with their extant cognitive model of the world. It is therefore inevitable that actors bring such bias to policy debates and thus act within the debate according to these biases. The important point to be noted is that in allowing Congressional oversight of intelligence, the US system has become prone to a wider range of biases and therefore to manipulation or alteration by a wider circle of actors. This naturally imposes a cost on intelligence that may or may not affect the overall quality of the intelligence product. During the 1990s it seems that such manipulation was conducted by neo-conservatives, however it
seems just as likely that such groups could in future be the victims of liberal manipulation of intelligence should the opportunity present itself.

2. **Directions for Future Research**

The vast bulk of intelligence theory dealing with the US system was gathered over the period of the Cold War. Much of it centres around the external challenges facing the US intelligence agencies rather than understanding the structural challenges imposed on what is a vast intelligence system from within. Further academic research into, among other areas, the following key concepts is needed if US intelligence theory is to be significantly advanced.

2.1 **Understanding ‘Failure’**

Returning to first principles, the question of what constitutes intelligence failure must be re-addressed in a non-political sense. There seem to be at least two types of ways in which the intelligence mission can fail. Primarily the intelligence agencies can fail to provide material knowledge that could have been provided to policymakers before a decision is taken. Clearly, this can range in importance from information that was not vital and did not unduly affect the outcome or decision taken, to information of critical importance that leads to great mistakes.

Beyond these failures of output, other types of failure exist which seem to be added qualifications to the intelligence mission, which while important are not, theoretically at least, vital to the commission of the assignment. These are the failures of conduct, the process failures, the ‘how’ of the intelligence mission rather than the ‘what, why or where’. An historical examination of the development of intelligence oversight in the US demonstrates that almost all attention has been paid to the second class of failures rather than the first. But it is the first class of failures that are of primary importance to the intelligence mission.

Intelligence is about making ‘best guess’ predictions; as such NIE’s do not represent the findings of infallible oracles. Intelligence predictions will be wrong on occasion and the reasons for them being wrong will not always be
due to factors of political manipulation or bias. Failure in the intelligence system, as in any system, happens. People make mistakes and in the cosmological sense some things will remain unknown until they show themselves. The intelligence community is not the modern equivalent of the all-seeing prophet, and no matter what refinements are made to the system, it never will be.

As such there will be ‘failures’; times when things go wrong, sometimes this will have terrible consequences, at other times it won’t; the system, its guardians and the public need to understand this. Certainly there is evidence that to a certain extent they already do. Intelligence failures have not been limited to minor incidents even during the 1990s. Such events as the bombing of the World Trade Centre in 1993, the bombing of the US Barracks in Saudi Arabia in 1996, the economic crises in Asia and Russia from 1997-1998, India’s nuclear weapons tests in May 1998, the bombings of US Embassies in Kenya and Tanzania in 1998, the apparent misidentification of the al-Shifa pharmaceutical plant in Sudan in August 1998, the mistaken targeting of the Chinese embassy in Belgrade during Operation Allied Force in 1999 and the bombing of USS Cole in October 2000, not to mention the attacks on the World Trade Centre and the Pentagon in 2001, are all incidents that the intelligence agencies ought to have had some fore knowledge of.

But then again, there is also evidence that in the political furore the follows an unanticipated incident the need to blame someone can overwhelm any thought that failure is inevitable. Investigations do need to be conducted in order to ensure that the system did all that id could reasonably be expected to do, but the question must be asked whether public investigations tend towards a forum for political grandstanding and or whether they serve to strengthen democratic control and improve intelligence?

2.2 A New Era for Intelligence?

Loch Johnson’s eras of intelligence, mentioned above, serve to underscore the changing nature of the intelligence community’s relationship with the public and the political world, as well as the need for continuous improvement and adaptation. The intelligence community must be able to respond to new threats and challenges, while also maintaining the trust and confidence of the public and policymakers. This requires a commitment to transparency, accountability, and continuous improvement, as well as a willingness to learn from past mistakes and adapt to new circumstances.

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24 Such a criticism must be made on the basis of what information is in the public domain. Hypothesising about what intelligence agencies secretly ‘knew’ about each of the above events tends towards futile conspiracy theory.
with the rest of the US polity. It is worth considering whether the events of the 1990s represent a new era in this relationship. Indeed it is also worth considering the change in this relationship that has occurred since the terrorist attacks in September 2001.

The effects of an activist Congress in overseeing intelligence activities might have been short lived, and a product of the 1990s. Then again the events of the 1990s might simply point the way for future Congressional activism. It is hard not to accept that once the door has been opened to Congressional manipulation of intelligence product, as it was by the NMD debate, that future congresses will not follow suit should the need arise.

2.3 What Constitutes Evidence?

Such a vision for the future ultimately leads one to question the future of the consolidated national estimate. The original purpose of the national estimate was to enable the intelligence community to speak with one voice so that policy makers can have a single authoritative account of likely events. While the process of collecting the intelligence is necessarily open to challenge in a democratic society, it seems somewhat counter intuitive to be able to challenge the conclusions that are reached.

What NIE 95-19 and the surrounding controversy shows is that non-experts can challenge national estimates successfully. Re-framing the threat environment in a post-cold war world is easier than might previously have been thought. A quick overview of recent NIE’s on foreign ballistic missile threat to the US since 1995 and the language that they use shows that the intelligence community has learned for the experience in 1995 and the lesson that it now very clearly speaks to two masters. The language used in recent NIEs is far less authoritative and hedging of bets abounds almost to the point of the estimates being useless in any real policy informing sense.

The point of the NIE is to inform Presidential and Executive decision-making. Now that Congress has almost equal claim to intelligence control and direction it is hard to see a future where the authority of an NIE could not be
contested\textsuperscript{25}. Further investigation into both Congressional ability and Congressional willingness to exert such control is needed.

3. Conclusion

The role that partisan politics plays in the oversight of the US intelligence community is a vital and inescapable one in a democracy. Modern intelligence apparatus exist to provide information to policymakers to better inform the direction of policy. Oversight arrangements have grown in accordance with academic understandings of when and how the intelligence community might fail in their mission. Such conceptions of intelligence failure have themselves been arrived at from an historical understanding of intelligence failure; as failings became apparent systems were developed to ensure that these did not recur. As such the US intelligence oversight system, while robust in its ability to guard against repeat occurrences of failures that already experienced, is vulnerable to new unencountered forms of failure.

Furthermore, academic analyses (Johnson, 1989) of intelligence failure have tended to treat the oversight function as an automatic discovery of failure, ignoring the political nature of intelligence oversight and its potential to impact on the quality of intelligence product for political, rather than qualitative gains. Past academic focus has treated oversight as an apolitical objective assessment and intelligence failures as ‘sins’ produced by historical accident or systemic bias (Johnson, 1989). Little regard has been given to the essentially subjective nature of the political debate that surrounds intelligence oversight.

During the 1990s the debate over whether, when and how to build a missile defense system to protect the continental United States and Canada from attack by ballistic missiles between the Clinton Administration and the Republican Congress cast such issues into stark relief. While the debate over anti-missile systems was not new, the focus of a potential system on emerging ballistic missile threats was a new component of the debate that developed following the 1991 Persian Gulf War and the end of the Cold War.

\textsuperscript{25} Particularly in light of the institutional and information sharing changes to the intelligence community following the terrorist attacks in September 2001.
The production in 1995 of the National Intelligence Estimate 95-19, *Emerging Missile Threats to North America During the Next 15 Years*, appeared to deny the emerging missile threat to the US. The NMD supporters, as evidenced through open source documents, turned their attacks directly onto the intelligence community, in an attempt to undermine the validity of the NIE that did not support their policy platform. This thesis concludes that this critical episode in US intelligence not only further soured relations between Congress and the Presidency during this administration but also damaged, with serious long-term implications, the integrity of the intelligence community’s work in an attempt to produce a favourable policy outcome.

This thesis has investigated past academic conceptions of intelligence failure, the growth of intelligence oversight in line with these conceptions and the role that policy frames can play in gaining analytical traction in understanding policymaker’s approach to intelligence failures and the consequent potential for the weakening of intelligence processes through increased exposure to political bias.

This thesis has injected an understanding of political biases into assessments of intelligence failure. In all previous accounts of the missile defence debate during the 1990s little attention has been paid to the way in which the intelligence estimates were attacked, defended, attacked again and ultimately overturned. It seems crucial that, in an age of foreign policy contestability, the limits of conceptual models of intelligence failure and the political manipulation involved in using such models be properly understood. Such a process of understanding has been begun in this dissertation.
Postscript

When this project was begun in July 2001, the central question at the forefront of the author’s mind was why little to no attention had been paid to the voracity of Congressional attempts to overturn the threat assessments contained principally within NIE 95-19. The Congressional attacks against NIE 95-19 did not begin and end with an investigation. No less than three investigations were conducted into the findings of the estimate, and when the first and second investigations reported minor errors in the writing of the estimate, yet found that the major findings were likely to be correct, Congressional overseers did not accept this and move on, they conducted a further investigation, one that ultimately yielded the desired outcome – an ‘independent’ attack on the findings of the intelligence community.

In attempting to understand what happened that caused the Congressional investigations into the NIE a conscious effort was made to avoid the wider political debate about missile defences. Ultimately while the attack on the NIE had enormous implications for the missile defence policy debate, and needs to be understood within a missile defence context, the investigations have important implications for the management of the intelligence community that are far greater than any single defence policy dispute.

1. The Terrorist Attacks in September 2001

While in the process of writing this historically grounded thesis one of the biggest security breaches of US history occurred in the attacks by the Al Qaeda terrorist network against the Pentagon and the World Trade Center. Much has happened in terms of reorganising the US intelligence system to better cope with information sharing and terrorist capabilities since these attacks (Johnston, 2002). However the oversight system has been untouched and remains structured as it was during the 1990s.

It seems likely that the medium term effect of these attacks has been to strengthen US resolve in gathering intelligence regarding terrorist capabilities
and a resulting loosening of intelligence controls regarding covert action against terrorist networks.

Close attention must be paid by scholars in the immediate future to the way in which policymakers and the public react to the changing powers of the intelligence agencies. Furthermore a new willingness by the executive to publicly disclose intelligence analysis in order to win support for a particular policy platform has been apparent since the attacks. It remains to be seen whether there will emerge a new willingness by Congressional opponents of the current administration to actively challenge such analysis in the manner that it was done in the 1990s. Whether the terrorist attacks will represent the dawning of a new era in the intelligence relationship or will represent a mere ‘blip’ on the radar of the intelligence relationship remains to be seen. The author hesitates to draw a conclusion regarding the impact of the terrorist attacks at this stage.

James F Caygill
University of Canterbury
March 2003
Appendix One
The US Intelligence Community, 2002


(The Economist, April, 2002)
Appendix Two

GAO Report into NIE 95-19

Report to the Chairman,
Committee on National Security,
House of Representatives

August 1996

FOREIGN MISSILE THREATS
Analytic Soundness of
Certain National Intelligence Estimates

United States General Accounting Office
National Security and International Affairs Division

B-274120
August 30, 1996

The Honorable Floyd D. Spence
Chairman, Committee on National Security
House of Representatives

Dear Mr. Chairman:

This report responds to your letter of February 28, 1996, asking us to evaluate certain National Intelligence Estimates (NIE) prepared by the U.S. Intelligence Community (IC) that analyze the threat to the United States from foreign missile systems. As arranged with your office, our reporting objectives were to compare the content and conclusions of NIE 95-19, *Emerging Missile Threats to North America During the Next 15 Years*, November 1995, with the content and conclusions of two previous NIEs prepared in 1993; to evaluate whether these three NIEs appear to be objective and supported by facts; and to describe the conclusions of recent, unclassified studies on the threat to the United States from foreign missile systems.

