

CHAPTER 7

OVERSIGHT OF ANALYSIS

As we have seen, Congress envisioned the CIA as the place in the US government where all intelligence would come together and be analyzed in a timely and objective manner for the president and other policymakers. Ideally, the Agency would provide warning of significant events around the world in order to give policymakers time to formulate and execute adequate responses. When it was apparent this had not happened, or the Agency's analysis had simply been wrong, Congress often wanted to know why.

This chapter deals with cases in which Congress chose to exercise oversight of intelligence analysis during the period covered by the study. It does not attempt to describe every episode in which Congress criticized the Agency's analysis (or lack thereof), but it does attempt to identify the key ones. It also describes the relatively few occasions when Congress was moved to examine the process by which intelligence analysis had been produced.

The Early Years: 1947–74

As noted in chapter 3, Congress was not routinely given analytic products until the mid-1970s. From the very beginning, however, CIA regarded Congress as an appropriate consumer of its substantive analysis. Committees with a need to see such analysis might be permitted to read it, but for the most part, it was briefed to them by the DCI and other senior Agency officials.

Generally speaking, these briefings received positive responses from the members who heard them. Indeed, the Agency's briefings on the Korean War during the early 1950s helped solidify its reputation with the Congress as an independent, authoritative voice on national security issues. Where the Soviet Union was concerned, the Agency represented virtually the only source of information members of Congress had. Little trust could be placed in what the Soviet government said publicly, and apart from US intelligence, there were few sources of reliable information. Members were glad to have it. More often, what provoked challenges and criticism was not what had been briefed on the Hill but what members read in the newspapers indicating to them an apparent failure to predict an event that was important to US interests.

This happened for the first time, in fact, less than a year after CIA was created. During an official visit to Bogota, Colombia, in April 1948, a US delegation led by Secretary of State George Marshall encountered widespread rioting following the assassination of a prominent opposition leader. The riots at times appeared to threaten the safety of the delegation, and the under secretary of state at the time said the Department had not had advance notice of the unrest. President Truman admitted he had been “as surprised as anyone.”¹ New York Governor Thomas E. Dewey, then campaigning for president, lambasted the administration in general—and the CIA in particular—for its failure to warn Marshall of the potential dangers. This led the House Committee on Expenditures, which had handled the legislation creating the CIA, to form a small subcommittee to look into the Agency’s performance. After clearing his appearance with Truman, DCI Hillenkoetter appeared before the subcommittee in closed session and read from several intelligence reports describing the possibility of unrest during the Marshall visit. The direst of these warned that communist agitators planned to humiliate Marshall, and the Agency had passed it to the US ambassador in Bogota. The ambassador, not wanting to “unduly alarm” Marshall before his visit, decided not to send it to Washington. The chairman of the subcommittee was so incensed that he apologized to Hillenkoetter and dragged him out of the hearing room to repeat the same story to the press.²

A year later, Hillenkoetter faced hostile congressional reaction to another perceived failure but on this occasion did not fare as well. On 23 September 1949, President Truman announced that the Air Force had detected that the Soviet Union had conducted its first successful test of an atomic bomb several weeks earlier. A few weeks after this stunning announcement, the JAEC summoned Hillenkoetter to appear before it to explain his earlier assessments to the committee. In March, he had told them that the Soviets were “at least a few years” from completing work on an atomic bomb. Then on 20 September, only days before the Agency learned of the test itself, it had issued a formal estimate predicting that the earliest the Soviets could have an atomic bomb was mid-1950 but most probably not until mid-1953. In the Agency’s defense, Hillenkoetter pointed out that it knew the Soviets were working on a bomb and that its estimate of a possible completion date was “not that far off.” Under questioning, however, he conceded the Agency had not had enough information to make an accurate assessment.³

¹ Barrett, *CIA and Congress*, 34–35

² *Ibid.*, 33–39; DIA draft study, Vol. I, 29–31.

³ Barrett, *CIA and Congress*, 51–63.

On 23 June 1950, Hillenkoetter testified before a closed session of the House Foreign Affairs Committee. Among the topics the committee asked him about was what was taking place on the Korean peninsula. He said nothing to indicate that a crisis was at hand, but two days later North Korea invaded the South. Two days after that, the secretaries of state and defense told the SAC that the invasion had come as a complete surprise to them, prompting the committee to summon Hillenkoetter to appear later the same day. Bringing several of the Agency's estimates with him, the DCI noted that the Agency had issued numerous reports over the preceding year with respect to the North's military capabilities and had warned several times that the North might well use them against the South.⁴ Indeed, the Agency had reported several days before the invasion that North Korean troops were being deployed north of the 38th parallel that divided the North from the South.⁵ Hillenkoetter argued that while it was not able to predict the precise time the invasion occurred, the Agency had given policymakers adequate warning.

In the spring of 1951, Senator Russell, then chairman of the SASC, asked DCI Walter Bedell Smith to send him anything CIA might have on the possible entry of Communist China into the war. Smith demurred, fearful that providing such documents to the Hill might result in a security compromise while the war was ongoing. Russell withdrew his request.⁶

In June 1956, the issue of whether the Soviet Union was ahead of the United States in the production of strategic bombers was before the Congress. While the Eisenhower White House did not like the idea of DCI Dulles testifying on this subject before a "non-oversight" committee, it permitted him to appear before the SASC's military preparedness subcommittee, chaired by Stuart Symington (D-MO), that was seized with the issue. During a closed hearing before the subcommittee in June 1956, Dulles refused to draw comparisons between US strength and Soviet strength. His job as DCI, he told the Symington, was limited to providing an assessment of the Soviet side. In an interview with a Republican congressman that was broadcast several days later, however, Dulles opined that "overall, in the atomic field, I feel quite sure they [the Soviets] aren't ahead of us"—precisely the kind of comparison he had refused to make in response to Symington's questioning. For Symington and other Democrats on the subcommittee, who wanted more money for strategic bombers in the defense budget than the Eisenhower administration had requested, Dulles was playing politics. To make matters worse, a few weeks later, new intelligence came in that resulted in a downward revision in the

⁴ *Ibid.*, 82–89.

⁵ CIA draft study, Vol. I, 35.

⁶ *Ibid.*

Agency's assessment of the number of Soviet strategic bombers. Again, Symington thought Dulles was playing politics.⁷

In November 1956, the SFRC invited Dulles to appear to explain why the CIA had not predicted either the Soviet military intervention in Hungary or the British-French attack on Egypt after it had nationalized the Suez Canal. Dulles struggled to put the best face possible on the Agency's foreknowledge of these overlapping events—which occurred almost simultaneously in late October and early November—but did not satisfy some on the committee. The CIA subcommittee of the HAC held a hearing on the same topics a few months afterwards.⁸

The Sputnik launch in October 1957 produced mild hysteria among the American public and prompted more congressional questioning of Dulles, not only with respect to whether CIA had predicted the launch, but, more importantly—given the USSR's obvious ability to propel a satellite into earth orbit—what CIA knew of its capabilities to launch ballistic missiles. Dulles was able to point to a CIA estimate done the previous March that had said the Soviets were capable of putting a satellite into earth orbit. He also provided a detailed description of Soviet capabilities to deliver nuclear weapons that shocked many on the committees. Although he assured the committees that the Agency did not believe Soviet leaders were contemplating war with the United States in the near future, in all, six committees—Symington's military preparedness subcommittee, the CIA subcommittees of the HAC, SAC, and SASC, the JAEC, and the SFRC—asked for Dulles's testimony on these subjects.⁹

A few months later, in May 1958, Dulles was back on the congressional hot seat, this time responding to charges that the CIA had failed to provide warning of the rioting and violence in Venezuela that had threatened the safety of Vice President Nixon and his wife during an official visit. Nixon's motorcade had been attacked, his limousine badly damaged, and personal indignities inflicted upon him. Dulles explained that the Agency had provided warnings of demonstrations, and even rumors of a plot to assassinate Nixon, but had thought Venezuelan security authorities could handle them. "I cannot always predict when there will be a riot," he told the SFRC, "or what a riot is going to do."¹⁰

A few weeks later Dulles was back before Congress yet again. On 14 July 1958, the army in Iraq had overthrown the pro-Western monarchy of King Faisal in a bloody coup. Fearing this would inspire a similar coup in Lebanon, whose pro-Western government was struggling to put down anti-American

⁷ Barrett, *CIA and Congress*, 246–49.

