

CHAPTER 14

THE NONUSE AND ABUSE OF NUCLEAR PROLIFERATION INTELLIGENCE IN THE CASES OF NORTH KOREA AND IRAN

Robert Zarate

INTRODUCTION

When it comes to stopping the spread of nuclear weapons to additional nations, much attention has focused on the so-called supply side problem of nuclear proliferation-related intelligence. Here, the main challenge is to provide policymakers with accurate and timely information about the accumulating moves of foreign governments to acquire nuclear weapons-making capability, so that they can respond appropriately with diplomacy, economic sanctions, interdiction, covert actions, military force, or other tools of statecraft.¹ Less attention, however, has focused on what might be called the demand side problem of proliferation intelligence. Here, the main challenge is that policymakers sometimes may prefer not to receive information about a foreign government's nuclear proliferation-related provocations, lest they be required to respond in ways that would complicate or fundamentally contradict their preferred policies. "Intelligence is important in dealing with proliferation, but only if you want it," former Nuclear Regulatory Commissioner Victor Gilinsky keenly observed, adding:

it is also true that sometimes—contrary to the usual assumption—major players don't want to get reliable information at all because it would force them to act, or otherwise face uncomfortable political consequences.²

To illustrate why the demand side problem of proliferation intelligence is not a hypothetical one, this chapter identifies and examines key instances of the nonuse or abuse of proliferation intelligence by U.S. policymakers with regard to North Korea's and Iran's respective nuclear programs. Whereas North Korea succeeded in building and detonating a nuclear explosive device in October 2006 after repeatedly violating its international nonproliferation obligations, Iran—which, in many ways, is following North Korea's model for nuclear misbehavior—continues to violate its international obligations as it steadily improves its capability to build a nuclear explosive device on ever shorter notice.

Although the U.S. Government has declassified more proliferation-related intelligence on the North Korean case than on the Iranian case, it is nonetheless possible to arrive at some tentative and general conclusions regarding the demand side problem of proliferation intelligence in both of cases. To be sure, U.S. policymakers—in both Democratic and Republican presidential administrations—have consistently described North Korea's and Iran's respective nuclear programs over the last few decades as grave threats to American and allied security. That said, they sometimes declined to react decisively to worrisome nuclear provocations by North Korea and Iran, especially early on, because doing so would have required decisions that were too difficult, risky, or politically inconvenient. In certain instances, policymakers appeared not only to overrate their preferred policy palliatives towards North Korean and Iranian nuclear misbehavior, but also to be disinclined to receive or further pursue intelligence, suggesting that these proliferation cases had worsened or failed to be adequately ad-

dressed, on occasion even suppressing the sharing of relevant intelligence or denying its existence.

FAILURES OF INTELLIGENCE DEMAND IN THE NORTH KOREAN CASE

Despite roughly 2 decades of U.S.-led international efforts to stop the Democratic People's Republic of Korea (DPRK) from getting nuclear weapons-making capability, Pyongyang succeeded in detonating its first nuclear explosive device in October 2006. This outcome was made possible, in no small part, by the failures of policymakers to use available intelligence or demand new intelligence on the North Korean nuclear program that would have compelled a refinement of or fundamental revision to their policies.

Much of the record of intelligence related to the DPRK's march to nuclear weapons-making capability has not been declassified by the U.S. Government. However, a review of the available declassified record suggests that the most egregious nonuse or abuse of nuclear proliferation-related intelligence occurred during the mid-1990s, when policymakers apparently prioritized preserving the so-called Agreed Framework—America's controversial nuclear "grand bargain" with North Korea—over fully reckoning with what appears to be the U.S. intelligence community's classified judgment in the mid-1990s that Pyongyang already had produced "one, possibly two, nuclear weapons."³

A closer examination of the successive failures of intelligence demand in the DPRK's nuclear case is instructive, and it can help contemporary policymakers to avoid a North Korean-like outcome in the ongoing Iranian case and to adopt early on more effective

nonproliferation and counterproliferation strategies in future cases.

Failing to Get the DPRK to Accept Nuclear Inspections.

Upon learning of North Korea's undeclared nuclear activities in the mid-1980s, the Ronald Reagan administration sought to persuade Pyongyang to join the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and sign the NPT-required "full-scope" nuclear safeguards agreement with the International Atomic Energy Agency (IAEA). Although they achieved the first objective, they did not achieve the second. Given how Pyongyang's conclusion of an NPT-required IAEA safeguards agreement could have helped to fill some of the U.S. intelligence community's admitted gaps in understanding of the DPRK's nuclear program during this period, policymakers arguably should have treated North Korea's repeated refusal to conclude this safeguards agreement as a much graver violation than they did.

According to the declassified record, the U.S. intelligence community first learned in the early- to mid-1980s that North Korea was engaging in undeclared nuclear activities relevant to nuclear weapons making.⁴ In particular, Pyongyang quietly had begun the construction of two nuclear reactors capable of producing weapons-grade plutonium at Yongbyon—namely, a 5-megawatt electric (MWe) research reactor in 1980, and a 50-MWe Magnox power reactor in the mid-1980s that was not connected to the country's electrical grid. However, the declassified record suggests that the intelligence community understood very little about the full extent of North Korea's nuclear efforts

during this period, using carefully worded caveats to avoid strong conclusions about whether Pyongyang had a weapons program. For example, the Directorate of Intelligence in the Central Intelligence Agency (CIA) wrote in a May 1983 report: “We have very little information on North Korea’s ability to conduct the non-nuclear research, particularly that involving high explosives, required for a nuclear weapons research program,” adding:

In considering whether to embark on a venture as costly, hazardous, and politically sensitive as a nuclear weapons program, P’yongyang would face complex calculation of benefits versus costs as well as uncertainty regarding the effect of such a program on its ultimate goal of reunifying the peninsula on its own terms.⁵