This report supplements our June 12, 1996, briefing to you and is an unclassified version of our classified report. All of our findings are contained in this report; the omitted classified information concerned detailed examples drawn from the NIEs to support our findings and observations.

**Background**

NIEs analyze issues of major importance and long-term interest to the United States and are the IC’s most authoritative projection of future developments in a particular subject area. NIEs are intended to help policymakers and military leaders think through critical issues by presenting the relevant key facts, judgments about the likely course of events in foreign countries, and the implications for the United States. In this regard, former Director of Central Intelligence (DCI) William Casey stated: "the highest duty of a Director of Central Intelligence is to produce solid and perceptive national intelligence estimates relevant to the issues with which the President and the National Security Council need to concern themselves."

NIEs are produced by the National Intelligence Council (NIC), an organization composed of 12 National Intelligence Officers who report directly to the DCI. To prepare an NIE, the NIC brings together analysts from
all the intelligence agencies that have expertise on the issue under review. However, in the final analysis, an NIE is the DCI’s assessment with which the heads of the U.S. intelligence agencies concur, except as noted in the NIE’S text.

Based on a synthesis of the published views of current and former senior intelligence officials, the reports of three independent commissions, and a Central Intelligence Agency (CIA) publication that addressed the issue of national intelligence estimating, an objective NIE should meet the following standards:

- quantify the certainty level of its key judgments by using percentages or "bettors' odds," where feasible, and avoid overstating the certainty of judgments;
- identify explicitly its assumptions and judgments;
- develop and explore "alternative futures:" less likely (but not impossible) scenarios that would dramatically change the estimate if they occurred;
- allow dissenting views on predictions or interpretations; and
- note explicitly what the IC does not know when the information gaps could have significant consequences for the issues under consideration.

All or part of the three NIEs we reviewed addressed the nature of the current and future threat to the United States from foreign missiles. NIE 95-19 was specifically prepared by the IC to support decisions on missile defense systems for North America. In the United States, this issue is a critical one for the Congress and the administration as they debate the desirability and planned characteristics of a proposed multibillion dollar national missile defense system. Such a system would aim to protect the United States from limited ballistic missile attacks, whether accidental, unauthorized, or deliberate.

Ballistic missiles are self-propelled missiles guided in the ascent of a high-arch trajectory and freely falling in the descent. If launched from any of the 18 countries analyzed in NIE 95-19 (except Cuba), such missiles would have to travel between 5,000 and 13,000 kilometers (3,100 to
8,100 miles) to reach North America, classes them as intercontinental ballistic missiles (ICBM).^4

Figure 1: Ranges to the United States and Canada

Source: National Intelligence Council.

Results in Brief

The main judgment of NIE 95-19 -- "No country, other than the major declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the contiguous 48 states or Canada."^5 -- was worded with clear (100 percent) certainty. We believe this level of certainty was overstated, based on the caveats and the intelligence gaps noted in NIE 95-19.

NIE 95-19 had additional analytic shortcomings. It did not (1) quantify the certainty level of nearly all of its key judgments, (2) identify explicitly its
critical assumptions, and (3) develop alternative futures. However, in accordance with standards for producing objective NIEs, NIE 95-19 acknowledged dissenting views from several agencies and also explicitly noted what information the IC does not know that bears upon the foreign missile threat. The 1993 NIEs met more of the standards than NIE 95-19 did.

NIE 95-19 worded its judgments on foreign missile threats very differently than did the 1993 NIEs, even though the judgments in all three NIEs were not inconsistent with each other. That is, while the judgments were not synonymous, upon careful reading they did not contradict each other.

**NIE 95-19 Overstated Certainty of Its Main Judgment**

- The main judgment of NIE 95-19 was worded with clear (100 percent) certainty. We believe this level of certainty was overstated, based on the caveats and intelligence gaps noted in NIE 95-19.

On the issue of certainty in judgments, in 1992 then-DCI Robert Gates opined: "While we strive for sharp and focused judgments for a clear assessment of likelihood, we must not dismiss alternatives or exaggerate our certainty under the guise of making the 'tough calls.' We are analysts, not umpires, and the game does not depend on our providing a single judgment."

The wording of NIE 95-19's main judgment implies a 100-percent level of certainty that the predicted outcome will hold true during the next 15 years. However, the caveats and intelligence gaps noted in the NIE do not support this level of certainty. For example, at the beginning of NIE 95-19, the estimate notes "as with all projections of long-term developments, there are substantial uncertainties." A 1993 NIE stated its view that substantial uncertainties cloud the IC's ability to project developments, especially beyond 10 years. Finally, in NIE 95-19's Intelligence Gaps section, it noted several shortcomings in the IC's collection of information on foreign plans and capabilities.

**NIE 95-19 Had Additional Analytic Shortcomings**

- NIE 95-19 did not (1) quantify the certainty level of nearly all of its key judgments, (2) identify explicitly its critical assumptions, and (3) develop alternative futures. However, in accordance with standards for producing objective NIEs, NIE 95-19 acknowledged dissenting views from several agencies and also explicitly noted what information the IC does not know that bears upon the foreign missile threat.
Given the important role NIEs play in the national security decision-making process, U.S. policymakers require, and expect, objective estimates. "The paramount value [in NIEs] is objectivity," according to a former NIC Vice Chairman. Adds the CIA, "dedication to objectivity -- tough-minded evaluation of information, description of sources, and explicit defense of judgments -- provides [an estimate with] credibility on uncertain and often controversial policy issues."

We believe that five standards, previously discussed, apply to an objective NIE. These standards were synthesized from our review of the published views of nine current or former senior intelligence officials, three independent commissions, and a CIA publication that addressed the issue of national intelligence estimating. We were unable to obtain the DCI's current, official standards (if any exist) for the essential elements of an objective NIE, because the DCI refused to grant us access to the NIC. (See our Scope and Methodology section for more details on this scope impairment.)

NIE 95-19 Did Not Quantify Certainty Levels of Key Judgments

NIE 95-19 did not quantify the certainty level associated with its key judgments, by either using bettors' odds or percentages. It used unquantified words or phrases such as 'unlikely,' "likely," "probably," "normally," "sometimes," "some leakage," and "feasible, but unlikely."

The CIA has told its analysts to be predse in conveying the levels of confidence they have in their conclusions because policymakers and others rely on these assessments as they define and defend U.S. interests. Different people can hear very different messages from the same words, especially about probabilities, and therefore good estimates should use quantitative measures of confidence, according to a former NIC Vice Chairman. For example, a 'small but significant' chance could mean one chance in a hundred to one person; for another it may mean one chance in five. Similarly, a former NIC Chairman wrote that NIEs with only words such as "possibly" are not of much help to someone trying to make an important decision. Instead, where feasible, NIES should use a percentage, a
percentage range, or bettors' odds to better serve policymakers -- a controversial, but necessary, approach, according to this former official. Some intelligence judgments, such as estimating foreign economic developments well into the future, may not easily lend themselves to specifying a meaningful level of confidence, using numbers.

NIE 93-17 quantified the certainty of one of its key judgments by estimating a "small but significant chance (10 to 30 percent)" that an event would occur. The certainty levels of its other key judgments were not quantified. NIE 93-19 did not quantify the certainty levels of any of its key judgments.

NIE 95-19's Critical Assumptions Not Explicitly Identified

NIE 95-19 did not explicitly identify its critical assumptions either by separately listing them in one place or by introducing them throughout the text with wording such as "we have assumed . . .".

Critical assumptions, also known as "linchpin assumptions," are defined by CIA as analysts’ debatable premises that hold the argument together and warrant the validity of judgments. Therefore, as previously mentioned, assumptions should be explicitly distinguished from other information, including judgments. Estimative judgments are to be defended by fully laying out the evidence and carefully explaining the analytic logic used, according to a former Deputy Director for Intelligence, CIA. Writing about NIEs, a former Vice Chairman of the NIC agreed. As a general rule, the more complex and controversial an issue, the more analytic effort is required to ensure that critical assumptions are precisely stated and well defended, according to the CIA. Good analysis will clearly identify its key assumptions so that policymakers are aware of the "foundations" of the estimate and can therefore judge for themselves the appropriateness of the assumptions and the desirability of initiating actions to hedge against a failure of one or more assumptions.

From our reading of NIE 95-19, we identified what appear to be its implicit critical assumptions. Most of these assumptions first appear in the NIE’S Key Judgments section, leading the reader to believe that the IC considers these assumptions to be fact-based judgments. However, we did not find a body of evidence in NIE 95-19 that would allow us to consider these
statements as judgments, rather than assumptions. NIE 95-19 had only one explicit assumption, which was not a critical one, concerning Iraq.

Some of NIE 95-19’s implicit critical assumptions are listed below. Three other assumptions that we identified included classified information.

- The Missile Technology Control Regime (MTCR)\textsuperscript{10} will continue to significantly limit international transfers of missiles, components, and related technology, but some leakage of components and critical technologies will likely continue.
- No country with ICBMs will sell them.
- Three countries -- all of which were assessed as being "high" in both technical ability and economic resources -- will not be interested in developing an ICBM that could reach the United States (and elsewhere).
- A flight test program lasting about 5 years is essential to the development of an ICBM.
- An attack against the United States from off-shore ships using cruise missiles, while feasible, is unlikely to occur...

In addition, NIE 95-19 did not specify its assumption about the payload weight or weights the IC used in forecasting the range for North Korea’s Taepo Dong 2 ballistic missile. Publicly, the NIC’s Chairman has stated that the Taepo Dong 2 missile could have a range sufficient to reach Alaska, some U.S. territories in the Pacific, and the far western portion of the 2,000 km-long Hawaiian Island chain. NIE 95-19 did, however, specify payload weights for the Taepo Dong 1 missile. NIE 93-19 explicitly analyzed the effects of changes in payload weight on the estimated range of ballistic missiles. The payload weight directly affects the range of a missile -- that is, a lighter payload allows any given missile to travel farther. For example, the IC judges that a certain country could increase the range of its existing intermediate range ballistic missile by 90 percent, if it decreased its payload weight by 70 percent.

Like NIE 95-19, the 1993 NIEs did not explicitly identify their critical assumptions, as a rule. However, in one case, the text of NIE 93-17 prefaced its judgment with a clear assumption about the current nuclear practices in one country.
NIE 95-19 Did Not Develop Alternative Futures

NIE 95-19 did not develop alternative futures: less likely (but not impossible) scenarios that would dramatically change the estimate if they occurred.

NIEs should "describe the range of possible outcomes, including relatively unlikely ones that could have major impact on American interests, and indicate which outcomes they think are most likely and why... The job, after all, is not so much to predict the future as to help policymakers think about the future," according to a former NIC Chairman. The CIA, then-DCI Robert Gates, and other senior NIC officials agree that NIEs should analyze alternative futures. A senior intelligence official told us that an alternative future takes a fundamental analytic assumption and varies it to explore different potential outcomes; for example, "What if countries do not honor the MTCR?"

Both 1993 NIEs explored alternative futures. NIE 93-19 mentioned them in the NIE's text and explored them in detail in a separate annex. NIE 93-17’s Key Judgments included alternative futures, which were further developed through detailed scenarios. These alternative futures are classified.

NIE 95-19 disclosed that it did not account for alternative economic and political futures. NIE 95-19 did address some less likely technical options, including the characteristics and implications of a potential ICBM program of one country.

NIE 95-19 Offered Dissenting Views

NIE 95-19 had 12 dissents in the estimate. NIE 93-19 and NIE 93-17 had 23 and 2 dissents, respectively. There were qualitative differences in the nature of the dissents in the NIEs.