⁸ *Ibid.*, 251–61.

⁹ *Ibid.*, 261–79.

¹⁰ *Ibid.*, 286.

unrest, the Eisenhower administration consulted with key members on whether the United States should introduce American troops into Lebanon to help its government survive. In the meantime, CIA came under public attack from congressmen after congressmen for its apparent failure to anticipate the Iraqi coup. To elicit CIA's response to these charges, the CIA subcommittees of the HASC and SASC as well as the two foreign relations committees held hearings. Dulles reportedly attempted to get Senator Russell to protect him from the SFRC inquiry, but Russell would not do so. The DCI conceded that the Agency had relied too much upon the assessments provided by the Iraqi government before the coup and believed the security service to be more competent than it proved to be. Still, he said, the timing of the coup "could probably not have been predicted."¹¹

Despite his earlier conflicts with Symington, Dulles recognized that the senator expected the DCI to keep him informed with respect to any developments regarding the Soviet ballistic missile capability. So when a new NIE was issued in July 1958 that contained more ominous judgments in terms of the Soviets' ability to launch nuclear-armed missiles against the United States in the near term, Dulles invited Symington to come to his office for a briefing.¹² Already alarmed by what Dulles had told him, Symington was subsequently told by a friend (a former assistant secretary of the air force) that the situation was actually much worse than Dulles had described. The Soviets were doing more missile testing than the CIA was willing to acknowledge, the friend asserted, and were therefore closer to an operational capability. Dulles agreed to meet with Symington to discuss the evidence, but refused to change the conclusions reached in the NIE. Failing to get satisfaction from Dulles, Symington requested a meeting with Eisenhower in August. At the meeting he told the president he did not trust the CIA estimate and gave him a six-page letter setting forth his position. Eisenhower gave the letter to Dulles to evaluate, and Dulles commissioned a formal review of the points in the letter by the Intelligence Community. In December 1958, the White House told Symington that its review had not resulted in a change to its position. Dulles had Symington to his office again to brief him in private on the results of the review. All of this was done at a personal level, outside the official congressional process.¹³

When Congress reconvened in January 1959, however, the dispute with Symington boiled over into the public. Reacting to testimony by Secretary of Defense Neil McElroy that there was still "no positive evidence" that the Soviets had an operational long-range missile capable of delivering a nuclear

¹¹ *Ibid.*, 290–300.

¹² *Ibid.*, 302–3.

¹³ *Ibid.*, 306–13.

warhead, Symington publicly charged that intelligence evaluation was being “subordinated” to the budget priorities of the administration; in other words, CIA was “cooking the books.” In subsequent testimony, Dulles was indignant:

The implication that there has been any change [in the estimate] . . . out of budgetary or . . . other considerations . . . [is] an insult to the Agency. . . . The integrity of the Agency has to be preserved. . . . Changing estimates for budgetary, political, or any other consideration would be ruinous to the Agency, and I consider a mere question as to whether that has been done to be a very, very serious matter and I hope the Senator would be willing to withdraw [his allegation].¹⁴

The dispute with Symington continued to simmer, until the publication of a new NIE in January 1960. The NIE, using a change in analytical methodology, revised even further downward the Soviet advantage in ballistic missile capabilities. Based on the new estimate, Secretary of Defense Thomas Gates made public statements minimizing the missile gap, while Dulles himself was crediting the Soviets with having greater capability in his closed session testimony. This disparity led Symington to charge the Eisenhower administration with “using intelligence information in such a manner that the American people have been given an inaccurate picture of what is necessary for our national defense.”¹⁵ While Symington said he blamed the administration rather than Dulles for the impression the public was being given, Dulles himself acknowledged the change in analytical methodology used in the NIE had not been explained to Pentagon officials and was largely responsible for the confusion that ensued.¹⁶



Senator Stuart Symington.
(US Senate Historical Collection)

For the remainder of the decade, Agency records reflect no significant oversight by Congress of its analytical work. Apart from an appearance by DCI McCone before the SFRC in 1963 to explain the

¹⁴ Ibid., 323–30.

¹⁵ Ibid., 363.

¹⁶ Ibid., 365–74.

Agency's perceived failure to predict political unrest in several Latin American countries, there is no record of a congressional challenge to the Agency's analysis.

Colby did recount in his memoir an episode that took place in 1974 when he testified in closed session before the SASC regarding the Soviet naval presence in the Indian Ocean. The issue before the committee was whether to approve the Nixon administration's request to improve the facilities at Diego Garcia to support US Navy operations in the area. Colby writes that the first part of his testimony, based upon earlier NIEs, was that Soviet naval activity there had grown and would continue to grow. The second part of his statement, however, said that improvements made to the US facilities on Diego Garcia would likely stimulate increased superpower rivalry in the area. After getting Colby's agreement to declassify these judgments, Symington used the latter one publicly to justify his opposition to the administration's request. This, in turn, led the administration to have Colby make it clear that his earlier testimony should not be taken as an indication he opposed the improvements at Diego Garcia. Symington responded by publicly criticizing Colby for "waffling" in the face of administration pressure.¹⁷

The Church and Pike Committees

The Senate's Church Committee (see chapter 1) devoted very little of its investigative effort to analysis and held no hearings on the subject. Its staff did attempt to evaluate the quality of certain NIEs that it had requested to determine whether any appeared to have been distorted by political bias. Its initial effort focused on a 1970 NIE on Cambodia and the likely effects of US intervention there. DCI Helms, aware that the Nixon administration had already decided to intervene in Cambodia, did not forward the NIE to the White House. Church Committee staff members initially interpreted this as an effort to suppress views the administration did not want to hear. But after they discussed the issue with the senior analysts involved, one of whom told them it would have been "most counterproductive" if Helms had forwarded the estimate, they decided to drop the matter. In its final report, the committee found the quality, timeliness, and utility of finished analysis to be "adequate" but thought it could be substantially improved.¹⁸

The Pike Committee of the House, in part because of a desire to distinguish itself from its Senate counterpart, did make intelligence analysis a focus of its

¹⁷ Colby, *Honorable Men*, 358–59.

¹⁸ CIA draft study, Vol. II, 104–6.

efforts. Advising the Agency that it intended to assess how well it had predicted world events over the previous 10 years, the committee initially requested “all CIA estimates, current intelligence reports and summaries, situation reports, and other pertinent documents” regarding

- the Middle East war (1973)
- the overthrow of Makarios in Greece and the Cyprus crisis (1974)
- the coup in Portugal (1974)
- the nuclear explosion by India (1974)
- the Tet offensive in Vietnam (1968)
- declarations of martial law in the Philippines and South Korea (1972)
- the Soviet invasion of Czechoslovakia (1968).¹⁹

On 11 September 1975, two days after sending this request to the Agency, the Pike Committee held its first public hearing on the Agency’s performance in the analytical area by looking at the 1973 Middle East war. In the course of this hearing, Chairman Pike, asserting unilateral authority to release information classified by the executive branch, released a portion of a classified report provided by the Agency that indicated it had obviously misjudged Egyptian and Arab intentions insofar as their attack on Israel was concerned. The White House and Agency believed the disclosure seriously compromised US SIGINT capabilities.

The following day, the committee subpoenaed records on the 1968 Tet offensive, which it had earlier requested by letter. While the Agency gathered together documents in response to the subpoena, President Ford advised the committee on 18 September that the executive branch would no longer provide classified materials, testimony, or interviews to the committee until it had satisfactorily altered its position.²⁰ Pike proposed to resolve the issue by giving the White House 24 hours’ notice of his intent to release classified information, but this was immediately rejected. On 26 September, however, at a White House meeting with Pike and the leadership of the House, Ford agreed to lift his embargo on providing classified information to the committee, in return for the committee’s agreement that he would be the final arbiter in terms of deciding what the committee would make public in the future.²¹

¹⁹ *Ibid.*, 131.

