Reflections on Readings on 9/11, Iraq WMD, and Detention and Interrogation Program

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It is still like yesterday for those of us who were there in Central Intelligence Agency (CIA) Headquarters in Langley, Virginia: The small morning meeting in the Directors' Conference Room; the door opening from the inner corridor; the head of the Security Detail of the Director of Central Intelligence (DCI) entering to say an airplane had just hit the World Trade Center. My first thought was probably like that of the others in the room: "Please dear God, make this an accident," but we all suspected the worst, and soon our fears were confirmed.

It is now 16 years since 9/11, one of "those dates" when everyone in the United States knows where they were and what they were doing. For a significant portion of today's Intelligence Community (IC) workforce, that place was school. Those under 35 now were probably in college, at most, and if under 30, high school or middle school. Like most historic events, a considerable mythology has grown up around that September Tuesday and the controversies that followed. While not quite "ancient history" for much of the IC workforce, it is still a poorly understood history.

Few will have read the *9/11 Commission Report*, the *Robb-Silberman Report* on the IC estimate on Iraqi weapons of mass destruction (WMD), or the deeply flawed *Report of the Senate Select Committee on Intelligence Study of the Central Intelligence Agency's Detention and Interrogation Program*. (Hereafter the *SSCI Report*.) Having served more than 35 years as an intelligence professional, I—and many others—believe the *9/11 Commission* and the *Robb-Silberman Reports* are generally solid, but the *SSCI Report* —sometimes referred to as the "torture report"—is a travesty, fatally flawed by errors of fact, unsupportable findings and conclusions, and serious flaws in analytical tradecraft.

It also fails to adequately capture the context of the times. Indeed, very, very few—including the sons and daughters of serving CIA officers at the time—will have an appreciation for the difficulty of the decisions that had to be made at that time, the complexity of the politics, the degree of the public's fear—and the fear CIA officers themselves felt knowing how little we really knew—and the deep sense of personal responsibility we all carried. I recall sitting in the Director's Conference Room as the 9/11 Commission was hammering the CIA and turning to the director of Public Affairs and asking rhetorically, "Who will tell our story? So much of this is just off." I thought—feared—it might take 25 to 30 years or more for a more complex appreciation of events

The views, opinions, and findings expressed by the author in this article should not be construed as asserting or implying US government endorsement of its factual statements and interpretations or representing the official positions of any component of the United States government.

Adding to the Record		
Issue	**Document of Record**	**Additional Material**
9/11: The run up and the aftermath	*Final Report of the National Commission on Terrorist Attacks upon the United States* (9/11 Commission) (Government Printing Office, 2004)	*At the Center of the Storm: My Years at the CIA,* by George Tenet with Bill Harlow (Harper Collins, 2007) *Preventing Surprise Attack: Intelligence Reform in the Wake of 9/11,* by Richard A. Posner (Rowman and Littlefield, 2005) *First In: An Insider's Account of How the CIA Spearheaded the War on Terror,* by Gary C. Schroen (Presidio Press, 2005)
Iraqi Weapons of Mass Destruction	*Report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction* (Robb Silberman Commission), unclassified version (Government Printing Office, 2005)	*Comprehensive Report of the DCI's Special Advisor on Iraq WMD, 30 September 2004* (Duelfer Report) (Government Printing Office, 2005); available digitally at https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/ "The Iraq WMD Intelligence Failure: What Everyone Knows is Wrong," Chapter 3 in *Why Intelligence Fails: Lessons from the Iranian Revolution and the Iraq War,* by Robert L. Jervis (Cornell University Press, 2011)
Interrogation and Detention	*Report of the Senate Select Committee on Intelligence Study of the Central Intelligence Agency's Detention and Interrogation Program* (525-page "Findings and Conclusions and Executive Summary" together with "Foreword" by Chairman Diane Feinstein and "Additional and Minority Views" [Declassified], available at https://web.archive.org/web/20141209165504/http://www.intelligence.senate.gov/study2014/sscistudy1.pdf)	*Rebuttal: The CIA Responds to the Senate Intelligence Committee's Study of Its Detention and Interrogation Program*, edited by Bill Harlow (Naval Institute Press, 2015) "The Torture Blame Game: The Botched Senate Report on the CIA's Misdeeds," by Robert L. Jervis in *Foreign Affairs,* May/June 2015 *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives*, by Jose A. Rodriguez, Jr. with Bill Harlow (Threshold, 2012) *Company Man: Thirty Years of Controversy and Crisis in the CIA*, by John Rizzo (Scribner, 2014) Michael Morell interview with Charlie Rose, 14 December 2014 at https://www.youtube.com/watch?v=FdITBCKtVDc
		Playing to the Edge: American Intelligence in the Age of Terror, by Michael V. Hayden (Penguin Press, 2016)

to come out and that I would not be around to see it.

Wrong. Increasingly the memoirs of serving CIA officers are becoming part of the public record. There is now an impressive library of books and articles that should be read in conjunction with the "official record." Importantly, not all are by CIA officers; two of the best are by an outstanding academic (Robert L. Jervis) and one by and a noted jurist (Richard A. Posner).

Why should officers new to CIA and the IC dwell in the past? *Because they are the future leaders, and they need to understand the past if they are going to lead the IC into the future: What went right? What went wrong? Where are the traps? What are the pressures like? And how are the politics played? Those who do not know where the IC and CIA have been, cannot know how we got to where we are.*

What follows is discussion of readings I recommend (see table on preceding page) because the material provides additional perspective and adds to the official records on 9/11, Iraq WMD, and the CIA's detention and interrogation program.

September 11, 2001

The 9/11 Commission Report on Causes and Remedies

Two phrases that everyone, including me, associates with the *9/11 Commission Report* do not, in fact, appear in the report: "intelligence failure" and "a failure to connect the dots." The report says clearly that there were missed opportunities, especially the failure to watchlist two of the hijackers, but even in this case, the report states that it is unlikely that watchlisting by itself would have prevented the attacks. (354–55) (Hereafter, numbers in parentheses following book or publication references denote the page on which the cite appears.) The only reference to "connecting the dots" is in the context of the need for greater integration of analysis, without which "it is not possible to 'connect the dots.'" (408) The report makes clear that 9/11 is a case in which failure had many fathers, and in the end, no one looked good. The report does an excellent job of laying out the history of al Qa'ida, Bin Ladin, and the road to 9/11, and intelligence officers new to the subject—or unfamiliar with the history—will find chapters two through seven particularly beneficial.[a]

There is now an impressive library of books and articles that should be read in conjunction with the "official record." Importantly, not all are by CIA officers.