According to a February 1996 statement by the current Chairman of the NIC, "The process for producing NIEs is directed particularly at ensuring presentation of all viewpoints. We do not impose consensus; in fact we encourage the many agencies that participate in NIEs to state their views and we display major differences of view in the main text. Lesser reservations are expressed in footnotes."

While all three NIEs included dissenting views, the dissents were qualitatively different among the NIEs. For example, NIE 93-19's Key Judgments contained two fundamental disagreements by one department.
on the overall potential for proliferation of nuclear weapons and on the nuclear weapons program of a specific country. Other dissents in the body of this estimate were also of a fundamental nature. In one instance, one department took an "alternative view" to NIE 93-19's forecasts about ICBM and space launch vehicle development and transfers. This alternative view from 1993 is very similar to the consensus view of NIE 95-19's main judgment.

Both NIE 95-19 and NIE 93-17 had no dissents in their Key Judgments. The dissents in the body of these NIEs were mostly on technical issues and contained classified information.

NIE 95-19 Explicitly Noted Information Gaps

NIE 95-19 and the 1993 NIEs explicitly noted information gaps at places in the estimates' text and in a separate Intelligence Gaps section.

Estimates should reveal what intelligence analysts do not know that could have significant consequences for the issue under consideration, according to several sources. This disclosure not only helps alert policymakers to the limits of the estimate, but also informs intelligence collectors of needs for further information, according to a former NIC Chairman.

In their Intelligence Gaps sections, the three NIEs each noted shortfalls in the IC's collection of information on the issues they examined.

Differences and Similarities Between NIE 95-19 and 1993 NIEs

NIE 95-19 worded its judgments on foreign missile threats very differently than did the 1993 NIEs, even though the judgments in all three NIEs were not inconsistent with each other. In addition, the evidence in NIE 95-19 was qualitatively and quantitatively different compared to the 1993 NIEs. Details of other differences and the wording of judgments do not appear in this report because they contain classified information. Finally, the NIEs agreed on several points.

Judgments on Missile Threats Worded Very Differently, but Were Not Inconsistent

NIE 95-19 worded its judgments on foreign missile threats very differently than did the 1993 NIEs, even though the judgments in all three NIEs were not inconsistent with each other. That is, while the judgments were not synonymous, upon careful reading they did not contradict each other. Because the DCI denied us access to officials responsible for the NIEs, we
were unable to obtain their reasons for the different wording chosen in the three NIEs.

In general, the 1993 NIEs pointed out unfavorable and unlikely outcomes associated with foreign ICBMs more often than did NIE 95-19. A table that compares the exact wording of judgments on foreign missile threats in the three NIEs does not appear in this report because it contains classified information.

**NIE 95-19 Presented Less Evidence Compared to 1993 NIEs**

- The evidence in NIE 95-19 is considerably less than that presented in the earlier NIEs, in both quantitative and qualitative terms.

Laying out the evidence is important because it allows readers to judge for themselves how much credence to give the judgments, according to a former Vice Chairman of the NIC.

In quantitative terms, the earlier NIEs had at least one supporting volume with additional evidence and judgments. Each of the 1993 NIEs was over three times as long as NIE 95-19. The 1993 NIEs backed each of their key judgments with more support than did NIE 95-19. For example, NIE 93-19, which unlike NIE 95-19, was not focused on foreign missile threats, had almost twice the supporting evidence on missile threats than NIE 95-19 did when comparing the same countries.\(^\text{12}\) In addition, and in contrast to NIE 95-19, both of the 1993 NIEs referred readers to other IC studies for additional evidence or information.

In qualitative terms, we believe the earlier NIEs provided more convincing support for their key judgments. For example, NIE 95-19 stated that "no countries with ICBMS will sell them." For support, the NIE included one paragraph that cited a multi-national counter-proliferation policy (MTCR) and the theory that countries with ICBMS would probably be concerned that any missiles they sell might be turned against them. The NIE provided very little evidence to support its position that membership in the MTCR (or pledges to abide by the MTCR in China's case) would necessarily prevent a country from selling missiles. The NIE asserted that the MTCR had helped terminate missile programs in specific countries, but it provided no evidence to support its view. The NIE did not cite additional evidence such as intelligence on whether MTCR members have or have not sold missiles or missile technology in the past, or whether countries have refrained from
selling such technology because of the MTCR. In addition, the NIE provided no evidence or detailed analysis to support its position that countries will not sell ICBMs because they would probably fear that the missiles could be turned against them.

In contrast to NIE 95-19, the earlier NIEs supported their judgments more thoroughly. Detailed examples contain classified information and do not appear in this report.

We were unable to identify the reasons why NIE 95-19 presented less evidence to support its judgments than the 1993 NIE, because NIC Officials refused to meet with us to discuss the preparation of NIE 95-19. The reasons could include limitations on NIE 95-19's length, its SECRET/Releasable to "Country X" security classification (compared to the TOP SECRET/Codeword classification of the 1993 NIEs), and/or a smaller evidentiary base.

**NIEs Agreed on Several Points**

In addition to the similarities between the NIEs on some judgments, the NIEs agreed on several other points, including the impact of foreign technology assistance on ICBM development, and the capabilities and intentions of two countries with respect to ICBM development.

**Unclassified Studies on Foreign Missile Threats to the United States**

The conclusions of unclassified governement, or government-sponsored, studies on foreign missile threats to the United States were generally consistent with the conclusions of NIE 95-19. However, whereas NIE 95-19's main judgment was that there will be no new missile threats to the contiguous 48 states during the next 15 years, two studies estimated some possibility -- "low" and "quite low" -- of such missile threats. The private studies we reviewed differed significantly from NIE 95-19's assessment of threats; these studies raised more immediate concerns about foreign missile threats to the United States. For example, the Heritage Foundation's Missile Defense Study Team concluded that ballistic missiles pose a clear, present, and growing threat to the United States.

We reviewed several recent unclassified studies on foreign missile threats to the United States and its interests. We identified these studies through a literature search of several databases that include defense and intelligence information. We limited our review to complete studies on this topic, and we did not include newspaper or journal articles. While we compared the conclusions of these studies to NIE 95-19, we did not review the quality of
their evidence or attempt to reconcile any differences they had with NIE 95-19.

**Government Studies**

In a November 1993 letter to the Chairman of the House Committee on Armed Services, the CIA provided the declassified findings of its report entitled *Prospects for the Worldwide Development of Ballistic Missile Threats to the Continental United States*. The study's scope excluded countries with a current capability to strike the continental United States (CONUS) -- China and strategic forces in several states of the former Soviet Union. The study concluded that the "probability is low that any other country will acquire this capability in the next 15 years." Also, the study found that "no evidence exists that any of the countries examined in this study are developing missiles -- especially ICBMs -- for the purpose of attacking CONUS." There were no recommendations identified in the letter.

In June 1995, the Congressional Research Service issued a report for the Congress entitled *Ballistic and Cruise Missile Forces of Foreign Countries*. The report was written by Robert Shuey, a specialist in U.S. foreign policy and national defense. The report stated that "other than the declared nuclear powers (the United States, China, France, Russia, and the United Kingdom) few countries have long-range missiles." It also said that North Korea is in the process of developing longer range ballistic missiles, including the Taepo Dong 2. The report concluded that "the production or international transfer of more and better ballistic and cruise missiles will potentially have serious negative implications for the security of U.S. citizens and facilities..." The report contained no recommendations.

In April 1996, the Office of the Secretary of Defense released a study entitled *Proliferation: Threat and Response*. The key finding in the report was that the threat was changing from global to regional. The report did not address the current ballistic missile threat to the United States. The report did note, however, that "... unlike during the Cold War, those who possess nuclear, biological, and chemical weapons may actually come to use them." The report concluded that "The end of the Cold War has reduced the threat of a global nuclear war, but today a new threat is rising from the global spread of nuclear, biological, and chemical weapons." The report had no recommendations. The report had no indications that there was an increasing missile threat to the United States itself.

**Government-Sponsored Study**

In February 1993, a report commissioned by the Strategic Defense Initiative Organization of the Department of Defense was released entitled
The Emerging Ballistic Missile Threat to the United States. The report was prepared by the Proliferation Study Team, chaired by Lieutenant General William E. Odom, USA (ret), Director of National Security Studies at the Hudson Institute. The report found that at this point there is no indication that Brazil, India, Italy, Israel, Germany, Japan, and Sweden -- countries that possess the potential to develop ICBMs during the 1990s -- have any intention of initiating an ICBM program. The report estimated that, if current trends continue, the probability of new ICBM threats during the 1990s or in the very early years of the next decade is quite low. In reaching its conclusion that "the prospects for an increase in ballistic missile threats to the United States during this decade are limited," the study team identified three uncertainties that affected their ability to forecast confidently 10 to 20 years into the future. First, intelligence indicators are often ambiguous. Second, a number of events could alter the capabilities or intentions of some states to field long-range ballistic missiles. Third, dramatic and rapid changes in U.S. political relations with states possessing or capable of fielding long-range missiles could occur. The report made no recommendations.

Private Studies

In July 1991, the Cato Institute published Foreign Policy Briefing No. 10 entitled Countdown to Disaster: The Threat of Ballistic Missile Proliferation. This study was prepared by Channing R. Lukefahr, an associate defense policy analyst at the Cato Institute, as part of the Institute's regular series evaluating government policies and offering proposals for reform. The key findings of the study were that "As the horizontal proliferation of ballistic missile technology continues, the threat of an accidental launch rises," and that "while the threat that unstable or antagonistic regimes will achieve the ability to launch intercontinental ballistic missiles... moves rapidly toward reality, attempts to reverse that destabilizing trend have been merely exercises in delay." The study concluded that "the days when weapons of mass destruction and the systems to deliver them are possessed by only the two super-powers... are rapidly drawing to a close" and that "although there is no imminent threat to the United States from any of those [friendly] nations, continuation of that state of affairs cannot be guaranteed... an ally can become an enemy in a matter of months." The report cited stronger secessionist forces in the Soviet Union as undermining the central control of nuclear weapons and making the accidental launch of a few dozen or even a few hundred missiles possible as is the possibility of a limited launch by rogue elements. The report's sources were congressional testimony and articles in journals, magazines, and newspapers. The report
recommended the development and deployment of antiballistic missile systems.

In March 1996, the Heritage Foundation released a document entitled *Defending America: Ending America's Vulnerability to Ballistic Missiles*. This was an update to a June 1995 report entitled *Defending America: A Near- and Long-Term Plan to Deploy Missile Defenses*. The Missile Defense Study Team was chaired by Ambassador Henry Cooper, former Director of the Strategic Defense Initiative Organization. The main finding of the reports was that the United States had no defense against ICBMs. The initial report said that ICBMs marketed as space launchers could provide rogue states with the ability to attack the United States. The update cited, but did not identify, authoritative administration officials as having testified to the Congress in May 1995, that rogue states could threaten U.S. cities with long-range missile attacks in 3 to 5 years. The reports concluded that ballistic missiles pose a clear, present, and growing threat to America and her allies overseas. The report recommended a decision to deploy, when technically feasible, the Navy's Upper Tier interceptor system and the Brilliant Eyes space-based sensor system.

**Agency Comments**

The NIC did not comment on our draft report. On July 10, 1996, we wrote to the NIC's Chairman and requested his views on our draft report. On July 22, 1996, the DCI's Director of Congressional Affairs replied to us and stated that they would not comment on the substance or accuracy of our draft report because these issues "fall under the purview of intelligence oversight arrangements established by the Congress." As requested, the DCI's staff provided us with a security classification review, which we have incorporated into our final report.