²⁰ *Ibid.*, 133.

²¹ *Ibid.*, 135.

Over time, Pike Committee held public hearings on Cyprus, the Tet offensive, the coup in Portugal, and the 1973 Middle East war. According to one observer, none of them was “well-documented, complete, or effective.”²² Nonetheless, after the hearings, on the basis of its review of the finished intelligence the Agency provided, the committee found the Agency’s performance to have been seriously deficient in terms of predicting each of the six events the committee ultimately looked into: the 1973 Middle East war, the 1968 Tet offensive, the 1974 coup in Cyprus, the 1974 coup in Portugal, the 1974 Indian nuclear test, and the 1968 Soviet invasion of Czechoslovakia. In some cases, the committee found that analysts had not been able to digest all the information available to them. In other cases, they asserted, communications between analysts and collectors had been poor.²³

While the Agency vigorously protested the committee’s selective use of data to justify these findings, its protests had no effect on the committee’s final report. The committee also rejected the Agency’s proposal to publish the criticism of its analytical performance in a classified annex. Although Pike had agreed earlier that the president would be the final arbiter of what would be released to the public, he contended his agreement did not extend to the committee’s final report.²⁴ To strengthen analysis, the committee proposed that a separate office be established outside the CIA itself to support the DCI in his role as chief foreign intelligence officer for the US government.²⁵

Early Interaction with the Select Committees: 1976–80

With the establishment of the SSCI in 1976 and the HPSCI the following year, each with approved facilities for the storage of classified information, the principal practical obstacle to sharing finished intelligence with Congress was removed.

In 1976, the Agency decided that several of its regular publications (the *National Intelligence Daily*, the *Economic Intelligence Weekly*, the *Weapons Intelligence Summary*, and the *Scientific Intelligence Digest*) could be shared with the SSCI. Only publications classified at the SECRET level or below, however, would be left with the committee, a limitation that the SSCI initially agreed to.²⁶ The Agency also considered creating a publication specifically

²² Smist, *Congress Oversees*, 195.

²³ *Ibid.*, 210.

²⁴ CIA draft study, Vol. II, 136–38.

²⁵ *Ibid.*, 145.

²⁶ *Ibid.*, 179.

designed for congressional readers but rejected the idea, fearing it would divert too many resources from its responsibilities toward the executive branch.²⁷

For its part, the SSCI created a subcommittee on collection, production, and quality to oversee intelligence analysis, the first time this function had been “institutionalized” by a committee of Congress. Supported by its own staff, the subcommittee provided Congress for the first time with a capability to conduct independent examinations of the Agency’s analytical performance. It would no longer need to rely solely on briefings by the DCI.

The subcommittee’s first initiative was to assess the so-called Team A / Team B process instituted in 1976 to evaluate the quality of analysis on Soviet strategic capabilities and intentions. DCI Bush had appointed a team of outside experts (Team B) to review and assess the most recent NIEs on this subject prepared by the Community’s senior analysts (Team A). After its review, Team B concluded that the NIEs published through 1975 had “substantially misperceived the motivations behind Soviet strategic programs, and thereby tended consistently to underestimate their intensity, scope and implicit threat.” The NIE issued in 1976, on the other hand, had been more cautious in assessing Soviet intentions.²⁸ The SSCI did not attempt to decide whether Team B’s evaluation was correct but, rather, focused on the process itself; ultimately it issued a report that criticized the ideological composition of Team B and raised questions about its objectivity. While a majority of the subcommittee believed that having a more broadly based group of outside experts critique NIEs was legitimate, one senator declared that the exercise had seriously compromised the objectivity of the analytical process.²⁹

In 1977, the SSCI subcommittee looked into another set of issues. At a televised news conference, President Carter had referred to a classified CIA analysis that the world energy situation was far more pessimistic than generally believed, arguing that the administration’s energy program was needed to cope with the deteriorating situation. After a *New York Times* editorial criticized Carter for misusing CIA analysis and criticized the Agency for “cooking” the facts to suit the president’s agenda, the SSCI undertook to examine these charges. In a subsequent staff report, it found that the analysis in question had been issued before Carter had taken office and thus could not have been “cooked” to fit the administration’s program. With regard to the substance of the analysis (specifically how much oil the Soviets would need to import over the succeeding 10 years to make up for the expected shortfall in domestic production), the SSCI accepted the conclusions of a panel of outside

²⁷ *Ibid.*, 180.

²⁸ *Ibid.*, 186.

²⁹ *Ibid.*, 187.

experts who believed the Agency had overestimated the anticipated shortfall. Agency records reflect, however, that overall DCI Turner was pleased with the committee's report.³⁰

The HPSCI also created a subcommittee to do oversight of intelligence analysis—the Subcommittee on Evaluation—that was initially subject to the same limitations as the SSCI in terms of what could be left and stored with the committee. The first area the subcommittee tackled was warning intelligence. After reviewing the performance of the Intelligence Community during past crises, including Pearl Harbor, the Korean War, the Cuban missile crisis, the Soviet invasion of Czechoslovakia, Vietnam, and the 1973 Middle East war, the subcommittee found the performance of intelligence agencies to have been spotty at best. It particularly faulted analysts and policymakers for failing, at times, to challenge their own presumptions that had led to the errors in judgment. Among other things, it recommended creating the position of national intelligence officer for warning, a recommendation the Agency adopted.³¹

In later studies, the subcommittee issued a lengthy report criticizing the failure of the Intelligence Community to predict the fall of the Shah of Iran. It noted, among other things, that an NIE being written at the time had found that Iran was “not in a pre-revolutionary state.” It found fault with both collectors and analysts for failing to see the vulnerability of the Shah until it was too late and blamed policymakers for restricting collection, as well as taking other actions that had the effect of “skewing” the analysis of the Shah's regime.³²

The subcommittee also looked into whether the Community had provided adequate warning of China's invasion of Vietnam in February 1979. It found, by and large, the Community had performed well. The invasion—undertaken by the Chinese ostensibly because of Vietnamese mistreatment of its ethnic Chinese minority and its occupation of the Spratley Islands, which China held claim to—lasted only a month before the Chinese withdrew. While the subcommittee acknowledged that Chinese leaders had rather clearly indicated their intent to the rest of the world two days before the invasion, they also found that the Intelligence Community, relying primarily on imagery, had given notice to policymakers several weeks beforehand.

For the most part, the HPSCI subcommittee found the Agency cooperative in providing access to the documentation needed for these inquiries. Indeed, in the case of Iran, CIA turned over its entire production to the subcommittee. In turn, the subcommittee allowed the Agency to review and comment upon its

³⁰ *Ibid.*, 188–89.

³¹ *Ibid.*, 235–36.

³² House Permanent Select Committee on Intelligence, *Iran: Evaluation of U.S. Intelligence Performance Prior to November, 1978*.

draft reports, often modifying them in response to the Agency's criticism. In late 1979, however, when the subcommittee requested the entire list of "National Intelligence Topics," a formal compilation of consumer priorities to guide intelligence collection and analysis, the Agency, supported by the White House, balked, ultimately agreeing only to show the list to the committee's staff director.³³

In late 1979, the HPSCI subcommittee conducted a different kind of assessment, evaluating the operation of the National Foreign Assessment Center, which DCI Turner had created to serve as the focal point for intelligence production at the national level.³⁴

Later Interaction Regarding Analytical Issues: 1980–90

With the passage of the Intelligence Oversight Act in 1980 the two intelligence committees were by law given access to all information or material they needed to carry out their responsibilities. By this point, the committees and the Agency had been interacting with each other for almost four years. Sensitive information had been shared with both committees, and for the most part, both had demonstrated their intent and capability to protect such information. The comfort level, while far from absolute, had undeniably grown. The Agency now allowed the committees to store finished intelligence analysis classified above the SECRET level. Copies of the daily/weekly publications continued to be furnished, left with the committees, and returned later. Other publications, including NIEs and SNIes, could be requested from lists provided to the committees. Indeed, the Agency (with apparent acquiescence from the committees) continued to treat as off limits only the *President's Daily Brief* and other daily intelligence summaries tailored for cabinet officials. By the beginning of the Reagan administration, the committees had, or could obtain, access to virtually all finished intelligence the Intelligence Community produced.