There were three root causes for 9/11, according to the commission. The first was a lack of sufficient resources. Intelligence was particularly hard hit by the "peace dividend" following the collapse of the Soviet Union. Intelligence budgets were cut between 1990 and 1996, and were essentially flat between 1996 and 2000. (93) CIA's Directorate of Operations (DO) hit rock bottom in 1995, when only 25 Career Trainees became case officers. (90)[b] Foiling the Millennium Plot used up all of the Counterterrorism Center's current year funds for 2000.[c]

The second factor was the lack of a sense of urgency in the US government, including Congress, regarding terrorism—Director of Central Intelligence (DCI) George Tenet aside. Countering terrorism was a second or third priority, and the US government reaction is understandable, despite Tenet's repeated warnings in 2000 and 2001. Al Qa'ida had killed fewer than 50 Americans at that point, and the threat was seen to lie overseas. The press was no better. The *New York Times* in April 1999 had debunked the idea that Bin Ladin was a terrorist threat.[d] As threat reporting rose through the spring of 2001, precautions were taken overseas, but, the report states, "domestic agencies never mobilized in response to the threat." (265)

Communication barriers between and within agencies was the third root cause, according to the commission. The FBI and the CIA to this day

a. These chapters are: "2—The Foundation of the New Terrorism;" "3—Counterterrorism Evolves;" "4—Responses to al Qaeda's Initial Assaults"; "5—Al Qaeda Aims at the American Homeland"; "6—From Threat to Threat"; and "7—The Attack Looms."

b. The Career Trainee Program is the CIA's principal mechanism for recruiting and training case officers.

c. The Millennium Plot was an al-Qa'ida plan to carry out a series of spectacular attacks, including in the United States, to greet the new century. See *The 9/11 Commission Report,* Chapter 6, "From Threat to Threat."

d. Tim Weiner, "U.S. Hard Put to Find Proof Bin Laden Directed Attacks," *New York Times*, 13 April 1999: A1; cited in *The 9/11 Commission Report,* 343. Weiner wrote: "In their war against Mr. bin Laden, American officials portray him as the world's most dangerous terrorist. But reporters for *The New York Times* and the PBS program 'Frontline,' working in cooperation, have found him to be less a commander of terrorists than an inspiration for them."

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disagree about whether key information was shared about a terrorist meeting in Kuala Lumpur, but the CIA did fail to register with the US Department of State the names of two terrorists who became hijackers. (181–82) FBI had major sharing issues within the Bureau—between the criminal investigators and the national security sector, between the field and FBI headquarters, and between field stations.

The commission also notes that leaks, which compromised the IC's ability to collect on al Qa'ida were among the other contributing factors. The most notorious of these was a story in the *Washington Times* that NSA was able to intercept the conversations of senior al Qa'ida leaders, who immediately stopped using the form of communication they were using at the time.[a]

Although avoiding the phrase "intelligence failure," the commission found four kinds of failure: imagination, policy, capabilities, and management.[b] In short, according to the commission, analysts failed to imagine the type of attack that occurred; the policy process in two administrations failed to respond to the rising threat; while the CIA did more than anyone else, its capabilities were limited, DoD was not fully engaged, and the FBI did not have the capability to link field reporting to national priorities; and the US government as a whole failed to bring together all available information to manage transnational operations.

The commission put forward five "major" recommendations, which are directly quoted below:

- unifying strategic intelligence and operational planning against Islamist terrorists across the foreign-domestic divide with a National Counterterrorism Center;
- unifying the intelligence community with a new National Intelligence Director unifying the many participants in the counterterrorism effort and their knowledge in a network-based information-sharing system that transcends traditional governmental boundaries;
- unifying and strengthening congressional oversight to improve quality and accountability; and
- strengthening the FBI and homeland defenders. (399–400)[c]

At the Center of the Storm by George Tenet[d]

What George Tenet brings that does not come through nearly as strongly in the *9/11 Commission Report* is the emotion, intense frustration, and incredible dedication of the men and women of the CIA through this period. He takes exception to some of the commission's findings, but in large measure his commentary on the times reinforces much of what the report had to say, especially about the failures of capabilities, policy, and management. Tenet's book also provides the vivid detail you would not expect in a bipartisan commission undertaking.

Chapters seven, eight, and nine ("The Gathering Storm"; "They're Coming Here"; "9/11") are particularly moving. The frustration and anger come through as Tenet and other CIA officers throughout 2000 and 2001 tried repeatedly to get policymakers to pay attention to their warnings. He says the 9/11 Commission missed something important about 9/11 and the CIA: "it was personal with us." (173) The CIA had thwarted attacks and lost lives in the fight against terrorism, he writes, something that our global partners in the intelligence business understood, but "the politicians, the press, and even the 9/11 Commission often failed to understand." (173)

Tenet hits the resources issue hard. He says that, by the mid-to-late 1990s, "American intelligence was in Chapter 11, and neither Congress nor the executive branch did much about it." (108) He said he aggressively sought additional funds, including writing two personal letters to President Clinton, which only succeeded in irritating the administration. Many

a. Martin Sieff, "Terrorist Is Driven by Hatred for U.S., Israel," *Washington Times*, 21 August 1998: 1, cited in *The 9/11 Commission Report*, 127.

b. See *The 9/11 Commission Report,* Chapter 11, "Foresight—and Hindsight."

c. Overall, the commission had over a dozen recommendations. See chapters 12 and 13, "What to Do? A Global Strategy" and "How to Do It? A Different Way of Organizing the Government."

d. In the spirit of full disclosure, I worked closely with George Tenet and consider him a friend. *At the Center of the Storm* is an excellent history of the CIA from 1997 to 2003, some of the most, if not the most, challenging years in the agency's history.