**Scope and Methodology**

Our scope included a detailed review of NIE 95-19, and a comparison of this NIE to NIE 93-17, NIE 93-19, and recent unclassified studies. We did not attempt to independently evaluate foreign missile threats to the United States. To assess the objectivity of the NIE, we used various IC and other sources to develop standards for producing objective NIEs. Then we carefully reviewed NIE 95-19 and the two earlier NIEs to determine whether they met those standards. To compare NIE 95-19 to the 1993 NIEs, we conducted detailed comparisons of the judgments, evidence, and structure of the NIEs. The 1993 NIEs had a different focus than NIE 95-19, so we could not make direct comparisons in some areas. For example, unlike NIE 95-19, the earlier NIEs did not address the Third World cruise missile threat.
To compare NIE 95-19 to other unclassified studies, we conducted a variety of literature searches to identify such studies. Where possible, we identified the sources of data used by these studies; however, we did not evaluate the quality of their evidence or attempt to reconcile any differences they had with NIE 95-19.

Our scope was significantly impaired by a lack of cooperation by officials from the CIA, NIC, and the Departments of Defense and State. The Departments of Defense and State would not allow us access to their records. Defense and State spokespersons referred us to the DCI on all matters concerning NIEs. On March 6, 1996, we wrote to the DCI's Director of Congressional Affairs and requested access to CIA and NIC officials and documents. On June 17, 1996, he replied to us and declined to cooperate with our review. Ihs letter argued that our review of certain NIEs would be contrary to oversight arrangements for intelligence that the Congress has established. Specifically, he stated that "such subjects are under the direct purview of Congressional entities that have been charged with overseeing the Intelligence Community." Therefore, we were unable to discuss preparation of the NIEs with cognizant officials or review supporting documentation at the departments and agencies previously mentioned. Due to this lack of access, we also could not review other NIEs that may have covered similar topics as NIE 95-19. Except as previously mentioned, our review was conducted from April to June 1996 in accordance with generally accepted governmennt auditing standards.

At your request, we plan no further distribution of this report until 30 days after its issue date. At that time, we will provide copies to other congressional committees; the Chairman, President's Foreign Intelligence Advisory Board; the Secretaries of State, Defense, and Energy; Chairman, NIC; and the Director of Central Intelligence. Copies will also be made available to others on request.
Please contact me at (202) 512-3504 if you or your staff have any questions concerning this report. Major contributors to this report were Gary K Weeter, Assistant Director; Douglas M. Horner, Evaluator-in-Charge; Stephen L. Caldwell, Senior Evaluator, and James F. Reid, Senior Evaluator.

Sincerely yours,

Richard Davis
Director, National Security Analysis

(701098)
Notes

1. The following organizations may participate in preparing an NIE: the NIC, CIA, Defense Intelligence Agency, National Security Agency, State Department's Bureau of Intelligence and Research, Federal Bureau of Investigation, the intelligence organizations of the Departments of Treasury and Energy, and the military services.

2. Bettors' odds state the chance as, for example, "one out of three."

3. For more information on national missile defense, see Ballistic Missile Defense: Evolution and Current Issues (GAO/NSIAD-93-229, July 16, 1993).

4. The distance depends on the launch site and the chosen U.S. target. For example, portions of Alaska are about 6,000 kilometers from North Korea; Honolulu is about 7,000 kilometers from North Korea. However, with forward-deployed missile launchers, the distance to the United States would be less.

5. The declared nuclear powers are Russia, China, France, the Urtded Kingdom, and the United States. However, U.S. capabilities and intentions are out of the scope of foreign intelligence estimates.

6. Our sources included the published views of Robert M. Gates, former DCI and Deputy Director for Intelligence, CIA; Joseph S. Nye, Jr., former Chairman, NIC; Harold P. Ford, former Acting Chairman, NIC; Gregory F. Treverton, former Vice Chairman, NIC; reports by the Vice President's National Performance Review, the Commission on the Roles and Capabilities of the United States Intelligence Community, and a study group on intelligence sponsored by the Council on Foreign Relations; and A Compendium of Analytic Tradecraft Notes, Vol. I, March 1996, published by the CIA's Product Evaluation Staff, Directorate of Intelligence.

7. Except for the 100-percent certainty implied by its main judgment previously discussed.


9. In our analysis of NIE 95-19's assumptions, we were assisted by an expert in the missile proliferation field, Dr. Richard H. Speier, an independent consultant. Previously, Dr. Speier worked in the Office of the Under Secretary of Defense for Policy, Department of Defense, and in the Non-Proliferation Bureau, U.S. Arms Control and Disarmament Agency.

10. The MTCR, begun in 1987, is the primary international regime aimed at stemming the proliferation of unmanned delivery systems (including missiles and space launch vehicles) and related technologies. The regime is not an international treaty, but rather a set of identical policies announced by member governments, to be implemented in parallel.

11. In counting dissents, we counted discrete topics of dissent. Sometimes more than one agency would dissent on a certain topic, and sometimes the dissent would appear multiple times (i.e., in the executive summary and supporting volumes).

12. We compared the treatment of 11 countries that both NIE 95-19 and NIE 93-19 analyzed. In describing the results of our comparison, we only used NIE 93-19's volume II (supporting analysis) to avoid double-counting information contained in NIE 93-19's volume I.
Appendix Three

Independent Panel's report on NIE 95-19: "Emerging Missile Threats to North America During the Next 15 Years.", 23 December 1996

Central Intelligence Agency Washington. D.C. 20505

OCA 96-1908
23 December 1996

The Honorable Arlen Specter
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Intelligence Community has completed its classification review of the Independent Panel's report on NIE 95-19: "Emerging Missile Threats to North America During the Next 15 Years." Enclosed is the unclassified version of the panel's report. The Chairman of the panel, former DCI Robert Gates, testified on the judgments of the report before Senate Select Committee on Intelligence in a public hearing on 4 December 1996.

Please feel free to contact me if you have any further questions on this matter.

Sincerely,

John H. Moseman
Director of Congressional Affairs

Enclosure

NIE 95-19: INDEPENDENT PANEL REVIEW OF "EMERGING MISSILE THREATS TO NORTH AMERICA DURING THE NEXT 15 YEARS"

Congress directed the Director of Central Intelligence to review the underlying assumptions and conclusions of National Intelligence Estimate 95-19, "Emerging Missile Threats to North America During the Next 15 Years." The legislation required that this review be carried out by an independent, non-governmental panel of individuals with appropriate expertise and experience. To comply with the legislation, DCI Deutch asked former Director of Central Intelligence Robert M. Gates to chair the Panel. The other members included Ambassador Richard Armitage, now engaged in a range of worldwide
business and policy endeavors. Past experiences include service as Coordinator for Emergency Humanitarian Assistance to the former Soviet Union in 1992, Presidential Special Negotiator for the Philippines Base Agreement in 1989, and Assistant Secretary of Defense for International Security Affairs in 1983; Dr. Sidney Drell, Professor and Deputy Director, Stanford Linear Accelerator Center, Member, President's Foreign Intelligence Advisory Board, past Chairman, SSCI Technology Review Panel, and HASC Panel on Nuclear Weapons Safety; Dr. Arnold Kanter, a Senior Associate at the Forum for International Policy in Washington, DC He has served as Under Secretary of State for Political Affairs, Special Assistant to the President for Defense Policy and Arms Control at the National Security Council, and in private industry he directed the national security strategies program at the Rand Corporation. Dr. Janne E. Nolan, Senior Fellow at the Brookings Institution, Adjunct Professor at Georgetown University, past senior designee to the Senate Armed Services Committee, and member of the President Clinton National Security Transition Team; Mr. Henry S. Rowen, Professor Emeritus with the Graduate School of Business Administration at Stanford University, past President of the Rand Corporation, Assistant Secretary of Defense for International Security Affairs, and Chairman of the National Intelligence Council; and Major General Jasper Welch, USAF (Ret), a private consultant to government and industry; he previously served as Assistant Deputy Chief of Staff for Research, Development, and Acquisition, Assistant Chief of Staff for Studies and Analysis, Headquarters, USAF, and Defense Policy Coordinator, National Security Council Staff. The conclusions of the panel are organized under three issues: politicization, process, and presentation. These have the unanimous support of the panel members.

**Politization**

Certain Members of Congress alleged that NIE 95-19 had been "politicized," implying that Intelligence Community analysts' views had been influenced by policymakers or individual policy preferences seeking to downplay an emerging missile threat. The Panel found no evidence of politicization and is completely satisfied that the analysts' views were based on the evidence before them and their substantive analysis. There was no breach of the integrity of the intelligence process. Beyond this, the Panel believes that unsubstantiated allegations challenging the integrity of Intelligence Community analysts by those who simply disagree with their conclusions, including Members of Congress, are irresponsible. Intelligence forecasts do not represent "revealed truth," and it should be possible to disagree with them without attacking the character and integrity of those who prepared them--or the integrity of the intelligence process itself.

**Process**

1. While the conclusions of a National Intelligence Estimate must not be influenced by policy debates or views, Estimates cannot be prepared in a political vacuum--at least if they are to be relevant. Particularly when controversial issues are involved, it is the task of senior Intelligence Community officials to ensure that an Estimate addresses its subject matter in
such a way as to anticipate questions and potential criticisms while fully protecting the integrity of the intelligence process. It also is the job of senior Intelligence Community officials to ensure that the outcome of an Estimate is not predetermined by the way in which the policy requester asks the question. While an Estimate must answer and give a best estimate in response to the question asked, senior intelligence officials must make certain that the Estimate addresses the issue in a comprehensive manner that provides both perspective and context. When the Ballistic Missile Defense Organization (BMDO) and Space Command quite legitimately request an Estimate on future missile threats, senior intelligence officials must recognize that the Estimate is likely to be a political football. They should take special steps to ensure that an Estimate with conclusions which may be unwelcome to a policy requester--or which alters previous judgments--provides unusually comprehensive analysis, clearly states the reasons for any change in previous judgments, explores alternative scenarios, and is candid about uncertainties and shortcomings in evidence. In the case of NIE 95-19 far from politicizing this Estimate, senior Intelligence Community managers failed adequately to alert analysts to the sensitivity of this Estimate, the uses to which it might be put in the policy debate, and thus the need to err on the side of comprehensiveness--and the need to draft the Estimate with great care. There was too much of a hands-off approach by senior management in the preparation of this Estimate. The result was not a politicized Estimate but one that was politically naive.

2. There were continuing changes in the title of the Estimate. This may have been due simply to editorial changes from original request to final draft, but also may have reflected uncertainty about the scope of the Estimate. At minimum, what were seemingly minor changes narrowed the scope of the Estimate and opened the way for embarrassing criticism. BMDO asked for an Estimate on the foreign missile threat to the United States. Space Command asked for an Estimate on the ballistic missile and cruise missile threat to North America and to theater deployed forces and allies. The Estimate ultimately focused only on North America, devoted inadequate attention to the cruise missile problem, and did not address the missile threat to theater and allied forces at all (as requested by Space Command). The failure to more fully consider Alaska and Hawaii (where, everyone knows, an attack provoked American entry into World War II] was foolish from every possible perspective. In sum, the failure to get the scope of the Estimate framed correctly set the stage for future problems.

3. After months of delay and slow work on the terms of reference, the loss of the original drafter, and the need to rework an initially unsatisfactory first draft, final drafting of the Estimate was done in haste in the fall of 1995. A likely controversial Estimate, as the Senior Review Panel warned in November 1995, that should have been drafted with unusual care and thorough analysis, was rushed to completion. This haste led to many of the presentational and analytical problems our Panel identified.