Even though the United States and the Soviet Union were locked at the time in a heated Cold War strategic rivalry, the Reagan administration was able to respond to the DPRK’s nuclear provocations by working with Moscow, which had no small amount of influence on Pyongyang and shared a common interest in getting North Korea to join the NPT. Although the DPRK agreed to accede to the NPT in December 1985—apparently as a *quid pro quo* for a Soviet promise to build a nuclear power plant—it failed to meet its NPT obligation to conclude, within the first 18 months of signing the treaty, a full-scope safeguards agreement with the IAEA. A complicating factor was that the IAEA reportedly provided the North Koreans with an outdated version of the safeguards agreement and thus gave them another 18 months to conclude the pact, but Pyongyang failed to meet this revised deadline.⁶

An IAEA safeguards agreement would have required the DPRK to make a full declaration of all its nuclear material and related equipment and activities, and also legally authorized the IAEA's nuclear inspectors to verify the correctness and completeness of its declarations. Implementation of IAEA safeguards in North Korea could therefore have given U.S. policymakers, lawmakers, and the intelligence community critical information for better assessing the DPRK's program's weapons potential, especially in light of the intelligence community's admitted knowledge gaps.

Indeed, the declassified record shows that the intelligence community expressed repeated concern about Pyongyang's failure to conclude an IAEA safeguards agreement. For example, the CIA's Director of Intelligence issued a May 1988 report that stated there is "no evidence that North Korea is pursuing a nuclear weapons option, but we cannot rule out that possibility," adding:

the possibility that P'yongyang is developing a re-processing capability [that would enable it to extract weapons-usable plutonium from spent nuclear fuel] and its footdragging on implementing NPT provisions, suggest close scrutiny of the North's nuclear effort is order.

It is crucial to note that the 1988 report also stated that the South Korean government "believes P'yongyang is developing a nuclear weapon capability – a concern that Seoul has raised publicly."⁷

Despite internal debates, however, the Reagan administration appears to have treated North Korea's NPT violation as relatively routine, perhaps due in part to competing priorities in foreign policy, such as America's larger Cold War rivalry with Moscow.

Indeed, rather than raise the ante with economic sanctions or other forms of high-profile international pressure, U.S. policymakers relied on quieter multilateral diplomacy in the hopes of eventually changing Pyongyang's behavior. In the meantime, the DPRK had already begun to produce and accumulate plutonium-laden spent nuclear fuel via its 5-MWe nuclear reactor, which had started operations in the mid-1980s. Moreover, as it continued construction of its 50-MWe nuclear reactor at Yongbyon, it also began to build a new 200-MWe plutonium-producing reactor at Taechon in January 1989. What's especially troubling – especially in retrospect – is that North Korea likely undertook additional efforts during this period not only to experiment with the non-nuclear components necessary for the construction of a nuclear explosive device, but also to develop and perhaps even use reprocessing technologies to begin separating weapons-usable plutonium from its growing stockpile of spent nuclear fuel. At any rate, the DPRK's weapons-relevant nuclear activities would metastasize in the next decade.

The Agreed Framework: Giving Up Our Ends to Preserve Our Means.

Under President George H. W. Bush, the United States eventually achieved the Reagan administration's goal of getting North Korea to conclude its NPT-required full-scope IAEA safeguards agreement in early-1992. Yet disturbing discrepancies in the DPRK's subsequent declaration of nuclear materials to the IAEA – and the weapons-related worries surrounding its suspected covert reprocessing activities – led the Bush administration and later the Bill Clinton administration to escalate diplomatically the contro-

versy. What is problematic, though, is that when the North Koreans publicly said that international pressure—in particular, the imposition of economic sanctions—against it would amount to a “declaration of war,” the Clinton administration apparently blinked. Instead, U.S. policymakers doubled-down on the diplomatic track, eventually concluding the so-called Agreed Framework, a controversial grand bargain with Pyongyang that aimed, above all, at de-escalating the North Korean crisis. Although senior officials in the Clinton administration cited the Agreed Framework as a means to achieving the goal of halting the DPRK’s march to nuclear weapons-making capability, it appears that they came to see preserving the grand bargain as an end in of itself, even in the face of intelligence reports suggesting egregious North Korean nuclear violations of the agreement.

In 1989, the incoming Bush administration undertook a sustained effort to get Pyongyang to agree to put its nuclear facilities under IAEA inspections. Towards that end, U.S. policymakers wrangled, on the one hand, with North Korea’s rising demand for the establishment of a nuclear-weapons-free Korean Peninsula (which would require U.S. withdrawal of forward-deployed tactical nuclear weapons), and on the other, with reassuring South Korea, Japan, and other allies of their security. At the same time, American diplomats also worked behind the scenes to persuade the IAEA’s 35-nation Board of Governors to posture itself for increased diplomatic pressure on the DPRK. Although the effort had its share of controversies, it nonetheless produced certain results. On September 27, 1991, with Cold War tensions with Moscow at a low (indeed, the Soviet Union would dissolve in late-December 1991), President George H. W. Bush an-

nounced that the United States would withdraw all land- and sea-based tactical nuclear weapons from South Korea. In December 1991, Seoul and Pyongyang concluded a joint declaration to establish a nuclear-weapons-free Korean Peninsula, which entered into force in February 1992, and stipulated that "South and North Korea shall not possess nuclear reprocessing and uranium enrichment facilities." After subsequent delays, the DPRK finally signed its full-scope IAEA safeguards agreement on January 30, 1992, and ratified it on April 9, 1992.