At the Eye of the Storm is also interesting for what it says about the nature of Washington politics, especially when the bureaucratic finger pointing starts.

in government claimed after 9/11 that they had encouraged Tenet to spend more on terrorism. "No, they didn't."(107) Tenet was heard to say more than once, "There are more FBI special agents in New York City, than there are CIA case officers around the world." By shifting resources, scraping and scrimping, the CIA managed to quadruple the money spent on counterterrorism over the 1990s, even though the overall intelligence budget declined by 10 percent. (108)

Chapters seven through nine also chronicle the lack of response by successive administrations, Congress, and the press to the repeated warnings issued over many years about the dangers of international terrorism. Many of these warnings were public; a *National Intelligence Estimate* (NIE) on the foreign terrorist threat in the United States was done in 1995, and Tenet's annual Worldwide Threat Briefing to Congress hit terrorism hard from 1997 on.[a] Tenet says that starting in 1998 he wrote eight personal letters to Presidents Clinton and Bush warning of the terrorist threat. (122) He takes issue with the 9/11 commission finding that the Clinton administration did not fully understand the threat and reminds us that President Clinton signed a covert action Finding on Bin Ladin. (129–30) But, as Tenet points out, these were very limited findings, and the authorities he felt he needed he did not get until six days after 9/11. (109 and 154)

At the Eye of the Storm is also interesting for what it says about the nature of Washington politics, especially when the bureaucratic finger pointing starts. Washington, Tenet writes, has its own laws of physics, one of which is that "inside the Beltway . . . for every action there is an unequal and opposite overreaction." (192) When *Time* magazine ran a cover story on "The Bombshell Memo"—accusing the FBI of mishandling the Zacarias Moussaoui case and failing to act on field reporting about Arabs seeking flying lessons—the bureau went into action. (192)[b] "No organization . . . is better at defending itself than the FBI. . . . The Bureau knows that when you get slugged in *Time*, you punch back in *Newsweek."* (192) The following week *Newsweek* ran a story titled "The Hijackers We Let Escape" quoting an unnamed FBI official as saying that the CIA did not notify the FBI about the Kuala Lumpur meeting, that the FBI could have tracked the terrorists and uncovered their mission, and that it was all 'unforgiveable.'"(192)[c]

Tenet does pose a question the 9/11 Commission did not: What if? What if the two hijackers had been watchlisted properly, the FBI had searched Moussaoui's luggage, and the bureau had recognized what it had in the flight school information and shared it. . . . What if all that had been done? Would it have prevented 9/11? Tenet concludes that a 9/11 attack would have been delayed, but not prevented. Al Qa'ida would have replaced the two men, just as it had replaced another who could not get a visa. (199–200) Tenet calls the Moussaoui case another missed opportunity (like Kuala Lumpur), but in the end he concludes "larger systemic shortcomings, in resources, people, and technology". . . and the lack of a "comprehensive, layered system of domestic protection in place to compensate for the internal weaknesses" was equally important. (204–205)

Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11 by Richard A. Posner

Richard Posner, until recently, was a judge on the US Court of Appeals in Chicago. He remains a senior lecturer at the University of Chicago Law School. He is not a man who minces words, and he states flatly that the 9/11 Commission's narrative does not support its conclusions. (20) Specifically, he says, the commission offered a structural solution to what appears from the narrative to be a managerial problem, (9) and the most sensible response to a managerial problem is to change managers. (207) The book is far from a screed. It is a very thoughtful, carefully argued—he was a judge after all—assessment of the implications of the commission's recommendations and the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). He offers a number of insightful observations on surprise attacks and the relationship between structure and performance in intelligence that analysts, managers, and future managers ought to be familiar with.

a. A selection of Tenet's statements are available at https://www.cia.gov/news-information/cia-the-war-on-terrorism/pub_statements_terrorism.html.

b. The *Time* story, "How the FBI Blew the Case," ran on 3 June 2002.

c. The facts are far more complicated than the FBI provided to *Newsweek*, and Tenet discusses the controversy on pages 191–205.

Posner takes issue with the commission's determination that one of the causes of 9/11 was a lack of imagination.

In criticizing the commission report, Posner argues that "bipartisan" is not the same as "nonpartisan" and that the commission erred in insisting on a unanimous report. "The premium on unanimity . . . undermines the commission's conclusion that everybody in sight was to blame. . . . and it could not have achieved unanimity without appearing to apportion equal blame to the Clinton and Bush administrations." (7–8) It is clear from the questioning, he says, that none of the members forgot which party they belonged to. (7)

Posner also faults the commission for failing to take into account, when making its recommendations, organizational theory, the history of "czars" in the US government, and the chaos that resulted from the creation in 2002 of the Department of Homeland Security. (10) With regard to the IRTPA legislation, he believes much could have been accomplished through executive orders and that the 2004 presidential election campaign led to the speedy acceptance of the commission's recommendations—and the resulting act—without careful consideration.[a] He is particularly critical of the fact that the IRTPA appears to weaken the CIA, while "all the other components of national defense against terrorism that failed on 9/11 are to be strengthened, although many of them, notably the FBI, failed worse than the CIA did." (68)

But, this is now ancient history. What Posner has to say, however, about preventing sneak attacks and the relationship between structure and performance in intelligence organizations is very relevant to today. Posner states that "not all surprise attacks are preventable" and indeed are something of an inevitability. (42) "The analysis suggests . . . that surprise attacks cannot be reliably prevented, though some can be, others can be deterred, and the worst consequences of those that do occur can be mitigated."[b] (97) Sneak attacks are by their nature low probability, high impact events that occur only relatively rarely and are most likely to succeed when they have a low antecedent probability of success and the attacker is weak, because on both counts the victim will discount the danger. (93 and 111) Posner points out that the last successful hijacking of a US airliner anywhere in the world was in 1986.