From 1980 through 1984, the oversight committees initiated few formal inquiries into the Agency's performance in the analytical area. The SSCI subcommittee that dealt with analysis was eliminated in 1981; its HPSCI counterpart was merged with the existing oversight subcommittee to form the Subcommittee on Oversight and Evaluation. In 1982, this subcommittee produced a report on intelligence performance in Central America during the Carter and Reagan administrations, looking specifically at the issue of whether intelligence analysis had been slanted or skewed to support the poli-

³³ Ibid., 231.

³⁴ Ibid., 237–38.

cies of the incumbent administration. In fact, both committees during this period regularly examined whether the Agency's substantive analysis was being slanted to have it appear that the covert action programs in Central America were succeeding (see chapter 9). The HPSCI subcommittee also undertook an evaluation in 1984 of the intelligence performance prior to the bombing of the Marine barracks in Beirut.

For the most part, however, what oversight occurred in the analytical area during this period took place within the context of the committees' consideration of the Agency's annual budget. DCI Casey had come into office intent upon rebuilding the analytic capabilities of the Agency. To do this, he wanted a larger, more capable analytical corps. He also wanted more NIEs and SNIEs produced on topics important to policymakers.³⁵ Casey himself appointed a "senior review panel" in 1984 to review how well the Agency had done in these areas and provided a copy of the panel's generally favorable report to both committees. Apart from provoking questions in the course of the annual budget process, however, neither committee was immediately moved to initiate its own inquiry.

In 1985, however, the new SSCI chairman, David Durenberger (R-MN), decided to undertake an in-depth review of the analytical process. In a series of closed hearings, the SSCI explored the process by which requirements for analysis were generated, the relationship between analysts and consumers, how analysis was tasked within the Intelligence Community, the process for developing terms of reference for analytical studies, and the degree to which competitive analysis and outside experts were used to improve the intelligence product. The SSCI also looked at five recent intelligence products in an effort to determine whether they had met the needs of consumers.³⁶

In the middle of this review, Durenberger, in an interview with the *Washington Post*, chose to criticize several of the products the committee was looking into. CIA had missed the crisis in the Philippines, he said, did not understand the rise of Muslim fundamentalism, and failed to comprehend the changes taking place in the Soviet Union. These off-hand comments angered Casey, who wrote a public rebuttal to Durenberger's charges, taking him to task for conducting oversight in an "off-the-cuff" manner through the news media and making unsubstantiated appraisals of the intelligence products he had criticized. Casey went on to say, "It was time to acknowledge that the oversight process has gone seriously awry." Durenberger countered with his own letter to the *Post*, saying that Casey's view was that "the public has no right to know how effectively the CIA does its job."³⁷

³⁵ CIA draft study, Vol. III, 28–30.

³⁶ *Ibid.*, 89.

Despite this acrimonious public exchange, the SSCI produced a draft report of its inquiry in September 1986 that was generally favorable, offering recommendations to improve “what was already an excellent system.”³⁸ It also included five case studies of finished intelligence products that it said were “not entirely successful in achieving the goal of timely and relevant intelligence.” These included

- an NIE on the Philippines that the SSCI concluded had “missed the point”;
- an SNIE on Nicaragua that the SSCI thought showed signs of political bias;
- an SNIE on the Arabs and Israelis that the committee said was “a product in search of a consumer”;
- an intelligence analysis of the likely Soviet response to the US Strategic Defense Initiative that the committee found unresponsive to the requirement that had prompted it.

On the whole, however, the report concluded “the finished intelligence produced for US policymakers is astonishingly good.”³⁹ Because of classification concerns, the five case studies were dropped from the committee’s report prior to its publication.

Developments taking place in the Soviet Union during this period also prompted an unusual degree of involvement by the committees in the analytical process, especially the SSCI. Mikhail Gorbachev had come to power in March 1985 and had quickly established himself as a new kind of Soviet leader. Open and willing to debate, he had shown himself willing to negotiate arms control treaties with the United States and had taken dramatic steps to rejuvenate the Soviet economy.

The issue for US intelligence (and for the Congress) at this point was whether Gorbachev was “for real” or was only appearing to be different to win concessions from the United States. At a closed hearing in August 1986, several senators on the SSCI expressed the view that CIA’s analysis appeared to lack insight on this key issue. Following up on this session, the committee added provisions to the intelligence authorization bill for fiscal year 1987 requiring that estimates be prepared on the Soviet situation that made use of outside experts and competitive analysis and dealt with all of the factors bearing upon the issue of Gorbachev’s intentions.⁴⁰

³⁷ *Ibid.*, 90–91.

³⁸ *Ibid.*, 91.

³⁹ *Ibid.*

In fact, CIA officials continued to testify frequently before the intelligence committees—and periodically before other committees of Congress—well into 1991 as the Gorbachev era played out. The SSCI went so far as to establish an ad hoc task force in 1988 for the sole purpose of staying abreast of the fast-moving developments in the Soviet Union and Eastern Europe and regularly obtaining the insights of Agency analysts (see chapter 3).

The Iraqi Invasion of Kuwait and the Persian Gulf War: 1990–91

In the aftermath of Iraq's invasion and annexation of Kuwait in early August 1990, both intelligence committees wanted to know precisely what the Intelligence Community had done to provide warning of the Iraqi attack to US policymakers. DCI Webster and other Intelligence Community officials were immediately summoned to testify. Although records of their testimony remain classified, neither of the chairmen of the committees chose to criticize the Community's performance after the briefings.⁴¹

But a more complex issue remained for the Congress: what the United States should now do. The Bush administration had organized a multinational coalition to prevent an Iraqi attack on Saudi Arabia and to persuade Saddam Hussein to order his forces out of Kuwait. Many saw the principal means of persuasion to be the UN-mandated economic sanctions imposed immediately after the invasion. The issue for Congress and the administration was whether Saddam could be induced to leave Kuwait without a war.

On 8 November 1990, President Bush announced he was doubling the size of the US military deployment in the Gulf, in what appeared to be preparation for military action. Bush also indicated his intent to seek congressional endorsement for the use of military force if that became necessary.

With votes on this issue looming before them, the armed services and intelligence committees in both houses held multiple hearings in November and December 1990, both to assess Iraqi military strength and the damage being caused by the UN-mandated economic sanctions. With respect to Iraqi military strength, one staffer who heard the briefings recalled the committees being told:

The Iraqi military was the most advanced in that part of the world, battle-tested by eight years of war with Iran. . . . [It] would use

⁴⁰ Ibid., 92–93.