Presentation
The Panel identified a number of problems in this Estimate--problems we elaborate below. But, based on our investigation and study of relevant documents, perhaps the most serious deficiency is that the Intelligence Community's conclusions in the NIE with respect to the intercontinental ballistic missile threat to the United States are based on a stronger evidentiary and technical case than was presented in the Estimate. The Vice Chairman for Estimates of the National Intelligence Council on October 12, 1995, and the Senior Review Panel on November 28, 1995, both warned in so many words that the analysis was too thin for such an important Estimate. While there may have been some effort to be responsive to these cautions, it was clearly superficial and inadequate. (U)

There was much that could have been added to the main text of the Estimate that would have strengthened the analysts' case with respect to the future timing of an intercontinental ballistic missile threat to the United States:

1. A review of successful ballistic missile programs in other countries such as China, India and even the Soviet Union and the United States would have shown the lengthy time required to develop and test a ballistic missile with intercontinental range (even to Hawaii). For these countries, with vastly larger resources than North Korea, their very different paths to development took many years and numerous flight tests. For example, China took more than 20 years to develop its CSS-3 ICBM. India's Polar Satellite Launch Vehicle took more than 15 years to develop.

2. The Estimate failed to point out that development of a ballistic missile that could threaten the US involves two separate challenges: acquisition of the hardware and system integration. Community analysts make a strong case that even if foreign countries were clandestinely to acquire critical technologies and hardware, integrating that hardware into their missiles would be a major and time-consuming challenge, even with foreign engineering help. In addition, the difficulty of developing an effective WMD warhead capable of surviving missile launch and reentry, and integrating it onto a multi-stage intercontinental ballistic missile poses additional challenges.

3. The text of the Estimate should have presented more information on the technical obstacles to development of an intercontinental ballistic missile that could hit the United States. Some of this is in the Estimate, but much more--relating to propulsion, re-entry vehicles, guidance, staging, the technical challenges in moving from a SCUD missile derivative to an ICBM, and more--is in the back-up materials for the Estimate.

4. The Estimate did not highlight at the outset where the Intelligence Community's analysis had changed since the last Estimate and, with specificity, why it had changed. Some years ago, the annual Estimate on Soviet strategic forces began with a summarized version of what was new and what had changed from the year before. This helps the reader know what has happened and what to look for in the detailed analysis.
5. The Estimate does not highlight what elements of a strategic range ballistic missile program must be done in the open, where they can be observed with some confidence; what elements of a program the Intelligence Community believes it will know about with confidence; and what elements we may well not know about and how critical they are.

6. The Estimate was not as categorical as it could have been that there would have to be a flight test of any missile actually intended to hit the United States. No country in the world has developed a long-range ballistic missile with multiple stages without testing it, if for only demonstration purposes. (Moreover, the Panel cannot imagine any country placing a biological or nuclear warhead--using perhaps most of a rogue state's fissile material--on an untested missile and lighting it off. The risk of unsuccessful delivery or launch failure with potentially severe local consequences would be very high.) Further, virtually every flight test program for a new missile has lasted several years--no matter which country has developed it. In short, if any country is developing a ballistic missile that could reach the United States -- any of the fifty states--they will test it. The Community also would help policymakers by providing information on how long a time passed in China, India and elsewhere between the first flight test and initial operating capability (and for that matter, between the first successful flight test and initial operating capability).

7 The Estimate should have pointed out that missile development programs and weapons of mass destruction programs in other countries represent one of the highest priority issues for US intelligence agencies. As such, both collection and analysis--and estimating--will be ongoing, with regular reports to the Executive and Legislative Branches of government. Policymakers can have high confidence that any development of interest in this arena will be reported promptly. In this light, the Estimate should have provided to policymakers what analysts will be looking for as evidence of progress in such missile programs. It also should provide an estimate of minimum likely times from observation of such new development to the IOC of a deployed threat.

Although the Panel was impressed by the technical analysis and broad agreement across the Intelligence Community, and we found the Community view on ballistic missile programs quite persuasive (more so than the Estimate), there were nonetheless some very important weaknesses and deficiencies in the analytical approach:

a. Perhaps most important among the deficiencies was the failure to address adequately the motives and objectives of the governments developing missile programs, and how they affect technology needs. The brief discussion of motive focuses entirely on deterrence and prestige.

Intelligence Community estimates on weapons programs and strategic capabilities traditionally have been prepared by technical analysts. In the days of the Soviet Union, strategic forces estimates for years tended to avoid questions of doctrine and purpose, in no small part because there were no clear answers, and the issues were so violently disputed. Given the size of
Soviet forces, capability was considered all-important and most policymakers did not object to the technical focus of those estimates.

With the ballistic missile programs we are seeing now, however, motive matters a great deal, and can significantly affect technology. What is required technically for a crude terror weapon is very different than what is required for a weapon that is militarily useful. Placing the issue in recent historical context, what is required in terms of guidance and control from a missile launched from Iraq and targeted simply on the city of Tehran is quite different than what is needed to hit a specific military base or target in or near Tehran. Indeed it is conceivable to the Panel that a country might assemble a missile that appears to have intercontinental range but never test it, in order to intimidate the US or other countries from taking action.

With respect to ballistic missiles of strategic range, motive and how that might affect technology is given short shrift in the Estimate because operational capability is judged so far into the future.

b. By contrast, the Panel believes the Estimate did not give nearly enough attention to the potential for land-attack cruise missiles launched from within several hundred miles of US territory. The Estimate acknowledges the technical feasibility of such an attack, but discounts the likelihood because of motive--the Community thinks there are better ways to deliver a weapon of mass destruction. In sum, there is an inconsistency in the Estimate in its treatment of ballistic and cruise missiles. The former is technologically infeasible now from North Korea or Iran (or others) and thus motive is unimportant. The latter is technologically feasible, but dismissed because the analysts don't know why anyone would want to do that. (The Panel discussed several possible reasons and scenarios.)

c. This inconsistency brought us to another problem: on a challenge as important as the emerging missile threat to North America, the Estimate fails to ask a critical question: what if our potential adversaries pursue approaches--technical or otherwise--unexpected by the Intelligence Community? While in this specific Estimate the Community has a strong analytical case, the consequences of being wrong are very high. This problem cries out for an Intelligence Community commissioned Red Team, a group of technically innovative men and women challenged to explore alternative approaches that could lead to a missile threat-ballistic or cruise--to the US earlier than 2010. And to keep on doing it in order to assure there will be adequate time for appropriate US responses to any observation of a new potential threat.

d. The Panel also believes that the possibility of a sea-based ballistic missile of less than intercontinental range warrants more attention than given in the Estimate. The’ Estimate’s assessment of the ballistic missile threat to North America concentrates almost exclusively on ballistic missiles with intercontinental range. Consideration of scenarios involving crude Sea-launched ballistic missiles (e.g., Scud-derived missiles launched from mobile launchers driven aboard transport ships) is limited. Since developing missiles with sufficient range was identified as one of the most difficult technical
obstacles which would have to be overcome before North America would face an ICBM threat, the lack of serious attention to possible SLBM threats is all the more noteworthy.

e. The Panel believes the Estimate places too much of a burden on the Missile Technology Control Regime (MTCR) as a means of limiting the flow of missile technology to rogue states. In our view, actions by Russia and especially China to constrain ICBM missile technology transfers have a great deal more to do with evident self-interest than in international stigma. We acknowledge (and believe) that the MTCR has been a positive influence, especially in identifying key technologies, getting mutual agreement that transfer of those technologies should not be allowed, making such transfers a legitimate issue for diplomatic discussion, and imposing political costs for violators. However, compliance with MTCR is completely voluntary and each country makes its own decisions.

f. With major forces of change still at play in Russia, the Panel believes the Estimate’s discussion of unauthorized launch is superficial and may be overly sanguine. All agree that a launch unauthorized by the Russian political leadership is a remote possibility. But it would appear to be technically possible.

g. In this connection, the Panel notes that deteriorating conditions inside Russia for the military, the military industrial complex, and for weapons design and engineering institutions all increase the danger of leakage of hardware and expertise that could fuel governments aspiring to develop ballistic missiles, cruise missiles and weapons of mass destruction.

h. In sum, the estimate too easily dismisses missile scenarios alternative to an indigenously developed and launched intercontinental ballistic missile by countries hostile to the US, such as, for example, a land attack cruise missile. It should have assured policymakers that this issue will receive continuing high priority, and that all possible technical alternatives will be investigated vigorously and time to respond can be provided. In international affairs, 15 years is a very long time. A decade ago, the notion that the Soviet Union would collapse and disappear within five years would have been regarded by most as ridiculous. The United States cannot rule out the possibility of a strategic change of direction or policy in Russia or China—or in other countries- over a fifteen-year span of time that might lead to the sale of a long-range missile system to a Third World country. Nor can the US rule out that potential adversaries will turn to missile threats other than ballistic missiles of intercontinental range. However, the Panel believes the Intelligence Community has a strong case that, for sound technical reasons, the United States is unlikely to face an indigenously developed and tested intercontinental ballistic missile threat from the Third World before 2010, even taking into account the acquisition of foreign hardware and technical assistance. That case is even stronger than presented in the NIE.
Appendix Four

Executive Summary of Rumsfeld Commission Report (minus Attachments)

EXECUTIVE SUMMARY
of the
REPORT
of the
COMMISSION TO ASSESS
THE BALLISTIC MISSILE THREAT
TO THE UNITED STATES

July 15, 1998

Pursuant to Public Law 201
104th Congress

Members of
The Commission To Assess the Ballistic Missile Threat
to the United States were nominated by the
Speaker of the U.S. House of Representatives,
the Majority Leader of the U.S. Senate and the
Minority Leaders of the U.S. Senate and the
U.S. House of Representatives

The Honorable Donald H. Rumsfeld, Chairman
Dr. Barry M. Blechman
General Lee Butler, USAF (Ret.)
Dr. Richard L. Garwin
Dr. William R. Graham
Dr. William Schneider, Jr.
General Larry D. Welch, USAF (Ret.)
Dr. Paul D. Wolfowitz
The Honorable R. James Woolsey
and appointed by the
Director of Central Intelligence

I. Charter and Organization
A. Statutory Charter of the Commission

The Commission To Assess the Ballistic Missile Threat to the United States
was established pursuant to Public Law 104-201, the National Defense
Authorization Act for Fiscal Year 1997, Section 1321(g).

The mandate of the Commission was as follows:
“The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States. In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence and any other United States Government official responsible for providing the Commission with analyses, briefings and other information necessary for the fulfillment of its responsibilities. The Commission shall, not later than six months after the date of its first meeting, submit to the Congress a report on its findings and conclusions.”

The Commission examined the ballistic missile threat posed to the 50 states. Our assessment included threats posed by ballistic missiles:

- Deployed on the territory of a potentially hostile state.
- Launched from a surface vessel or submarine operating off the coasts of the United States or from an aircraft.
- Deployed by a potentially hostile nation on the territory of a third party to reduce the range required of its ballistic missiles to strike the United States.

The Commission examined the potential of both existing and emerging powers to arm ballistic missiles with weapons of mass destruction. The examination included the domestic design, development and production of nuclear material and nuclear weapons as well as the potential for states to acquire, through clandestine or covert sale, transfer or theft, either technology, material or weapons. The Commission examined biological and chemical weapons programs of the ballistic missile powers, as well as the potential means for delivering such agents by ballistic missiles.

The Commission reviewed U.S. collection and analysis capabilities to gain an appreciation for the capability of the U.S. Intelligence Community, today and into the future, to warn of the ballistic missile threat.