Posner takes issue with the commission's determination that one of the causes of 9/11 was a lack of imagination. "Before (9/11), although the government knew al Qa'ida had attacked US facilities . . . and would try to again, the idea that they would do so by infiltrating operatives into this country to learn to fly commercial aircraft and then crash such aircraft into buildings, killing thousands of Americans in a space of minutes, was so grotesque and so devoid of precedent that anyone who had proposed that we take costly measures to prevent such an event would have been considered a candidate for commitment." (20)

Although he concludes that the prospect of dramatically improving the ability of an intelligence system to anticipate surprise attacks is dim, (124) Posner argues that surprise attacks share common features:

- The attacker is too weak to prevail in conventional military terms.
- The victim's perception of the attacker's weakness contributed to the failure to anticipate the attack.
- The victim lacked a deep understanding of the attacker's intentions and capabilities.
- The victim reasonably thought the principal danger was elsewhere.
- The victim interpreted warning signs to fit a preconception.
- The victim was lulled by false alarms.
- The victim was in a state of denial concerning those forms of attack hardest to defend against.
- Intelligence officers were reluctant to challenge the opinions of superiors.
- Warnings to local commanders lacked clarity and credibility. (85)

The judge concludes by stating, "Among the common features of successful surprise attacks that I have listed, the structure of the victim's intelligence system is not salient." (86)

Which brings us to Posner's views on the relationship between organization and performance in intelligence systems. His basic position can be nicely summed up as "One ought to distrust organizational solutions to management problems." (41) The creation of the Director of National

a. See especially Chapter Two, "The Congressional Response."

b. Pages 87–97 contain a lengthy discussion of the mathematics of sneak attacks.

Intelligence position was supposed to solve several problems, including information sharing, warning challenges, and management of the Intelligence Community.

Posner is skeptical on all counts, which he discusses in some detail.[a] The DNI system turned out to be far less centralized than many (including Posner) imagined at the time the IRTPA became law. So Posner's fears, which did not come to pass, are better seen as warnings—warnings that greater centralization could lengthen the time it takes information to move through the system and could reduce competitive analysis. (43)

As for information sharing, Posner argues that the greater problem may be sharing information *within* agencies and points to the FBI in particular. (153) He notes that Israel's Agranat Commission, which looked into the 1973 Yom Kippur War surprise, came to the opposite conclusion from that of the 9/11 Commission—that Israel should move to less centralization and more pluralism. (156 and 82–85) His bottom line: "The startling implication is that the performance of a nation's intelligence system is probably, within a broad range, insensitive to how it is organized . . . history seems not to vindicate one over the other [centralization over pluralism] . . . *no (his emphasis)* known organizational form seems able to cope with the problems of information and incentives as grave as those that beset the intelligence function." (157)

There are no heroes in the Iraq WMD story, and failure is the only word to describe it.

***First In: An Insider's Account of How the CIA Spearheaded the War on Terror in Afghanistan* by Gary Schroen**

Perhaps because it was so long ago and perhaps because so much has happened since, it is easy to forget how quickly and effectively CIA moved immediately after 9/11. Tenet describes the policy process in his book,[b] but Gary Schroen, who led Team JAWBREAKER into Northern Afghanistan, paints a riveting picture of the action on the ground from the day after 9/11 to mid-November 2001, when CIA working with the US Special Forces, Afghan allies, and the US Air Force drove the Taliban from power and al Qa'ida into the hills. Of course, this did not keep some in Congress and the press from speaking about a "risk averse CIA." *First In* gives lie to that canard—as do the 117 Stars on CIA's Memorial Wall—and this book is a powerful reminder of just how dedicated, capable, and brave the men and women of the CIA and the IC are.

I will give the last word on 9/11 to DCI George Tenet. It is from his prepared statement to the above-mentioned congressional Joint Inquiry Committee on 17 October 2002:

> *It may be comforting on occasion to think that if we could find the one process that went wrong, then we could remedy that failing and return to the sense of safety we enjoyed prior to 9/11. The reality is that we were vulnerable to suicide terrorist attacks and we remain vulnerable to them today. That is not a pleasant fact for Americans to live with, but it is the case. There are no easy fixes. We will continue to look incisively at our own processes and to listen to others in an ongoing effort to do our jobs better. But we must be honest with ourselves and with the public about the world in which live.*[c]

Iraqi Weapons of Mass Destruction

There are no heroes in the Iraq WMD story, and failure is the only word to describe it. Moreover, it was a failure that was largely CIA's, although there were plenty of other participants, and CIA was not alone in its beliefs. All IC officers—especially analysts and managers of analysis—need to be familiar with the works that will be considered in this section. All look at why the IC—and the international community—were so wrong about Iraq's putative WMD capabilities, and while there is some agreement among the three, two point to a fundamentally different cause from that of the third—failure to understand an adversary—which I believe is *the* enduring intelligence challenge. The third report goes beyond the reasons for the Iraq WMD failure and examines the eternal tensions between those who produce intelligence and those who use intelligence to make decisions.

a. See especially Chapter 5, "The Principles of Organization."

b. See Tenet, Chapter 12 "Into the Sanctuary."

c. https://www.cia.gov/news-information/speeches-testimony/2002/dci_testimony_10172002.html.

The fundamental problem with the analysis of Iraq's WMD capabilities, according to the* Duelfer Report, *was not that it was a problem in S&T analysis, but that it was a problem in political analysis.

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

The Robb-Silberman[a] Commission, as it was popularly known, was created in February 2004 by President Bush to look not only into the Iraq issue, but also at the capability of the IC to address WMD and related threats. The commission on its own broadened its mandate to include a look at the structure of US intelligence. Congress passed the IRTPA, which created the DNI, while the commission was still working.[b]

According to the Robb-Silberman Commission, the Iraq WMD failure was "in large measure the result of analytical shortcomings" (3) and poor tradecraft in particular. (408) In the words of the report, "far and away the most damaging tradecraft weakness we observed was the failure of analysts to conclude—when appropriate—there was not enough information available to make a defensible judgment." (408) Compounding this was the "river of intelligence . . . over long periods" that flowed to the president and others that was "more alarmist and less nuanced than the NIE."[c] (14) It "left an impression of many collaborating reports where in fact there were very few sources." (14) The report, like the 9/11 Commission, also faults the analytic community for a lack of imagination. (13) Collection takes its blows, too: the WMD failure was also a collection failure on the part of CIA, DIA, NSA, and NGA, according to the report, and analysts cannot analyze information they do not have. (3, 9)

The commission's answer is more integration and greater centralization. The powers of the new DNI are too limited; the position requires more budget authority and more control of Defense Intelligence. (18) Strong mission managers are part of the answer, as they should play a powerful role in driving collection and encouraging competitive analysis. (387)

With specific regard to analysis, the commission recommended, among other things:[d]

- putting more emphasis on strategic intelligence (and, by implication, less on current intelligence);
- making analysis more transparent, in part by using more detailed sourcing statements;
- making greater use of red teams, devil's advocates, and outside experts, especially in the areas of science and technology;
- investing in technologies for advanced search and knowledge extraction; and
- requiring continual training and establishing IC-wide standards.

