

Background

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The Iran National Intelligence Estimate: A Comprehensive Guide to What Is Wrong with the NIE

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U.S. efforts to contain Iran and prevent it from attaining nuclear weapons have been set back by the release of part of the most recent National Intelligence Estimate (NIE) on Iran's nuclear program. "Iran: Nuclear Intentions and Capabilities,"¹ the unclassified summary of the key judgments of the NIE, contained a stunning bombshell: the conclusion that Iran halted its nuclear weapons program in 2003.

What prompted this reversal of intelligence analysis is not known. The controversial report released on December 3, 2007, contained only a summary of key judgments and excluded the evidence on which the judgments were made. However, many experts on intelligence, nuclear proliferation, and the Middle East have charged that the NIE is critically flawed.

This paper distills many of the criticisms against the Iran NIE and provides a list of articles for further reading on this important issue.

The NIE's key judgments on Iran's nuclear weapons program are more categorical than even those of the normally cautious International Atomic Energy Agency (IAEA).

The headline finding, included in the first half of the first sentence of the NIE's "Key Judgments," proclaims that "We judge with high confidence that in fall 2003, Tehran halted its nuclear weapons program." The report reveals in a footnote that this sweeping conclusion was reached in part by defining "nuclear weapons program" to exclude "Iran's declared civil work related to uranium conversion and enrichment," a definition that has been

Talking Points

- The National Intelligence Estimate (NIE) uses a narrow definition of Iran's nuclear weapons program that is so restrictive that even officials from the normally cautious International Atomic Energy Agency have expressed disagreement with its conclusions.
- The NIE mistakenly assumes that weaponization of the warhead is the key aspect of Iran's nuclear program that constitutes a potential threat.
- The NIE understates the importance of Iran's "civilian" uranium enrichment efforts to the development of nuclear weapons.
- The NIE does not address related military developments, such as Iran's ballistic missile programs, some of which make little sense unless the missiles will be armed with nuclear warheads.
- The release of the NIE eases international pressure on Iran despite the fact that the NIE itself maintains that such pressure is critical to stopping the Iranian nuclear weapons program.

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denounced by prominent nuclear experts as “ludicrously narrow.”²

Even IAEA officials, who have long treated Iran with kid gloves and accorded it the benefit of the doubt, have been critical of the controversial NIE. One unnamed senior IAEA official quoted in *The New York Times* carped: “To be frank, we are more skeptical. We don’t buy the American analysis 100 percent. We are not that generous with Iran.”³

It is troubling that the IAEA, an agency that greatly underestimated the Iraqi nuclear weapons program before the 1991 Gulf War and missed much of the Iranian nuclear weapons program before 2002 revelations by an Iranian opposition group put it in the spotlight, would question the “generous” analysis of the NIE. Former Secretary of State Henry Kissinger, who has been highly critical of the NIE, complained: “By stating a conclusion in such categorical terms—considered excessive even by the International Atomic Energy Agency—the Key Judgments blur the line between estimates and conjecture.”⁴ Ambassador John Bolton, who acquired extensive knowledge of Iran’s nuclear program as the State Department’s Under Secretary for Arms Control and International Security, lamented: “When the IAEA is tougher than our analysts, you can bet the farm that someone is pursuing a policy agenda.”⁵

The NIE engages in policy formulation rather than adhering strictly to intelligence analysis.

The NIE suggests that vaguely defined “threats of intensified international scrutiny and pressures” combined with diplomatic incentives might induce Iran to halt its nuclear weapons program permanently:

Our assessment that Iran halted the program in 2003 primarily in response to international pressure indicates [that] Tehran’s decisions are guided by a cost-benefit approach rather than a rush to a weapon irrespective of the political, economic, and military costs. This, in turn, suggests that some combination of threats of intensified international scrutiny and pressures, along with opportunities for Iran to achieve its security, prestige, and goals for regional influence in other ways, might—if perceived by Iran’s leaders as credible—prompt Tehran to extend the current halt to its nuclear weapons program. It is difficult to specify what such a combination might be.⁶

The threat of U.S. military force is downplayed and not even mentioned in the discussion of what might have led Tehran to suspend its military program in 2003. In fact, the NIE concluded that the only plausible way to stop Iran from building a nuclear weapon, if it chooses to do so, is to convince Iran not to do so.