The Commission did not examine in detail the threat posed to U.S. territories or possessions or to U.S. forward deployed forces, allies and friends. Nevertheless, a short discussion of the threat to U.S. forward deployed forces, allies and friends is presented. The Commission did not assess the cruise missile threat. A detailed examination would have taken it beyond its charter. However, the Commission is of the view that cruise missiles have a number of characteristics which could be seen as increasingly valuable in fulfilling the aspirations of emerging ballistic missile states. The Commission did not address in detail the impact of ballistic missile threats on U.S. military strategy and doctrine, but noted the difficulty the U.S had in dealing with Iraqi missiles during the Persian Gulf War. Only a brief discussion of the relationship of ballistic missile threats to the ongoing revolution in military affairs is presented. A brief discussion is also presented of the possible impact of the Year 2000 (Y2K) problem on the ballistic missile threat.

The Commission was not asked to address the policy issues on which its assessment would bear. Responses to the threat as assessed by the
Commission are matters of considerable public interest. Debate and agreement on the appropriate responses to the ballistic missile threat are needed. The Commission hopes that the following assessment will be helpful in that regard.

**B. Organization of the Report**

This is an unclassified Executive Summary of the 307-page classified Report of the Commission To Assess the Ballistic Missile Threat to the United States. The Report is accompanied by two classified appendices and an unclassified appendix.

The full Report includes discussions of a number of additional states, such as Libya and Syria, which are not included in this Executive Summary. The full Report includes as well a discussion of the full range of supplier states, particularly Western powers, including the United States.

**II. Executive Summary**

**A. Conclusions of the Commissioners**

The nine Commissioners are unanimous in concluding that:

- Concerted efforts by a number of overtly or potentially hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces and its friends and allies. These newer, developing threats in North Korea, Iran and Iraq are in addition to those still posed by the existing ballistic missile arsenals of Russia and China, nations with which we are not now in conflict but which remain in uncertain transitions. The newer ballistic missile-equipped nations' capabilities will not match those of U.S. systems for accuracy or reliability. However, they would be able to inflict major destruction on the U.S. within about five years of a decision to acquire such a capability (10 years in the case of Iraq). During several of those years, the U.S. might not be aware that such a decision had been made.

- The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community.

- The Intelligence Community's ability to provide timely and accurate estimates of ballistic missile threats to the U.S. is eroding. This erosion has roots both within and beyond the intelligence process itself. The Community's capabilities in this area need to be strengthened in terms of both resources and methodology.

- The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced. Under some plausible scenarios-including re-basing or transfer of operational missiles, sea-and air-launch options, shortened development programs that might include testing in a third country, or some combination of these-the U.S. might well have little or no warning before operational deployment.
Therefore, we unanimously recommend that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning.

**B. The Commission and Its Methods**

The Commissioners brought to their task the perspectives of former senior policymakers from outside the Intelligence Community, who have decades of experience and a variety of views as users of the Intelligence Community's products. We shared an informed understanding of intelligence processes. In making our assessment, we took into account not only the hard data available, but also the often significant gaps in that data. We had access to both data and experts drawn from the full array of departments and agencies as well as from sources throughout the Intelligence Community. We also drew on experts from outside that Community and on studies sponsored by the Commission. Our aim was to ensure that we were exposed to a wide range of opinion and to the greatest possible depth and breadth of analysis.

We began this study with different views about how to respond to ballistic missile threats, and we continue to have differences. Nevertheless, as a result of our intensive study over the last six months we are unanimous in our assessment of the threat, an assessment which differs from published intelligence estimates.

This divergence between the Commission's findings and authoritative estimates by the Intelligence Community stems primarily from our use of a somewhat more comprehensive methodology in assessing ballistic missile development and deployment programs. We believe that our approach takes more fully into account three crucial factors now shaping new ballistic missile threats to the United States:

- Newer ballistic missile and weapons of mass destruction (WMD) development programs no longer follow the patterns initially set by the U.S. and the Soviet Union. These programs require neither high standards of missile accuracy, reliability and safety nor large numbers of missiles and therefore can move ahead more rapidly.

- A nation that wants to develop ballistic missiles and weapons of mass destruction can now obtain extensive technical assistance from outside sources. Foreign assistance is not a wild card. It is a fact.

Nations are increasingly able to conceal important elements of their ballistic missile and associated WMD programs and are highly motivated to do so.

**C. New Threats in a Transformed Security Environment**

The Commission did not assess nuclear, biological and chemical weapons programs on a global basis. We considered those countries about which we felt particular reason to be concerned and examined their capabilities to
acquire ballistic missiles armed with weapons of mass destruction.

All of the nations whose programs we examined that are developing long range ballistic missiles have the option to arm these, as well as their shorter-range systems, with biological or chemical weapons. These weapons can take the form of bomblets as well as a single, large warhead.

The knowledge needed to design and build a nuclear weapon is now widespread. The emerging ballistic missile powers have access to, or are pursuing the acquisition of, the needed fissile material both through domestic efforts and foreign channels.

As our work went forward, it became increasingly clear to us that nations about which the U.S. has reason to be concerned are exploiting a dramatically transformed international security environment. That environment provides an ever-widening access to technology, information and expertise that can be and is used to speed both the development and deployment of ballistic missiles and weapons of mass destruction. It can also be used to develop denial and deception techniques that seek to impede U.S. intelligence gathering about the development and deployment programs of those nations.

1. Geopolitical Change and Role for Ballistic Missiles

A number of countries with regional ambitions do not welcome the U.S. role as a stabilizing power in their regions and have not accepted it passively. Because of their ambitions, they want to place restraints on the U.S. capability to project power or influence into their regions. They see the acquisition of missile and WMD technology as a way of doing so.

Since the end of the Cold War, the geopolitical environment and the roles of ballistic missiles and weapons of mass destruction have both evolved. Ballistic missiles provide a cost-effective delivery system that can be used for both conventional and non-conventional weapons. For those seeking to thwart the projection of U.S. power, the capability to combine ballistic missiles with weapons of mass destruction provides a strategic counter to U.S. conventional and information-based military superiority. With such weapons, these nations can pose a serious threat to the United States, to its forward-based forces and their staging areas and to U.S. friends and allies.

Whether short or long range, a successfully launched ballistic missile has a high probability of delivering its payload to its target compared to other means of delivery. Emerging powers therefore see ballistic missiles as highly effective deterrent weapons and as an effective means of coercing or intimidating adversaries, including the United States.

2. Russia

With regard to Russia, the principal cloud over the future is lingering political uncertainty. Despite enormous changes since the break-up of the Soviet Union, Russia is in an uncertain, in some ways precarious, transition. It may
succeed in establishing a stable democracy allied with the West in maintaining peace and extending freedom. Or it may not. Or it might be torn by internal struggles for an extended period. In its present situation, accurate U.S. intelligence estimates are difficult to make.

Russia continues to pose a ballistic missile threat to the United States, although of a different character than in the past. The number of missiles in its inventory is likely to decline further compared with Cold War levels in that large numbers of Soviet strategic missiles deployed in the 1970s and 1980s are scheduled to be retired. Still, Russian ballistic missile forces continue to be modernized and improved, although the pace of modernization has been slowed from planned schedules by economic constraints. The Russian ballistic missile early warning system and nuclear command and control system have also been affected by aging and delays in planned modernization. In the context of a crisis growing out of civil strife, present early warning and command and control (C²) weaknesses could pose a risk of unauthorized or inadvertent launch of missiles against the United States.

With the Cold War ended, the likelihood of a deliberate missile attack on the U.S. from Russia has been greatly lessened but not entirely eliminated. However, Russia's leaders issued a new national security policy in 1993 that places greater reliance on nuclear deterrence, very likely in response to Russia's economic difficulties and decline in its conventional military capabilities. At the same time, the risk of an accident or of a loss of control over Russian ballistic missile forces—a risk which now appears small—could increase sharply and with little warning if the political situation in Russia were to deteriorate.

Also, quite apart from these risks, Russia poses a threat to the U.S. as a major exporter of enabling technologies, including ballistic missile technologies, to countries hostile to the United States. In particular, Russian assistance has greatly accelerated Iran's ballistic missile program.

3. China

As in the case of Russia, China's future is clouded by a range of uncertainties. China, too, is going through a transition, but one which has been going on for 20 years. The improvement in Sino-U.S. relations, interrupted in 1989, has resumed. Although the U.S. and China are developing a more cooperative relationship, significant potential conflicts remain, and China is less constrained today by fear of Russia than it once was by fear of the Soviet Union. Taiwan is an obvious potential flashpoint. Others could arise as China pursues its drive for greater influence in Asia and the Western Pacific. Even now China has conflicts with several of its neighbors, some of which could involve the U.S. in a confrontation.

China is modernizing its long range missiles and nuclear weapons in ways that will make it a more threatening power in the event of a crisis. China's 1996 missile firings in the Taiwan Strait, aimed at intimidating Taiwan in the lead-up to its presidential election, provoked a sharp confrontation with the
United States. For example, during this crisis a pointed question was posed by Lt. Gen. Xiong Guang Kai, a frequent spokesman for Chinese policy, about U.S. willingness to trade Los Angeles for Taipei. This comment seemed designed to link China's ballistic missile capabilities with its regional priorities.

China also poses a threat to the U.S. as a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies. It has carried out extensive transfers to Iran's solid-fueled ballistic missile program. It has supplied Pakistan with a design for a nuclear weapon and additional nuclear weapons assistance. It has even transferred complete ballistic missile systems to Saudi Arabia (the 3,100-km-range CSS-2) and Pakistan (the 350-km-range M-11).

The behavior thus far of Russia and China makes it appear unlikely, albeit for different reasons-strategic, political, economic or some combination of all three—that either government will soon effectively reduce its country's sizable transfer of critical technologies, experts or expertise to the emerging missile powers.

4. Countries With Scud-Based Missile Infrastructures

The basis of most missile developments by emerging ballistic missile powers is the Soviet Scud missile and its derivatives. The Scud is derived from the World War II-era German V-2 rocket. With the external help now readily available, a nation with a well-developed, Scud-based ballistic missile infrastructure would be able to achieve first flight of a long range missile, up to and including intercontinental ballistic missile (ICBM) range (greater than 5,500 km), within about five years of deciding to do so. During several of those years the U.S. might not be aware that such a decision had been made. Early production models would probably be limited in number. They would be unlikely to meet U.S. standards of safety, accuracy and reliability. But the purposes of these nations would not require such standards. A larger force armed with scores of missiles and warheads and meeting higher operational standards would take somewhat longer to test, produce and deploy. But meanwhile, even a few of the simpler missiles could be highly effective for the purposes of those countries.

The extraordinary level of resources North Korea and Iran are now devoting to developing their own ballistic missile capabilities poses a substantial and immediate danger to the U.S., its vital interests and its allies. While these nations' missile programs may presently be aimed primarily at regional adversaries, they inevitably and inescapably engage the vital interests of the U.S. as well. Their targeted adversaries include key U.S. friends and allies. U.S. deployed forces are already at risk from these nations' growing arsenals. Each of these nations places a high priority on threatening U.S. territory, and each is even now pursuing advanced ballistic missile capabilities to pose a direct threat to U.S. territory.

a. North Korea
There is evidence that North Korea is working hard on the Taepo Dong 2 (TD-2) ballistic missile. The status of the system's development cannot be determined precisely. Nevertheless, the ballistic missile test infrastructure in North Korea is well developed. Once the system is assessed to be ready, a test flight could be conducted within six months of a decision to do so. If North Korea judged the test to be a success, the TD-2 could be deployed rapidly. It is unlikely the U.S. would know of such a decision much before the missile was launched. This missile could reach major cities and military bases in Alaska and the smaller, westernmost islands in the Hawaiian chain. Lightweight variations of the TD-2 could fly as far as 10,000 km, placing at risk western U.S. territory in an arc extending northwest from Phoenix, Arizona, to Madison, Wisconsin. These variants of the TD-2 would require additional time to develop and would likely require an additional flight test.

