

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

Report to the President of the United States

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BIOLOGICAL WARFARE

Biological Warfare Summary Finding

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

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

Contrary to the Intelligence Community's pre-war assessments, the ISG's post-war investigations concluded that Iraq had unilaterally destroyed its biological weapons stocks and probably destroyed its remaining holdings of bulk BW agent in 1991 and 1992.²²¹ Moreover, the ISG concluded that Iraq had conducted no research on BW agents since that time, although Iraq had retained some dual-use equipment and intellectual capital.²²² The ISG found no evidence of a mobile BW program.²²³

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

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

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

The Intelligence Community's Pre-War Assessments

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

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

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

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

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

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

Between January 2000 and September 2001, DIA's Defense HUMINT Service disseminated almost 100 reports from Curveball regarding mobile BW facilities in Iraq.²³⁵ These reports claimed that Iraq had several mobile production units and that one of those units had begun production of BW agents as early as 1997.²³⁶

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

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

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

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

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

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

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

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

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

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

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

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

Post-War Findings of the Iraq Survey Group

The Iraq Survey Group found that the Intelligence Community’s pre-war assessments about Iraq’s BW program were almost entirely wrong. The ISG concluded that “Iraq appears to have destroyed its undeclared stocks of BW weapons and probably destroyed remaining holdings of bulk BW agent” shortly after the Gulf War.²⁶¹ According to the ISG, Iraq initially intended to retain elements of its biological weapons program after the Gulf War. UNSCOM inspections proved unexpectedly intrusive, however, and to avoid detection, Saddam Hussein ordered his son-in-law and Minister of the Military Industrial Commission Hussein Kamil to destroy, unilaterally, Iraq’s stocks of BW agents.²⁶² This took place in either the late spring or summer of 1991.²⁶³ But Iraq retained a physical plant at Al-Hakam and the intellectual capital necessary to resuscitate the BW program.²⁶⁴ Simultaneously, Iraq embarked on an effort to hide this remaining infrastructure and to conceal its pre-war BW-related activities.²⁶⁵

In early 1995, however, UNSCOM inspectors confronted Iraqi officials with evidence of 1988 imports of bacterial growth media in quantities that had no civilian use within Iraq’s limited biotechnology industry.²⁶⁶ This confrontation, followed by the defection of Hussein Kamil in August 1995, prompted Iraq to admit that it had produced large quantities of bulk BW agent before the Gulf War.²⁶⁷ Iraq also released a large cache of documents and issued the first of several “Full, Final and Complete Declaration[s]” on June 22, 1996, further detailing its BW program. UNSCOM subsequently supervised the destruction of BW-related facilities at Al-Hakam in 1996.²⁶⁸

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

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

Analysis of the Intelligence Community's Pre-War Assessments

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

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

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

Biological Warfare Finding 1

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

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

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

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

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

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

Biological Warfare Finding 2

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

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

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

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

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

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

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

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

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

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

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

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

encapsulated by a comment in a memorandum prepared by the CIA for a senior policymaker: “Mobile BW information comes from [several] sources, one of whom is credible and the other is of undetermined reliability. We have raised our collection posture in a bid to locate these production units, but years of fruitless searches by UNSCOM indicate they are well hidden.”³⁰² Again, the analysts appear never to have considered the idea that the searches were fruitless because the weapons were not there.

Biological Warfare Finding 3

The October 2002 NIE failed to communicate adequately to policymakers both the Community’s near-total reliance on Curveball for its BW judgments, and the serious problems that characterized Curveball as a source.

The Community erred in failing to highlight its overwhelming reliance on Curveball for its BW assessments. The NIE judged that Iraq “has transportable facilities for producing bacterial and toxin BW agents” and attributed this judgment to multiple sources.³⁰³ In reality, however, on the topic of mobile BW facilities Curveball provided approximately 100 detailed reports on the subject, while the second and fourth sources each provided a single report. (As will be discussed in greater detail below, the reporting of another source—the INC source—had been deemed a fabrication months earlier, but nonetheless found its way into the October 2002 NIE.)³⁰⁴ The presentation of the material as attributable to “multiple sensitive sources,” however, gave the impression that the support for the BW assessments was more broadly based than was in fact the case. A more accurate presentation would have allowed senior officials to see just how narrow the evidentiary base for the judgments on Iraq’s BW programs actually was.

Other contemporaneous assessments about Iraq’s BW program also reflect this problem. For example, the Intelligence Community informed senior policymakers in July 2002 that CIA judged that “Baghdad has transportable production facilities for BW agents...according to defectors.”³⁰⁵ Again, while three “defector” sources (Curveball, the second source, and the INC source) are cited in this report, Curveball’s reporting was the overwhelmingly predominant source of the information.

And the NIE should not only have emphasized its reliance on Curveball for its BW judgments; it should also have communicated the limitations of the source himself. The NIE, for instance, described him as “an Iraqi defector deemed credible by the [Intelligence Community].”³⁰⁶ The use of the term “credible” was apparently meant to imply only that Curveball’s reporting was technically plausible. To a lay reader, however, it implied a broader judgment as to the source’s general reliability. This description obscured a number of salient facts that, given the Community’s heavy reliance upon his reporting, would have been highly important for policymakers to know—including the fact that the Community had never gained direct access to the source and that he was known at the time to have serious handling problems. While policymakers may still have credited his reporting, they would at least have been warned about the risks in doing so.

Biological Warfare Finding 4

Beginning in late 2002, some operations officers within the regional division of the CIA’s Directorate of Operations that was responsible for relations with the liaison service handling Curveball expressed serious concerns about Curveball’s reliability to senior officials at the CIA, but these views were either (1) not thought to outweigh analytic assessments that Curveball’s information was reliable or (2) disregarded because of managers’ assessments that those views were not sufficiently convincing to warrant further elevation.

After the NIE was published, but before Secretary Powell’s speech to the United Nations, more serious concerns surfaced about Curveball’s reliability. These concerns were never brought to Secretary Powell’s attention, however. Precisely how and why this lapse occurred is the subject of dispute and conflicting memories. This section provides only a brief summary of the key events in this complicated saga.

The NIE went to press in early October 2002, but its publication did not end the need to scrutinize Curveball’s reliability. To improve the CIA’s confidence in Curveball, the CIA’s Deputy Director for Operations (DDO), James Pavitt, sought to press the foreign intelligence service for access to Curveball.³⁰⁷ Mr. Pavitt’s office accordingly asked the chief (“the division chief”) of the DO’s regional division responsible for relations with the liaison service (“the division”) to meet with a representative of the foreign intelligence service to make

the request for access.³⁰⁸ According to the division chief, he met with the representative in late September or early October 2002.³⁰⁹

At the lunch, the division chief raised the issue of U.S. intelligence officials speaking to Curveball directly. According to the division chief, the representative of the foreign intelligence service responded with words to the effect of “You don’t want to see him [Curveball] because he’s crazy.” Speaking to him would be, in the representative of the foreign service’s words, “a waste of time.” The representative, who said that he had been present for debriefings of Curveball, continued that his intelligence service was not sure whether Curveball was actually telling the truth and, in addition, that he had serious doubts about Curveball’s mental stability and reliability; Curveball, according to the representative, had had a nervous breakdown. Further, the representative said that he worried that Curveball was “a fabricator.” The representative cautioned the division chief, however, that the foreign service would publicly and officially deny these views if pressed. The representative told the division chief that the rationale for such a public denial would be that the foreign service did not wish to be embarrassed.³¹⁰ According to the division chief, he passed the information to three offices: up the line to the office of CIA’s Deputy Director for Operations;³¹¹ down the line to his staff, specifically the division’s group chief (“the group chief”) responsible for the liaison country’s region;³¹² and across the agency to WINPAC.³¹³ At the time, the division chief thought that the information was “no big deal” because he did not realize how critical Curveball’s reporting was to the overall case for Iraqi possession of a biological weapons program.³¹⁴ He assumed there were other streams of reporting to buttress the Intelligence Community’s assessments. He could not imagine, he said, that Curveball was “it.”³¹⁵

Several months later, prompted by indications that the President or a senior U.S. official would soon be making a speech on Iraq’s WMD programs, one of the executive assistants for the then-Deputy Director of Central Intelligence (DDCI) John McLaughlin³¹⁶ met with the group chief to look into the Curveball information.³¹⁷ This meeting took place on December 18, 2002.³¹⁸ Although the executive assistant did not specifically recall the meeting when he spoke with Commission staff,³¹⁹ an electronic mail follow-up from the meeting—which was sent to the division chief and the group chief—makes clear that the meeting was called to discuss Curveball and the public use of his information.³²⁰