Although the Bush administration arguably paid a steep price to persuade Pyongyang merely to conclude its NPT-required IAEA safeguards agreement, the U.S. intelligence community's increasingly grave assessments of the DPRK's nuclear program during this period reflected the need for urgent actions. For example, the CIA reported in a March 1989 special analysis:

North Korea may be willing to risk the international censure that a nuclear weapons program would bring in order to maintain a decided military advantage over the South, the keystone of the North's national security policy. Pyongyang may believe that nuclear weapons are crucial to preserving that edge.⁸

But in the years following, evidence emerged that North Korea had escalated activities relevant to an actual nuclear weapons program. For instance, the CIA reported in February 1992:

P'yongyang recently conducted its first high-explosive test since 1988. . . . The activity [related to reprocessing] at Yongbyon suggests the North may be trying to complete its nuclear weapons program before inspec-

tions begin; it may also have no intention of allowing inspections.⁹

The report added that these developments “suggest P’yongyang is moving forward with its nuclear weapons programs.”¹⁰ Thus, while the U.S. intelligence community had strong suspicions that the North Koreans had already engaged in some level of reprocessing activities, policymakers in the Bush administration apparently declined to publicly raise this point, for a public confrontation might have also forced them to question the validity of the North and South’s December 1991 joint declaration. Right or wrong, it appears that the Bush administration—which was becoming consumed with the aftermath of Operation DESERT STORM and other foreign policy priorities—concluded that pushing for IAEA nuclear inspections offered perhaps the best way to exert international pressure on Pyongyang in a manner that could build multilateral consensus. Yet, to the extent that policymakers believed that North Korea’s efforts constituted an actual nuclear weapons program, they arguably should have treated Pyongyang’s nuclear provocations as a much graver threat than they did.

The Bush administration—and then the Clinton administration, at least in its first 2 years—thus relied mainly on the IAEA inspections process to raise the stakes over the DPRK’s controversial nuclear program. Indeed, tensions mounted after the IAEA found disturbing discrepancies in North Korea’s May 1992 initial declaration of nuclear materials. Questions emerged about whether Pyongyang had correctly and completely declared its nuclear material inventories and related activities—in particular, whether it had used so-called hot cells supplied by the Soviets in the

1960s to separate plutonium from its growing stockpile of spent nuclear fuel. After the DPRK repeatedly denied IAEA inspectors access to two suspected nuclear-related sites at Yongbyon during a series of visits in mid- to late-1992 then-IAEA Director General Hans Blix formally requested Pyongyang to allow more intrusive “special inspections” on February 11, 1993. In addition, the IAEA Board of Governors passed a resolution on February 24, 1993, urging North Korea to accept special inspections within 1 month. Pyongyang defiantly responded by announcing its intention to withdraw from the NPT on March 12, 1993. The IAEA Board of Governors subsequently found the DPRK to be in noncompliance with its obligations under the NPT-required IAEA safeguards agreement, and referred its case to the United Nations (UN) Security Council in April 1993. Led by the United States, the UN Security Council passed a May 1993 resolution that called upon North Korea to reconsider its intention to withdraw from the NPT and comply with its IAEA safeguards agreement. However, the UN Security Council resolution did not impose any actual sanctions to pressure a change in Pyongyang’s nuclear misbehavior.

Over the next year, the United States and IAEA continued to engage North Korea diplomatically, hoping to convince it to change course. However, after the DPRK began removing spent nuclear fuel rods from its 5-MWe reactor at Yongbyon in early- to mid-1994, the U.S. State Department attempted to draw a “red line” by threatening that any removal of the spent fuel from the fuel rods themselves would lead the United States to actively seek sanctions in the UN Security Council. Nonetheless, Pyongyang responded by withdrawing from the IAEA in June 1994 and issuing boister-

ous counterthreats. For example, North Korea's First Vice Foreign Minister Kang Sok Ju definitely declared: "Sanctions would equal a declaration of war. All the people in our country and our military are gearing up now to respond to the sanctions."¹¹

Rather than press the UN Security Council to impose sanctions, the Clinton administration elected to negotiate a so-called grand bargain with Pyongyang in an apparent effort, above all, to diffuse the crisis. In October 1994, U.S. and North Korean diplomats concluded the so-called Agreed Framework, which obliged the DPRK to suspend construction of its 50-MWe and 200-MWe nuclear reactors in return for heavy fuel oil and allegedly "proliferation-resistant" light water reactors (LWRs) with a total 2,000-MWe capacity. One of the Agreed Framework's key problems, however, was that it explicitly suspended the IAEA's routine and ad hoc nuclear inspections pursuant to North Korea's full-scope IAEA safeguards agreement and did not authorize the resumption of inspections until after "conclusion of the supply contract for the provision of the LWR project." The suspension of IAEA nuclear inspections had the immediate effect of reducing the Agency's access to the DPRK's overall nuclear program, and—critically—the flow of information about the country's activities. Another key problem was that the grand bargain required Pyongyang to come into full compliance with its NPT and IAEA obligations—including enabling inspectors to verify the correctness and completeness of its nuclear declarations—but only after a "significant portion of the LWR project is completed, but before delivery of key nuclear components." Such provisions effectively created the time and space necessary for North Korean nuclear violations to accumulate.