⁴¹ For a detailed description of the events leading up to the Iraqi invasion of Kuwait, see May and Zelikow, *Prelude to War: US Policy Toward Iraq 1988–1990*; Gordon and Trainor, *The General's War*, 1–30.

chemical and biological weapons against the coalition forces. . . . In all likelihood, the United States was in for a prolonged conflict of at least six months duration involving many casualties."⁴²

On the issue of whether UN sanctions would force Saddam out of Kuwait, the assessments coming out of the Intelligence Community were initially ambivalent. In early December, however, DCI Webster appeared in open session before the HASC on the sanctions issue, and the Community's assessment at that point had become more definite. While the UN sanctions had damaged the Iraqi economy, Webster said, they had left Saddam's military and vital industries "virtually unscathed." He could offer "no assurance or guarantee that economic hardships [would] compel Saddam to leave Kuwait."⁴³

In a meeting with editors of the *Washington Post* on 15 December 1990, Webster predicted that Saddam would only quit Kuwait if he were convinced he were "in peril of imminent military attack."⁴⁴ Subsequent news stories interpreted Webster's comment as saying that Saddam would quit Kuwait if he thought he were in imminent peril of an attack. This prompted a strong reaction from intelligence analysts at the Pentagon who told reporters they saw no signs of Saddam's willingness to withdraw under any circumstances.⁴⁵

On 8 January 1991, President Bush submitted his request to the House and Senate formally asking them for a resolution authorizing him to use military force to compel Iraq to leave Kuwait if it had not done so by the 15 January deadline established by the UN. In preparation for the vote in the House, HASC Chairman Les Aspin (D-WI) asked DCI Webster to provide a letter setting forth what the Agency's position now was on the issue of sanctions. On 10 January, Aspin made the letter public. In it, Webster stated that it was "unlikely" that UN sanctions had "substantially eroded" Iraq's military capability to defend Kuwait. "Even if the sanctions continue to be enforced for another six to 12 months, economic hardship alone is unlikely to compel Saddam Husayn to retreat from Kuwait or cause regime-threatening popular discontent in Iraq."⁴⁶

The letter angered Senate Democrats, who wanted to give sanctions more time and they publicly accused the DCI of trimming the Agency's analysis to fit the Bush administration's plan for war. SSCI Chairman Boren said the Agency appeared to be trying its best not to "undermine" the administration's policy. Majority Leader George Mitchell (D-ME) said the Webster letter "ran

⁴² Quoted in Snider, *Sharing Secrets with Lawmakers*, 49.

⁴³ Webster, "Crisis in the Persian Gulf: Sanctions, Diplomacy, and War, 112-15.

⁴⁴ Lardner, "No Iraq Move Seen Until Attack Near."

⁴⁵ Cassidy and Colvin, "Accusations Fly as Iraq Cancels White House Meeting with Bush."

⁴⁶ William Webster, Letter to Rep. Les Aspin, 10 January 1991.

directly contrary to the facts [he] had presented [earlier].”⁴⁷ On 15 January 1991, both houses passed resolutions authorizing the administration to use military force to oust Iraqi forces from Kuwait, albeit over the dissent of prominent Democratic senators, including Boren and SASC Chairman Sam Nunn (D-GA).

Two days later, the air war against Iraq began. For five weeks, coalition aircraft pounded Iraqi forces and strategic installations in preparation for the ground assault that would liberate Kuwait. In mid-February, as the ground war loomed, the issue for US military commanders was how much damage the air assault had inflicted upon Iraqi forces. The Community was divided, however. CENTCOM imagery analysts were more positive about the air war’s effectiveness than were their Agency counterparts. The internal debate over these estimates was leaked to the press, prompting both intelligence committees to hold closed hearings on the damage assessment issue.⁴⁸

When the ground war did begin, it lasted but a few days. No chemical or biological weapons were used, and the Iraqi army was routed within hours of the initial assaults. American casualties were few. According to his staff, Boren was “livid,” believing the Intelligence Community had deliberately “sandbagged” him by overplaying Iraq’s military capabilities. He was, after all, chairman of the SSCI, supposedly someone “in the know,” and yet had obviously misread the situation. He vowed to his staff he would never be so trusting of intelligence analysts again.⁴⁹ Senator Nunn, for his part, later told the *Washington Post* that his negative vote on the Iraq resolution—also based on the intelligence assessments—had significantly impaired his credibility as chairman of the SASC and had removed any thought he might have had for running for president the following year.⁵⁰

After the war, both intelligence committees conducted postmortems of the performance of the Intelligence Community, as did the two armed services committees. The HASC study covering both phases of the war is, in fact, unclassified.⁵¹ It focused primarily on the difficulties in assessing the results of US air strikes on Iraqi forces.

⁴⁷ Meddis, “Critics Charge CIA Analysis is Politically Biased.”

⁴⁸ Royce, “Damage Reports That Don’t Add Up”; Gordon and Trainor, *The Generals’ War*, 334–35.

⁴⁹ Snider, *Sharing Secrets with Lawmakers*, 49.

⁵⁰ *Washington Post*, “Nunn Regrets Vote on Gulf War.”

⁵¹ House Committee on Armed Services, *Intelligence Successes and Failures in Operations Desert Shield/Desert Storm*.

The Gates Confirmation Hearings: 1991

Robert M. Gates, who had served as deputy director for intelligence and DDCI under DCI Casey, was himself nominated to be DCI on 24 June 1991 (see chapter 11 for a detailed description of the confirmation process). Within weeks of the nomination, several former CIA analysts who had served under Gates during the Casey era contacted the SSCI, alleging that analysis produced under Gates had been politicized to fit the policy predilections of Casey and/or the Reagan administration.

SSCI contacted other Agency analysts, both present and former, to obtain corroboration of the allegations it had received. These interviews surfaced still more allegations. In all, according to its report on the nomination, the committee interviewed approximately 80 analysts and reviewed “several hundred documents” as part of its investigation of the politicization issue.⁵²

The SSCI asked six present and former analysts to testify about these allegations: three opposed to the nomination and three in favor. The initial testimony took place in closed session as the analysis at issue was still classified. Having decided, however, that the testimony adverse to Gates had to be made a matter of public record, the committee had the six analysts return on 1 and 2 October 1991 in open session. Gates was afforded an opportunity to respond to their testimony, also in open session, a day later.⁵³

The details of these hearings, as well as how the committee dealt with the specific allegations against Gates, are set forth in chapter 11. Suffice it to say, however, for purposes of this chapter, these three days of hearings were the first and only time in the Agency’s history that a committee of the Congress subjected its analytical process to searching public scrutiny.

In order to understand the nature of the allegations being made against Gates, the committee first sought to understand the “ethos” that governs intelligence analysis. One of the analysts who testified said there had been

*a strong tradition among older CIA officers, one [that stressed] the need for integrity of judgment and action, a generation of officers raised on the need to tell it like it is, of going where the evidence takes one and then candidly so telling senior policymakers, whether they find such judgments congenial or not—the aim being to enlighten them about the true shape of the world, not to please them or cater to their preconceptions.*⁵⁴

⁵² Senate Select Committee on Intelligence, *Nomination of Robert M. Gates to be Director of Central Intelligence*, 4.

⁵³ *Ibid.*, 2.

⁵⁴ *Ibid.*, 100.

Others noted that politicization could take many forms. Judgments might be reached that are not supported by the available evidence. Evidence that does not support the desired judgment might be ignored. The review process that finished analysis goes through might be skewed to produce a desired result. Personnel assigned to produce analysis might be known to favor the desired result. Managers might, by their actions, create a “politically charged” atmosphere—“a fog,” as one analyst testified—that permeates the entire workplace. “You cannot hold it in your hand or nail it to the wall,” the analyst said, “[but] it is real. It does exist. And it does affect people’s behavior.”⁵⁵

Still others pointed out that the impetus to skew analysis might come as a result of discussions with fellow analysts concerned that policymakers do not like (or read) the analysis the office has been producing.⁵⁶ Another argued that more tangible evidence was needed and that politicization had to involve more than simply creating an atmosphere but also deliberate efforts to produce the desired political outcome in a particular case.

All agreed that politicization destroyed the integrity of the analytical process, but that it was difficult to prove. Rarely are intelligence analysts told what to write or directed to change their conclusions, one noted. When they see their analysis changed, some naturally leap to the conclusion that it is being changed for political reasons. This is especially apt to happen, one testified, when analysts know that their boss—in this instance, DCI Casey—has strong political views. At the same time, there is a great deal of subjectivity involved in deciding what goes into intelligence analysis, the analysts acknowledged, on the part of both the drafter and the reviewer. And no matter what judgments are ultimately reached, one testified, they are not going to please everyone.⁵⁷

Ultimately, the committee’s investigation did not produce evidence of a “smoking gun” that Gates had directly and personally intervened to make an analytical product come out a certain way. The SSCI voted 11 to 4 in favor of his nomination. The committee’s inquiry nonetheless had a profound effect, not only on the Agency itself, but on the public, who, for the first time, received an education in what intelligence analysts actually do.