North Korea has developed and deployed the No Dong, a medium range ballistic missile (MRBM) using a scaled-up Scud engine, which is capable of flying 1,300 km. With this missile, North Korea can threaten Japan, South Korea, and US bases in the vicinity of the DPRK. North Korea has reportedly tested the No Dong only once, in 1993. The Commission judges that the No Dong was operationally deployed long before the U.S. Government recognized that fact. There is ample evidence that North Korea has created a sizable missile production infrastructure, and therefore it is highly likely that considerable numbers of No Dongs have been produced.

In light of the considerable difficulties the Intelligence Community encountered in assessing the pace and scope of the No Dong missile program, the U.S. may have very little warning prior to the deployment of the Taepo Dong 2.

North Korea maintains an active WMD program, including a nuclear weapon program. It is known that North Korea diverted material in the late 1980s for at least one or possibly two weapons. North Korea's ongoing nuclear program activity raises the possibility that it could produce additional nuclear weapons. North Korea also possesses biological weapons production and dispensing technology, including the capability to deploy chemical or biological warheads on missiles.

North Korea also poses a major threat to American interests, and potentially to the United States itself, because it is a major proliferator of the ballistic missile capabilities it possesses-missiles, technology, technicians, transporter-erector-launchers (TELs) and underground facility expertise-to other countries of missile proliferation concern. These countries include Iran, Pakistan and others.

b. Iran

Iran is placing extraordinary emphasis on its ballistic missile and WMD development programs. The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea, and has benefited from broad, essential, long-term assistance from Russia and important assistance from China as well. Iran is making very rapid progress in developing the Shahab-3
MRBM, which like the North Korean No Dong has a range of 1300 km. This missile may be flight tested at any time and deployed soon thereafter.

We judge that Iran now has the technical capability and resources to demonstrate an ICBM-range ballistic missile, similar to the TD-2 (based on scaled-up Scud technology) within five years of a decision to proceed—whether that decision has already been made or is yet to be made.

In addition to this Scud-based long range ballistic missile program, Iran has acquired and is seeking major, advanced missile components that can be combined to produce ballistic missiles with sufficient range to strike the United States. For example, Iran is reported to have acquired engines or engine designs for the RD-214 engine, which powered the Soviet SS-4 MRBM, and to have an interest in even more advanced engines. A 10,000 km-range Iranian missile could hold the U.S. at risk in an arc extending northeast of a line from Philadelphia, Pennsylvania, to St. Paul, Minnesota.

Iran has also developed a solid-fueled rocket infrastructure and produces short range rockets, and also is seeking long range missile technology from outside sources, purportedly for a space launch vehicle. Both contribute directly to Iran's ballistic missile technology base. Iran is known to rely heavily on imports of missile technology from foreign sources, particularly Russia and North Korea. These imports have allowed Iran's missile programs to proceed swiftly, and they can be incorporated into Iran's domestic infrastructure as well.

Iran is developing weapons of mass destruction. It has a nuclear energy and weapons program, which aims to design, develop, and as soon as possible produce nuclear weapons. The Commission judges that the only issue as to whether or not Iran may soon have or already has a nuclear weapon is the amount of fissile material available to it. Because of significant gaps in our knowledge, the U.S. is unlikely to know whether Iran possesses nuclear weapons until after the fact. While Iran's civil nuclear program is currently under International Atomic Energy Agency (IAEA) safeguards, it could be used as a source of sufficient fissile material to construct a small number of weapons within the next ten years if Iran were willing to violate safeguards. If Iran were to accumulate enough fissile material from foreign sources, it might be able to develop a nuclear weapon in only one to three years. Iran also has an active chemical weapon development and production program, and is conducting research into biological weapons.

c. Iraq

Iraq has maintained the skills and industrial capabilities needed to reconstitute its long range ballistic missile program. Its plant and equipment are less developed than those of North Korea or Iran as a result of actions forced by UN Resolutions and monitoring. However, Iraq has actively continued work on the short range (under 150 km) liquid- and solid-fueled missile programs that are allowed by the Resolutions. Once UN-imposed controls are lifted, Iraq could mount a determined effort to acquire needed plant and equipment,
whether directly or indirectly. Such an effort would allow Iraq to pose an ICBM threat to the United States within 10 years. Iraq could develop a shorter range, covert, ship-launched missile threat that could threaten the United States in a very short time.

Iraq had a large, intense ballistic missile development and production program prior to the Gulf War. The Iraqis produced Scuds, and then modified Scud missiles to produce the 600 km range Al Hussein and 900 km range Al Abbas missiles. The expertise, as well as some of the equipment and materials from this program remain in Iraq and provide a strong foundation for a revived ballistic missile program.

Prior to the invasion of Kuwait in 1990, Iraq could have had nuclear weapons in the 1993-1995 time frame, although it still had technical hurdles to overcome. After the invasion of Kuwait, Iraq began a crash program to produce a nuclear device in six to nine months based on highly enriched uranium removed from the safeguarded reactor at Tuwaitha. Iraq has the capability to reconstitute its nuclear weapon program; the speed at which it can do so depends on the availability of fissile material. It would take several years to build the required production facilities from scratch. It is possible that Iraq has hidden some material from U.N. Special Commission (UNSCOM) inspection, or that it could acquire fissile material abroad (e.g., from another "rogue" state.) Iraq also had large chemical and biological weapons programs prior to the war, and produced chemical and biological warheads for its missiles. Knowledge, personnel, and equipment related to WMD remain in Iraq, so that it could reconstitute these programs rapidly following the end of sanctions.

5. India

India is developing a number of ballistic missiles from short range to those with ICBM-class capabilities, along with a submarine-launched ballistic missile (SLBM) and a short range, surface ship-launched system. India has the infrastructure to develop and produce these missiles. It is aggressively seeking technology from other states, particularly Russia. While it develops its long range ballistic missiles, India's space-launch vehicles provide an option for an interim ICBM capability. India has detonated several nuclear devices and it is clear that it is developing warheads for its missile systems. India has biological and chemical weapons programs. Since the Pakistani nuclear tests, India has announced its intention to increase its spending on missiles and nuclear weapons.

India's program to develop ballistic missiles began in 1983 and grew out of its space-launch program, which was based on Scout rocket technology acquired from the United States. India currently has developed and deployed the Prithvi short range ballistic missile (SRBM), and is developing longer range, liquid- and solid-fueled missiles. They include the Prithvi II SRBM, the Agni, Agni-Plus and Agni-B IRBMs, a sea-launched ballistic missile and an SLBM, the Sagarika.
India detonated a nuclear device in 1974, conducted a test series in May 1998, and it is clear that it is developing warheads for its missile systems. Indian leaders recently declared that India has developed nuclear weapons for deployment on the Prithvi SRBM and the Agni Plus MRBM.

India has acquired and continues to seek Russian, U.S., and Western European technology for its missile programs. Technology and expertise acquired from other states, particularly from Russia, are helping India to accelerate the development and increase the sophistication of its missile systems. For example, Russian assistance is critical to the development of the Indian SLBM and its related submarine. But India is rapidly enhancing its own missile science and technology base as well. Many Indian nationals are educated and work in the U.S., Europe, and other advanced nations; some of the knowledge thereby acquired returns to the Indian missile program. While India continues to benefit from foreign technology and expertise, its programs and industrial base are now sufficiently advanced that supplier control regimes can affect only the rate of acceleration in India's programs. India is in a position to supply material and technical assistance to others.

6. Pakistan

Pakistan's ballistic missile infrastructure is now more advanced than that of North Korea. It will support development of a missile of 2,500-km range, which we believe Pakistan will seek in order to put all of India within range of Pakistani missiles. The development of a 2,500-km missile will give Pakistan the technical base for developing a much longer range missile system. Through foreign acquisition, and beginning without an extensive domestic science and technology base, Pakistan has acquired these missile capabilities quite rapidly. China and North Korea are Pakistan's major sources of ballistic missiles, production facilities and technology.

Pakistan currently possesses nuclear-capable M-11 SRBMs acquired from China, and it may produce its own missile, the Tarmuk, based on the M-11. In 1998, Pakistan tested and deployed the 1300 km Ghauri MRBM, a version of the North Korean No Dong, and we believe Pakistan has acquired production facilities for this missile as well.

Pakistan possesses nuclear weapons that employ highly-enriched uranium and in May 1998 conducted its first nuclear weapon test series. A new Pakistani nuclear reactor has been completed that could be used for the production of plutonium. In addition to its nuclear weapons, Pakistan has biological and chemical weapons programs. Chinese assistance has been crucial to Pakistan's nuclear weapons program.

India and Pakistan are not hostile to the United States. The prospect of U.S. military confrontation with either seems at present to be slight. However, beyond the possibility of nuclear war on the subcontinent, their aggressive, competitive development of ballistic missiles and weapons of mass destruction poses three concerns in particular. First, it enables them to supply relevant technologies to other nations. Second, India and Pakistan may seek
additional technical assistance through cooperation with their current major suppliers-India from North Korea, Iran and Russia; Pakistan from North Korea and China-because of the threats they perceive from one another and because of India's anxieties about China, combined with their mounting international isolation. Third, their growing missile and WMD capabilities have direct effects on U.S. policies, both regional and global, and could significantly affect U.S. capability to play a stabilizing role in Asia.

D. A New Non-Proliferation Environment

Since the end of the Cold War a number of developments have made ballistic missile and WMD technologies increasingly available. They include:

- A number of nations have chosen not to join non-proliferation agreements.
- Some participants in those agreements have cheated.
- As global trade has steadily expanded, access has increased to the information, technology and technicians needed for missile and WMD development.
- Access to technologies used in early generations of U.S. and Soviet missiles has eased. However rudimentary compared to present U.S. standards, these technologies serve the needs of emerging ballistic missile powers.
- Among those countries of concern to the U.S., commerce in ballistic missile and WMD technology and hardware has been growing, which may make proliferation self-sustaining among them and facilitate their ability to proliferate technology and hardware to others.

Some countries which could have readily acquired nuclear weapons and ballistic missiles-such as Germany, Japan and South Korea-have been successfully encouraged not to do so by U.S. security guarantees and by non-proliferation agreements. Even though they lack such security guarantees, other countries have also joined non-proliferation agreements and abandoned development programs and weapons systems. Some examples are Argentina, Brazil, South Africa and the former Soviet republics of Belarus, Kazakhstan and Ukraine.

1. Increased Competence of and Trade Among Emerging Ballistic Missile Powers

Conversely, there are other countries-some of which are themselves parties to various non-proliferation agreements and treaties-that either have acquired ballistic missile or WMD capabilities or are working hard to do so. North Korea, Iran and Iraq, as well as India and Pakistan, are at the forefront of this group. They now have increased incentives to cooperate with one another. They have extensive access to technology, information and expertise from developed countries such as Russia and China. They also have access through commercial and other channels in the West, including the United States. Through this trade and their own indigenous efforts, these second-tier powers are on the verge of being able to provide to one another, if they have
not already done so, the capabilities needed to develop long range ballistic missiles.

2. U.S. as a Contributor to Proliferation

The U.S. is the world's leading developer and user of advanced technology. Once it is transferred by the U.S. or by another developed country, there is no way to ensure that the transferred technology will not be used for hostile purposes. The U.S. tries to limit technology transfers to hostile powers, but history teaches that such transfers cannot be stopped for long periods. They can only be slowed and made more costly, and even that requires the cooperation of other developed nations. The acquisition and use of transferred technologies in ballistic missile and WMD programs has been facilitated by foreign student training in the U.S., by wide dissemination of technical information, by the illegal acquisition of U.S. designs and equipment and by the relaxation of U.S. export control policies. As a result, the U.S. has been and is today a major, albeit unintentional, contributor to the proliferation of ballistic missiles and associated weapons of mass destruction.