Although the stated objective of the Agreed Framework was to prevent the DPRK from getting nuclear weapons, the Clinton administration apparently came to view preserving the grand bargain as an end in and of itself, even in the face of growing evidence that Pyongyang had egregiously violated the agreement. To take one example from the mid- to late-1990s, senior policymakers sought to downplay intelligence that North Korea had potentially violated the Agreed Framework by pursuing a covert program to enrich uranium. In testimony before various congressional committees in 1997 and 1998, Secretary of State Madeleine Albright repeatedly claimed that the Agreed Framework had definitively halted the DPRK's nuclear weapons program. However, with lawmakers repeatedly confronting the Clinton administration about emerging intelligence of Pyongyang's procurement and development activities related to uranium enrichment, she reluctantly conceded to the House Committee on International Relations in February 1999: ". . . we have suspicions that North Korea has engaged in construction activities that could constitute a violation of its commitment to freeze its nuclear-related facilities under the Agreed Framework."¹²

More troubling, policymakers in the Clinton administration may have failed to reckon fully with the implications of what appear to be troubling judgments in the mid-1990s by elements of the U.S. intelligence community that North Korea had already built a nuclear weapon—a conclusion that would have undermined a key premise of the Agreed Framework, if it had a public airing at the time. In December 2001, the National Intelligence Council revealed in *Foreign Missile Developments and the Ballistic Missile Threat Through 2015*, an unclassified summary of a National Intelli-

gence Estimate (NIE), that the intelligence community had already concluded in the mid-1990s, apparently after the Agreed Framework had been signed, that Pyongyang had built as many as two nuclear weapons:

The Intelligence Community *judged in the mid-1990s* that North Korea had produced one, possibly two, nuclear weapons, although the North has frozen plutonium production activities at Yongbyon in accordance with the Agreed Framework of 1994 (emphasis added).¹³

In November 2002, the CIA subsequently provided to Congress an unclassified estimate on North Korea's nuclear program that repeated and elaborated the claim made by the December 2001 NIE summary:

The U.S. has been concerned about North Korea's desire for nuclear weapons and *has assessed since the early 1990s* that the North has one or possibly two weapons using plutonium it produced prior to 1992 (emphasis added).¹⁴

If it is indeed true that the intelligence community arrived at this conclusion in the mid-1990s, then policymakers in the Clinton administration should have not only tasked the intelligence community to determine whether the DPRK at the time was continuing to engage in a covert nuclear program—including the development of uranium enrichment capabilities—in violation of the Agreed Framework, but also questioned the wisdom of continuing with the Agreed Framework. But they apparently chose not to do either one. As Henry Sokolski, who served as the Pentagon's Deputy for Nonproliferation under President George H. W. Bush, explained in a November 2002 article:

If North Korea already had built one or more weapons and was hiding them in violation of the 1994 deal, wouldn't it be reasonable to assume that North Korea was still conducting a covert nuclear weapons program? *The answer from the intelligence community: Probably, but since no one had yet asked the community formally to review the matter in a national intelligence estimate, it had no definitive view (emphasis added).*¹⁵

Sokolski added:

Why was there no such request? Almost certainly because Clinton officials knew what the answer would be—yes—and that that would spell the end of their 1994 deal.¹⁶

Another complicating factor may have been that the Clinton administration did not want to endanger the May 1995 review conference for the NPT, in which treaty signatories were scheduled to vote on the pact's indefinite extension. What is troublesome, however, is that during this same period, the mid- to late-1990s, A. Q. Khan, the Pakistani engineer who headed a rogue international nuclear proliferation network, repeatedly visited North Korea and allegedly provided it with components and designs related to uranium centrifuges, as well as other nuclear assistance.¹⁷

Legacy: Pyongyang's Final Sprint to the Bomb.

In the early years of the 21st century, the Agreed Framework began to fall apart. After President George W. Bush identified North Korea as a member of the so-called Axis of Evil in a post-September 11, 2001, State of the Union speech, U.S. diplomats confronted their

North Korean counterparts with evidence of an undeclared uranium enrichment program in September 2002. Bristling at the Bush administration's more confrontational approach, Pyongyang began to reactivate dormant nuclear facilities and then withdrew from the NPT in January 2003.

Over the next 3 years, however, policymakers in the Bush administration changed course and pursued a multilateral diplomatic process with the DPRK through the so-called Six-Party Talks process that also brought Russia, China, Japan, and South Korea to the table. Although the Six-Party Talks may have enjoyed temporary – albeit limited – gains, if any questions lingered over the overall success of North Korea's long march to nuclear weapons-making capability, they were dispelled when Pyongyang detonated underground its first nuclear explosive device on October 9, 2006. It then exploded underground another nuclear device on May 25, 2009. Moreover, as DPRK officials revealed to former Los Alamos National Laboratory Director Siegfried Hecker and other nuclear specialists visiting the country in November 2010, North Korea had built a 2,000-centrifuge uranium enrichment facility with a surprising level of technical sophistication.¹⁸ Equally troubling, Pyongyang was also now internationally spreading nuclear weapons-related technologies. To take a key example, a surprise Israeli air strike on a secret Syrian nuclear facility at the al-Kibar site near Deir Alzour in September 2007 led to subsequent public revelations by the U.S. intelligence community that North Koreans had actively assisted the Assad regime in building a nuclear reactor designed to produce weapons-grade plutonium.¹⁹ Having successfully tested a long-range missile with direct relevance to intercontinental ballistic missile (ICBM) capability

on December 12, 2012, Pyongyang detonated its third nuclear explosive device on February 12, 2013, raising tensions on the Korean Peninsula and throughout the region.

In sum, after North Korea's nuclear weapons program was discovered by the U.S. Government in the early- to mid-1980s, it metastasized in the 1990s and became a full-blown proliferation nightmare in the 2000s. What is worrisome is that the available record of declassified intelligence about the North Korean nuclear case appears to suggest that policymakers in both Democratic and Republican presidential administrations – when confronted with intelligence indicators that potentially endangered their preferred policy palliatives towards Pyongyang – did not always want to know.