As a result of this meeting, the division sent a message that same afternoon to the CIA's station in the relevant country again asking that the foreign intelligence service permit the United States to debrief Curveball.³²¹ The message stressed the importance of gaining access to Curveball, and noted the U.S. government's desire to use Curveball's reporting publicly. On December 20, the foreign service refused the request for access, but concurred with the request to use Curveball's information publicly—"with the expectation of source protection."³²²

By this point, it was clear that the division believed there was a serious problem with Curveball that required attention. A second meeting was scheduled on December 19 at the invitation of DDCI McLaughlin's same executive assistant.³²³ According to the executive assistant, he called the meeting because it had become apparent to DDCI McLaughlin that Curveball's reporting was significant to the Intelligence Community's judgments on Iraq's mobile BW capability.³²⁴ The invitation for the meeting stated that the purpose was to "resolve precisely how we judge Curveball's reporting on mobile BW labs," and that the executive assistant hoped that after the meeting he could "summarize [the] conclusions in a short note to the DDCI."³²⁵ The meeting was attended by the executive assistant, a WINPAC BW analyst, an operations officer from the DO's Counterproliferation Division, and the regional division's group chief. Mr. McLaughlin, who did not attend this meeting, told this Commission that he was not given a written summary of the meeting and did not recall whether any such meeting was held.³²⁶

Although individuals' recollections of the meeting vary somewhat, there is little disagreement on the meeting's substance. The group chief argued that Curveball had not been adequately "vetted" and that his information should therefore not be relied upon. In preparation for the meeting, the group chief had outlined her concerns in an electronic mail to several officers within the Directorate of Operations—including Stephen Kappes, the then-Associate Deputy Director for Operations. The electronic mail opened with the following (in bold type):

Although no one asked, it is my assessment that Curve Ball had some access to some of this information and was more forthcoming and cooperative when he needed resettlement assistance; now that he does not need it, he is less helpful, possibly because when he was being helpful, he was embellishing, a bit. The [foreign service] ha[s] devel-

oped some doubts about him. We have been unable to vet him operationally and know very little about him. The intelligence community has corroborated portions of his reporting with open source information ...and some intelligence (which appears to confirm that things are where he said they were).³²⁷

At the meeting, the group chief stated that she told the attendees that the division's concerns were based on the foreign service representative's statements to the division chief, the CIA's inability to get access to Curveball, the significant "improvement" in Curveball's reporting over time, the decline of Curveball's reporting after he received the equivalent of a green card, among other reasons.³²⁸ She also recalled telling the attendees the details of the foreign service representative's statements to the division chief.³²⁹ In the group chief's view, she made it clear to all the attendees that the division did not believe that Curveball's information should be relied upon.³³⁰

With equal vigor, the WINPAC representative argued that Curveball's reporting was fundamentally reliable.³³¹ According to the WINPAC analyst, Curveball's information was reliable because it was detailed, technically accurate, and corroborated by another source's reporting.³³²

Both the group chief and the WINPAC analyst characterized the exchange as fairly heated.³³³ Both of the two primary participants also recalled providing reasons why the other's arguments should not carry the day. Specifically, the group chief says she argued, adamantly, that the supposedly corroborating information was of dubious significance because it merely established that Curveball had been to the location, not that he had any knowledge of BW activities being conducted there. In addition, the group chief questioned whether some of Curveball's knowledge could have come from readily available, open source materials.³³⁴ Conversely, the WINPAC BW analyst says that she questioned whether the group chief had sufficient knowledge of Curveball's reporting to be able to make an accurate assessment of his reliability.³³⁵

It appears that WINPAC prevailed in this argument. Looking back, the executive assistant who had called the meeting offered his view that the WINPAC BW analyst was the "master of [the Curveball] case," and that he "look[ed] to her for answers."³³⁶ He also noted that the group chief clearly expressed her skepticism about Curveball during the meeting, and that she fundamentally took the position that Curveball's reporting did not "hold up."³³⁷ The executive assis-

tant further said that while the foreign service officially assessed that Curveball was reliable, they also described him as a “handling problem.”³³⁸ According to the executive assistant, the foreign service said Curveball was a handling problem because he was a drinker, unstable, and generally difficult to manage. In the executive assistant’s view, however, it was impossible to know whether the foreign service’s description of Curveball was accurate. Finally, the executive assistant said that he fully recognized Curveball’s significance at the time of the meeting; that Curveball “was clearly the most significant source” on BW; and that if Curveball were removed, the BW assessment was left with one other human source, “but not much more.”³³⁹

The following day, the executive assistant circulated a memorandum to the WINPAC BW analyst intended to summarize the prior day’s meeting.³⁴⁰ Perhaps in keeping with his reliance on the WINPAC BW analyst as the “master of the case,” the executive assistant’s “summary” of the draft of the memorandum, titled “Reliability of Human Reporting on Iraqi Mobile BW Capability,” played down the doubts raised by the DO division:

The primary source of this information is an Iraqi émigré (vice defector) ...After an exhaustive review, the U.S. Intelligence Community—[as well as several liaison services]...judged him credible. This judgment was based on:

- The detailed, technical nature of his reporting;
- [Technical intelligence] confirming the existence/configuration of facilities he described (one Baghdad office building is known to house administrative offices linked to WMD programs);
- UNSCOM’s discovery of military documents discussing “mobile fermentation” capability;
- Confirmation/replication of the described design by U.S. contractors (it works); and
- Reporting from a second émigré that munitions were loaded with BW agent from a mobile facility parked³⁴¹ within an armaments center south of Baghdad.³⁴²

The memorandum then continued on to note that “[w]e are handicapped in efforts to resolve legitimate questions that remain about the source’s veracity and reporting because the [foreign service] refuses to grant direct access to the source.”³⁴³ Later, in the “Questions/Answers” section, the memorandum stated:

How/when was the source’s reliability evaluated—[One foreign service] hosted a...meeting in 2001, over the course of which all the participating services judged the core reporting as “reliable.” [One of the other services] recently affirmed that view—although the [service] ha[s] declined to provide details of sources who might provide corroboration. Operational traffic...indicates the [hosting foreign service] may now be downgrading its own evaluation of the source’s reliability.³⁴⁴

It does not appear that this memorandum was circulated further; rather, the executive assistant explained that he would have used the memorandum to brief the DDCI at their daily staff meeting.³⁴⁵

Former DDCI McLaughlin, however, said that he did not remember being apprised of this meeting.³⁴⁶ Mr. McLaughlin told the Commission that, although he remembered his executive assistant at some point making a passing reference to the effect that the executive assistant had heard about some issues with Curveball, he (Mr. McLaughlin) did not remember having ever been told in any specificity about the DO division’s doubts about Curveball.³⁴⁷ Mr. McLaughlin added that, at the same time, he was receiving assurances from the relevant analysts to the effect that Curveball’s information appeared good.³⁴⁸

At about the same time, the division apparently tried another route to the top. Within a day or so after the December 19 meeting, the division’s group chief said that she and the division chief met with James Pavitt (the Deputy Director for Operations) and Stephen Kappes (the Associate Deputy Director for Operations).³⁴⁹ At this meeting, according to the group chief, she repeated the Division’s concerns about Curveball.³⁵⁰ But according to the group chief, Mr. Pavitt told her that she was not qualified to make a judgment about Curveball, and that judgments about Curveball should be made by analysts.³⁵¹

When asked about this meeting by Commission staff, Mr. Pavitt said that although he knew there were handling problems with Curveball, he did not

recall any such meeting with the division chief or the group chief.³⁵² Mr. Pavitt added, however, that he would have agreed that the call was one for the analysts to make. He also noted that he does not recall being aware, in December 2002, that Curveball was such a central source of information for the Intelligence Community's mobile BW judgments.³⁵³ For his part, Mr. Kappes does not specifically recall this meeting, although he said that the concerns about Curveball were generally known within the CIA. He also said that he did not become aware of the extensive reliance on Curveball until after the war.³⁵⁴

That is where matters stood for about a month. But the issue arose once again in January 2003. During December and January, it became clear that the Secretary of State would be making an address on Iraq to the United Nations Security Council and that presenting American intelligence on Iraq's WMD programs would be a major part of the speech. In late January, the Secretary began "vetting" the intelligence in a series of long meetings at the CIA's Langley headquarters. In connection with those preparations, a copy of the speech was circulated so that various offices within CIA could check it for accuracy and ensure that material could be used without inappropriately disclosing sources and methods.³⁵⁵ As part of that process, the group chief received a copy.³⁵⁶ According to the group chief, she said that she "couldn't believe" the speech relied on Curveball's reporting, and immediately told the division chief about the situation.³⁵⁷ The group chief also said that she edited the language in a way that made the speech more appropriate.³⁵⁸

According to the division chief, he was given the draft speech by an assistant, and he immediately redacted material based on Curveball's reporting. He then called the DDCI's executive assistant and asked to speak to the DDCI about the speech.³⁵⁹ When interviewed by Commission staff, the executive assistant did not recall having any such conversation with the division chief, nor did he remember seeing a redacted copy of the speech.³⁶⁰ However, another Directorate of Operations officer, who was responsible for evaluating the possible damage to DO sources from the release of information in the speech, remembers being approached during this time by the division chief. According to this officer, the division chief said he was concerned about the proposed inclusion of Curveball's information in the Powell speech and that the handling service itself thought Curveball was a "flake."