This finding, in effect, takes the military option off the table and raises questions about the value of current international efforts to deny Iran dangerous technologies. Evaluating the costs, benefits, and risks of pursuing a diplomatic strategy are policy calculations, not intelligence assessments.

Ambassador Bolton has noted that several of the officials involved in writing the NIE were not intelligence professionals, but former State Department officials who were attached to the growing bureaucracy of the Director of National Intelligence:

1. National Intelligence Council, “Iran: Nuclear Intentions and Capabilities,” National Intelligence Estimate, November 2007, p. 7, at www.dni.gov/press_releases/20071203_release.pdf (January 8, 2008).
2. Valerie Lincy and Gary Milhollin, “In Iran We Trust?” *The New York Times*, December 6, 2007, at www.nytimes.com/2007/12/06/opinion/06milhollin.html (January 8, 2008).
3. Elaine Sciolino, “Monitoring Agency Praises U.S. Report, But Keeps Wary Eye on Iran,” *The New York Times*, December 5, 2007, at www.nytimes.com/2007/12/05/world/middleeast/05iran.html (January 9, 2008).
4. Henry Kissinger, “Misreading the Iran Report,” *The Washington Post*, December 13, 2007, p. A35, at www.washingtonpost.com/wp-dyn/content/article/2007/12/12/AR2007121202331.html (January 8, 2008).
5. John R. Bolton, “The Flaws in the Iran Report,” *The Washington Post*, December 6, 2007, p. A29, at www.washingtonpost.com/wp-dyn/content/article/2007/12/05/AR2007120502234.html (January 8, 2008).
6. National Intelligence Council, “Iran: Nuclear Intentions and Capabilities,” p. 7.

These officials had relatively benign views of Iran's nuclear intentions five and six years ago; now they are writing those views as if they were received wisdom from on high. In fact, these are precisely the policy biases they had before, recycled as "intelligence judgments."⁷

The NIE mistakenly assumes that weaponization of the warhead is the key aspect of Iran's nuclear program that constitutes a potential threat.

The NIE buries in a footnote its extremely narrow definition of "nuclear weapons program," which it defines as "Iran's nuclear weapon design and weaponization work and covert uranium conversion-related and uranium enrichment-related work." The NIE lightly dismisses Iran's accelerating uranium enrichment efforts at Natanz, which once was a covert facility, because these efforts now are overt. Iran claims that the uranium enrichment activities are needed for its civilian nuclear power program even though it has only one nuclear power reactor under construction and Russia has agreed to provide all the enriched uranium that the reactor will need.

By defining away the proliferation threat posed by "civilian" uranium enrichment, the NIE puts a premium on unspecified "weapons design and weaponization work," which apparently stopped in 2003. Yet nuclear weapons are an old technology with weapon designs that date back to the 1940s. Blueprints for a nuclear weapon can be downloaded from the Internet.

During World War II, American nuclear scientists were so sure of their bomb design that they never tested it operationally before detonating the bomb over Hiroshima. The real difficulty was obtaining enough weapons-grade fissile material to arm a bomb. Nuclear experts generally agree that "The hard part is obtaining the fissionable materials—plutonium or highly enriched uranium. Once

that's done, any nation—or even a sophisticated terrorist group—can do the rest."⁸

Iran is also known to have received help from the sophisticated nuclear smuggling network headed by Pakistani nuclear scientist A. Q. Khan as early as 1985. Khan's network provided Tehran with instructions on machining highly enriched uranium into hemispheres to form the core of a nuclear weapon and is suspected of providing other assistance in nuclear weapons design.⁹

Iran probably made so much progress in weaponization during its almost two decades of clandestine work that an easily reversible halt of some programs in 2003 will have little practical effect in restricting its ability to build a nuclear weapon. Indeed, both the most recent NIE and the 2005 NIE give similar estimates of when Iran will have enough highly enriched uranium to build a nuclear weapon. The 2005 NIE projected that Iran could acquire enough fissile material by "early-to-mid next decade," while the 2007 NIE estimated "some-time during the 2010–2015 timeframe," but perhaps as early as late 2009.¹⁰

The bottom line is that Tehran may have temporarily frozen its weaponization efforts because it already has a suitable weapon design and may simply be trying to master the most difficult part of the bomb building process—uranium enrichment—before taking the final step of weaponization.¹¹

The NIE understates the importance of Iran's "civilian" uranium enrichment efforts to the development of nuclear weapons.