FAILURES OF INTELLIGENCE DEMAND IN THE IRANIAN CASE

Although the United States has helped lead international efforts to stop the Islamic Republic of Iran from developing the capability to build a nuclear weapon on increasingly short notice since 2003, Tehran has consistently refused to yield. Now Israeli officials – whose country Iranian President Mahmoud Ahmadijad has threatened to “wipe off the map” – have warned that Iran's nuclear program is about to enter a so-called zone of immunity, a state of technological progress in which not even a military strike may prevent, with much confidence, the current Iranian regime from eventually building a nuclear weapon. Nonetheless, President Obama has repeatedly stated his belief that “there is still time and space to pursue a diplomatic solution.”

Here, it is important to recall once again that the available record of declassified intelligence on Iran's nuclear program is currently much more limited than the available record on North Korea's program. As a result, conclusions about the nonuse or abuse of proliferation intelligence in the Iranian case will be inherently more tentative than in the North Korea case. That said, what is troubling is how so-called realist foreign policy analysts are now urging the United States to "handle" Iran's accelerating march to nuclear weapons-making capability "like North Korea" – which is to say, to try to negotiate a grand bargain, if nothing else, to decrease tensions, but also to be prepared to accept a nuclear-armed Iran.²⁰ Such advice is wrong-headed, and a closer examination of key failures of intelligence demand with regard to the Iranian nuclear program can help policymakers refine and revise their nonproliferation and counterproliferation strategies, and hopefully avoid a North Korea-like outcome in Iran's case.

Halting the Shah's March to Nuclear Weapons-Making Capability.

In the early-1970s, Iran's Shah Mohammad Rez Pahlavi announced plans to initiate a civil nuclear program in his country. Towards that end, he not only struck power reactor deals with French and West German nuclear suppliers, but also offered to buy nuclear reactors from the United States. Despite warnings from elements of the U.S. intelligence community that the Shah's pro-Western government might use a civil nuclear program to pursue specific technologies and eventually acquire a nuclear weapons-making capability, the Gerald Ford administration initially worked

to conclude a bilateral agreement for civil nuclear cooperation that would “accommodate Iranian demands” for some level of access to weapons-relevant nuclear fuel-making technologies like reprocessing to separate plutonium from spent nuclear fuel. However, when President Ford announced sweeping changes to America’s nuclear export and nonproliferation policies in October 1976, his announcement effectively foreclosed U.S. efforts to provide Iran with access to reprocessing. Although President Jimmy Carter apparently momentarily reversed his predecessor’s decision on providing Tehran with access to reprocessing, the possibility of any U.S. civil nuclear cooperation with Iran ended with the Shah’s overthrow in the country’s 1979 Islamic Revolution.

In 1974, as the Shah started to ramp up efforts to building a civil nuclear program, America’s nuclear export and nonproliferation policies were being rocked by Smiling Buddha, India’s May 18th detonation of a nuclear bomb. What disturbed policymakers and lawmakers in Washington, DC, was that New Delhi had obtained the plutonium for the bomb using a reactor that Canada had built for India to use “for peaceful purposes only” and heavy water to moderate the reactor that the United States had supplied, again expressly “for peaceful purposes.”²¹ Nonetheless, officials in New Delhi attempted to use semantics to explain away their nuclear test, describing the bomb as a so-called peaceful nuclear explosive device that had not violated **their** understanding of the terms of the nuclear cooperation agreements with the United States and Canada.²²

According to declassified records, the U.S. intelligence community worried about the Shah’s long-term nuclear intentions in the aftermath of India’s

nuclear test. Some intelligence analyses appeared to take little comfort that Iran had signed the NPT in July 1968 and concluded an NPT-required full-scope IAEA safeguards agreement in May 1974. For example, the CIA's Director of Central Intelligence issued *Prospects for Further Proliferation of Nuclear Weapons*, a Special National Intelligence Estimate (SNIE) dated August 1974, that cautioned:

Iran's much publicized nuclear power intentions are entirely in the planning state. . . . There is no doubt, however, of the Shah's ambition to make Iran a power to be reckoned with. If he is alive in the mid-1980s, if Iran has a full-fledged nuclear power industry and all the facilities necessary for nuclear weapons, and if other countries have proceeded with weapons development, we have no doubt that Iran will follow suit. Iran's course will be strongly influenced by Indian nuclear programs.²³

Nonetheless, Secretary of State Henry Kissinger, concurrently serving at the time as the National Security Advisor, apparently prioritized the perceived benefits of a U.S.-Iranian nuclear cooperation agreement over the intelligence community's statements of the risks and pushed ahead with efforts to negotiate a deal with Tehran. But as the declassified record shows, the Ford administration internally debated how to respond to the Shah's communicated desire to reprocess spent nuclear fuel, or at least have some access to reprocessing technology. On April 22, 1975, Kissinger issued a National Security Decision Memorandum (NSDM) stating that Washington's negotiations for a nuclear agreement with Tehran should seek: ". . . to require U.S. approval for reprocessing U.S. supplied fuel, while indicating that the establishment of a mul-

tinational reprocessing plant would be an important factor favoring such approval." But the NSDM added:

As a fall back, we could inform the Government of Iran that we shall be prepared to provide our approval for reprocessing of U.S. material in a multinational plant in Iran if the country supplying the reprocessing technology or equipment is a full and active participant in the plant, and holding open the possibility of U.S. participation. The standard provisions requiring mutual agreement as to safeguardability shall apply. An expression of U.S. willingness to explore cooperation in establishing such a facility at an appropriate time should Iran so desire, may be made.²⁴

Another option was to "buy back" spent nuclear fuel from the Iranians at market prices. Over the next 1 1/2 years, Washington and Tehran exchanged various draft agreements and wrangled over the reprocessing issue, but they found little common ground as negotiations intermittently stalled.