The DO officer responsible for sources and methods protection summarized these concerns in an electronic mail which he sent to another of the DDCI's aides for passage to the DDCI. The DO officer responsible for sources and methods did not recall that the division chief made any specific redactions of language from the draft.³⁶¹ The DDCI's executive assistant has no recollection of such an electronic mail or of any concerns expressed about Curveball.³⁶²

Later that afternoon, according to the division chief, he met with the DDCI to discuss the speech. The division chief recounted that he told the DDCI that there was a problem with the speech because it relied on information from Curveball, and that—based on his meeting with the foreign intelligence service representative—the division chief thought that Curveball could be a fabricator.³⁶³ Although the division chief told the Commission that he could not remember the DDCI's exact response, he got the impression that this was the first time that the DDCI had heard of a problem with Curveball. Specifically, the division chief recalled that the DDCI, on hearing that Curveball might be a fabricator, responded to the effect of: "Oh my! I hope that's not true."³⁶⁴ It was also at this time, according to the division chief, that he (the division chief) first learned that Curveball provided the primary support for the Intelligence Community's judgments on BW.

The group chief provided indirect confirmation of the exchange; she remembered the division chief telling her about this exchange shortly after it occurred.³⁶⁵ Similarly, former DDO James Pavitt told the Commission that he remembered the division chief subsequently relating to him that the division chief had raised concerns about Curveball to the DDCI around the time of the Secretary of State's speech.³⁶⁶

By contrast, former DDCI McLaughlin told the Commission that he did not remember any such meeting with the division chief. Specifically, the former DDCI said that he was not aware of the division chief contacting his (Mr. McLaughlin's) executive assistant to set up a meeting about Curveball; there was no such meeting on his official calendar; he could not recall ever talking to the division chief about Curveball; and he was not aware of any recommended redactions of sections of the draft speech based on Curveball's reporting. Moreover, Mr. McLaughlin told the Commission that the division chief never told him that Curveball might be a fabricator.³⁶⁷ The former DDCI added that it is inconceivable that he would have permitted

information to be used in Secretary Powell's speech if reservations had been raised about it.³⁶⁸

On January 24, 2003, the CIA sent another message to the CIA's relevant station asking for the foreign intelligence service's "transcripts of actual questions asked of, and response given by, Curveball concerning Iraq's BW program not later than ...COB [close of business], 27 January 2003." The message further noted that the CIA had "learned that [the President] intend[ed] to refer to the Curveball information in a planned United Nations General Assembly (UNGA) speech on 29 January 2003." According to the division chief, this message was sent on behalf of the DCI's office, but was "released" by the group chief.³⁶⁹

Three days later, on January 27, 2003, the relevant station responded and said that they were still attempting to obtain the transcripts. The message then noted:

[The foreign liaison service handling Curveball] has not been able to verify his reporting. [This foreign service] has discussed Curveball with US [and others], but no one has been able to verify this information.... The source himself is problematical. Defer to headquarters but to use information from another liaison service's source whose information cannot be verified on such an important, key topic should take the most serious consideration.³⁷⁰

Shortly after these messages were exchanged with the relevant station, the division chief told the DDCI's executive assistant that the foreign service would still not provide the CIA with access to Curveball.³⁷¹ The division chief also sent an electronic mail—the text of which was prepared by the group chief—to the DDCI's executive assistant from the DO, which noted (in part):

In response to your note, and in addition to your conversation with [the division chief], we have spoken with [the relevant] Station on Curve Ball:

- We are not certain that we know where Curve Ball is...
- Curve Ball has a history of being uncooperative. He is seeing the [handling foreign service soon] for more questions. The

[handling foreign service] cannot move the meeting up, we have asked.

- [The foreign service] ha[s] agreed to our using the information publicly, but do[es] not want it sourced back to them. Neither the [foreign service] nor, per [the foreign service's] assessment, Curve Ball, will refute their information if it is made public and is not attributed. Per Station, and us, we should be careful to conceal the origin of the information since if Curve Ball is exposed, the family he left in Iraq will be killed.
- The [handling foreign service] cannot vouch for the validity of the information. They are concerned that he may not have had direct access, and that much of what he reported was not secret. (per WINPAC, the information they could corroborate was in open source literature or was imagery of locations that may not have been restricted.)
- [A magazine says that the handling foreign service has] intelligence information on the mobile poison capabilities of the Iraqis, but that they will not share it.³⁷²

As a result, according to the division chief, the executive assistant told the division chief that the DDCI would speak to the analysts about the issue.³⁷³ Although the executive assistant did not remember such a conversation, former DDCI McLaughlin told the Commission that he remembered talking to the WINPAC BW analyst responsible for Iraq about Curveball in January or February 2003.³⁷⁴ Mr. McLaughlin said that he received strong assurances from the WINPAC analyst that the reporting was credible.³⁷⁵

By this time, there was less than a week left before Secretary Powell's February 5 speech, and the vetting process was going full-bore.³⁷⁶ On February 3, 2003, the DDCI's executive assistant who had previously participated in meetings about Curveball sent a memorandum titled "[Foreign service] BW Source" to the division chief.³⁷⁷ The memorandum, addressed to the division chief, read:

[T]his will confirm the DDCI's informal request to touch base w/ the [relevant] stations once more on the current status/whereabouts of the

émigré who reported on the mobile BW labs. A great deal of effort is being expended to vet the intelligence that underlies SecState's upcoming UN presentation. Similarly, we want to take every precaution against unwelcome surprises that might emerge concerning the intel case; clearly, public statements by this émigré, press accounts of his reporting or credibility, or even direct press access to him would cause a number of potential concerns. The DDCI would be grateful for the [Chief of Station's] view on the immediate 'days-after' reaction in [the handling foreign service country] surrounding source of this key BW reporting.³⁷⁸

Preparations for the United Nations address culminated with Secretary Powell, Director of Central Intelligence George Tenet, and support staff going to New York City prior to the speech, which was to be delivered on February 5, 2003.³⁷⁹ Until late in the night on February 4, Secretary Powell and Mr. Tenet continued to finalize aspects of the speech.³⁸⁰

According to the division chief, at about midnight on the night before the speech, he was called at home by Mr. Tenet. As the division chief recalls the conversation, Mr. Tenet asked whether the division chief had a contact number for another foreign intelligence service (not the service handling Curveball) so Mr. Tenet could get clearance to use information from a source of that service.³⁸¹ The division chief told the Commission that he took the opportunity to ask the DCI about the "[foreign service country] reporting" from the liaison service handling Curveball. Although he did not remember his exact words, the division chief says that he told Mr. Tenet something to the effect of "you know that the [foreign service] reporting has problems."³⁸² According to the division chief, Mr. Tenet replied with words to the effect of "yeah, yeah," and that he was "exhausted."³⁸³ The division chief said that when he listened to the speech the next day, he was surprised that the information from Curveball had been included.³⁸⁴

In contrast to the division chief's version of events, Mr. Tenet stated that while he had in fact called the division chief on the night before Secretary Powell's speech to obtain the telephone number (albeit in the early evening as opposed to midnight) there had been no discussion of Curveball or his reporting.³⁸⁵ Nor was there any indication that any information in the speech might be suspect. Mr. Tenet noted that it is inconceivable that he would have failed to raise with Secretary Powell any concerns about information in the speech about which Mr. Tenet had been made aware.³⁸⁶ Moreover, he noted that he had

never been made aware of any concerns about Curveball until well after the cessation of major hostilities in Iraq.

In sum, there were concerns within the CIA—and most specifically the Directorate of Operations' division responsible for relations with the handling liaison service—about Curveball and his reporting. On several occasions, operations officers within this division expressed doubts about Curveball's credibility, the adequacy of his vetting, and the wisdom of relying so heavily on his information.

These views were expressed to CIA leadership, including at least the Associate Deputy Director for Operations and the executive assistant to the Deputy Director of Central Intelligence, and likely the Deputy Director for Operations and even—to some degree—mentioned to the Deputy Director of Central Intelligence himself. It would appear, however, that the criticism of Curveball grew less pointed when expressed in writing and as the issue rose through the CIA's chain of command. In other words, although we are confident that doubts about Curveball were expressed in one way or another to the Deputy Director for Central Intelligence, it is less clear whether those doubts were accompanied by the full, detailed panoply of information calling into question Curveball's reliability that was presented to more junior supervisors. We found no evidence that the doubts were conveyed by CIA leadership to policymakers in general—or Secretary Powell in particular.

As the discussion above illustrates, it is unclear precisely how and why these serious concerns about Curveball never reached Secretary Powell, despite his and his staff's vigorous efforts over several days in February 2003 to strip out every dubious piece of information in his proposed speech to the United Nations. It is clear, however, that serious concerns about Curveball were widely known at CIA in the months leading up to Secretary Powell's speech. In our view, the failure to convey these concerns to senior management, or, if such concerns were in fact raised to senior management, the failure to pass that information to Secretary Powell, represents a serious failure of management and leadership.

Biological Warfare Finding 5

CIA management stood by Curveball's reporting long after post-war investigators in Iraq had established that he was lying about crucial issues.

A team of Intelligence Community analysts was dispatched to Iraq in early summer 2003 to investigate the details of Iraq's BW program. The analysts were, in particular, investigating two trailers that had been discovered by Coalition forces in April and May 2003, which at the time were thought to be the mobile BW facilities described by Curveball. As the summer wore on, however, at least one WINPAC analyst who had traveled to Iraq, as well as some DIA and INR analysts, became increasingly doubtful that the trailers were BW-related.³⁸⁷

The investigation also called into question other aspects of Curveball's reporting. According to one WINPAC BW analyst who was involved in the investigations, those individuals whom Curveball had identified as having been involved in the mobile BW program "all consistently denied knowing anything about this project."³⁸⁸ Furthermore, none of the supposed project designers even knew who Curveball was, which contradicted Curveball's claim that he had been involved with those individuals in developing the mobile BW program.³⁸⁹

Additional research into Curveball's background in September 2003 revealed further discrepancies in his claims. For example, WINPAC analysts interviewed several of Curveball's supervisors at the government office where he had worked in Iraq. Curveball had claimed that this office had commenced a secret mobile BW program in 1995. But interviews with his supervisors, as well as friends and family members, confirmed that Curveball had been fired from his position in 1995.³⁹⁰ Moreover, one of Curveball's family members noted that he had been out of Iraq for substantial periods between 1995 and 1999, times during which Curveball had claimed he had been working on BW projects.³⁹¹ In particular, Curveball claimed to have been present at the site of a BW production run when an accident occurred in 1998, killing 12 workers.³⁹² But Curveball was not even in Iraq at that time, according to information supplied by family members and later confirmed by travel records.³⁹³

By the end of October 2003, the WINPAC analysts conducting these investigations reported to the head of the ISG that they believed Curveball was a fabricator and that his reporting was “all false.” But other WINPAC analysts, as well as CIA headquarters management, continued to support Curveball.³⁹⁴ By January 2004, however, when CIA obtained travel records confirming that Curveball had been out of Iraq during the time he claimed to have been working on the mobile BW program, most analysts became convinced that Curveball had fabricated his reporting.³⁹⁵

Mr. Tenet was briefed on these findings on February 4, 2004. CIA management, however, was still reluctant to “go down the road” of admitting that Curveball was a fabricator.³⁹⁶ According to WINPAC analysts, CIA’s DI management was slow in retreating from Curveball’s information because of political concerns about how this would look to the “Seventh Floor,” the floor at Langley where CIA management have their offices, and to “downtown.” CIA’s Inspector General, in his post-war Inspection Report on WINPAC, concluded that “the process [of retreating from intelligence products derived from Curveball reporting] was drawn out principally due to three factors: (1) senior managers were determined to let the ISG in Iraq complete its work before correcting the mobile labs analysis; (2) the CIA was in the midst of trying to gain direct access to Curveball; and (3) WINPAC Biological and Chemical Group (BCG) management was struggling to reconcile strong differences among their BW analysts.” Senior managers did not want to disavow Curveball only to find that his story stood up upon direct examination, or to find that “the ISG uncovered further evidence that would require additional adjustments to the story.”³⁹⁷

Any remaining doubts, however, were removed when the CIA was finally given access to Curveball himself in March 2004. At that time, Curveball’s inability to explain discrepancies in his reporting, his description of facilities and events, and his general demeanor led to the conclusion that his information was unreliable.³⁹⁸ In particular, the CIA interviewers pressed Curveball to explain “discrepancies” between his aforementioned description of the site at Djerf al-Naddaf,³⁹⁹ which he had alleged was a key locus for transportable BW, and satellite imagery of the site which showed marked differences in layout from that which Curveball described.⁴⁰⁰ Specifically, there was a six foot high wall that would have precluded mobile BW trailers from moving into and out of the facility as Curveball had claimed. Curveball was completely

unable or unwilling to explain these discrepancies. The CIA concluded that Curveball had fabricated his reporting, and CIA and Defense HUMINT recalled all of it.⁴⁰¹

The CIA also hypothesized that Curveball was motivated to provide fabricated information by his desire to gain permanent asylum.⁴⁰² Despite speculation that Curveball was encouraged to lie by the Iraqi National Congress (INC), the CIA's post-war investigations were unable to uncover any evidence that the INC or any other organization was directing Curveball to feed misleading information to the Intelligence Community.⁴⁰³ Instead, the post-war investigations concluded that Curveball's reporting was not influenced by, controlled by, or connected to, the INC.⁴⁰⁴

In fact, over all, CIA's post-war investigations revealed that INC-related sources had a minimal impact on pre-war assessments.⁴⁰⁵ The October 2002 NIE relied on reporting from two INC sources, both of whom were later deemed to be fabricators. One source—the INC source—provided fabricated reporting on the existence of mobile BW facilities in Iraq. The other source, whose information was provided in a text box in the NIE and sourced to a “defector,” reported on the possible construction of a new nuclear facility in Iraq. The CIA concluded that this source was being “directed” by the INC to provide information to the U.S. Intelligence Community.⁴⁰⁶ Reporting from these two INC sources had a “negligible” impact on the overall assessments, however.⁴⁰⁷

Biological Warfare Finding 6

In addition to the problems with Curveball, the Intelligence Community—and, particularly, the Defense HUMINT Service—failed to keep reporting from a known fabricator out of finished intelligence on Iraq's BW program in 2002 and 2003.

Another serious flaw affecting the Intelligence Community's pre-war assessments was its inability to keep reporting from a known fabricator out of finished intelligence. Specifically, the INC source, handled by DIA's Defense HUMINT Service, provided information on Iraqi mobile BW facilities that was initially thought to corroborate Curveball's reporting. The INC source was quickly deemed a fabricator in May 2002, however, and Defense

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in *Buying Uranium from Niger and Whether Associated Documents are Authentic* (March 11, 2003) (concluding the documents were forgeries). The errors in the original documents, which indicated they were forgeries, also occur in the February 2002 report that provided a “verbatim” text of the agreement, indicating that the original reporting was based on the forged documents.

²¹⁵ Department of State and CIA, *Joint Report of Inspectors General on Iraqi Attempts to Procure Uranium From Niger* (Sept. 2003) at p. 11. Although the *Inspectors General* report notes that all three reports were recalled, CIA/DO officials advised the Commission that in fact two of the reports were recalled and the third, which included information not included in the forged documents, was reissued with a caveat that the information the report contains may have been fabricated. Comments from CIA/DO (March 3, 2005).

²¹⁶ CIA, Memorandum for the DCI, *In Response to Your Questions for Our Current Assessment and Additional Details on Iraq’s Alleged Pursuits of Uranium From Abroad* (June 17, 2003) at p. 1.

²¹⁷ Interview with NIO/SNP (Sept. 20, 2004). The SSCI report referenced the memorandum for the DCI, and stated that the memorandum had no distribution outside the CIA. SSCI at p. 71. This reference left the mistaken impression, however, that CIA did not inform others of its conclusions regarding the forged documents and the concomitant reliability of information about a possible uranium deal with Niger. The NIO/SNP emphasized that CIA not only recalled the original reporting as having possibly been based on fraudulent reporting, but the NIO, with CIA and other agencies in attendance, also briefed Congress on the matter. Interview with NIO/SNP (Sept. 20, 2004).

²¹⁸ It is still unclear who forged the documents and why. The Federal Bureau of Investigation is currently investigating those questions. Interview with FBI (Sept. 21, 2004); *see also* Interview with CIA/DO officials (Sept. 3, 2004). We discuss in the counterpart footnote in our classified report some further factual findings concerning the potential source of the forgeries. This discussion, however, is classified.

²¹⁹ NIE at pp. 5, 35. The Intelligence Community also judged that Iraq maintained delivery systems for its BW agents. *Id.* at p. 7. For its part, the British Joint Intelligence Committee assessed in September 2002 that Iraq “currently has available, either from pre-Gulf War stocks or more recent production, a number of biological warfare” agents and weapons. Butler Report at p. 74. The Australian Office of National Assessments judged by September 2002 that “Iraq is highly likely to have chemical and biological weapons,” that “Iraq has almost certainly been working to increase its ability to make chemical and biological weapons,” and, in December 2002, that many of Iraq’s WMD activities were hidden in mobile facilities. Australian Parliamentary Joint Committee on Australian Secret Intelligence Organization, Australian Secret Intelligence Service and Defense Signals Directorate, *Intelligence on Iraq’s Weapons of Mass Destruction* (Dec. 2003) at pp. 32, 61. With respect to mobile BW facilities, however, the Defense Intelligence Organization assessed in March 2003 that the level of evidence required to confirm the existence of such mobile facilities had not yet been found. *Id.* at pp. 61-62.

²²⁰ NIE at p. 41.

²²¹ ISG, *Comprehensive Report of the Special Advisor to the DCI on Iraqi WMD*, Volume III, “Biological Warfare,” (Sept. 30, 2004) at pp. 1-3 (hereinafter “ISG Report, Biological”).

²²² *Id.* at pp. 11-12. Iraq continued to conduct research and development on weaponization until 1995. *Id.* at pp. 13-15.

²²³ *Id.*

- ²²⁴ DCI Statement for the Record at Tab 3, p. 1.
- ²²⁵ *Id.* at pp. 3-5; *see also* CIA, *Iraq's Biological Warfare Program: Saddam's Ace in the Hole* (SW-90-11052CX) (Aug. 1990) at pp. 4-5.
- ²²⁶ DCI Statement for the Record at Tab 3, pp. 3-5.
- ²²⁷ Classified intelligence reporting; *see also* DCI Statement for the Record at Tab 3, p. 2, n. 1.
- ²²⁸ Classified intelligence reporting; *see also* ISG Report, Biological, at p. 15.
- ²²⁹ Classified intelligence reporting; *see also* DCI Statement for the Record at Tab 3, pp. 3-5.
- ²³⁰ CIA, *Iraq's Biological Warfare Program: Well Positioned for the Future* (OTI IR 97-012X) (April 1997).
- ²³¹ NIC, *Iraq: Post-Desert Fox Activities and Estimated Status of WMD Programs* (July 1999). *See also* SSCI at p. 143.
- ²³² CIA, Title Classified (WINPAC IA 2002-059X) (Nov. 21, 2002). *See also* DCI Statement for the Record at Introduction, p. 1.
- ²³³ Interview with CIA WINPAC BW analyst (Oct. 8, 2004). Analysts assessed that Iraq could restart BW production within six months. NIC, *Worldwide BW Programs: Trends and Prospects, Volume I: The Estimate* (NIE 99-05CX/I) (May 1999) at pp. 4 and 43.
- ²³⁴ Interview with CIA Iraq WMD Review Group analyst (Aug. 3, 2004) (“Substantial volume”); DCI Statement for the Record at Tab 3, p. 6 (citing NIC, *Worldwide Biological Warfare Programs: Trends and Prospects, Update* (NIE 2000-12HCX) (Dec. 2000) (noting that the “new information” caused the Intelligence Community to “adjust...upwards” its 1999 assessment of the BW threat posed by Iraq. The “new information” refers to the Curveball reporting, which began in January 2000.)).
- ²³⁵ Interview with Defense HUMINT official (Nov. 2, 2004). Defense HUMINT confirmed that it had disseminated 95 reports from Curveball. DIA, *Memorandum from Director, DIA Re: Curveball Background* (Jan. 14, 2005). *See, e.g.*, Classified intelligence reporting. Six reports from Curveball were disseminated in CIA channels: five in 2000 and one in March 2004. Interview with CIA/DO officials (Sept. 27, 2004). The five reports disseminated in 2000 were obtained by WINPAC analysts during meetings with foreign liaison service officials. The remaining report was disseminated when CIA finally obtained direct access to Curveball in March 2004. Comments from CIA/DO (March 3, 2005).
- ²³⁶ Classified intelligence reporting.
- ²³⁷ Interview with CIA/DO officials and CIA Iraq WMD Review Group analysts (Aug. 3, 2004).
- ²³⁸ NIC, *Worldwide Biological Warfare Programs: Trends and Prospects, Update* (NIE 2000-12HCX) (Dec. 2000) at p. 22.
- ²³⁹ CIA, DCI Nonproliferation Center, *New Evidence of Iraqi Biological Warfare Program* (SIR 2000-003X) (Dec. 14, 2000). *See also* SSCI at p. 144.
- ²⁴⁰ CIA, *Iraq: Mobile Biological Warfare Agent Production Capability* (WINPAC IA 2001-050X) (Oct. 10, 2001) at pp. 1, 7.
- ²⁴¹ Senior Publish When Ready, *Iraq: Mobile BW Agent Production Capability* (Sept. 19, 2001) (sources indicate Baghdad continues to pursue a mobile BW capability to produce large

amounts of BW agents covertly).

²⁴² Interviews with CIA Iraq WMD Review Group analysts (Aug. 3, 2004 and Sept. 20, 2004) (citing to timeline prepared by the CIA Iraq WMD Review Group, quoting the DCI's prepared testimony). Director Tenet based this statement on information obtained from Curveball, whom he described as "a credible defector who worked in the program." The classified version of the report discusses in detail CIA's discovery that the fourth source, whose reporting the DCI stated corroborated Curveball's reporting, was not the direct source of the reporting sourced to him on BW.

²⁴³ The President's Summary of the NIE reflected this finding, noting that "[w]e assess that most elements of Iraq's BW program are larger and more advanced than before the Gulf War" and "[w]e judge that Iraq has some BW agents." NIC, President's Summary, NIE, *Iraq's Continuing Programs for Weapons of Mass Destruction* (PS/NIE 2002-16HC) (Oct. 2002). The unclassified summary of the NIE contained the same assessment. Unclassified NIE at p. 2 ("Iraq has some lethal and incapacitating BW agents" and "[a]ll key aspects...of Iraq's offensive BW program are active and most elements are larger and more advanced than they were before the Gulf War").

²⁴⁴ NIE at pp. 7, 36, 43.

²⁴⁵ DCI Statement for the Record at Tab 3, p. 16; *see also* Interview with WINPAC BW analyst (Oct. 8, 2004).

²⁴⁶ *See, e.g.*, Classified intelligence reporting; *see also* *Joint CIA-DIA Assessment of [Foreign Service] Source Curveball* (June 7, 2004) at pp. 1-2; SSCI at pp. 148-9.

²⁴⁷ *Joint CIA-DIA Assessment of [Foreign Service] Source Curveball*, (June 7, 2004) at pp. 1-2; *see, e.g.*, Classified intelligence report (May 2004) (recalling Curveball report).

²⁴⁸ NIE at pp. 41-43; Interview with WINPAC BW analyst (Oct. 8, 2004); *see also* SSCI at pp. 148-149; Interview with former WINPAC BW analyst (Oct. 25, 2004).

²⁴⁹ Classified intelligence report; *see also* SSCI at p. 161.

²⁵⁰ Interview with CIA/DO officials and CIA Iraq WMD Review Group analyst (Aug. 3, 2004); Interview with CIA/DO officials (Sept. 27, 2004). Classified intelligence report (Oct. 2003) (stating that, contrary to the information reported by the same source in June 2001, "there was no equipment for the production of biological weapons at this facility" and that the "source had no knowledge of biological weapons production at other facilities").

²⁵¹ Interview with CIA/DO officials (Sept. 27, 2004); Interview with Defense HUMINT official (Nov. 2, 2004).

²⁵² Interview with Defense HUMINT official (Nov. 2, 2004).

²⁵³ Classified intelligence report (March 2002); *see also* NIC, *The Iraqi National Congress Defector Program* (NIC 1768-02) (July 10, 2002) at pp. 3-5; SSCI at p. 160.

²⁵⁴ Interview with CIA/DO officials and CIA Iraq WMD Review Group analysts (Aug. 3, 2004); *see also* NIC, *Iraqi National Congress Defector Program* (NIC 1768-02) (July 10, 2002) at pp. 4-5. The NIE actually sourced its information to a *Vanity Fair* article, which quoted the INC source as an unnamed "defector." David Rose, "Iraq's Arsenal of Terror," *Vanity Fair* (May 2002) (cited in source documents to annotated NIE). Defense HUMINT issued a fabrication notice, but never recalled the INC source's reporting. The distinction between these two actions is discussed in the text below.

²⁵⁵ Interviews with CIA Iraq WMD Review Group analyst (Aug. 3, 2004 and Sept. 20,

2004).

²⁵⁶ CIA, *Iraq: Biological Warfare Agents Pose Growing Threat to U.S. Interests* (WINPAC IA 2002-060CX) (Nov. 13, 2002).

²⁵⁷ CIA, *Iraq: Options for Unconventional Use of CBW* (WINPAC IA 2003-010HJX) (Feb. 13, 2003).

²⁵⁸ Secretary of State Colin L. Powell, Remarks to the United Nations Security Council (Feb. 5, 2003) (annotated version). Referring to Curveball, Secretary Powell said that a chemical engineer who was actually present during BW production runs provided information on the mobile facilities. Referring to the second source, Secretary Powell noted that “a second source, an Iraqi civil engineer in a position to know the details of the program, confirmed the existence of transportable facilities moving on trailers.” Referring to the fourth source, Secretary Powell said that a source “in a position to know” reported that Iraq had mobile production systems mounted on trucks and railway cars. Referring to the INC source, Secretary Powell noted that an “Iraqi major who defected confirmed” that Iraq has mobile BW production facilities. *Id.*; see also Interview with CIA/DO officials (Aug. 3, 2004); SSCI at p. 161.

²⁵⁹ CIA, *Iraqi Mobile Biological Warfare Agent Production Plants* (WINPAC) (May 16, 2003).

²⁶⁰ Interview with CIA WINPAC BW analyst (Oct. 8, 2004); Interview with former CIA WINPAC BW analyst (Nov. 10, 2004) (noting that Curveball was recontacted in April 2003 to query him about the trailers found in Iraq; Curveball was shown pictures of the trailers and he identified components on those trailers that were similar to those on the mobile BW facilities he had described in his earlier reporting). Interview with Defense HUMINT official (Nov. 2, 2004).

²⁶¹ ISG Report, Biological at p. 2.

²⁶² *Id.* at p. 12.

²⁶³ *Id.*

²⁶⁴ *Id.* at pp. 11-13.

²⁶⁵ *Id.* at p. 13.

²⁶⁶ *Id.* at p. 15.

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ *Id.* at pp. 11-13, 15, 38.

²⁷⁰ *Id.* at pp. 15, 18, 19, 38.

²⁷¹ *Id.* at p. 1.

²⁷² *Id.* at pp. 3, 73-98.

²⁷³ *Id.* at p. 3.

²⁷⁴ According to a Defense HUMINT official, when Defense HUMINT pressed for access to Curveball, the foreign service said that Curveball disliked Americans and that he would refuse to speak to them. The CIA also pressed for access to Curveball, but it was not until the DCI himself intervened in late November 2003, stating that CIA officers in Baghdad were uncovering serious discrepancies in Curveball’s reporting, that the foreign service allowed U.S. intelligence officials to interview Curveball, in March 2004. Interview with Defense HUMINT official (Nov. 2, 2004); Comments from former WINPAC BW analyst (March 3, 2005); Classi-

fied cable traffic (Nov. 2003). The Senate Select Committee on Intelligence criticized Defense HUMINT for failing to demand that the foreign service provide direct access to Curveball. SSCI at p. 153. We do believe that the leadership of the Intelligence Community should have pressed harder and sooner for access to Curveball; with that said, we think it is difficult to expect that Defense HUMINT could have “demanded” access to another intelligence service’s asset. Eventually, the head of the foreign intelligence service only agreed to grant CIA access to Curveball in December 2003 because of the serious discrepancies emerging from analysts’ investigation in Iraq. Even then, the head of the foreign service faced significant opposition to his decision to grant access from within his service; several senior foreign service operations officers even threatened to resign if the CIA were allowed access to Curveball. Comments from former WINPAC BW analyst (March 3, 2005); Classified cable traffic (Dec. 2003).

²⁷⁵ Interview with Defense HUMINT official (Nov. 2, 2004).

²⁷⁶ *Id.* Defense HUMINT reiterated to Commission staff that in its view it was “impossible” to validate Curveball because Defense HUMINT, like CIA, had been denied direct personal contact with the source. Defense HUMINT, viewing itself as only the “conduit” for the information, allowed the analysts’ enthusiastic response to Curveball’s reporting to serve as “validation” for the source’s veracity. Comments from Defense HUMINT (March 3, 2005). As explained further below, Defense HUMINT’s abdication of responsibility in this regard was a serious failing.

²⁷⁷ SSCI at p. 153; *see also* Interview with CIA WINPAC analysts (Oct. 8, 2004).

²⁷⁸ SSCI at p. 191.

²⁷⁹ Interview with CIA/DO officials (Sept. 27, 2004); *see also* CIA/DO description of the DO Asset Validation System (Sept. 2004) (prepared in response to Commission request).

²⁸⁰ Electronic mail exchange between Defense HUMINT officials (Feb. 12-13, 2003).

²⁸¹ Interview with CIA WINPAC BW analyst (Oct. 8, 2004) (noting that other information indicated Curveball’s information was plausible). Interviews with former CIA WINPAC BW analyst (Nov. 10, 2004, and Feb. 23, 2005).

²⁸² Interview with CIA WINPAC BW analyst (Oct. 8, 2004); Interview with former CIA WINPAC BW analyst (Nov. 10, 2004). According to WINPAC analysts, Curveball’s reporting seemed to fit a plausible storyline of Iraq’s BW efforts. Curveball claimed that Iraq’s mobile BW program began in 1995, at about the same time Iraq’s BW-related activities at fixed facilities such as Al Hakam were compromised. To analysts, this storyline seemed logical: Iraq had shifted its BW efforts from the compromised fixed facilities to the more easily concealed mobile units. *Id.* This rationale can also be found in CIA, *Iraq: Mobile Biological Warfare Agent Production Capability* (WINPAC IA 2001-050X) (Oct. 10, 2001) at p. 5. (“We judge that the May 1995 planning for construction of mobile BW production units allowed Iraq to admit aspects of its offensive BW program to UNSCOM starting in July 1995.”).

²⁸³ Interview with CIA/DO officials and CIA Iraq WMD Review Group analyst (Aug. 3, 2004); Interview with CIA WINPAC BW analyst (Oct. 8, 2004).

²⁸⁴ Interview with CIA/DO officials and CIA Iraq WMD Review Group analyst (Aug. 3, 2004); Interview with CIA WINPAC BW analyst (Oct. 8, 2004); *see also* SSCI at p. 156.

²⁸⁵ Classified cable traffic (Feb. 2001).

²⁸⁶ Electronic mail from Department of Defense detailee (“question re curve ball”) (Dec. 18, 2002); SSCI at p. 153.

²⁸⁷ Interview with former CIA WINPAC BW analyst (Feb. 23, 2005); Interview with CIA/DO official (Feb. 22, 2005); SSCI at p. 154.

²⁸⁸ Electronic mail from CIA/DO [detailee] to Deputy Chief, Iraqi Task Force, CIA/DO (Feb. 4, 2003).

²⁸⁹ Interview with CIA/DO officials (Aug. 3, 2004); Interview with CIA Iraq WMD Review Group analyst (Sept. 20, 2004). David Kay of the ISG also told the Commission that the foreign service had “warned” the CIA that the source was questionable before publication of the NIE. Interview with David Kay (May 26, 2004).

²⁹⁰ Interview with CIA WINPAC BW analyst (Oct. 8, 2004).

²⁹¹ Interview with CIA/DO officials (Aug. 3, 2004); *see also* SSCI at p. 190.

²⁹² Classified cable traffic (April 2002).

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ Interview with CIA WINPAC BW analyst (Oct. 8, 2004) (noting that operational traffic was shared with WINPAC, particularly traffic from the CIA/DO’s Counterproliferation Division).

²⁹⁶ Electronic mail from CIA WINPAC BW analyst (Dec. 20, 2002) (summarizing Curveball assessment).

²⁹⁷ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004).

²⁹⁸ *Id.*

²⁹⁹ As noted above, denial refers to the ability to prevent the Intelligence Community from collecting intelligence, and deception refers to the ability to manipulate intelligence with false or misleading information. *See* Department of Defense, *Iraqi Denial and Deception for Weapons of Mass Destruction and Ballistic Missile Programs* (Oct. 8, 2002). Information from 1998 indicated that the Iraqis had broken and then reconstituted part of the wall, which convinced the majority of analysts that the wall was “temporary” and would allow BW trailers through it, thus not contradicting Curveball’s reporting. When United Nations Monitoring Verification and Inspection Commission (UNMOVIC) inspectors visited the site on February 9, 2003, they found that the wall was a permanent structure and could find nothing to corroborate Curveball’s reporting. Comments from former WINPAC BW analyst (March 3, 2005). Further, when analysts visited the site after OIF, they discovered that, in actuality, the wall was a six foot high solid structure. Interview with WINPAC BW analyst (Nov. 22, 2004). This and other discrepancies in Curveball’s information that ultimately led to the conclusion that he was a fabricator are discussed further below.

³⁰⁰ *See, e.g.*, NIE at p. 41.

³⁰¹ Interview with CIA WINPAC analysts (Oct. 8, 2004).

³⁰² Senior Publish When Ready, *Memorandum to the Secretary of Defense* (Sept. 19, 2001) (emphasis added).

³⁰³ NIE at p. 41.

³⁰⁴ Classified cable traffic (May 2002) (fabrication notice); *see also* SSCI at p. 151.

³⁰⁵ Senior Publish When Ready, *Iraq’s Expanding BW Capability* (July 13, 2002).

³⁰⁶ NIE at p. 43.

³⁰⁷ Interview with CIA/DO chief of the regional division responsible for relations with the

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foreign liaison service handling Curveball (hereinafter “Division Chief”), CIA/DO (Jan. 31, 2005).

³⁰⁸ *Id.*

³⁰⁹ Interview with CIA/DO Division Chief and former chief of the responsible regional group within the division (hereinafter “Group Chief”), CIA/DO (Dec. 14, 2004); Interview with CIA/DO Division Chief, (Jan. 31, 2005); *see also* Interview with CIA/DO Group Chief, (Feb. 8, 2005). The division chief could not recall the precise date of the lunch.

³¹⁰ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with Division Chief, CIA/DO (Jan. 31, 2005); *see also* Interview with CIA WINPAC analysts (Oct. 8, 2004) (stating that the DO’s responsible regional division told WINPAC analysts that “even the [foreign service] didn’t think Curveball was a good source”); Interview with David Kay (May 26, 2004) (noting that he believed the foreign service had “warned” the CIA about Curveball “before the NIE” was published).

³¹¹ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Division Chief (Jan. 31, 2005). Former DDO Pavitt told the Commission that he had heard that the division chief had been told by the foreign service that the foreign service lacked confidence in Curveball’s reporting. Although he could not recall when he learned this information, he thought it was probably “after OIF.” Interview with former CIA Deputy Director for Operations James Pavitt (Feb. 7, 2005).

³¹² Interview with CIA/DO Division Chief (Jan. 31, 2005); Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Group Chief (Feb. 8, 2005).

³¹³ Interview with CIA/DO Division Chief (Jan. 31, 2005).

³¹⁴ *Id.*

³¹⁵ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); *see also* Interview with CIA/DO Group Chief (Feb. 8, 2005). Former DDO Pavitt also stated that he did not understand, prior to the commencement of hostilities with Iraq, that Curveball’s reporting was a major basis for the Intelligence Community’s judgments about Iraq’s BW program. Interview with former Deputy Director for Operations James Pavitt (Feb. 7, 2005).

³¹⁶ At the time, DDCI McLaughlin had three executive assistants—one from the Directorate of Operations (hereinafter EA/DDCI from DO) one from the Directorate of Intelligence (hereinafter EA/DDCI from DI) and one from the National Security Agency. Interview with EA/DDCI from DO (Feb. 8, 2005).

³¹⁷ Electronic mail from EA/DDCI from DO (“DDCI Iraq WMD Brief”) (Dec. 18, 2002); Electronic mail from Group Chief, CIA/DO (“Re: next steps on curve ball”) (Dec. 18, 2002).

³¹⁸ *Id.*

³¹⁹ Interview with EA/DDCI from DO (Feb. 8, 2005).

³²⁰ Electronic mail from EA/DDCI from DO (“DDCI Iraq WMD Brief”) (Dec. 18, 2002); Electronic mail from Group Chief, CIA/DO (“Re: next steps on curve ball”) (Dec. 18, 2002).

³²¹ Classified cable traffic (Dec. 2002).

³²² Classified cable traffic (Dec. 2002).

³²³ Interview with EA/DDCI from DO (Feb. 8, 2005); Interview with CIA WINPAC BW analyst (Feb. 8, 2005).

³²⁴ Interview with EA/DDCI from DO (Feb. 8, 2005) (noting that it was apparent that “a great deal was beginning to turn on this guy”).

³²⁵ Electronic mail from EA/DDCI from DO (“Meeting to Review Bidding on Curveball”) (Dec. 19, 2005).

³²⁶ Interviews with former Deputy Director of Central Intelligence John McLaughlin (Feb. 2, 2005 and March 7, 2005).

³²⁷ Electronic mail from Group Chief, CIA/DO (“operational assessment of Curve Ball”) (Dec. 19, 2002).

³²⁸ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Group Chief (Feb. 8, 2005).

³²⁹ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004).

³³⁰ Interview with CIA/DO Group Chief (Feb. 8, 2005).

³³¹ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Group Chief (Feb. 8, 2005); Interview with CIA WINPAC BW analyst (Feb. 8, 2005); Interview with EA/DDCI from DO (Feb. 8, 2005).

³³² Interview with CIA WINPAC BW analyst (Feb. 8, 2005). The other source was the fourth source described above.

³³³ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Group Chief (Feb. 8, 2005); Interview with CIA WINPAC BW analyst (Feb. 8, 2005).

³³⁴ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Group Chief (Feb. 8, 2005).

³³⁵ Interview with CIA WINPAC BW analyst (Feb. 8, 2005).

³³⁶ Interview with EA/DDCI from DO (Feb. 8, 2005). At the time of his interview with Commission staff, the executive assistant incorrectly remembered the analyst as actually working for the Directorate of Operations Counterproliferation Division, rather than the Directorate of Intelligence’s WINPAC.

³³⁷ *Id.*

³³⁸ Interview with EA/DDCI from DO (Feb. 8, 2005). *See, e.g.*, Classified cable traffic (Oct. 2002) (noting that the foreign service officer responsible for Curveball “noted that CB continued to be a ‘handling problem’”).

³³⁹ Interview with EA/DDCI from DO (Feb. 8, 2005).

³⁴⁰ Electronic mail from EA/DDCI from DO (“Proofread”) (Dec. 20, 2002).

³⁴¹ The WINPAC BW analyst replaced “parked” with “housed.” Electronic mail from CIA WINPAC BW analyst (“RE: Proofread”) (Dec. 20, 2002).

³⁴² Electronic mail from EA/DDCI from DO (“Proofread”) (Dec. 20, 2002).

³⁴³ *Id.*

³⁴⁴ *Id.* The WINPAC BW analyst asked, with respect to this last sentence, “[w]hy has the DO not disseminated this information or shared it with the analytical side? Could we please see this new evaluation?” Electronic mail from EA/DDCI from DO (“Proofread”) (Dec. 20, 2002).

³⁴⁵ Interview with EA/DDCI from DO (March 11, 2005).

³⁴⁶ *Id.*

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³⁴⁷ Interview with former Deputy Director of Central Intelligence John McLaughlin (Feb. 2, 2005).

³⁴⁸ Interview with former Deputy Director of Central Intelligence John McLaughlin (March 7, 2005).

³⁴⁹ Interview with CIA/DO Group Chief (Feb. 8, 2005); Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004). The division chief did not recall this meeting during his second interview with the Commission.

³⁵⁰ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Group Chief (Feb. 8, 2005). Electronic mail from Group Chief, CIA/DO (“operational assessment of Curve Ball”) (Dec. 19, 2002).