The report and the recommendations are what you would expect from a commission made up of lawyers, politicians, and bureaucrats—and I do not mean that disparagingly. The answer for such a group is always heavily weighted toward structure, procedure, training, and tools. But this solution does not get to what the Duelfer Report concluded was the real problem.

Comprehensive Report of the DCI's Special Advisor on Iraq WMD (*Duelfer Report*)[e]

The fundamental problem with the analysis of Iraq's WMD capabilities was not that it was a problem in science and technology (S&T) analysis, but that it was a problem in political analysis—in understanding the adversary. I confess I am as guilty as the rest. I was no longer in CIA's Directorate of Intelligence (now the

a. Laurence Silberman was (and still is) a senior judge of the US Court of Appeals for the District of Columbia. He had served as deputy attorney general under Presidents Nixon and Ford. Charles Robb is as former Democratic senator from Virginia.

b. The IRTPA was signed on 17 December 2004; the Rob-Silberman commission delivered its report on 31 March 2005.

c. The NIE, *Iraq's Continuing Programs for Weapons of Mass Destruction*, October 2002, was mandated by Congress in the run up to US invasion of Iraq in March 2003. A redacted and released version can be found at http://nsarchive2.gwu.edu/NSAEBB/NSAEBB129/nie.pdf.

d. These are scattered throughout the report but most are dealt with in detail in Chapter 8, "Analysis."

e. The Iraq Survey Group (ISG) was a postwar, multinational fact-finding mission under the leadership of CIA and DIA. It was initially led by David Kay, who resigned and was replaced by Charles Duelfer. Duelfer and a member of his team wrote about the effort in a *Studies in Intelligence* article published in 2005 (Vol. 49, No. 2 [June]): "Finding the Truth: The Iraq Survey Group and the Search for WMD." A redacted form of the article was released in 2015. It is most easily found at: http://nsarchive2.gwu.edu/NSAEBB/NSAEBB520-the-Pentagons-Spies/EBB-PS37.pdf.

Directorate of Analysis) during the period the NIE on Iraq WMD was done, but if I had been in the room when the president questioned the strength of the case against Iraq and George Tenet allegedly said "slam dunk," I would have said "Amen."

According to Duelfer, what was not factored into the analysis was the personality of Saddam and how the regime worked.[a] This was true not just of the CIA and the IC, but of the international community as well, including those in the Middle East, who one would think would have known Saddam and his regime the best. According to Duelfer, three things drove Saddam's behavior and made him *act* like he had ongoing WMD programs and stocks of chemical and biological weapons:

- He believed chemical weapons had saved Iraq in the Iraq-Iran War, and Iran was a continuing threat.
- He believed US concern about WMD during the first Gulf War had kept the US forces from pushing all the way up to Baghdad after it crossed into Iraq in 1991.
- He believed the fear of WMD would keep the United States and an international coalition from enforcing UN resolutions against him. (8)[b]

If Duelfer points to the analytic challenge, Robert Jervis examines it in depth. And, like Posner, Jervis does not mince words. The various Iraq postmortems are "almost as flawed as the original estimates,"and bad outcomes are not always explained by bad processes.

Analysts were also fooled because they were looking for a pattern and a strategy where there was none. According to Duelfer, Saddam was making it up as he went along—entirely tactically, but with a long-term goal: getting the UN sanctions lifted. Duelfer believed Saddam had no real plan or strategy other than wearing down the resolve of the international community. (3–5)

I have long thought that Iraq WMD was more the rationalization than the reason for the Second Gulf War, and the fact that large stockpiles were not found has fixed in the public mind the perception that there was no threat. The *Duelfer Report* is a powerful corrective. The ISG found that Saddam had destroyed his existing stockpiles of chemical and biological weapons after his son-in-law, Husayn Kamil, defected in the summer of 1991. But Saddam worked to sustain the capacity, especially the intellectual capital required, to restart the programs once the UN sanctions were lifted. (9)

The report concludes that Saddam probably had a capability to produce large quantities of sulfur mustard within three to six months at the start of Operation Iraqi Freedom (March 2003) and could have reestablished the biological weapons (BW) program in a few weeks. Moreover, the Iraqi Intelligence Service maintained a network of covert labs in which it developed poisons and did research on chemical and biological weapons.[c] When David Kay testified before the Senate Armed Services Committee in January 2004, he said,

> *Based on the intelligence that existed, I think it reasonable to reach the conclusion that Iraq posed an imminent threat. Now that you know reality on the ground as opposed to what you estimated before, you may reach a different conclusion—although I must say I actually think what we learned during the inspection made Iraq a more dangerous place, potentially, than in fact, we thought it was before the war.*[d]

Why Intelligence Fails: Lessons from the Iranian Revolution and the Iraq War by Robert Jervis

If Duelfer points to the analytic challenge, Robert Jervis examines it in depth. And, like Posner, Jervis does not mince words. The various Iraq postmortems are "almost as flawed as the original estimates," and bad outcomes are not always explained by bad processes. (123–124) Like Posner, he believes that "fixing the intelligence machinery" will not necessarily fix the problem.

a. See especially the Transmittal Letter to the Duelfer Report, dated 23 September 2004. The page numbers refer to the GPO printed version of the 1,000-page report. A digital, html (unpaginated) version is available at https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/transmittal.html.

b. It was not just the IC that miscalculated. Saddam failed to understand that 9/11 changed the US equation. See page 12.

c. For specifics, see https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/ for links to portions of the report dealing with each type of weapon.

d. See http://nsarchive.gwu.edu/NSAEBB/NSAEBB80/kaytestimony.pdf, 2.