Nonetheless, by October 1976, President Ford effectively had foreclosed the possibility of any U.S. assistance in helping Iran to access to reprocessing technologies when he announced a major shift in America's nuclear nonproliferation and energy policies. In particular, Ford stated that the United States would defer the pursuit of activities to reprocess spent fuel, fabricate plutonium-based nuclear fuels, and export plutonium-based fuels and related technologies:

I have decided that the United States should no longer regard reprocessing of used nuclear fuel to produce plutonium as a necessary and inevitable step in the nuclear fuel cycle, and that we should pursue reprocessing and recycling in the future only if they are found to be consistent with our international objectives.²⁵

One key motivating factor behind the President's decision was that the White House had assembled in mid-1976 an interagency panel—led by then Deputy Administrator of the Energy Research and Development Agency (ERDA) Robert Fri, and composed of representatives from the Arms Control and Disarmament Agency (ACDA), the Office of Budget and Management, the State Department, and other agencies—to examine U.S. nuclear energy and export policy. The panel's still-classified study, known as the Fri Study, apparently offered both majority and minority recommendations on policy changes that fundamentally informed President Ford's decision to prioritize non-proliferation while deferring the domestic and international promotion of reprocessing and plutonium-based nuclear fuels.

President Carter made the Ford administration deferral policy “indefinite” in April 1977 but nonetheless apparently moved to reverse the Ford administration's decision to prevent Iran from getting reprocessing during a one-on-one meeting with the Shah in December 1977. Drawing on firsthand interviews with aides to President Carter, nuclear nonproliferation expert Henry Sokolski wrote in March 2005:

In an effort to show support for the Shah, President Carter visited Iran in late December 1977. At the time, it was U.S. policy to export U.S. reactors but not to share reprocessing or enrichment technology with any state, Iran included. Yet, when he met with the Shah, Carter, to the amazement of his aides, cast U.S. nuclear policy aside and orally assured the Shah that he could have anything nuclear he wanted from the United States, including reprocessing, if he liked.²⁶

That said, the possibility of any substantive U.S. civil nuclear cooperation with Tehran ended with the fall of the Shah in the 1979 Iranian Revolution. Indeed, the new theocratic regime in Tehran would temporarily put Iran's push for a civil nuclear program on the backburner, but it would not abandon its nuclear efforts completely.

Failing to Reckon with Iran's Chinese Nuclear Connection.

Consumed by the Iran-Iraq War (September 1980 to August 1988) — the bloody conflict in which Saddam Hussein's Ba'athist regime used chemical weapons against Iran and both countries attacked each other's nuclear facilities — the Iranian regime did not prioritize efforts related to acquiring a nuclear weapons-making capability for much of the 1980s.²⁷ However, after the war's conclusion, Iran initiated a tenacious and often covert campaign to gain access to nuclear materials, technologies, and know-how, seeking help from entities in China, Russia, and elsewhere, to acquire elements necessary for developing the capability to make a nuclear weapon on ever-shorter notice.

In response, policymakers in the Clinton administration — who claimed to be gravely concerned about Iranian nuclear proliferation activities — attempted to pressure both Moscow and Beijing to curb their permissive nuclear policies towards Iran by dangling before each the possibility of concluding a much-coveted bilateral civil nuclear cooperation agreement with the United States. Although it appears that the U.S. intelligence community was deeply concerned about Chinese and Russian assistance to Iran's nuclear programs, the Clinton administration decided to treat

the two countries differently, pushing to fully implement a U.S. civil nuclear cooperation agreement with China, while holding off on even negotiating a similar agreement with Russia.

While the U.S. Government has not yet declassified much intelligence from the 1990s related to Sino-Iranian and Russo-Iranian civil nuclear relations, various unclassified reports to Congress help to give a sense of the intelligence community's worries about such relationships during the period. For example, a September 1996 report by the Congressional Research Service (CRS) noted concerns that "[s]ince the 1980s, China has agreed to provide nuclear technology to Iran . . .," adding: "There is concern about Iran's nuclear collaboration with Pakistan, long a recipient of Chinese assistance."²⁸ Of note, the CRS report elaborated on aspects of Sino-Iranian nuclear collaboration that the intelligence community found problematic such as:

Secret Cooperation. U.S. and European intelligence reportedly found that, since 1988, 15 Iranian nuclear engineers from Iran's nuclear research center at Esfahan have been secretly trained in China; that a secret Iranian-Chinese nuclear cooperation agreement dates from after 1985; and that China transferred designs and technology for reactor construction and other projects at Esfahan. . . .²⁹

and:

Other Controversial Deals. The China National Nuclear Energy Industry Corporation reportedly plans to sell Iran a facility to convert uranium ore into uranium hexafluoride gas, which could be enriched to weapons-grade material. U.S. policy is complicated by the fact that Westinghouse Electric Corporation wants to sell equipment to the Chinese company. According to

intelligence reports, the deal is proceeding with Chinese nuclear experts going to Iran to build the new uranium conversion plant near Esfahan.³⁰

Indeed, only a few months earlier, Congressman John Spratt, Jr., (D-South Carolina) had publicly warned about China's alleged cooperation with Iran on a uranium conversion facility during a June 1996 floor speech: "China is assisting Iran in building a uranium hexafluoride [HEX] facility which converts uranium into a gaseous form so it can be diffused to produce highly enriched uranium."³¹ But perhaps most alarmingly, the CIA's Nonproliferation Center subsequently issued a July 1997 report bluntly stating that "China [in the latter half of 1996] was the single most important supplier of equipment and technology for weapons of mass destruction [WMD]" worldwide (emphasis added).³²

The intelligence community in the 1990s also had strong concerns about Russo-Iranian nuclear cooperation. According to news reports from the middle of the decade, the Clinton administration—concerned that Russian assistance to Iran might come to entail uranium enrichment or other nuclear fuel-making technologies—took the unprecedented step of directly sharing U.S. intelligence findings on Iran's suspected nuclear weapons program with the Kremlin, in the hopes of persuading Russia to end all nuclear assistance to Iran.³³ Although it appears that Moscow subsequently refrained from direct assistance to Iranian efforts to gain nuclear fuel-making technologies, the Director of Central of Intelligence (DCI) nonetheless warned Congress in an unclassified September 1997 report:

Russian entities continued to market and support a variety of nuclear-related projects in Iran in 1997, ranging from the sale of laboratory equipment for nuclear research institutes to the construction of a 1,000-megawatt nuclear power reactor in Bushehr, Iran, that will be subject to . . . IAEA safeguards. These projects, along with other nuclear-related purchases from abroad, helped to build Iran's nuclear technology infrastructure, which in turn would be useful in supporting nuclear weapons research and development.³⁴

However, the DCI's report tentatively added:

Russia has committed to observe certain limits on its nuclear cooperation with Iran. For example, President [Boris] Yel'tsin has stated publicly that Russia will not provide militarily useful nuclear technology to Iran.

The Clinton administration decided to take markedly different approaches when it came to linking the possibility of U.S. civil nuclear cooperation to changes in Russia's and China's respective behaviors towards Iran's nuclear program. On the one hand, President Clinton—following President Bush's policy precedent—declined even to negotiate with the Kremlin for an agreement to permit bilateral civil nuclear cooperation until Russia had ended all nuclear, advanced conventional military, and missile assistance to Iran.³⁵ One particular sticking point was Moscow's decision to try to complete the construction of Iran's light water reactor at Bushehr.

On the other hand, the President decided to positively respond to Beijing's request that Washington fully implement the controversial U.S.-Chinese civil nuclear cooperation agreement. After the Reagan administration had negotiated and signed the bilateral

agreement in July 1985, Congress passed a joint resolution (Public Law 99-183) that technically allowed the agreement to enter into force, but conditioned its full implementation—e.g., the issuance of export licenses—on the President legally certifying, among other things, that China’s peaceful use of U.S. nuclear exports can and will be effectively verified and that Beijing’s provision of further details about its nuclear nonproliferation policies and practices conformed with Section 129 of the Atomic Energy Act, which prohibits nuclear exports to countries that proliferate.

To lay the political groundwork for implementing the U.S.-Chinese civil nuclear cooperation agreement forward, senior policymakers in the Clinton administration began to tout reversals in China’s historically troubling nuclear policies—in particular, its nuclear practices towards Iran. For example, State Department official Robert Einhorn told lawmakers in September 1997 that China had cancelled its controversial project to build a uranium conversion plant in Iran, although he conceded that the Chinese still had provided the Iranians with blueprints to build the problematic facility.³⁶ (Worse, the IAEA would subsequently reveal in a June 2003 report that China had also secretly exported in 1991 roughly one metric ton of uranium hexafluoride to Iran.³⁷ In the mid-2000s, Iran would reportedly use some of this gaseous uranium feedstock in its uranium enrichment centrifuges.) Moreover, the Clinton administration leaked the contents of a “secret” letter that Foreign Minister Qian Qichen had given to Secretary of State Madeleine Albright on the eve of a U.S.-China summit in Washington in October 1997, in which Beijing had promised not to start new nuclear projects in Iran, but only after first completing a small nuclear research reactor and a facility to fabri-

cate zirconium cladding for encasing nuclear reactor fuel rods.³⁸

In January 1998, President Clinton issued the required certifications to clear the final legal hurdles to formally begin the congressional review period for the controversial U.S.-Chinese civil nuclear cooperation agreement.³⁹ Although individual lawmakers moved to push a joint resolution of disapproval to block the U.S.-Chinese agreement's implementation, Congress as a whole did not act on the proposed joint resolution before the legislative branch's review period ended. As a result, the door to the nuclear deal's full implementation opened.

What is troubling about this episode is that, even though key elements of the intelligence community had singled out China as a worse WMD proliferator than Russia, it appears that the Clinton administration prioritized geopolitics and the U.S. nuclear industry's desire to sell nuclear goods and services to the Chinese over a principled policy on nuclear nonproliferation. By failing to hold China's proliferation activities towards Iran to a similar standard as Russia's proliferation activities, policymakers certainly gave up a point of powerful leverage on Beijing's nuclear behavior — one that conceivably could have been used to get China not only to divulge the full measure of its assistance to Iran, but also to take an even tougher stand on Iranian efforts to get nuclear weapons-making capability, especially as these efforts metastasized in the next decade.

Legacy: Continuing Struggle to Halt Iran's March to the Bomb.

The controversy over the Iranian nuclear program turned into a bona fide crisis in August 2002, when the

IAEA learned that Iran had engaged in a host of undeclared nuclear activities relevant to a weapons program for nearly 2 decades. Iran, as a signatory to the NPT, had obligated itself to make correct and complete declarations of its nuclear material and related activities to IAEA inspectors. As a result, then-IAEA Director General Mohamed ElBaradei reported in June 2003 that Iran had “failed to meet its obligations” under its NPT-required nuclear transparency and inspections agreement with the IAEA, and he urged Iran to fully cooperate with nuclear inspectors so they could provide credible assurances regarding the [current and future] absence of undeclared nuclear activities.

Yet despite nearly a decade’s worth of U.S.-led international efforts to use diplomacy and pressure to change Iranian behavior, the regime in Tehran to this day has refused to take IAEA-required actions that would help allay international worries about its nuclear program; they instead pursued technical capabilities that have shrunk the amount of time that it needs to make its first nuclear weapon.⁴⁰ What is troubling is the extent to which China and Russia have acted to slow or halt Western efforts to get the UN Security Council to impose sanctions on Iran’s ongoing non-compliance with its international nuclear nonproliferation obligations, especially in recent years. But just as President Clinton conceded a point of leverage on Beijing’s nonproliferation policy by fully implementing the U.S.-Chinese civil nuclear cooperation agreement in March 1998, so President Obama conceded leverage on Moscow’s nonproliferation policy by successfully concluding the controversial U.S.-Russian civil nuclear cooperation agreement in January 2011.