⁵⁵ *Ibid.*, 101.

⁵⁶ *Ibid.*, 103.

⁵⁷ *Ibid.*, 202.

Interaction with the Select Committees 1991– 2000

While there were no comparable examinations of the analytical process by either intelligence committee during the rest of the 1990s, there were certain analytical products that generated controversy on the Hill.

The Haiti Imbroglia: 1993

In February 1991, Jean-Bertrand Aristide had been elected president of Haiti in what had been a relatively open and free election. In September of the same year, he had been overthrown in a coup undertaken by Haitian security forces and had fled the country, first to Venezuela and then to Washington DC. It had been the policy, first of the Bush administration and then the Clinton administration, to return Aristide to power.

By the time the Clinton administration took office, the situation in Haiti was claiming widespread public attention, largely because of the huge number of Haitian refugees who were attempting to leave Haiti for the United States to escape the increasing violence. A new NIE was produced in January 1993 entitled *Haiti Over the Next Few Months*. Among other things, it judged that Aristide suffered from a serious psychiatric disorder and predicted that his return to power would spur greater violence and instability.⁵⁸

Nevertheless, in March 1993 Aristide and the military leader who controlled Haiti accepted an UN-brokered agreement setting 30 October as the date Aristide would return to Haiti to assume the presidency. Several weeks before the transfer of power was to have taken place, the United States sent a transport ship, the USS Harlan County, to Haiti, carrying lightly armed troops and police to begin training Haitian police prior to Aristide's arrival. The ship had to turn back, however, when confronted with angry mobs on the dock.

Republican members of Congress seized on this episode as a sign of the new administration's weakness and incompetence. The NIE that had been issued in January and subsequently shared with the intelligence committees then became the focus of the administration's critics. The NIO responsible for the assessment was hauled up to the Hill for repeated briefings, not only before the intelligence committees but before other committees and individual members. Jesse Helms (R-NC), who led the attack on the administration in the Senate, claimed on the floor that CIA had confirmed his own assessment that Aristide was "a killer" and "a psychopath."⁵⁹ A few weeks later, when DCI Woolsey appeared before the SFRC, he was taken to task by Senate Demo-

⁵⁸ *New York Times*, "Administration is Fighting Itself on Haiti Policy."

⁵⁹ See Remarks of Senator Jesse Helms, *Congressional Record*, 21 October 1993.

crats, who were sure the Agency had deliberately leaked the analysis on Aristide to undermine the administration.⁶⁰

While both intelligence committees conducted detailed inquiries into the evidence underlying the judgments contained in the January NIE, neither issued a public report of their findings. A year later, in October 1994, Aristide was reinstated as president of Haiti after US military elements had deployed to the island to ensure his safe return.

Analyses of the Ballistic Missile Threat to the United States: 1995–99

During the last half of the 1990s, the intelligence committees, especially the SSCI, focused several times on the analysis done of the ballistic missile threat to the United States.

In 1995, the Intelligence Community produced an NIE whose purpose was to look at the long-range missile threat to the United States over the ensuing 15 years. The conclusions of this NIE essentially downplayed such a threat, judging that, with the possible exception of North Korea, no country other than a declared nuclear power would be capable of developing or acquiring a ballistic missile that could reach the continental United States or Canada by 2010. Two years earlier, the Community had judged such a threat as “low” or “quite low” but still possible.

In early 1996, some in Congress, including two members of the SSCI, were publicly attacking the judgments of this NIE as too benign and politically motivated. At the time, the Clinton administration had been arguing against the need and legitimacy (under the 1972 ABM Treaty) to build a new missile defense system against such threats, a system being urged on the Congress by Republicans, who now controlled both houses. The SSCI directed its staff to look into how the 1995 NIE had been put together. At the same time, the two armed services committees, in their action on the FY 1996 defense authorization bill, directed DCI Deutch to commission a panel of independent experts to review and evaluate the 1995 NIE.

In December 1996, the panel Deutch commissioned, led by former DCI Robert Gates, presented its report in public session to the SSCI.⁶¹ While it found no evidence that the analysts involved had been influenced by policymakers in the Clinton administration, it found a number of shortcomings in how the NIE had been assembled and how it presented the available evidence. With regard to the ICBM threat, the panel found that the NIE had not used all the available evi-

⁶⁰ Center for the Study of Intelligence monograph.

⁶¹ Senate Select Committee on Intelligence, *Intelligence Analysis of the Long-Range Missile Threat to the United States* .

dence to make its case. On the other hand, it found the NIE had failed to give sufficient attention to the threat posed by cruise missiles or sea-launched ballistic missiles.⁶² The vice chairman of the National Intelligence Council, which was responsible for the NIE, defended it to the committee. He argued that NIEs, generally, are never the last word and frequently provoke controversy and that in the end such debate is healthy for democratic governance.⁶³

The SSCI staff inquiry into the production of the NIE also found no basis for the charge that analysts had been pressured to reach the conclusions they did,⁶⁴ but the committee decided not to publish its results inasmuch as the Gates panel (whose report was published in sanitized form) had reached the same conclusion.

Although the findings of the Gates panel were critical of the methodology used in producing the 1995 NIE, they did not go far enough, in the view of some Republican members, in providing an alternative view of the ICBM threat to the United States. To provide such a view, the armed services committees included a provision in the FY 1997 defense authorization bill creating a new commission to consider the issue. Its charter went well beyond examining the earlier intelligence judgments to examining any information bearing upon the issue. Chaired by former Secretary of Defense Donald Rumsfeld, the commission reported to Congress in July 1998 that the threat was more immediate and more uncertain than the 1995 NIE had portrayed. In addition to the existing threat posed by the nuclear capabilities of China and Russia, the commission judged that countries like North Korea, Iran, and Iraq could develop a ballistic missile capable of threatening the United States within five years of a decision to acquire such a capability and the United States may not know that such a decision had been made.⁶⁵

Less than two months after the Rumsfeld Commission issued its report, North Korea, in an attempt to put its first satellite into space, conducted a launch using what had been regarded as its intermediate-range ballistic missile (the Taepo Dong-1). The launch surprised US intelligence analysts, however, because instead of launching a two-stage missile, North Korea had launched a three-stage missile. Not only did this indicate technological sophistication exceeding US estimates, it also made the threat posed to the United States by North Korea's ICBM (the Taepo Dong-2) even more ominous than the Rumsfeld Commission had believed.

⁶² *Ibid.*, 16–18.

⁶³ *Ibid.*, 10.

⁶⁴ *Ibid.*, 5 (statement of Senator Kerrey).

⁶⁵ Commission to Assess the Ballistic Missile Threat to the United States, "Executive Summary."

Responding to this and other developments, the Intelligence Community issued a new NIE in September 1999, forecasting the ballistic missile threat to the United States. through 2015, rather than 2010. Not only did it use certain methodologies the Rumsfeld Commission recommended, it provided a far more alarming assessment of the threat.

Most analysts believe that North Korea probably will test a Taepo-Dong 2 this year. . . . A two-stage Taepo Dong-2 could deliver a several-hundred-kiloton payload to the western half of the United States. A three-stage Taepo Dong-2 could deliver a several-hundred-kiloton payload anywhere in the United States.”⁶⁶

Given the controversy produced by the 1995 NIE, the SSCI held a closed hearing on the 1999 NIE to explore how it had been put together, reporting favorably afterwards that it incorporated a number of the improvements the Rumsfeld Commission recommended.⁶⁷

Indian Nuclear Test: May 1998

The Intelligence Community had for decades been concerned about the possibility of a nuclear conflict between India and Pakistan, intently tracking any development that might indicate progress on the part of either country toward developing a nuclear weapon. In fact, the Community had been able to provide President Clinton with sufficient warning of an impending nuclear test in 1995 that he had been able to intervene with the government of India to stop it. On 11 May 1998, however, the Indian government conducted an underground nuclear test, which US policymakers learned of on CNN. More tests were conducted two days later.