Jervis points out that many intelligence failures are, in fact, "bilateral" in that one state is taken by surprise because it is unable to anticipate the other's intelligence failure.

Robert Jervis is a uniquely qualified commentator.[a] He is the Chair of the CIA's Historical Review Panel, possesses full clearances, and is one of the authors of the landmark internal CIA report on what went wrong with CIA analysis on Iran in the 1970s. When I was deputy executive director, I asked him to look into the CIA's analytic work on Iraq. Chapter Three of *Why Intelligence Fails*—"The Iraq WMD Intelligence Failure: What Everyone Knows is Wrong"—is the unclassified version of that study.[b]

Jervis reviews the various explanations given for the failure, finding some valid (too much certainty, failure to consider alternatives, etc.) and some just wrong (excessive consensus, politicization, etc.), but in every case the explanation ignored the context. (126–36) For instance, with regard to alternatives, Jervis points out that even opponents of the war did not offer alternatives, and if someone had, it was unlikely to have been seen as credible. (128) "The fundamental reason for the WMD failure in Iraq was that the inferences were very plausible, much more so than the alternative." (146)

The causes of failure lie elsewhere, according to Jervis. Insufficient attention was paid to Husayn Kamil's claim that the stockpiles had been destroyed and the programs were morbid. (137) The analytic community "overlearned" the lessons of 1991, when, after the First Gulf War, it was revealed that Saddam's WMD programs were much further along than previously thought. (138) Saddam's denial and deception efforts were treated as proof of concealment rather than a hypothesis to be tested. (139) And, HUMINT was weak and misleading, and analysts did not have enough insight into the sources. (140)

But Jervis points to three deeper factors. The first is a failure "to sufficiently integrate technical and political analysis . . . questions of Iraqi WMD capabilities were not treated in the context of Saddam's political system, fears, and intentions." (145) Second, analysts assumed foreign actors were rational. Confusion and improvisation are hard to understand and Saddam's strategy was incoherent. (146) "Third, and central to the Iraq case, empathy is difficult when the other's beliefs and behavior are strange and self-defeating." (146) Jervis points out that many intelligence failures are, in fact, "bilateral" in that one state is taken by surprise because it is unable to anticipate the other's intelligence failure. He quotes Sherman Kent on the Cuban Missile Crisis: "We missed the Soviet decision to put missiles into Cuba because we could not believe Khrushchev would make such a mistake." (1)

Jervis does not excuse himself from the same conclusion everyone everywhere made.

> *In this case, even if there had been no errors in tradecraft, I believe the analysts would and should* [Jervis emphasis] *have judged that Saddam seemed to be actively pursuing all kinds of WMD and probably had some on hand. The assessment should have been expressed with much less certainty, the limitations on direct evidence should have been stressed, and the grounds for reaching the conclusion should have been explicated. But while it would be comforting to believe that better analysis would have led to a fundamentally different conclusion, I do not think this is the case.*(149)

Jervis concludes by stating that intelligence is inherently fallible and that the most important function of intelligence is to raise questions. (178, 181) Analysis can be best improved by a good product evaluation program, stronger middle management, more attention to social science methods, more rigorous peer review, and deep country expertise to include culture and language. (187–195)

Detention and Interrogation

The 9/11 Commission and the Robb-Silberman Commission were bipartisan and went about their work in a professional manner. This was

a. Jervis was the chair of the DCI Historical Review Panel when I was deputy executive director. Professor Jervis is the Adlai E. Stevenson Professor of International Politics at Columbia University.

b. *Why Intelligence Fails* is the best book I have ever read on intelligence analysis and should be required reading for all analysts and managers of analysis. In addition to the unclassified version of the Iraq study, the book includes the unclassified version of the Iran study and the best chapter I have seen on the limits of intelligence and the natural tension between intelligence producers and policymakers.

In my view, the report reads like an indictment . . . the facts still in dispute and having to be proven in court.

not the case—on either score, in my view—with the *Report of the Senate Select Committee on Intelligence Study of the Central Intelligence Agency's Detention and Interrogation Program*. Initiated by a 14-1 vote in March 2009, the study led to a 6,700-page classified report that was approved in December 2012 by a 9-6 vote (all seven Democratic members, one Republican, and one Independent voted in approval).[a] The contention and controversy that would surround the study and the report resembled the period of the mid-1970s when alledged CIA abuses of its authorities were investigated by two congressional committees.

In my view, the report reads like an indictment, a document a prosecutor would prepare to gain a grand jury decision to go to trial—the facts still in dispute and having to be proven in court. Committee staff members took five years and, according to a CIA estimate cited in the minority response to the report's passage, cost CIA $40 million dollars to help locate, review, and sanitize the documentation required to produce the report and its 20 conclusions (all of them disputed in CIA's official rebuttal). Moreover, as the Committee Chairman Dianne Feinstein pointed out, the report contained no specific recommendations.[b] Former CIA Director Michael Hayden likened the process to a personal experience:

> *When I was a military attaché in Bulgaria during the Cold War, I once got into a heated discussion with a Bulgarian political officer. Frustrated by some of the things he had been telling me, I simply asked what "truth" meant to him. He quickly responded, "Truth is what serves the party." That's a pretty good description of what we have here . . . and why.*[c]

***Rebuttal: The CIA Responds to the Senate Intelligence Committee's Study of Its Detention and Interrogation Program,* edited by Bill Harlow**

Particularly frustrating to me and many others is how quickly and completely the *SSCI Report* has been embraced and accepted as truth. Particularly troubling is acceptance of the idea that the CIA program was carried out without the express knowledge and approval of senior administration AND congressional figures. *Rebuttal* is a collection of essays and documents that attempts to correct the distortions in the *SSCI Report*. It includes short essays by former directors George Tenet, Porter Goss, and Hayden; deputy directors John McLaughlin and Michael Morell; and former senior CIA and FBI officers, John Rizzo, Jose Rodriguez, and Phillip Mudd. It also includes the unclassified CIA rebuttal as well as the "Minority Views of Vice Chairman Chambliss, Senators Burr, Risch, Coats, Rubio, and Coburn."[d]