The chief bottleneck in Iranian efforts to attain a nuclear weapon probably is not the weaponization work but the acquisition of enough weapons-grade fissile material to arm a bomb. This makes Iran's accelerating work on uranium enrichment a pressing concern. Approximately 3,000 centrifuges are

7. Bolton, "The Flaws in the Iran Report."

8. Jonathan Schell, "The Threat Has Not Diminished," *The Guardian*, December 9, 2007.

9. Leonard Spector, "Iranian Nuclear Program Remains Major Threat Despite Partial Freeze of Weapons-Relevant Activities Described in New U.S. National Intelligence Estimate," Center for Nonproliferation Studies, December 6, 2007.

10. See National Intelligence Council, "Iran: Nuclear Intentions and Capabilities," p. 9.

11. Patrick Clawson, "How Much Does Weaponization Matter? Judging Iran's Nuclear Program," Washington Institute for Near East Policy *Policy Watch* No. 1313, December 4, 2007, at www.washingtoninstitute.org/templateC05.php?CID=2689 (January 8, 2008).

operating at its Natanz facility, and a total of 54,000 are scheduled to be installed over the next few years.

Iran claims that its uranium enrichment program is dedicated exclusively to producing fuel for its civilian nuclear power program, but Iran has only one power reactor at Bushehr under construction, and its fuel is to be supplied by Russia for its entire operational lifetime. In fact, after Russia delivered the first shipment of enriched uranium for the Bushehr reactor, Russian Defense Minister Sergei Lavrov proclaimed, "We believe that Iran has no economic need to proceed with its program of uranium enrichment."¹² Other planned reactors will not need enriched uranium fuel for at least a decade.

This raises serious questions about why the Ahmadinejad regime is ramping up its Natanz operations despite two rounds of U.N. Security Council sanctions and the prospect of more to come. The costs would seem to outweigh the benefits unless Iran is planning to use the enriched uranium for military purposes.

It is therefore a dangerous mistake to downplay Iran's intensifying efforts to enrich uranium in continued defiance of U.N. Security Council resolutions. The NIE explicitly excludes "Iran's declared civil work related to uranium conversion and enrichment" from its definition of a nuclear weapons program and fails to mention that Iran hid such work for many years, "declaring" the work only after it had been exposed.

Iran would not need to hide a civilian program, so Iran's deceptive behavior and dealings with Khan's network (which specialized in technologies useful for building nuclear weapons) strongly suggest that it was not meant for civilian purposes. It is therefore unclear why the NIE would accept Iran's claim that its enrichment program is meant for purely civilian purposes when Iran has developed it covertly, lied about it in the past, built elaborate underground facilities fortified to withstand attacks, and protected parts of it with anti-aircraft missiles.

The line between civilian and military nuclear programs can easily be blurred, especially by a ruthless regime that has repeatedly been caught lying about its activities and still refuses to admit that it ever had a nuclear weapons program. While enriched uranium is used to fuel nuclear reactors, it can also be enriched to higher levels to fuel nuclear weapons.

Drawing a distinction between Iran's "declared civil work" on uranium enrichment and military programs is risky because, once Tehran has perfected enrichment techniques, it can quickly cross the line into military uses with relative ease. James Schlesinger, the respected former CIA Director, Secretary of Defense, and Secretary of Energy, succinctly criticized the NIE:

We have long understood that the production of fissile material, whether overt or covert, remains "the long pole in the tent" in the development of a nuclear capability. Thus the NIE defines away what has been the main element stirring international alarm regarding Iran's nuclear activity.¹³

John Bolton has noted: "Indeed, it has always been Iran's civilian program that posed the main risk of a nuclear breakout."¹⁴

China, France, India, Israel, Pakistan, and South Africa all masked their military nuclear programs to various degrees behind civilian nuclear power programs. This is one reason why the International Atomic Energy Agency focuses so much on civilian nuclear programs. It also explains why Iran's decision to restart its uranium enrichment activities in 2005, after halting them in 2004, was so alarming.