Given that the U.S. Government so far has declassified very little intelligence related to Iranian nuclear

proliferation efforts during the 2000s, a thorough examination of any nonuse or abuse of proliferation intelligence on Iran during this period remains beyond the scope of this chapter. However, given U.S. decisionmaking with regard to assisting the Shah's nuclear program or holding accountable major supplier states relevant to the Islamic Republic's nuclear efforts, it appears that policymakers have often struggled to strike a principled balance between the objective of nuclear nonproliferation vis-à-vis Iran, and the desire to satisfy other competing geopolitical or national aims.

CONCLUSION

Over the last few decades, U.S. policymakers tried to use a mixture of policies short of military action—including diplomatic negotiations, economic sanctions, interdictions, and covert actions—to deal with North Korean and Iranian efforts to develop nuclear weapons-making capabilities. However, U.S. policies ultimately did not stop the DPRK from building its first nuclear explosive device, and detonating it in October 2006. Observers today rightly worry whether Iran can be persuaded or prevented from following North Korea's nuclear precedent.

As this chapter's examination of the nonuse and abuse of proliferation intelligence in the cases of Iran and North Korea suggests, despite a long tradition of official statements about how nuclear proliferation poses the gravest danger to the United States and its allies, U.S. policymakers in both Democratic and Republican presidential administrations sometimes have tended to subordinate nuclear nonproliferation policy to other international or domestic concerns—even in the face of proliferation intelligence that counseled

otherwise. In turn, this tendency has served at times to frustrate, if not also undermine, the very aims of nuclear nonproliferation policy. What is worrisome is that it was often when proliferation problems metastasized and became far less manageable that risks of subordinating nuclear nonproliferation policy came to be more fully appreciated.

The failures of intelligence demand in the North Korean and Iranian nuclear proliferation cases raise a significant and thorny issue – namely, if policymakers will not be more hardnosed and act on timely intelligence early on, when a proliferation case is still manageable and easier to respond to, then might they be even less likely to take meaningful yet more difficult actions later, when the case becomes much less manageable and much more dangerous? The answer appears to a tentative and regrettable “yes.” However, there is ground for modest hope. Indeed, if policymakers in the Executive Branch, as well as lawmakers in Congress who oversee them and other interested parties, soberly examine and attempt to apply the lessons learned of these and other past instances when the demand-side problem of proliferation intelligence negatively affected U.S. policymaking, then they potentially can put themselves in a better a position to deal more effectively with current and future proliferation cases.

ENDNOTES - CHAPTER 14

1. For example, see Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Final Report*, March 31, 2005, available from www.fas.org/irp/offdocs/wmd_report.pdf.

2. Victor Gilinsky, "Sometimes We Don't Want to Know: Kissinger and Nixon Finesse Israel's Bomb," draft paper, August 4, 2011, available from www.npolicy.org/article_file/Sometimes_We_Do_not_Want_to_Know__Kissinger_and_Nixon_Finesse_Israeli_Bomb_-_Gilinsky.pdf.

3. For more on this, see endnotes 12-15.

4. For example, see Central Intelligence Agency (hereinafter "CIA"), *North Korea: Nuclear Reactor*, possibly from the *National Intelligence Daily*, July 9, 1982, (formerly SECRET) declassified, available from www.foia.cia.gov/docs/DOC_0000453456/DOC_0000453456.pdf; and CIA, *North Korea's Nuclear Efforts*, April 28, 1987, (formerly SECRET) declassified, available from www.foia.cia.gov/docs/DOC_0000835118/DOC_0000835118.pdf.

5. CIA's Directorate of Intelligence, *A 10-Year Projection of Possible Events of Nuclear Proliferation Concern*, May 1983, (formerly SECRET) declassified, available from www.foia.cia.gov/docs/DOC_0000835123/DOC_0000835123.pdf.

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war declaration or war itself, see Joel S. Wit, Daniel B. Poneman, and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis*, Washington, DC: Brookings Institution Press, August 2005, pp. 55, 222.

12. Quoted from transcript of the House Committee on International Relations, "Hearing on the FY 2000 Budget," February 25, 1999, via *Congressional Quarterly Transcripts*.

13. U.S. National Intelligence Council, *Foreign Missile Developments and the Ballistic Missile Threat Through 2015*, Unclassified Summary of an NIE, December 2001, UNCLASSIFIED, a reproduction of which is available from www.fas.org/irp/nic/bmthreat-2015.htm. In a 2003 essay, Jonathan D. Pollack wrangles with the implications of the December 2001 NIE summary:

If the report was claiming that U.S. intelligence analysts had concluded that North Korea had produced these weapons in the mid-1990s, it reflected either reinterpretation of old data or the inclusion of new information in older estimates. If the authors were claiming that the CIA had made this determination in the mid-1990s, then the claim is patently false, or all intelligence assessments published in the 1990s were false, in as much as the December 2001 claim contradicts all intelligence assessments published during the latter half of the 1990s.

See Pollack, "The United States, North Korea, and the End of the Agreed Framework," *Naval War College Review*, Vol. 56, No. 3, Summer 2003. Quoted by Joshua Pollack, "N. Korea: Deadly in a Snowball Fight," *Arms Control Wonk* weblog, February 7, 2010, available from pollack.armscontrolwonk.com/archive/2615/n-korea-deadly-in-a-snowball-fight.

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