A media frenzy followed. Upon hearing the news, Senator Shelby, chairman of the SSCI at the time, put in a call to DCI Tenet. Tenet describes the conversation.

Not surprisingly, he asked me what had happened. One of my habits is to be plainspoken, maybe too much. “Senator, . . . we didn’t have a clue.” . . . Within minutes, Shelby was on CNN, calling the miss a “colossal” intelligence failure. Was it a failure? No doubt. [But] “colossal” is in the eye of the beholder.⁶⁸

In fact, Shelby told CNN he regarded it “a colossal failure of our nation’s intelligence gathering, possibly the greatest failure for more than a decade.”

⁶⁶ National Intelligence Council, *Foreign Missile Development and the Ballistic Missile Threat through 2015*” (unclassified summary).

⁶⁷ Senate Select Committee on Intelligence, *Committee Activities*, 11.

⁶⁸ Tenet, *Center of the Storm*, 44.

and warned that it could “set off a nuclear arms race in Southeast Asia.”⁶⁹ Within hours of Shelby’s statement, Tenet announced that he was commissioning a “blue ribbon” assessment of the Intelligence Community’s performance, to be headed by retired ADM David Jeremiah. Jeremiah, Tenet said, would file his report within 10 days.

Neither intelligence committee was prepared to wait even that long and summoned Tenet to appear before them in closed session later the same week. According to press reports, Tenet explained the Indian government had taken quite elaborate steps to conceal the tests. This was confirmed by an Indian nuclear researcher who told the press, “It’s not a failure of the CIA. It’s a matter of their intelligence being good [but] our deception being better.”⁷⁰

Jeremiah made a preliminary report to both committees within Tenet’s 10-day timeline but did not issue his final report until 2 June 1998, when he provided closed briefings to each intelligence committee. While his report was classified, Jeremiah held a press conference at the CIA to explain his findings in general terms. Confirming the earlier reports of the elaborate efforts the Indian government had made to conceal the tests, Jeremiah also faulted the “mind-set” of US intelligence analysts who failed to appreciate what was going on within the Indian government as well as the “disconnects” that were apparent between analysts and collectors and among collectors themselves.⁷¹

The day after Jeremiah’s briefing, the leaders of the SSCI went on a nightly news program to say that in their judgment Jeremiah had “gotten it right.” While there was a need for follow-up to ensure this kind of failure does not happen in the future and to ensure that US intelligence agencies do not become “complacent” again, they did not indicate the need for more investigation.⁷² Indeed, neither the SSCI nor the HPSCI undertook their own assessments of the Intelligence Community’s performance regarding the Indian nuclear tests despite the calamitous characterizations that were issued when the tests were reported by CNN.

Warning of the Attacks of 9/11: 2002

The 9/11 terrorist attacks prompted the two intelligence committees to undertake, for the first time in their history, a joint investigation into the activities of the Intelligence Community before and after the attacks. While CIA was but one of a number of agencies whose activities the investigation encompassed, all three of the Agency’s mission areas—analysis, collection, and

⁶⁹ CNN, “CIA Caught Off Guard on India Nuclear Test, Hearings, Inquiry Planned.”

⁷⁰ Associated Press, “CIA Searching for Answers behind its India-nuclear failure.”

⁷¹ Central Intelligence Agency, “Jeremiah News Conference,” 2 June 1998.

⁷² PBS. *The Online News Hour with Jim Lehrer*, 3 June 3 1998.

covert action—were examined in the course of the joint inquiry. Here, the findings and recommendations with respect to CIA analysis are summarized.

The overriding issue for the committees was why the Intelligence Community had failed to learn of the attacks before they took place, and what warnings, if any, had the IC provided policymakers to prepare them for such a contingency. To answer these questions, the committee staff sought and received access to all of the intelligence analysis produced on terrorism generally, and al-Qa'ida in particular, from 1994 until the attacks of 2001.

While the committees ultimately found that the Intelligence Community did not have information specifically identifying the time, place, and nature of the attacks, it had warned of the possibility of such attacks for a long while. Beginning in 1998, the committees found, there had been a “modest but relatively steady stream” of intelligence reporting warning of terrorist attacks within the United States. In the spring and summer of 2001, moreover, there had been a “significant increase” in intelligence reports indicating that al-Qa'ida planned to strike against US interests in the near future. The potential use of airplanes as weapons had also been raised years before but had never prompted a formal intelligence assessment.⁷³

In fact, the central problem the committees identified with regard to analysis was that there had been very little of it. While intelligence reporting on terrorist threats like al-Qa'ida had been voluminous, rarely had the Intelligence Community assessed what it meant. No NIE was ever done on the threat to the United States posed by al-Qa'ida. As the committee pointed out:

Active analytic efforts to identify the scope and nature of the threat, particularly in the domestic United States, were clearly inadequate. . . . The quality of counterterrorism analysis was inconsistent, and many analysts were inexperienced, unqualified, under-trained, and without access to critical information. As a result, there was a dearth of creative, aggressive analysis targeting Bin Ladin and a persistent inability to comprehend the collective significance of individual pieces of intelligence. These analytic deficiencies seriously undercut the ability of US policymakers to understand the full nature of the threat and to make fully informed decisions.⁷⁴

As far as the Agency itself was concerned, the committees faulted the relative paucity of analysts assigned to Bin Ladin and al-Qa'ida in the years prior to the attacks.

⁷³ *Report of the Joint Inquiry Into the Terrorist Attacks of September 11, 2001*, 7-10.

⁷⁴ *Ibid.*, 59–60.

To address these problems, the committees recommended the creation of a National Intelligence Officer (NIO) for Terrorism, who would ensure and oversee the development of strategic analysis on terrorist topics. They also recommended the establishment of an “all-source terrorism information fusion center” within the Department of Homeland Security to improve the focus and quality of counterterrorism analysis and to ensure its distribution within the Intelligence Community and to other appropriate recipients.⁷⁵ The first recommendation was not acted upon. The second was, but in a different way: with the creation of the TTIC (Terrorist Threat Integration Center) in 2003, which reported to the DCI, and the creation of the NCTC (National Counterterrorism Center) in 2004, which was placed under the DNI in 2005.

The Prewar Intelligence Assessments of Iraqi WMD: 2003–2004

By June 2003, it was increasingly apparent that the intelligence assessments on Iraqi weapons of mass destruction done before the United States invaded Iraq in March 2003 had been wrong. Although US military personnel and civilian specialists were still trying to find such weapons, their initial efforts targeting the most likely locations where such weapons would be produced or stored had failed to produce the expected results.

Reacting to these developments, the SSCI announced on 20 June 2003, it intended to review the intelligence assessments that had formed the basis for the US intervention in Iraq: the assessments regarding Iraqi WMD programs, Iraq’s ties to terrorist groups, the threat Iraq posed to stability and security in the region, and Iraq’s repression of its own people.

Over the next 12 months, the committee sought and received access not only to the assessments themselves but also to the intelligence underlying them. In all, it reviewed more than 45,000 pages of documents, and its staff interviewed more than 200 witnesses. The committee also held four closed hearings on aspects of the inquiry, but its staff carried out the bulk of the investigation.

The 422-page report of the committee’s inquiry was published on 9 July 2004. The first 303 pages dealt with the intelligence assessments on Iraqi WMD capabilities, and, in particular, the NIE that the committee itself had requested in early September 2002 in order to prepare its members as well as the Senate as a whole for the upcoming vote on the proposed resolution authorizing the use of military force in Iraq.

Although time was short and DCI Tenet questioned the need for such an estimate in light of the assessments already available, he had authorized prep-

⁷⁵ Ibid., appendix, 5–6.

aration of the NIE, which was published on 1 October 2002, a little less than three weeks after it had been commissioned. It was 90 pages long, including a five-page summary of its key judgments that addressed each major aspect of Iraq's WMD activities: nuclear, chemical, biological, and delivery systems.