Yet a discussion of Iran's reversal of its freeze on uranium enrichment is missing from the unclassified summary of key judgments. It would not be surprising to discover that Iran also restarted its weaponization efforts after temporarily suspending them in 2003.

The NIE also does not adequately take into account the huge investment that Iran has made in a

12. Ron Popeski, "Iran Needs No Uranium Enrichment: Russia's Lavrov," Reuters, December 26, 2007, at www.reuters.com/article/topNews/idUSL2626503220071226 (January 9, 2008).

13. James Schlesinger, "Stupid Intelligence on Iran," *The Wall Street Journal*, December 19, 2007.

14. Bolton, "The Flaws in the Iran Report."

nuclear infrastructure that it does not need for a civilian power program. In addition to expanding the massive uranium enrichment complex at Natanz, Iran plans to build a heavy-water-moderated reactor at Arak that is “worryingly too big for research, too small for electricity generation and ideally suited to produce plutonium,” which can also be used in a nuclear weapon.¹⁵ Given the high financial and opportunity costs of creating this expensive nuclear infrastructure, it seems highly unlikely that the Iranian regime would refrain from using this infrastructure to develop nuclear weapons, which could significantly advance core Iranian security and foreign policy goals.

The possible use of Iranian disinformation may undercut the NIE’s conclusions.

Given Iran’s long history of lying about its nuclear program, there is always the danger that the new information included in the NIE is disinformation, although the NIE seems to rule this out by attributing “high confidence” to the judgment that the work has actually halted. But some friendly foreign intelligence agencies disagree.

A senior British official anonymously revealed that British intelligence analysts suspect that Iranian officials, knowing their phones were tapped, deliberately deceived U.S. intelligence monitors with false information:

We are skeptical. We want to know what the basis of it is, where did it come from? Was it on the basis of the defector? Was it on the basis of intercept material? They say things on the phone because they know we are up on the phones. They say black is white. They will say anything to throw us off.¹⁶

Israeli intelligence officials also are highly skeptical of the NIE findings. One Israeli analyst pointed out that “The Syrians were working on their nuclear project for seven years, and we discovered it only

recently. The Americans didn’t know about it at all. So how can they be so sure about Iran?”¹⁷

This skepticism is reportedly shared by some CIA analysts. According to one unnamed U.S. intelligence source, “Many middle-ranking CIA veterans believe Iran is still committed to producing nuclear weapons and are concerned that the agency lost a number of its best sources in Iran in 2004.”¹⁸

Other commentators have focused on reports that the NIE was heavily influenced by a defector from Iran’s Islamic Revolutionary Guard Corps, who could be a double agent who “defected” as part of an Iranian counterintelligence operation. Defense expert James Zumwalt has warned:

Worrisome is the weight given to what may well be a counter-intelligence effort by Tehran’s Islamic Revolutionary Guard Corps (IRGC). The humint [human intelligence] relied upon is a claim by senior IRGC official Ali Rez Asgari who defected during a February trip to Turkey. Mr. Asgari told a foreign intelligence agency [that] all activity on Iran’s nuclear weapons program stopped four years ago. His claim purportedly was supported by intercepted communications among Iranian officials.

Such information needs to be carefully scrutinized as we have learned some lessons from the Cold War. We now know “critically timed” defections as well as intercepted communications within a targeted country could conceivably be a counter-intelligence initiative. The Iranians are well aware of Moscow’s successful use in the past of double agents—Soviet spies who defected to the West only to further U.S.S.R. objectives in obfuscating Moscow’s sinister intent.¹⁹

15. “Dangerous Liaisons,” *The Economist*, December 19, 2007, at www.economist.com/world/international/displaystory.cfm?story_id=10329031 (January 9, 2008).

16. Tim Shipman, Philip Sherwell, and Carolynne Wheeler, “Iran ‘Hoodwinked’ CIA over Nuclear Plans,” *The Daily Telegraph*, December 10, 2007, at www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/12/09/wiran109.xml (January 9, 2008).

17. Yossi Klein Halevi, “An Insult to Intelligence,” *The New Republic*, December 6, 2007, at www.tnr.com/story_print.html?id=126d3cf1-9957-450e-b4be-66b1ca542b7a (January 8, 2008).

18. Shipman *et al.*, “Iran ‘Hoodwinked’ CIA over Nuclear Plans.”

The NIE does not address related military developments, such as Iran's ballistic missile programs, some of which make little sense unless the missiles will be armed with nuclear warheads.

The NIE's key judgments do not address Iran's extensive ballistic missile program and its efforts to develop nuclear-capable missile cones. Iran's Shahaab-3 missile, which is a derivative of the North Korean Nodong missile, has an estimated range of 1,300 kilometers. Iran also has purchased the Musudan, a missile with a range of 3,000 kilometers, from North Korea.

Given the relative inaccuracy of Iran's ballistic missiles at such great distances, it makes little military sense to invest so heavily in such missile programs unless the warheads are armed with nuclear weapons. "Historically," one defense expert has noted, "every state that has developed missiles of this range or greater has sought to arm them with nuclear warheads."²⁰

The NIE's key judgments also omit any reference to Iran's reported efforts to design nuclear-capable warheads for its missiles. In 2004, an Iranian defector provided a laptop computer that contained designs for a nuclear warhead and documents related to the "Green Salt Project," a secret Iranian program that involved uranium enrichment. The IAEA still has not received adequate Iranian explanations of these revelations. Iran also has continued its efforts to purchase dual-use and nuclear weapons technologies since 2003.

The NIE blandly attributes Iran's decision to halt its military nuclear program to "international pressure" and discounts the influence of the potential U.S. military threat.

In 2003, little serious international pressure was exerted on Iran to give up its nuclear weapons program. In fact, the U.N. Security Council still has not imposed strong and effective sanctions on Iran and is unlikely to do so in the future, given the diplomatic foot-dragging of Russia and China. Although the EU-3 (Britain, France, and Germany) began a stillborn diplomatic dialogue with Iran, the chief

source of pressure on Iran in 2003 was the threat of American military action.

The chilling demonstration effect of the two U.S. military interventions that displaced the Taliban regime in Afghanistan and Saddam Hussein's regime in Iraq undoubtedly had a salutary effect on Tehran. This certainly was the case with Libya. Libyan leader Muammar Qadhafi subsequently admitted to Italian Prime Minister Silvio Berlusconi that his decision to halt Libya's weapons of mass destruction programs was due to a fear that the United States would take military action against Libya, as it had in Iraq.

The release of the NIE eases international pressure on Iran despite the fact that the NIE itself maintains that such pressure is critical to stopping the Iranian nuclear weapons program.

The NIE has significantly altered the international debate on Iran's nuclear ambitions and has undermined the U.S. and European strategy for escalating international sanctions against Iran. Although Britain and France have remained steadfast in their efforts to ratchet up diplomatic pressure on Tehran, the NIE has given Russia, China, and other members of the U.N. Security Council greater latitude to dilute any future U.N. sanctions. The NIE also undercuts the prospects for diplomatic dissuasion of Iran by essentially taking the military option off the table, thereby reducing leverage over Tehran.

There is a distinct danger that misleading news coverage of the NIE suggesting that the long-term threat posed by Iran's nuclear ambitions has ebbed will undermine future international efforts to dissuade Iran from continuing its long-running nuclear weapons efforts. Regrettably, this will reduce pressure on Iran to halt its nuclear weapons efforts permanently and could ultimately increase the chances of war.

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19. James Zumwalt, "NIE in the Sky?" *The Washington Times*, December 18, 2007, at www.washingtontimes.com/apps/pbcs.dll/article?AID=/20071218/COMMENTARY/871778917 (January 9, 2008).

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