3. Motives of Countries of Concern

Recent ballistic missile and nuclear tests in South Asia should not be viewed as merely a sharp but temporary setback in the expanding reach of nonproliferation regimes. While policymakers may try to reverse or at least contain the trends of which these tests are a part, the missile and WMD programs of these nations are clearly the results of fundamental political calculations of their vital interests. Those nations willing and able to supply dangerous technologies and systems to one another, including Russia, China and their quasi-governmental commercial entities, may be motivated by commercial, foreign policy or national security interests or by a combination thereof. As noted above, such countries are increasingly cooperating with one another, perhaps in some instances because they have reciprocal needs for what one has and the other lacks. The transfer of complete missile systems, such as China's transfer to Saudi Arabia, will continue to be available. Short of radical political change, there is every reason to assume that the nations engaged in these missile and WMD development activities will continue their programs as matters of high priority.

4. Reader Market Access to Technology

In today's increasingly market-driven, global economy, nations so motivated have faster, cheaper and more efficient access to modern technology. Commercial exchanges and technology transfers have multiplied the pathways to those technologies needed for ballistic missiles and weapons of mass destruction. These pathways reduce development times and costs, lowering both technical and budget obstacles to missile development and deployment.

Expanding world trade and the explosion in information technology have accelerated the global diffusion of scientific, technical and industrial
information. The channels, both public and private, legal and illegal, through which technology, components and individual technicians can be moved among nations have increased exponentially.

5. Availability of Classified Information and Export-Controlled Technology

Those trends in the commercial sector have been accompanied, and in many ways accelerated, by an increased availability of classified information as a result of:

- Lax enforcement of export controls.
- Relaxation of U.S. and Western export controls.
- Growth in dual-use technologies.
- Economic incentives to sell ballistic missile components and systems.
- Extensive declassification of materials related to ballistic missiles and weapons of mass destruction.
- Continued, intense espionage facilitated by security measures increasingly inadequate for the new environment.

Extensive disclosure of classified information, including information compromising intelligence sources and methods. Damaging information appears almost daily in the national and international media and on the Internet.

E. Alternative Ballistic Missile Launch Modes

In evaluating present threats, it is misleading to use old patterns of development as guides. The history of U.S. and Soviet missile and WMD development has become irrelevant. Approaches that the U.S. considered and specifically rejected on grounds of safety, reliability, accuracy and requirements for high volume production are in many cases well suited to nations less concerned about safety and able to meet their needs with only a few, less accurate, less reliable weapons. Analytical approaches the Intelligence Community could realistically rely on in the past need to be restudied and reevaluated in light of this newer model.

The Commission believes the U.S. needs to pay attention to the possibility that complete, long range ballistic missile systems could be transferred from one nation to another, just as China transferred operational CSS-2s to Saudi Arabia in 1988. Such missiles could be equipped with weapons of mass destruction.

One nation's use of another nation's territory also needs to be considered. The U.S. did this during the Cold War, and the Soviet Union tried to do it in Cuba in the early 1960s. For example, if Iran were to deploy ballistic missiles in Libya, it could reduce the range required to threaten the U.S. as well as Europe. Given the existing patterns of cooperation we have already seen, both testing by one country on the territory of another and deriving data from other-country tests are also distinct possibilities.
Sea launch of shorter range ballistic missiles is another possibility. This could enable a country to pose a direct territorial threat to the U.S. sooner than it could by waiting to develop an ICBM for launch from its own territory. Sea-launching could also permit it to target a larger area of the U.S. than would a missile fired from its home territory. India is working on a sea launch capability. Air launch is another possible mode of delivering a shorter range missile to U.S. territory.

The key importance of these approaches is that each would significantly shorten the warning time of deployment available to the United States.

**F. Erosion of Warning**

Precise forecasts of the growth in ballistic missile capabilities over the next two decades—tests by year, production rates, weapons deployed by year, weapon characteristics by system type and circular error probable (CEP)—cannot be provided with confidence. Deception and denial efforts are intense and often successful, and U.S. collection and analysis assets are limited. Together they create a high risk of continued surprise.

The question is not simply whether we will have warning of an emerging capability, but whether the nature and magnitude of a particular threat will be perceived with sufficient clarity in time to take appropriate action.

Concealment, denial and deception efforts by key target countries are intended to delay the discovery of strategically significant activities until well after they had been carried out successfully. The fact that some of these secret activities are discovered over time is to the credit of the U.S. Intelligence Community. However, the fact that there are delays in discovery of those activities provides a sharp warning that a great deal of activity goes undetected.

Both technical and human intelligence are inherently more difficult to collect in those countries where the United States has limited access, which includes most of the ballistic missile countries of concern. The U.S. is not able to predict and anticipate with confidence the behavior and actions of emerging ballistic missile powers and their related political decision-making.

Their ballistic missile programs often do not follow a single, known pattern or model, and they use unexpected development patterns. These are not models of development the U.S. follows or that intelligence analysts expect to see. For example, Pakistan's test launch in April 1998 of its Ghauri medium range ballistic missile (MRBM)—its version of the North Korean No Dong—could not be predicted on the basis of any known pattern of technical development either for MRBMs generally or Pakistan in particular. Similarly, North Korea's decision to deploy the No Dong after what is believed to be a single successful test flight is another example. Based on U.S. and Russian experience, the Intelligence Community had expected that a regular test series would be required to provide the confidence needed before any country
would produce and deploy a ballistic missile system. Yet North Korea deployed the No Dong.

The Commission believes that the technical means of collection now employed will not meet emerging requirements, and considerable uncertainty persists whether planned collection and analysis systems will do so.

G. Methodology

In analyzing the ballistic missile threat, the Commission used an expanded methodology. We used it as a complement to the traditional analysis in which a country’s known program status is used to establish estimates of its current missile capabilities. We believe this expanded approach provides insights into emerging threats that the prevailing approaches used by the Intelligence Community may not bring to the surface.

To guide our assessment of the ballistic missile threat to the United States we posed three questions:

- What is known about the ballistic missile threat, including the domestic infrastructure of a ballistic missile power; the efforts of a power to acquire foreign technology, materials and expertise; and the scale, pace and progress of its programs?
- What is not known about the threat in each of those three categories?
- Can a power intent on posing a ballistic missile threat to any part of the United States, including the use of but not limited to ICBM-range missiles, use the open market, the black market and/or espionage to secure the needed technology and expertise and then carry out its program in ways that will minimize the interval between the time the U.S. becomes aware of the threat and the fielding of that capability?

In seeking answers to these questions, the Commission familiarized itself with the current state of knowledge as well as the depth of analytic capability within the Intelligence Community related to ballistic missile and WMD threats. The Commission used its broad access to individuals, special compartmented intelligence and special access programs. It consulted with experts in the broader government and private analytic and policy communities. It reviewed the strengths, weaknesses and vulnerabilities of current and planned human and technical collection efforts and capabilities, especially in light of the increasingly sophisticated means and methods available to target countries to hide from U.S. intelligence collection. It reviewed with scientists, engineers and program managers from the public and private sectors the technical issues associated with the design, development and testing of ballistic missiles and the means and methods available to the emerging ballistic missile powers to meet the challenges associated with long range ballistic missile development and testing.

The Commission analyzed the available information in order to develop an understanding of the threat from three perspectives:
• We examined the known size and quality of the deployed forces, the doctrine and the command and control systems that govern the forces and the availability of weapons of mass destruction to arm the forces. We reviewed the infrastructure supporting the programs and the extent of past and present foreign assistance available to those programs from Russia, China and other countries, including the West.

• We examined the ways in which the programs of emerging ballistic missile powers compared with one another. For example, we traced the development histories of the related programs of North Korea, Iran, Iraq and Pakistan and the relationships among them. This comparison helped in identifying the similarities between programs, the extent to which each had aided one another in overcoming critical development hurdles and, importantly, the pace at which a determined country can progress in its program development.

• We reviewed the resources ("inputs") available and the ways in which they provide indicators of the prospects for successful missile development.

By integrating these perspectives, we were able to partially bridge a significant number of intelligence gaps. Emphasizing inputs makes two important contributions to the analysis. Inputs include domestic opportunity costs, the foreign technology and expertise sought and obtained, the urgency with which facilities are constructed both above and below ground and the willingness to absorb cost and time penalties in order to hide activities from detection by U.S. intelligence. Attention to inputs across all elements of a program helps develop an understanding of the scale and scope of a program before traditional output indicators, such as testing and production rates, can be observed and evaluated. When combined with observed outputs and the application of engineering judgments, the understanding of the scale and scope of a program that this provided helped us to measure the probable pace and magnitude of a program and its potential products. We were then able to make what we believe to be reasonably confident estimates of what the various programs can achieve.

Rather than measuring how far a program had progressed from a known starting point, the Commission sought to measure how close a program might be to demonstrating the first flight of a long range ballistic missile. This approach requires that analysts extrapolate a program's scope, scale, pace and direction beyond what the hard evidence at hand unequivocally supports. It is in sharp contrast to a narrow focus on the certain that obscures the almost-certain. The approach helps reduce the effects of denial and deception efforts. When strategically significant programs were assessed by narrowly focusing on what is known, the assessments lagged the actual state of the programs by two to eight years and in some cases completely missed significant programs.

We chose to focus on what is left to be accomplished in the programs of potentially threatening ballistic missile powers and alternative paths they can follow to attain their goals. We reviewed program histories and current activities, including foreign assistance, to determine whether a ballistic missile
program acquired the means to overcome its identified problems. We considered the multiple pathways available for completing its development given the combination of expertise and technology available to it and the circumstances in which it is operating. This approach accepts as a basic premise that a power determined to possess a long range missile, knowing that the U.S. is trying to track its every action but aware of American intelligence methods and sources, will do its best to deny information and to deceive the U.S. about its actual progress.

Because of these options available to emerging ballistic missile powers, the Commission, unanimously recognizing that missile development and deployment now follows new models, strongly urges the use of an expanded approach to intelligence that assesses both inputs and outputs in other countries' ballistic missile programs. We believe this approach is needed in order to capture both sooner and more accurately the speed and magnitude of potential ballistic missile proliferation in the post-Cold War world and to assess, in time, the various threats this proliferation poses to the United States.

The Commission's key judgments are derived from applying this methodology and examining the evidence in light of the individual and collective experience of the nine Commissioners.

H. Summary

Ballistic missiles armed with WMD payloads pose a strategic threat to the United States. This is not a distant threat. Characterizing foreign assistance as a wild card is both incorrect and misleading. Foreign assistance is pervasive, enabling and often the preferred path to ballistic missile and WMD capability.

A new strategic environment now gives emerging ballistic missile powers the capacity, through a combination of domestic development and foreign assistance, to acquire the means to strike the U.S. within about five years of a decision to acquire such a capability (10 years in the case of Iraq). During several of those years, the U.S. might not be aware that such a decision had been made. Available alternative means of delivery can shorten the warning time of deployment nearly to zero.

The threat is exacerbated by the ability of both existing and emerging ballistic missile powers to hide their activities from the U.S. and to deceive the U.S. about the pace, scope and direction of their development and proliferation programs. Therefore, we unanimously recommend that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning.
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Appendix 1:

The Economist, Time for a Rethink, Apr 18, 2002.

Appendix 2:


Appendix 3:


Appendix 4: