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New York Times
March 21, 2008
Pg. 3

Russian Ire At U.S. Missile Plan Seems To Ease After Talks

By Clifford J. Levy

MOSCOW — In the wake of high-level talks between the United States and Russia, the Kremlin appears to be expressing somewhat less hostility toward the Bush administration's plan for a missile defense system in Poland and the Czech Republic.

In an interview published Thursday in the newspaper Izvestia, the Russian foreign minister, Sergey V. Lavrov, said the American side had presented proposals that could assuage some Russian concerns. The proposals were offered during a visit this week to Moscow by Secretary of State Condoleezza Rice and Defense Secretary Robert M. Gates. The exact details of the proposals have not been disclosed by either side. President Vladimir V. Putin said at the talks that a letter from President Bush containing the proposals was "a very serious document." Mr. Putin seemed to adopt a more conciliatory tone than he had at earlier such meetings.

Still, the two countries are not close to an agreement on the missile defense system, and the White House has made clear that it will press ahead no matter what.

In the Izvestia interview, Mr. Lavrov said the Americans had promised that the Russians could monitor the system in Eastern Europe.

"The American side is prepared to offer us a whole series of confidence-building measures so we can be convinced that the system does not work against us," Mr. Lavrov said. "The idea of these measures boils down to the following: we will have an opportunity to watch what the radar is doing and what the real condition is of the base for interceptor missiles, using both human and technical means."

The Bush administration wants to put tracking radar in the Czech Republic and 10 missile interceptors in Poland, both intended to counter missile attacks from Iran. Mr. Putin has opposed the plan, saying that it could threaten Russia. The Kremlin also appears to be angry because the system would be in former Soviet satellites that are now part of NATO.

The White House has repeatedly emphasized that the system was not intended to be used against Russia, but the Kremlin has not relented.

On Thursday, Ms. Rice and Mr. Gates told Mr. Bush that their meetings in Moscow had been "good and constructive," said Dana M. Perino, a White House spokeswoman.

In an interview on Wednesday with Radio Farda, an American-financed Persian-language station, Mr. Bush said he was "cautiously optimistic" about the negotiations.

"I don't know whether we can find common ground," he said. "But we are trying to find common ground, and that's what's — that's the first step, is to make the attempt."

<http://www.nytimes.com/2008/03/21/world/europe/21missile.html?ref=world>

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Washington Post

March 21, 2008

Pg. 14

Iran A Nuclear Threat, Bush Insists

Experts Say President Is Wrong and Is Escalating Tensions

By Robin Wright, Washington Post Staff Writer

President Bush said Thursday that Iran has declared that it wants to be a nuclear power with a weapon to "destroy people," including others in the Middle East, contradicting the judgments of a recent U.S. intelligence estimate. The president spoke in an interview intended to reach out to the Iranian public on the Persian new year and to express "moral support" for struggling freedom movements, particularly among youth and women. It was designed to stress U.S. support for Iran's quest for nuclear energy and the prospects that Washington and Tehran can "reconcile their differences" if Iran cooperates with the international community to ensure that the effort is not converted into a weapons program.

But most striking was Bush's accusation that Iran has openly declared its nuclear weapons intentions, even though a National Intelligence Estimate concluded in December that Iran had stopped its weapons program in 2003, a major reversal in the long-standing U.S. assessment.

"They've declared they want to have a nuclear weapon to destroy people -- some in the Middle East. And that's unacceptable to the United States, and it's unacceptable to the world," Bush told U.S.-funded Radio Farda, which broadcasts into Iran in Farsi.

Experts on Iran and nuclear proliferation said the president's statement was wrong. "That's as uninformed as [Sen. John] McCain's statement that Iran is training al-Qaeda. Iran has never said it wanted a nuclear weapon for any reason. It's just not true. It's a little troubling that the president and the leading Republican candidate are both so wrong about Iran," said Joseph Cirincione, president of Ploughshares Fund, a global security foundation.

Others said it is unclear whether the president believes what he said or was deliberately distorting Iran's position.

"The Iranian government is on the record across the board as saying it does not want a nuclear weapon. There's plenty of room for skepticism about these assertions. But it's troubling for the administration to indicate that Iran is explicitly embracing the program as a means of destroying another country," said Suzanne Maloney, an Iran specialist at the State Department until last year and now at the Brookings Institution's Saban Center.

National Security Council spokesman Gordon Johndroe said Bush was referring to previous Iranian statements about wiping Israel off the map. "The president shorthanded his answer with regard to Iran's previously secret nuclear weapons program and their current enrichment and ballistic missile testing," Johndroe said.

In two interviews beamed into Iran, Bush expressed deep respect for Iranian history and culture. In a second interview with the Voice of America's Persian News Network, Bush said: "Please don't be discouraged by the slogans that say America doesn't like you, because we do, and we respect you."

But analysts warned that Bush's statement on Iran's nuclear intentions could escalate tensions when U.S. strategy for the first time in three decades is to persuade Iran to join international talks in exchange for suspending its uranium enrichment, a process used for peaceful nuclear energy that can be converted for use in a weapons program. "The bellicose rhetoric from one side only produces the same from the other," Maloney said.

Signaling further pressure on Tehran, the administration also issued a warning on Thursday to U.S. financial institutions about the dangers of doing business with Iranian banks because of inadequate checks on money laundering and the growing risks to the international financial system posed by Iran's financial sector. "The government of Iran disguises its involvement in proliferation and terrorism activities through an array of deceptive practices," the Treasury Department said.

The advisory lists 59 major banks or their branches in cities such as Athens, Hong Kong, London and Moscow. It includes Iran's Central Bank and covers many banks not facing sanctions from the United Nations or the United States.

The Treasury's Financial Crimes Enforcement Network said that Iran's Central Bank and commercial banks started asking that their names be removed from global transactions to make it more difficult for intermediary financial institutions to determine their true identity or origin.

The United States recently imposed new restrictions on dealings with Bahrain-based Future Bank, which is controlled by Iran's Bank Melli.

"Over the past eight days, the U.S. government has undertaken a number of steps to put Tehran on notice that the international community will not allow the Iranian government to misuse the international financial system or global transportation network to further its aspirations to obtain nuclear weapons capability, improve its missile systems, or support international terrorism," State Department spokesman Sean McCormack said in a statement.

Staff writers Michael Abramowitz and William Branigin contributed to this report.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/20/AR2008032002284.html>

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Washington Post

March 22, 2008

Pg. 8

Sarkozy Announces Cuts In Nuclear Arsenal

By Molly Moore, Washington Post Foreign Service

PARIS, March 21 -- French President Nicolas Sarkozy announced a small reduction in the country's nuclear arsenal Friday during inauguration ceremonies for "Le Terrible," his military's newest nuclear-capable submarine.

Sarkozy said France is eliminating about one-third of the older nuclear warheads that could be launched from airplanes, continuing the steady drawdown of its nuclear weapons since the end of the Cold War as France modernizes its remaining nuclear forces.

In a public discussion rare in its specificity, Sarkozy said, "Our arsenal will include less than 300 nuclear warheads," which he described as half the number of nuclear weapons France had at the height of the Cold War.

Sarkozy also used the speech, which he gave to military officials and dockworkers at the Normandy port of Cherbourg, to lob more warnings at Iran.

He said that while only major powers now have the ability to fire missiles that can reach Europe in less than half an hour, "countries in Asia and the Middle East are rapidly developing ballistic capabilities."

The French president said, "I am thinking in particular of Iran," which is "increasing the range of its missiles while serious suspicions weigh on its nuclear program."

Sarkozy has taken an increasingly hard line against Iran and its nuclear program, tracking President Bush's approach more closely than did his predecessor, Jacques Chirac.

"All those who threaten to attack our vital interests would expose themselves to a severe riposte by France," Sarkozy said.

Later Friday, Sarkozy met with Republican presidential candidate John McCain in Paris. McCain praised Sarkozy's support of imposing further sanctions on Iran that, he said, "would deter them on their path of acquiring nuclear weapons."

Iran has maintained that its nuclear program is intended for civilian power only, and recent U.S. intelligence reports said Iran halted its clandestine nuclear weapons program more than four years ago.

France is one of eight nations capable of launching nuclear warheads. The others are the United States, United Kingdom, Russia, China, Pakistan, India and Israel, although the Jewish state has never publicly acknowledged its nuclear capabilities.

France has continued to develop new delivery systems, such as the sleek submarine Sarkozy inaugurated Friday. It is the fourth of the new generation of French nuclear-armed submarines and is capable of carrying 16 ballistic M-51 missiles with ranges of nearly 5,000 miles.

"Le Terrible" -- which can be translated as "The Fearsome" -- is scheduled to become operational in 2010. The majority of France's nuclear weapons are submarine-launched, according to the Federation of American Scientists, which monitors nuclear programs worldwide.

As it decommissions older nuclear warheads, France is modernizing its air force, replacing its Mirage 2000 nuclear-capable fighter jets next year with the Rafale fighter, which will be armed with a new generation of missiles.

During his speech, Sarkozy also appealed to the United States and China to ratify a nuclear test ban treaty signed in 1996 and urged negotiations on treaties to ban short- and intermediate-range nuclear missiles.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/21/AR2008032102979.html>

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London Sunday Times

March 23, 2008

Father Of Iran's Drive For Nuclear Warhead Named

By Michael Smith

A senior officer in the Iranian Revolutionary Guard has emerged as the father of a nuclear programme that western intelligence services believe is aimed at producing a warhead capable of devastating any city in the Middle East. Ostensibly a lecturer in physics at Tehran's Imam Hussein University, Mohsen Fakhrizadeh-Mahabadi is seen as the Iranian equivalent of A Q Khan, the scientist who led Pakistan's nuclear weapons race with India.

The National Council of Resistance of Iran, a coalition of groups opposed to the regime in Tehran, was the first to identify Fakhrizadeh, 47, as one of the leading figures in Iran's nuclear programme. The International Atomic Energy Agency (IAEA) has also named him as the man it would most like to interview about the programme, adding that despite repeated requests the Iranian government has refused access.

Intelligence shown to IAEA representatives last month included documents from an Iranian laptop computer. It named Fakhrizadeh as the man in charge. A personnel list had Fakhrizadeh at the top of the organisation running the programme, while other documents showed him setting budgets for research and laying down rules on how much of their work the project's scientists could discuss with colleagues.

It backs up suggestions that Fakhrizadeh is the head of "Project 111", an Iranian attempt to produce a nuclear warhead capable of exploding at 2,000ft and causing devastation over a wide area.

The material on the laptop obtained by US intelligence suggested a warhead would be designed to fit Iran's Shahab-3 missile. Israel is seen as the most likely target.

European officials were surprised when the US National Intelligence Estimate said last December that Iran had stopped working on a design for nuclear weapons in 2003. Although there is some evidence of a pause after the invasion of Iraq, other analysts believe the programme has resumed.

Simon Smith, Britain's permanent envoy to the IAEA, said, "Certainly some of the dates that the secretariat was presenting in there went beyond 2003."

http://www.timesonline.co.uk/tol/news/world/middle_east/article3602739.ece

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Washington Times

March 23, 2008

Pg. B1

Missile Defense At 25

By James T. Hackett

It is fitting that the 25th anniversary of Ronald Reagan's announcement of the Strategic Defense Initiative is on Easter Sunday, a day synonymous with peace. As a result of Reagan's vision, and President Bush's determination in withdrawing from the ABM treaty and fielding defenses, this Easter the world is a safer place.

Despite the collapse of the Soviet Union, the danger of nuclear-armed missiles is still with us. Russia under permanent ruler Vladimir Putin still has 2,945 deployed nuclear warheads and is fielding new SS-27 Topol-M intercontinental missiles (ICBMs). And Moscow is developing a new version known as the RS-24, which has been tested with three warheads but is expected to carry as many as six.

Mr. Putin threatens to target missiles on Poland and the Czech Republic if they host U.S. missile defenses, and on Ukraine if it joins NATO. And in Asia, China is engaged in a massive military buildup, with new ballistic and cruise missiles designed to strike U.S. aircraft carriers, new DF-31A ICBMs aimed at the United States, and more than 1,000 short-range missiles opposite Taiwan.

Other countries are developing longer-range missiles while seeking nuclear weapons, notably North Korea's oddball regime, which seems willing to sell nuclear technology as well as missiles to anyone, and the mullahs in Iran. Then there is Pakistan, which already has an arsenal of nuclear warheads and missiles to carry them. Pakistan is an ally today, but al Qaeda wants to seize power and control the "Muslim bomb."

The main value of missile defense is to deter opponents from using nuclear missiles to intimidate and achieve their goals through fear. Defenses also provide security in the event of an actual missile launch by design or accident. And as the recent shoot-down of a falling satellite showed, missile interceptors can be used for other useful purposes, including deflecting asteroids on a collision course with Earth.

The missile defense program has come a long way since Reagan's speech 25 years ago today when he said deterrence works, weakness invites aggression, and we maintain peace through strength. He urged use of our technological strength to find a way to deter attack. It may take decades, he warned, "but I believe we can do it." He was right about American technology. The idea of striking a very fast missile with a fast interceptor was considered a joke by many at the time. But that technology, unmatched by any other country, is now the key element of our missile defenses. After several test failures, the Missile Defense Agency (MDA) has done a remarkable job of improving the program to conduct successful flight tests.

Since 2005, there have been 26 intercepts in 27 tests, an amazing record for a new weapon system. Today there are 24 interceptors in silos in Alaska and California protecting the United States, and 25 on ships in the Pacific, with more on the way. It is important to keep this successful program on track and not make changes that might jeopardize progress toward deployment of a global layered defense.

As Vice President Richard Cheney said at a recent Heritage Foundation dinner, the talk about which presidential candidate would be best to take a call at 3 a.m. reminds us that no president should ever be told that a missile is coming toward the United States and there is no way to stop it. Missile defense can stop it.

The plan is to base 40 interceptors in Alaska, four in California and 10 in Poland, a radar in the Czech Republic and a mobile radar closer to Iran. But as the threat grows, more interceptors will be needed, at least 20 in Europe and up to 100 in Alaska, given the growing threat from China.

There is some discussion of breaking up the missile defense program to separate sustaining current deployments from future development. It is natural for MDA to want to turn operational activities over to the services and concentrate on research and development. But that could lead to future budget cuts as research projects fail and the services meet their immediate needs by reducing missile defense funds.

Another issue involves moving toward a very centralized command-and-control system, which could increase the risk of systemwide failure. It is important not to tinker too much with the program that has been highly successful in producing the defenses protecting the nation today. It is up to the White House and defense secretary to keep this effort on track, finish negotiations for the bases in Europe this year, and preserve the legacy of Ronald Reagan and George W. Bush.

James T. Hackett is a contributing writer to The Washington Times based in Carlsbad, Calif.

<http://www.washingtontimes.com/article/20080323/COMMENTARY/668025100/1012/commentary>

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Washington Post

March 23, 2008

Pg. B7

A Ticking Clock On N. Korea

By David Ignatius

For many months, Bush administration officials have been imagining a valedictory conclusion to their long-running negotiations with North Korea: Pyongyang would make a "complete and correct declaration" about its nuclear program, and Secretary of State Condoleezza Rice would travel to North Korea to celebrate normalization of relations with a former member of the "axis of evil."

But the North Korea breakthrough isn't happening, and administration officials know they are running out of time before President Bush leaves office. The New York Philharmonic has come and gone from its Feb. 26 concert in Pyongyang -- without Rice there to add a nimble-fingered piano accompaniment, as some analysts had predicted. An agreement remains tantalizingly close: The North Koreans are disabling their reactor at Yongbyon, which was a key part of the denuclearization agreement announced last October. And there are hopes that if Pyongyang will

finally deliver the promised nuclear declaration, then negotiations can move to a final (and even more difficult) phase of bargaining over destruction of North Korea's handful of nuclear weapons and an estimated 30 to 40 kilograms of plutonium.

What is blocking this breakthrough is North Korea's refusal to explain its nuclear relationship with Syria. This remains one of the murkiest foreign policy issues of the past year, but administration policymakers, intelligence officials and other analysts recently shed some new light on what happened.

The mystery centers on Israel's Sept. 6 bombing of a facility in Syria. This was to be the site of a nuclear reactor, U.S. officials believe. North Korea had made a secret agreement to provide technical know-how and some materials for the reactor, although not fissile material. The Israelis destroyed the reactor site -- but neither they nor the United States made any public statement about the attack.

The silence in Washington and Tel Aviv led some analysts to think that the Bush administration was afraid of blowing up the six-party talks with North Korea -- by disclosing the evidence of Pyongyang's role as a proliferator. That may have been a small factor, but I'm told that the larger issue was a fear in Israel -- especially, it's said, with Defense Minister Ehud Barak -- that disclosure would wreck the chances for serious peace negotiations with Syria, which the Israelis were exploring through back channels.

For Israel and Syria, it appears, September was a classic Middle East moment of talking and fighting simultaneously. Since then, hopes in Israel for a breakthrough with Syria appear to have faded.

Back to the North Korea negotiations: Christopher Hill, the assistant secretary of state for East Asia who has deftly managed the six-party talks, began demanding an accounting of the Syrian connection last fall. The North Korean response, as recently as Hill's March 13 meeting in Geneva with North Korean negotiator Kim Gye Gwan, has essentially been: "We never did it, and we won't do it again." That is, the North Koreans have promised that they have no current nuclear cooperation with Damascus and won't have any in the future, but they won't discuss what may have happened in the past. That's not enough, Hill has insisted.

U.S. officials have begun to confirm publicly that they have hard intelligence about North Korean proliferation. Mike McConnell, the director of national intelligence, said in Feb. 7 testimony to the House intelligence committee: "While Pyongyang denies a program for uranium enrichment and also denies its proliferation activities, we know North Korea continues to engage in both." In a telephone interview last week, a senior intelligence official confirmed the Syria nuclear connection, saying: "Our suspicions are justified and valid. A lot of due diligence was done on this. People are confident."

Hill expressed the administration's frustration over North Korea's foot-dragging in comments to reporters last week. "We are at a point where we really do need to make progress soon to wrap up" the current phase of negotiations, he said. He complained that the North Koreans "seem to think I have nothing better to do in my time or in my life than to keep asking them questions." Hill has privately rebuffed Pyongyang's request for another round after the Geneva session, saying that there's no point in meeting if the stalemate continues.

A full peace agreement with North Korea remains a worthy prize. It would stabilize a dangerous region and cement the cooperation between China and the United States that made the six-party talks possible. But, as with so many of its foreign policy goals, the Bush administration is nearly out of time. It doesn't make sense to break off the talks when they are so close to success, but then, it doesn't make sense to continue with a charade, either.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/21/AR2008032102555.html>

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Washington Post

March 25, 2008

Pg. 15

After A Nuclear 9/11

By Jay Davis

The appearance of nuclear weapons materials on the black market is a growing global concern, and it is crucial that the United States reinforce its team of nuclear forensics experts and modernize its forensics tools to prepare for or respond to a possible nuclear terrorist attack.

Large quantities of nuclear materials are inadequately secured in several countries, including Russia and Pakistan. Since 1993, there have been more than 1,300 incidents of illicit trafficking of nuclear materials, including plutonium and highly enriched uranium, both of which can be used to develop an atomic bomb. And these are only the incidents we know about.

It is quite possible that a terrorist group could acquire enough nuclear material to build a bomb. Nuclear materials have been discovered by border patrols, seized in police raids from India to, as recently as last fall, Slovakia, and

even hidden in a flower garden in Hanover, Germany. With enough stolen material, only a few specialists would be needed to build a nuclear weapon. After that, terrorists would lack only a truck to deliver it. If a terrorist group were to detonate a nuclear weapon on U.S. soil, the FBI, CIA, Department of Homeland Security and the nation's national labs would race to track down those responsible and prevent any further detonations by that group.

After the Sept. 11 attacks, the time between the fall of the twin towers and our response in Afghanistan was less than one month. But current U.S. nuclear forensics capability -- which involves analyzing nuclear radiation and isotopic signatures -- can't guarantee definitive information within a month of an attack.

Fibers, fingerprints, hair samples, a truck axle -- all standard forensics clues -- would have been vaporized in the explosion. Only two primary pieces of evidence would remain: radiation and isotopic signatures.

Radiation and isotopic signatures are the scents that nuclear forensics scientists use to hunt terrorists. Within a few hours, they would know whether the bomb was made of plutonium or uranium, a crucial first step in narrowing the investigation. Within hours to weeks, they would determine key details about the original nuclear material and then estimate the size, weight and complexity of the bomb. Over the next several months, they might be able to identify the source country and the terrorists' pathway into the United States.

But in our post-Sept. 11 world, we won't have months to respond. There would be enormous pressure to rapidly identify the terrorists and the chain of events leading up to the attack.

With a few changes, the speed and accuracy of nuclear forensics could be significantly improved.

First, we should update our 20th-century program to confront 21st-century enemies. Much of our field and laboratory equipment dates to the Cold War. So do most of our personnel. We need to develop and manufacture advanced, automated radiation analysis equipment that can be deployed to the field and is backed up by improved laboratory measurement. We need enhanced computer simulation and modeling capabilities. And we need to establish a federal initiative to reinvigorate the field of nuclear chemistry.

Second, international collaboration is essential. Nuclear material can have a unique signature depending on its source reactor or fuel facility. A shared and appropriately accessible international database of nuclear samples can help to more quickly match debris from an explosion with its original source.

Third, we must consider what it will take for the world to believe our analysis. The U.S. intelligence community's failures in assessing weapons of mass destruction in Iraq could well result in international skepticism regarding any nuclear forensics investigation we might perform. A group of recognized experts not associated with our federal investigation should be established to provide independent validation of the forensics analysis.

Finally, we need to manage expectations and prepare for the inevitable political pressure to respond quickly after an attack. Through realistic drills, our leaders can become aware of the strengths and limitations of the nation's nuclear forensics capability. Even with these changes, forensics analysis will take time, and results will not be immediately conclusive. Our leaders must recognize that, at times, decisions may need to be deferred or made amid uncertainty. There has been some good news. Some countries, including Pakistan, are strengthening the critical programs that lock down nuclear material at its source. But we must take additional steps, in case plutonium or uranium slips past the gate.

Jay Davis, a weapons inspector in Iraq after the Persian Gulf War, serves on the Defense Department's Threat Reduction Advisory Committee. He is a founding director of the federal Defense Threat Reduction Agency and recently served on a committee sponsored by the American Physical Society and the American Association for the Advancement of Science that completed the first unclassified review of the nation's nuclear forensics capability.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/24/AR2008032402291.html>

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GovExec.com

Judge advances anthrax vaccine refusal case

By Elaine M. Grossman *Global Security Newswire*

March 24, 2008

WASHINGTON - A U.S. federal judge has ruled that the Defense Department must again consider exonerating two military pilots whose Connecticut Air National Guard careers ended after they refused to take compulsory anthrax vaccine shots.

The plaintiffs were among hundreds of service members compelled to leave the military after resisting the inoculations during the late 1990s and early 2000s. Many cited qualms about the vaccine's safety and efficacy in protecting against inhaled anthrax, the form of exposure that Pentagon officials anticipated in the event of a biological weapons attack.

The federal courts have since found that the military's mandatory vaccine program was being conducted illegally for more than six years, beginning with its March 1998 inception. Pending Food and Drug Administration approval for using the drug specifically against inhaled anthrax, the Defense Department could not administer the six-shot series without an individual's informed consent, a federal judge said in an October 2004 decision.

The following year, the drug agency issued its long-awaited approval. The question has remained, though, as to whether those service members who refused the vaccine during the previous six-year period might yet be vindicated. In the latest judgment, U.S. District Judge James Robertson said the two Connecticut pilots might have a basis to demand redress. This potentially could open the door to hundreds more military personnel seeking absolution - and perhaps reinstatement or compensation - for similarly being forced out of the service after refusing orders to take the drug, according to issue experts.

The March 14 court finding said an Air Force board must revisit the plaintiffs' years-old requests to have their military records corrected. Both of the officers, Thomas Rempfer and the late Russell Dingle, also sought compensatory relief for back pay and lost promotions. Rempfer additionally requested reinstatement as a Connecticut Air National Guard pilot.

The case began when the two resisted taking the shots in the late 1990s and left their unit under threat of disciplinary action. The two avoided court martial or administrative discipline by seeking reassignment to the Air Force Reserve. Both were honorably discharged from the Guard in 1999.

Arguing that they had been improperly forced out, the two officers petitioned the Air Force to correct their military records and grant relief. In making their cases to the Air Force Board for Correction of Military Records, the pilots contended that the anthrax vaccine program was illegal at the time and thus they had a right to refuse the shots. However, the Air Force board rejected both officers' applications, claiming that federal plaintiffs in a separate case called *Doe v. Rumsfeld* had failed to prove that the Pentagon vaccination effort was illegal.

The *Doe* plaintiffs - six anonymous defense personnel subject to taking the anthrax vaccine - "did not in fact prevail against the secretary of defense," the Air Force review board stated in March 2007 in denying the Rempfer and Dingle claims. Dingle died in September 2005 but his estate represents him in the case.

The two officers challenged the military board's decision with a lawsuit, initially filed in federal court in December 2005 and later amended as the *Doe* case moved through the justice system.

Imposing a permanent injunction on the Pentagon's compulsory anthrax vaccine effort in October 2004, U.S. District Judge Emmet Sullivan said the Food and Drug Administration had never approved the vaccine as safe and effective for preventing inhalational anthrax. The vaccine was initially developed and tested to protect laboratory workers and animal pelt handlers against anthrax contracted through the skin.

Lacking a presidential waiver, the Pentagon could not give anthrax shots without an individual's informed consent, Sullivan wrote in his landmark decision. Sixteen months later, a federal appeals court effectively concluded the case, determining that the FDA certification, issued in December 2005, newly permitted the drug to be administered involuntarily to military personnel.

The outcome of the *Doe* case gave the "plaintiffs the exact result they sought: revised action by the FDA," Sullivan later wrote.

In this month's decision, Robertson supported Rempfer and Dingle's argument that the Air Force review board had wrongly based its denial of their petitions on a fundamental mischaracterization of the *Doe* case.

The service board did "not accurately describe the outcome of the *Doe* litigation," Robertson stated. "Contrary to the board's conclusion, the plaintiffs in the *Doe* litigation clearly prevailed. To base denial of Rempfer's constructive discharge and compensatory relief claims on the fiction that the *Doe* plaintiffs lost would be arbitrary and capricious."

The judge advanced the same argument in supporting Dingle's parallel claim.

"Taken as a whole, Judge Sullivan's decisions in *Doe v. Rumsfeld* conclude that, prior to the FDA's December 2005 rulemaking, it was a violation of federal law for military personnel to be subjected to involuntary [anthrax] inoculation because the vaccine was neither the subject of a presidential waiver nor licensed for use against inhalation anthrax," Robertson wrote.

In what is shaping up to be a split among U.S. judges, Robertson noted that some courts have differed over the question of whether military orders to take the shots prior to FDA approval were illegal. He added that military records-correction boards are not legally bound to grant relief to applicants on the basis of a court case like *Doe*. However, Robertson signaled that the courts would not tolerate a military board's misrepresentation of *Doe* as a win for the Defense Department in denying service personnel claims; rather, any denial would have to be based on other grounds.

The Air Force review board decision, in particular, was so flawed that it must now be reconsidered, the judge said. Remanding the Rempfer and Dingle cases back to the military panel for another look, Robertson warned the board against substituting its own views about vaccine legality for those of the federal court.

"This is a big opinion," said John Michels, co-counsel on the *Doe* case. "This opens the door to a bunch of people coming back for relief."

However, a statute of limitations might prevent military personnel from filing lawsuits more than six years after an alleged wrong has occurred. Absent new legislation on Capitol Hill, the passage of time since the Pentagon launched its anthrax vaccine program in 1998 could bar many of those affected from obtaining corrective action today, Michels said in a March 14 interview.

"For a lot of people, it's too late to go to court," he said. "This is a situation that cries out for congressional intervention."

http://govexec.com/story_page.cfm?articleid=39596&dcn=todaysnews

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Washington Post

March 26, 2008

Pg. 1

Nuclear Parts Sent To Taiwan In Error

U.S. Just Learned Of 2006 Mix-Up

By Josh White, Washington Post Staff Writer

The Defense Department mistakenly shipped secret nuclear missile fuses to Taiwan more than 18 months ago and did not learn that the items were missing until late last week, Pentagon officials acknowledged yesterday, deepening concerns about the security of the U.S. nuclear arsenal.

Officials with the Defense Logistics Agency (DLA) sent four nose-cone fuse assemblies to Taiwan in August 2006 instead of four replacement battery packs for use in Taiwan's fleet of UH-1 Huey helicopters. The fuses help trigger nuclear warheads on Minuteman intercontinental ballistic missiles as they near their point of impact. It was unclear yesterday how the two very different items were mixed up at a warehouse at Hill Air Force Base in Utah and how they were shipped out of the country without notice.

Defense Secretary Robert M. Gates immediately ordered an investigation, the second such probe in the past year to examine serious lapses in the care of U.S. nuclear weapons and accessories. Gates learned of the erroneous shipment on Friday and informed President Bush, but officials waited until yesterday -- after Saturday's elections in Taiwan -- to disclose the incident. Pentagon and State Department officials have conferred with Taiwanese and Chinese diplomats over the past three days.

"In an organization as large as DOD, the largest and most complex in the world, there will be mistakes," said Ryan Henry, principal deputy undersecretary of defense for policy, speaking at the Pentagon yesterday. "But they cannot be tolerated in the arena of strategic systems, whether they are nuclear or only associated equipment, as was in this case." Gates found the incident "disconcerting," he added.

In August, the Air Force lost track of six nuclear warheads for 36 hours when they were inadvertently flown on a B-52 bomber between bases in North Dakota and Louisiana. The incident exposed security flaws and raised similar questions about the safety of U.S. nuclear weapons.

Senior defense officials said it was almost certainly human error that led to the nose cones being shipped, and Air Force officials were concerned the classified items were placed in an unclassified area of a DLA warehouse and not properly tracked. Quarterly inventory checks over the past 18 months did not show the nose cones were missing. A DLA spokesman did not respond to questions about the incident. A spokeswoman for the Taipei Economic and Cultural Representative Office, Taiwan's principal representative office in the United States, declined to comment. Missile defense experts said the United States may have violated nuclear nonproliferation agreements and U.S. export laws by sending the items to Taiwan. Such treaties and regimes are designed to prevent the transfer of nuclear technologies between countries, and sensitive nuclear missile parts are among the most regulated items.

"This is a case of horrifying mismanagement of the inventory at this location," said Leonard S. Spector, deputy director of the James Martin Center for Nonproliferation Studies. "But it does seem more like mismanagement rather than a nefarious scheme to get them to Taiwan."

Since 2003, the Air Force had made 139 separate transfers of classified parts between F.E. Warren Air Force Base in Wyoming and the base in Utah -- mainly to store excess parts in a DLA warehouse -- and only the March 2005 transfer of four nose cones was misplaced, two defense officials said. How that oversight occurred will be at the center of the investigation.

Taiwan received four drum-shaped packages from the United States in August 2006 and placed them, unopened, into storage. Taiwanese officials realized only recently that the packages contained the nose cones when they went looking for the helicopter batteries, according to U.S. defense officials.

In trying to arrange reimbursement for the missing battery packs, U.S. officials determined that the drums contained classified material, quickly secured the items and returned them to the United States.

Henry and Air Force Secretary Michael W. Wynne said the Taiwanese did not appear to tamper with the items, which contain 1960s-era technology, and that the nose cones would not have been dangerous on their own because they work only with U.S. missile technology. Of greater concern to senior U.S. officials is that classified nuclear-related items left U.S. control, reached the hands of a foreign military and went without notice for so long.

U.S. foreign military sales to Taiwan totaled nearly \$10 billion in deliveries from 1999 through 2006, second only to Saudi Arabia, which received \$13.3 billion, according to a report by the Congressional Research Service. Sales to Taiwan have included numerous weapons systems -- from helicopters and tanks to air defense missiles and radar systems -- as well as parts and services.

Beijing regards Taiwan as a breakaway province and has more than 700 ballistic missiles pointed at the island. Much of China's military buildup appears aimed at achieving air and sea superiority in any conflict with Taiwan. The United States has long maintained a "one China" policy -- acknowledging that both China and Taiwan say Taiwan is part of China -- while supporting Taiwan with arms sales. In discussions with U.S. officials, the Chinese have argued that one of three communiqués governing U.S.-China relations, signed in 1982, requires the United States to reduce arms sales to Taiwan.

But President Ronald Reagan, who signed the communiqué, at the same time secretly signed a one-page memo stating that the communiqué restricted U.S. arms sales only if the balance of power between Taiwan and China was preserved.

Joseph Cirincione, president of the Ploughshares Fund, said the nose-cone incident underscores how Washington has "too many nuclear weapons with too little control over them." He said he worries that the incident will raise Chinese suspicions that Taiwan is restarting its nuclear program -- it does not now have nuclear capabilities -- and could spur China to assume a more aggressive stance.

"Imagine how we would feel if the Russians accidentally shipped warhead fuses to Tehran," Cirincione said. "We'd be going nuts right now. It would be hard for them to convince us that it was an accident."

Staff writer Glenn Kessler contributed to this report.

<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/25/AR2008032501309.html>

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New York Times

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U.S. Sent Missile Parts To Taiwan In Error

By Thom Shanker

WASHINGTON — Four high-tech electrical fuses for Minuteman nuclear warheads were sent to Taiwan in place of helicopter batteries, a mistake discovered only last week — a year and a half after the erroneous shipment, Pentagon officials disclosed Tuesday.

Officials said the nose-cone fuses, designed to send an electrical signal to the warhead's trigger as it plummets toward its target, resembled those used for conventional munitions and contained no nuclear material.

Even so, the mistake is another embarrassment for the people in charge of America's nuclear weapons. The Air Force disclosed last year that it unwittingly let a B-52 bomber carrying six nuclear cruise missiles fly from North Dakota to Louisiana.

The United States government is struggling to prevent the technology for nuclear weapons from spreading to nations that do not already have them. It has raised a public outcry against North Korea and Iran for their nuclear ambitions, and even criticized Russia for not sufficiently safeguarding its stockpile.

The episode could touch a raw nerve in China, which has complained about American weapons sales to Taiwan, an island that Beijing considers a renegade province.

"Though this will likely be chalked up to a bureaucratic snafu, the Chinese will view this through the prism of their own suspicions about U.S. intentions," said Robert S. Litwak, an expert on proliferation at the Woodrow Wilson International Center for Scholars here.

President Bush and Defense Secretary Robert M. Gates were informed of the discovery on Friday, and Mr. Gates immediately ordered an investigation.

"The department has initiated a complete physical inventory of all of these devices," said Ryan Henry, principal deputy under secretary of defense for policy.

He said Mr. Gates told the Air Force and Navy secretaries “to conduct a comprehensive review of all policies, procedures, as well as a physical site inventory of all nuclear and nuclear-associated material equipment across their respective programs.”

Adm. Kirkland H. Donald, the director of Navy Nuclear Propulsion, will lead an investigation into how the fuses were shipped to Taiwan.

The Air Force secretary, Michael W. Wynne, said the four fuses were shipped in March 2005 from Warren Air Force Base in Wyoming for storage at a Defense Logistics Agency warehouse at Hill Air Force Base in Utah. The fuses, packed inside canisters, were then shipped to Taiwan in the fall of 2006 to fill an order for helicopter batteries. It remained unclear, Mr. Wynne said, where in the supply chain the canisters were misidentified. Officials could not explain how the absence of the fuses was not discovered during the standard inventory reviews carried out four times a year.

Although the fuses were not nuclear parts, the technology is still closely guarded. Even devices that could be used to design or make nuclear arms and their parts are carefully controlled.

“This could not be construed as being nuclear material,” Mr. Wynne said. “It is a component for the fuse in the nose cone for a nuclear system.”

The nose-cone fuses are just under two feet long. Pentagon officials said they believed that the shipment was placed in storage upon receipt in Taiwan.

Even so, part of the investigation will include intelligence and technical analysis to determine whether the fuses were examined or otherwise tampered with.

Officials said the error came to light last week when Taiwanese officials alerted the United States. The fuses have since been given back.

Mr. Henry said the United States government was assessing whether any laws or treaties had been broken.

“If there was something that was amiss, it clearly was not intentional,” he said. “The United States stands up to its treaty obligations. And we’re dealing with this in the most straightforward manner we can.”

Mr. Henry said that the United States had spoken to the government of China and that “we will continue to have dialogue with them.”

<http://www.nytimes.com/2008/03/26/world/asia/26military.html?ref=world>

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Los Angeles Times

March 26, 2008

Cheney Disputes Iran's Nuclear Goals

Tehran is trying to enrich uranium to weapons-grade levels, he says. The allegation contradicts international findings.

By Borzou Daragahi, Los Angeles Times Staff Writer

BEIRUT — Vice President Dick Cheney charged in an interview released Tuesday that Iran is trying to develop weapons-grade uranium, though international inspectors and U.S. intelligence services have not found evidence of such an effort.

“Obviously, they’re also heavily involved in trying to develop nuclear weapons enrichment, the enrichment of uranium to weapons-grade levels,” Cheney said, according to a transcript released by the White House of an interview done Monday in Turkey with ABC’s Martha Raddatz.

Iran insists its nuclear program is for peaceful energy production, but the U.S. and other Western countries fear Tehran will eventually develop nuclear weapons.

In its latest report, the International Atomic Energy Agency, the United Nations’ nuclear watchdog agency, says Iran is enriching uranium at its plant in Natanz to less than 3.8%, which is the level necessary to create fuel for a civilian reactor. Weapons-grade uranium is enriched to 80% or 90%.

Cheney’s comment also contradicted the assessment of U.S. intelligence agencies, which concluded in a report revealed late last year that Iran had halted its efforts to develop nuclear weapons in 2003.

The vice president’s statement was the second time in a week that a White House official has made an allegation regarding Iran’s nuclear program and its intentions that did not square with publicly known facts.

President Bush said last week that Iran’s leaders had “declared” they were seeking nuclear weapons. Iran has always denied the charge, and the White House later backpedaled, calling the president’s remarks “shorthand.”

Cheney made the remarks at the end of a 10-day tour of Middle East countries to discuss high oil prices, the U.S. military presence in Iraq and Afghanistan and the Arab-Israeli conflict. But the subject of Iran was never far from his agenda.

In addition to Israel and the Palestinian territories, his route took him to Oman, Saudi Arabia, Afghanistan, Iraq and Turkey, in effect encircling the country that has become the greatest U.S. rival in the region. And at almost every stop, he brought up the subject of Iran and its role in disrupting U.S. efforts in the region.

Before the first stop of his visit to Oman, a Cheney aide told Agence France-Presse news service that Iran "has got to be very high" on the agenda for the talks.

"The Omanis . . . are concerned by the escalating tensions between much of the world community and Iran and by Iran's activities, particularly in the nuclear field," the news agency quoted the aide as saying.

In Saudi Arabia, Cheney also brought up the Iran issue. According to the Jidda-based English-language Arab News, the Saudis oppose any war with Iran. Saudi King Abdullah also raised the issue of Israel's undeclared nuclear program, saying that the Middle East should be free of nuclear weapons and other weapons of mass destruction.

In Jerusalem on Monday, Cheney accused Iran and Syria of "doing everything they can to torpedo the peace process," a reference to the teetering talks between Israel and the Palestinians.

<http://www.latimes.com/news/nationworld/world/la-fg-cheney26mar26,1,7973825.story>

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Estimates To Undergo More Scrutiny

By Walter Pincus, Washington Post Staff Writer

After attracting repeated controversy, a premier product of the nation's intelligence community -- the National Intelligence Estimate -- is getting a makeover by senior intelligence officials to improve its credibility.

The estimates, produced periodically on hot-button issues such as Iraqi or Iranian weapons of mass destruction programs, are to be subjected to special internal reviews before they are finished, during which the reliability of each source of information will be examined anew, according to Thomas Fingar, deputy director of national intelligence for analysis.

Fingar, who supervises the NIE process, explained the revisions at a recent meeting of the Council on Foreign Relations in New York. He said collectors of classified information used as the foundation for such estimates, which are meant to reflect the key judgments of 16 agencies, are being forced to reexamine all their sources, including electronic interceptions, satellite or aircraft imagery, and agent reports.

That process has been underway for some time for a new National Intelligence Estimate on trends in Iraq, which is slated for approval by agency heads in coming days, administration officials said.

"Each of the collection agencies has to submit a written report addressing each of the items that they produce that is used," Fingar said. "Do they still stand by it? Do they have any doubts about it? Have any questions been raised about the source?"

In the forthcoming NIE, some data supplied for the assessment was withdrawn after the special scrutiny, according to a source who spoke on the condition of anonymity because the issues are classified.

New NIEs are also abandoning what Fingar described as the old "drive for consensus," which "has clearly a lowest-common-denominator element in it." The 2002 NIE on Iraq, for example, presented a majority CIA and Pentagon view that specialty aluminum tubes that Saddam Hussein's government was purchasing were intended to be used in centrifuges to process uranium, rather than for rocket launchers as analysts at the State Department and Energy Department had thought.

The process is not meant to decide "the credibility of an analytic judgment on the basis of how many agencies voted for it," Fingar said, "but what's the power of the argument?"

Another revision, he said, is meant to eliminate "gratuitous references to quotations of intelligence, of source reporting." He said instead of tough-minded analysis, analysts in the past would attempt to bolster a judgment or source reporting "with a quote, as if that somehow made the case."

Lurking in the background is the intelligence community's searing experience with a source code-named Curveball, the Iraqi engineer who supplied the Defense Intelligence Agency with bad information about Hussein's supposed mobile biological weapons labs -- information contained in the 2002 NIE on Hussein's weapons and also in then-Secretary of State Colin L. Powell's February 2003 presentation at the United Nations.

In 2003, the CIA's European clandestine operatives questioned Curveball's reliability, even up to the night before Powell delivered his speech.

These changes will be incorporated in the classified NIE on Iraq, but the public probably will not have a chance to judge them. The heads of the 16 agencies, meeting as the National Intelligence Board, with Director of National

Intelligence Mike McConnell as chairman, will make the decision on whether a declassified version of the Iraq key judgments will be released.

Criticized widely for the released key judgments late last year on Iran's nuclear program, McConnell said during a March 12 speech at Johns Hopkins University, "All future NIEs will not have unclassified key judgments if I'm persuasive enough among the decision makers."

<http://www.washingtonpost.com/wp-dyn/content/article/2008/03/25/AR2008032503054.html>

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