³⁵¹ Interview with CIA/DO Group Chief (Feb. 8, 2005).

³⁵² Interview with former Deputy Director for Operations James Pavitt (Feb. 7, 2005).

³⁵³ Interview with former Deputy Director for Operations James Pavitt (March 8, 2005).

³⁵⁴ Interview with former Associate Deputy Director for Operations (March 8, 2005).

³⁵⁵ *Id.*

³⁵⁶ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Division Chief (Jan. 31, 2005); Interview with CIA/DO Group Chief (Feb. 8, 2005).

³⁵⁷ Interview with CIA/DO Group Chief (Feb. 8, 2005).

³⁵⁸ *Id.* The Group Chief did not recall exactly what editing she did.

³⁵⁹ Interview with CIA/DO Division Chief (Jan. 31, 2005).

³⁶⁰ Interview with EA/DDCI from DO (Feb. 8, 2005).

³⁶¹ Interview with DO officer responsible for sources and methods protection (Feb. 22, 2005).

³⁶² Interview with EA/DDCI from DI (Feb. 22, 2005).

³⁶³ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Division Chief (Jan. 31, 2005).

³⁶⁴ *Id.*

³⁶⁵ Interview with CIA/DO Group Chief (Feb. 8, 2005).

³⁶⁶ Interview with former Deputy Director for Operations James Pavitt (Feb. 7, 2005).

³⁶⁷ Interview with former Deputy Director of Central Intelligence John McLaughlin (Feb. 2, 2005). There was a meeting with the division chief listed on Mr. McLaughlin’s official calendar for January 28, 2003. According to Mr. McLaughlin and one contemporaneous document, however, this meeting covered another subject. *Id.*

³⁶⁸ Interview with former Deputy Director of Central Intelligence John McLaughlin (March 7, 2005).

³⁶⁹ Classified cable traffic (Jan. 2003).

³⁷⁰ Classified cable traffic (Jan. 2003).

³⁷¹ Interview with CIA/DO Division Chief (Jan. 31, 2005).

³⁷² Electronic mail from Division Chief (“Re: [Foreign Service] BW Source”) (Feb. 3, 2003); *see also* Electronic mail from Group Chief, CIA/DO (“curve ball”) (Feb. 3, 2003).

³⁷³ *Id.*

³⁷⁴ Interview with former Deputy Director of Central Intelligence John McLaughlin (Feb. 2, 2005).

³⁷⁵ *Id.*

³⁷⁶ *Id.*; Interview with former Director of Central Intelligence George Tenet (Jan. 25, 2005).

³⁷⁷ Electronic mail from Executive Officer of the responsible regional division, CIA/DO (“[Foreign Service] BW Source”) (Feb. 3, 2003) (forwarding the memorandum).

³⁷⁸ *Id.*

³⁷⁹ *Id.*

³⁸⁰ Interview with former Director of Central Intelligence George Tenet (Jan. 25, 2005).

³⁸¹ Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004); Interview with CIA/DO Division Chief (Jan. 31, 2005).

³⁸² *Id.*

³⁸³ *Id.*

³⁸⁴ *Id.*

³⁸⁵ Interviews with former Director of Central Intelligence George Tenet (Jan. 25, 2005 and March 10, 2005).

³⁸⁶ *Id.*

³⁸⁷ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004); Comments from DOE (March 3, 2005); Comments from INR (March 3, 2005).

³⁸⁸ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004).

³⁸⁹ *Id.*

³⁹⁰ Interviews with former CIA WINPAC BW analyst (Nov. 10, 2004 and Nov. 22, 2004).

³⁹¹ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004). The information that Curveball had been out of Iraq during July through December 1998 and left Iraq in March 1999 traveling in true name—in contradiction to his claims—was eventually confirmed by cross-referencing pertinent travel records. The records matched the itineraries supplied by Curveball’s family members. *Id.*; Comments from former WINPAC BW analyst (March 3, 2005).

³⁹² Classified intelligence report.

³⁹³ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004). Interviews with Curveball’s childhood friends also revealed that he had a reputation as a “great liar” and a “con artist”; his college roommate labeled him a “congenital liar.” CIA analysts said that these sentiments appeared to be universal, noting that “people kept saying what a ‘rat’ Curveball was.” *Id.*

³⁹⁴ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004). One of the WINPAC analysts who conducted the investigations in Iraq noted that other analysts had also shared with David Kay their growing sense of unease with what they were finding (and not finding) in Iraq. According to the analyst, however, CIA management—and some analysts—were still reluctant to retreat from Curveball’s information. *Id.*

³⁹⁵ Interview with former CIA WINPAC BW analyst (Nov. 10, 2004); CIA, Inspector General, *Inspection Report of the DCI Center for Weapons Intelligence, Nonproliferation, and Arms Control (WINPAC) Directorate of Intelligence* (IG 2004-0003-IN) (Nov. 2004) at p. 14.

³⁹⁶ *Id.*

³⁹⁷ *Id.*

³⁹⁸ *Joint CIA-DIA Assessment of [Foreign Service] Source Curveball* (June 7, 2004) at pp. 1-2; *see also* Interview with CIA/DO officials (Aug. 3, 2004); Interview with CIA WINPAC analysts (Aug. 11, 2004).

³⁹⁹ According to a WINPAC BW analyst, Curveball had described a number of agricultural facilities to the foreign service when it had interviewed him in 2000, including one east of Baghdad at which he claimed to have worked. In 2001, at the request of the handling foreign service, Curveball had made a physical model and drawn detailed sketches of the facility. The sketches showed, “without a doubt,” that mobile BW trailers were able to move in and out of the buildings. The facility Curveball described was subsequently identified as Djerf al-Naddaf, which Curveball then confirmed. Analysts noted, however, that there was a wall at the facility that Curveball had not identified. The Iraqis had broken and then reconstituted part of the wall, which convinced the majority of analysts that the wall was “temporary” and would allow BW trailers through it, thus not contradicting Curveball’s reporting. As noted, after OIF, analysts learned that the wall was actually a solid, six foot high structure. The fact that Curveball did not know of the wall’s existence provided substantial evidence that he had not been at the facility when the wall had been constructed—according to imagery in May 1997. Interview with CIA WINPAC BW analyst (Nov. 22, 2004).

⁴⁰⁰ *See, e.g.*, Classified intelligence reporting. As discussed, by the time of CIA’s first face-to-face interview with Curveball in March 2004, the Intelligence Community was aware of serious problems with his reporting. The recall notice on this report concluded that the interview with Curveball had revealed: “Discrepancies surfaced regarding the information provided by ... [Curveball] in this stream of reporting, which indicate that [Curveball] lost his claimed access in 1995. [Curveball] was unable/unwilling to resolve these discrepancies; our assessment, therefore, is that [Curveball] appears to be fabricating in this stream of reporting.” Interview with CIA/DO officials (Sept. 27, 2004).

⁴⁰¹ As noted, Defense HUMINT had disseminated 95 reports from Curveball and six Curveball reports were disseminated in CIA channels. All of these reports were recalled after Curveball was deemed a fabricator. Also, the handling foreign service continues, officially, to stand by Curveball’s reporting. Interview with CIA/DO officials (Sept. 27, 2004). Another foreign service had maintained a similar official position until late 2004. *Id.*; Interview with Division Chief and Group Chief, CIA/DO (Dec. 14, 2004).

⁴⁰² Interview with CIA/DO officials (Sept. 27, 2004); Interview with former CIA WINPAC BW analyst (Nov. 10, 2004) (noting that when Curveball first requested asylum, he was essentially told to “get in line.” He feared being returned to Iraq and subsequently offered information about his work in Iraq in an attempt to speed the asylum process).

⁴⁰³ Interviews with CIA/DO officials (Aug. 3, 2004 and Sept. 27, 2004); Interview with former CIA WINPAC BW analyst (Nov. 10, 2004).

⁴⁰⁴ Interviews with CIA/DO officials (Aug. 3, 2004 and Sept. 27, 2004); Interview with former CIA WINPAC BW analyst (Nov. 10, 2004).

⁴⁰⁵ Interview with CIA officials (Dec. 8, 2004).

⁴⁰⁶ As described above, reporting from both of these sources was disseminated by DIA. With regard to the second source, although CIA’s post-war investigation led it to conclude that the source was being directed by the INC, DIA has not recalled the reporting as of March 3, 2005. Interview with CIA officials (Dec. 8, 2004); Comments from CIA/DO (March 3, 2005);