In its 2004 report, the SSCI painstakingly examined each area addressed in the NIE, noting first the key judgments made in each area and then looking at the quality and quantity of the evidence underlying each of these judgments.⁷⁶

While the committee found "significant shortcomings" in collection on all aspects of the WMD program, it reserved its most scathing criticism for the quality of the analysis. Most of the key judgments in the NIE, the committee found, "either overstated, or were not supported by, the underlying intelligence reporting." The evidence was simply "mischaracterized." The "uncertainties" behind the key judgments were not "accurately or adequately explained to policymakers." Ambiguous evidence was given more weight than it deserved, and evidence that indicated Iraq did not have "active and expanding" WMD programs was "ignored or minimized." Overall, the committee said, there had been a serious failure of leadership and management. Analysts had not been encouraged "to challenge their assumptions, fully consider alternative arguments, [or] accurately characterize the intelligence reporting," nor were they counseled once it became evident they had "lost their objectivity."⁷⁷ With regard to the CIA itself, the committee found it had "abused its unique position in the Intelligence Community" by failing to share information on Iraqi WMD programs with analysts in other intelligence agencies.⁷⁸

Intelligence assessments on Iraq's links to terrorists, including its relationship with al-Qa'ida, received higher marks. The committee found the Agency had "reasonably assessed" Iraq's contacts with al-Qa'ida and confirmed that no evidence had been found to link Iraq with the attacks of 9/11 or any other al-Qa'ida attacks. Moreover, the committee said, CIA's analysis of Iraq's support to terrorist groups had been "reasonable and objective."⁷⁹

With regard to past intelligence assessments of Iraq as a threat to regional security and stability, the committee generally found such assessments to have been "reasonable and balanced" but faulted the Intelligence Community for not having produced NIEs and other community-wide assessments of Iraqi capabilities before the war and early enough to alert policymakers when it had become evident that these capabilities had significantly changed.⁸⁰ Finally, the

⁷⁶ Senate Select Committee on Intelligence, *U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq*.

⁷⁷ *Ibid.*, 14–23.

⁷⁸ *Ibid.* 27.

⁷⁹ *Ibid.*, 346–47.

committee found the body of analysis on Saddam Hussein's human rights record was limited but "an accurate depiction of the scope of abuses under this regime."⁸¹

Without question, the SSCI report represented the most thorough dissection of a body of intelligence analysis that Congress had ever done. While the Agency initially took issue with some of its findings and contended that shortcomings found with respect to a single NIE should not be taken as an indictment of intelligence analysis generally, it also acknowledged there were serious flaws in some of the prewar intelligence on Iraq and steps had already been taken to assure they are not repeated.⁸²

AUTHOR'S COMMENTARY

The Nature of the Interaction over Analysis

Where analysis is concerned, most of the Agency's interaction with Congress has involved failures (perceived and real) to predict significant events. Before the select committees were created, this was almost the exclusive focus of congressional oversight. The issue was simply whether the Agency had predicted an event that had had consequences for US interests. Congress had created the CIA to provide warning of such events, and when this did not appear to have happened, Congress wanted to know why. Typically, the DCI was summoned to explain and defend the Agency's performance, and at times he was more persuasive than at others. There was no independent effort by the Congress to look behind what he was telling them.

This changed once the select committees came along. With their own professional staffs, the committees now had a capability to look more thoroughly at the Agency's performance, not only to determine why it had failed to predict a particular event but also to look at how it arrived at its analytical judgments on a range of topics. Over time, several inquiries were undertaken into the analytical process itself. There were also occasional "deep dives" into particular assessments to determine whether the analytical judgments rendered

⁸⁰ *Ibid.*, 393.

⁸¹ *Ibid.*, 402.

⁸² McLaughlin press conference, 9 July 2004. In his memoir, DCI Tenet also acknowledged the validity of many of the committee's criticisms but pointed out that most of the shortcomings lay in the presentation of the "key judgments" rather than in the body of the estimate itself (*In the Center of the Storm*, 321–39).

were adequately supported by the underlying intelligence (the SSCI's review of the prewar assessments of Iraqi WMD).

Looking behind intelligence analysis has proven difficult for the committees to do and do well, however, even with professional staffs. Intelligence analysis is inherently subjective: analysts must weigh the evidence based upon their knowledge and experience, separate the wheat from the chaff, and characterize their conclusions in a way that neither understates nor overstates what they believe the evidence means. Beyond this, there are several layers of reviewers and supervisors who have the opportunity to change it in the course of the analytical process. Congress knows this. It also knows that intelligence analysts are expert in their respective fields, usually more knowledgeable than members of Congress or their staffs. Thus, for an oversight committee to mount an independent challenge to an analytical assessment requires a great deal of time and effort on the part of its professional staff. For this reason alone, the committees shy away from doing them.

Even if an oversight committee knows that the analysis in question proved to be wrong, for its critique to be credible, the analysis must have been "wrong" based upon what was known at the time it was published, not what was later found to be the case—unless that lack of information is itself the result of a serious inadequacy. The committee might spend considerable time ascertaining what was known at the time a judgment was rendered, only to decide that the judgment that proved to be erroneous was reasonable under the circumstances. Further complicating the committee's task is the fact that intelligence analysts commonly caveat and condition their judgments or set them out in terms of "alternative scenarios." Analysts resort to such techniques especially when significant gaps remain in their knowledge. So while the judgments they ultimately reach may be way off the mark, they have left in enough "weasel words" or "alternative scenarios" that the committees may be hard pressed to find them unambiguously "wrong."

This is not to say the select committees cannot do independent evaluations of intelligence analysis or do them well. The HPSCI's 1979 report on the fall of the Shah of Iran and the SSCI's 2004 evaluation of the prewar assessments on Iraq are cases in point. The considerable effort required to mount such inquiries and the difficulties inherent in arriving at a crisp, objective results tend to limit the amount of serious effort that is done in this area. Indeed, the committees are often content to rely on panels of outside experts, or perhaps the Agency's inspector general, to evaluate suspect analytical work rather than tackling it themselves.

The Implications of Sharing Intelligence for Oversight

When substantive intelligence analysis is briefed to members of Congress, it is normally because they want the benefit of such analysis, not because they want to criticize the analyst doing the briefing or the agency responsible for producing it. Yet, not infrequently, criticism results. Impressions are inevitably created in the minds of the members who hear them. Does the analyst appear to have command of the subject matter? Do his or her conclusions, based upon the available evidence, appear justified?

Most of the time, members come away satisfied. Even if they do not agree with the analysis, they will credit the analyst with making a persuasive case for his or her position. After all, most members have nowhere near the background that analysts have with respect to the subjects being briefed.

On occasion, though, what was meant to be an “informational” briefing can turn hostile. Members will not be satisfied with what they hear and will want to know more about how and why analysts arrived at particular conclusions. They may question the reliability and accuracy of the intelligence that underlies their judgments. They may be looking for “ammunition” to use against the administration or to promote their own agendas. This can pose a delicate problem for the analyst, especially if the member being briefed is not on one of the oversight committees. Normally, their parent agencies instruct analysts to avoid discussing sources and methods with anyone other than members of their oversight committees. But not all members understand that distinction and may take umbrage at an analyst for refusing to answer their questions. If the analyst cannot come up with a way to satisfy the member, he or she may become the target of a complaint to his parent agency. Even if the member is on one of the intelligence committees—allowing analysts to go into greater detail to explain their position—the member may still not be satisfied. The member might urge the committee to launch a full-scale inquiry in terms of how this particular analysis was put together or may see it as a sign of a larger, more pervasive problem the committee should look into.

The same thing can happen with respect to written analysis that is made available to the Hill. While this happens less often, finished intelligence can also provoke hostile reaction and lead to oversight inquiries, to wit, the 1993 NIE on Haiti and the 1995 NIE on the ballistic missile threat, described earlier in this chapter.

Thus, the sharing of intelligence with Congress, either as in the form of briefings or documentary material, can lead to oversight inquiries. While the analysis may have been provided to inform Congress—or otherwise support its institutional functions—it might also spark questions from the members who receive it.