In more than 100 pages the "Minority Views" contains a much more detailed and thorough critique of the *SSCI Report* than the official and relatively brief unclassified CIA rebuttal.[e] It faults the report on two broad grounds: flawed process and problematic analysis. On process, the "Minority Views" notes that the majority did not interview witnesses; did not do basic factchecking; did not provide sufficient time for the Republican minority to review the report before the vote; and ignored the CIA's response, which identified a number of factual errors. (187) The

a. Senators Angus King and Susan Collins, both from Maine, voted to release the report, which would also include their personal perspectives on its findings. (The report actually included the personal views of six senators and three sets of collective minority views.) In her "views," Collins offered the following reason for voting to release the report: "My vote to declassify this report does not signal my endorsement of all of its conclusions or its methodology. I do believe, however, that the Executive Summary, and Additional and Minority Views, and the CIA's rebuttal should be made public with appropriate redactions so the American public can reach their own conclusions about the conduct of this program. In my judgment, the 'enhanced interrogation techniques' led, in some instances, to inhumane and brutal treatment of certain individuals held by the United States government."

b. *SSCI Report*, 554 and 4, respectively.

c. Michael V. Hayden, "Analysis: Flawed, Politicized . . . and Rejected" in *Rebuttal: The CIA Responds to the Senate Intelligence Committee's Study of Its Detention and Interrogation Program*, 13.

d. *Rebuttal* labels its chapter on one of the minority additions to the *SSCI Report* "The Minority Report," although its authors noted in their introduction that "These views should not be treated as an independent report based upon a separate investigation, but rather our evaluation and critique of the Study's problematic analysis, factual findings, and conclusions."

e. See "CIA Fact Sheet Regarding the SSCI Study on the Former Detention and Interrogation Program" at https://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/cia-fact-sheet-ssci-study-on-detention-interrogation-program.html

"Minority Views" does not take issue with two of the report's conclusions—that the EITs were brutal and the conditions of confinement were harsh.

"Minority Views" also states that the the *SSCI Report* violates several basic tenets of intelligence analysis: it lacked context and objectivity; showed evidence of politicization; lacked timeliness; did not make use of available sources; and displayed a poor standard of analytic tradecraft. (187–190)

"Minority Views" also takes sharp and direct exception to eight of the 20 conclusions of the *SSCI Report*; the CIA rebuttal takes issue with all of them.[a] Specifically, "Minority Views" disagrees with the report's conclusion that the enhanced interrogation techniques (EITs) were not effective; that justification of the EITs rested on inaccurate claims of effectiveness; that CIA impeded oversight by Congress, the White House, and the NSC; that CIA misled the Department of Justice and impeded its own inspector general; and CIA released classified information on EITs to the media. (191–213) The "Minority Views" does a particularly good job of refuting specific contentions of the majority. In a detailed analysis that lasts almost 90 pages, "Minority Views" first states the "Study Claim" and then presents the "Fact."(191–213)

"Minority Views" does not take issue with two of the report's conclusions—that the EITs were brutal and the conditions of confinement were harsh. It also does not directly dispute some others, including that the CIA was not prepared to operate detention facilities and that the program was flawed, especially in the beginning, but it adds context. "Minority Views" did not directly address a handful of the conclusions, but commented on most of them.[b]

One impression that some in Congress have tried hard to create is that the Hill was kept in the dark about the RDI program and the EITs. It is a claim CIA rejected in its official comments on the report. The fact-sheet available on CIA's public website offered the following summary, directly quoted:

•Within the limits on access established by the White House, CIA made a good faith effort to keep Congressional oversight committee leaders fully briefed on the program.

•CIA also facilitated multiple reviews by its own Inspector General (IG), whose reports allowed Agency leaders to address a number of the same shortcomings noted in the SSCI report.

•Despite some flaws in CIA's representations of effectiveness, the overall nature and value of the program, including the manner in which interrogations were carried out and the IG's findings about the program's shortcomings, were accurately portrayed to CIA's Executive and Legislative Branch overseers, as well as the Justice Department.[c]

And, of course, Congress funded the program. When the abuse of prisoners by US Army soldiers in Abu Ghraib was exposed in April 2004 and knowledge of the CIA detention program became public, congressional attitudes hardened against the program.

Two retired senior Agency officers and a former director and deputy director have written books or given lengthy interviews on their involvement with the RDI program, their interactions with the Bush and Obama administrations, and Congress. ***Company Man: Thirty Years of Controversy and Crisis in the CIA*** **by John Rizzo**, who served many years in the Office of the General Consul and as acting general consul, covers in detail the history of the RDI program and EITs, especially in chapters one and 11–16. Rizzo chronicles CIA frustrations in dealing with both the Department of Justice and the Hill as it sought legal guidance on the program and worked hard to make sure that everything was done legally and briefed properly. He also discusses problems with the program and how CIA made sure any and all incidents were reported to the IG and the Department of Justice for investigation. ***Hard Measures: How Aggressive***

a. For a detailed comparison of differences see a multipart blog posting on the Brookings Institution's Lawfareblog at https://www.lawfareblog.com/findings-conclusions-and-areas-dispute-between-ssci-report-minority-and-cia-part-1. The site contains extended discussion of the issues surrounding detention and interrogation, including a defense of her report by Senator Feinstein.

b. https://www.lawfareblog.com/findings-conclusions-and-areas-dispute-between-ssci-report-minority-and-cia-part-1.

c. http://www.cia.gov/library/reports/CIAs_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf and http://www.cia.gov/news-information/press-releases-statements/2014-press-releases-statements/cia-fact-sheet-ssci-study-on-detention-interrogation-program.html

Hayden sees the SSCI Report as "a missed opportunity to deliver a serious and balanced study of an important public policy question."

CIA Actions After 9/11 Saved American Lives **by Jose Rodriguez** covers some of the same ground, but focuses on Rodriguez's time in the Counterterrorism Center and as director of operations. The book is particularly good on the "torture tapes" issue and relations with the Hill.[a]

Former director Michael Hayden in his book ***Playing to the Edge*** details at length his interaction with the congressional oversight committees and his struggles with the Obama administration over the release of documents on the RDI program.(227–32, 354–58, and 395–402) He has nothing but praise for former Director Panetta and very little praise for former Attorney General Eric Holder. The president, he says "seemed to want to have it both ways" and in Hayden's judgment, "came out looking inconsistent to people on both sides of the issue." (395) Hayden writes with humor and a decided edge, and in doing so skewers opponents and turns the memorable phrase. He sees the *SSCI Report* as "a missed opportunity to deliver a serious and balanced study of an important public policy question" and that the Agency and the country would benefit from a "more balanced study . . . and a corresponding set of recommendations." (402)

Former deputy director "***Michael Morell in an Extended Interview with Charlie Rose"*** makes many of the same points, but without the edge that characterizes Hayden's book. Morell is dispassionate and analytic—just what we would expect of a career analyst—and therefore more effective than Hayden. Morell is especially helpful in providing the CIA context and the atmospherics surrounding these issues.

I am going to give Robert Jervis the last word on the *SSCI Report*. He did a review essay in the May/June 2015 issue of *Foreign Affairs*, **"The Torture Blame Game The Botched Senate Report on the CIA's Misdeeds."** He sees the *SSCI Report* as a missed opportunity to address some very complex and profound issues:

> *The CIA's interrogation program raised a host of moral questions as well, which the Senate reports and the CIA rebuttal ignore . . . . both the Democratic majority report and the Republican dissent take easy ways out. By claiming torture was ineffective, the Democratic report encourages a sense of indignation and implies the interrogation program was morally indefensible. The Republican dissent, for its part, contents itself with claiming that the torture did produce useful information but avoids an accounting of its moral and political costs, suggesting that such concerns have no place in counterterrorism policies.*
>
> *All the documents suffer from a shortcoming . . . a failure (or refusal) to acknowledge the existence of tradeoffs between competing values . . . both spare their beholders from confronting the possibility that the CIA tortured people, acted immorally, and also saved lives.*
>
> *Such difficult questions require a national conversation. Unfortunately, the Senate Intelligence Community forfeited its chance to lay the foundations for one. Indeed, the majority report suggests that little further thought is needed, clearing almost all involved. According to the Democrats on the Committee, the American people, Congress, the Department of Justice, and even the President himself were either kept in the dark by the CIA or deceived by it into needlessly allowing torture to continue. The majority report's authors seem to want Americans to accept these findings, condemn the CIA, and simply vow to never permit torture to recur.*
>
> *If the authors of the majority report believe their efforts have made the outcome less likely, they are mistaken. In the end, a less political report might have had more influence.*

. . . so what? Other than the benefit of having a deeper understanding of three controversies that in large measure define the CIA for the past 15 years? I think 9/11, Iraq WMD, and RDI hold important lessons for all intelligence officers, but especially analysts and managers of analysis, who increasingly are not former analysts themselves.

a. Some early interrogations of captured al Qa'ida operatives were taped, in part so there would be an accurate record of what was learned and to make sure the guidelines were not exceeded. Rodriguez ordered the destruction of the tapes because they showed the faces of CIA officers who were doing the interrogation, and he feared that if the tapes became public, the lives of these officers and their families would be at risk.

With regard to empathy, if our mission at its core is to make judgments about an adversary, then I think we must be able to answer eight questions about the adversary's system and key leaders(s), institutions, and groups.

If Robert Jervis is correct—as I think he is—that the most important function of intelligence is to raise questions, then the three episodes teach us that we must know what questions to ask. After 45 years doing and thinking about intelligence, I have to offer my list of 11 questions—eight relating to empathy and three to confidence—that I hope every analyst and manager will ponder every time. To these I would add an keen appreciation of the environment in which we practice our craft today.

With regard to empathy, if our mission at its core is to make judgments about an adversary, then I think we must be able to answer eight questions about the adversary's system and key leaders(s), institutions, and groups. We must also be able to answer questions about our confidence in our judgments.

With regard to the ***system*** he lives in or the organization he belongs to:

- *How does one get to the top of that system?*
- *What is the preferred method of exercising power and making decisions?*
- *What are the acceptable and unacceptable uses of power in that system or institution?*

With regard to the ***individual, institution,*** or ***group***:

- *What is his/their assessment of the situation?*
- *How does he/they see their options?*
- *What is his/their tolerance for risk?*
- *What does he/they believe about US intentions, capabilities, and* especially *will?*
- *What is his/their definition of an acceptable outcome?*

If we cannot answer these questions, then how can we make good judgments about the other side? I believe we cannot, and, in fact, we really do not understand what we are attempting to analyze.

With regard to ***confidence*** and ***expressing confidence***, I have come to believe the Intelligence Community is going about it backwards. If you had asked me when I was a callow youth how confident I am in judgments, I would have answered: "I have looked at all the evidence, thought about it, presented it accurately with appropriate caveats. I am pretty confident in my judgments and furthermore I have taken care in expressing them with the appropriate level of confidence." I am considerably older now, and with regard to confidence, I would encourage analysts—and especially managers and reviewers of analysis—to ask these three questions:

- *Where am I most vulnerable to error?* The question will invite a different and more thoughtful answer than, "How confident am I?"
- *What am I not seeing that I should be seeing if my analytic line is correct?*
- And if we ever find ourselves thinking it makes no sense for the adversary to be doing something, we should ask, "*Under what circumstances might it make sense for them to do that?"*

With regard to the environment in which we practice our craft . . . well, 9/11, Iraq WMD, and the controversies around RDI and EIT have had one indisputable impact. Intelligence, and especially intelligence analysis, is much more the topic of partisan politics these days, and that is not going to change. Objectivity and refraining from policy prescription have been and must always be our core values. We in the Intelligence Community also need to realize that we are the only ones in the foreign-policy decisionmaking process playing by those rules, and that makes us targets as well as helpmates. And, this is yet another reason why tradecraft must be strong and our knowledge of the past—and its lessons—forever in our minds.

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