

**CONGRESSIONAL REFERENCE
TO THE
UNITED STATES COURT OF FEDERAL CLAIMS.**

Congressional Reference No. 98-887 X

**RICHARD M. BARLOW,
of Santa Fe, New Mexico,**

v.

THE UNITED STATES

(Senior Judge Bruggink)

DECLARATION OF GORDON C. OEHLER, PH.D.

1. I am 59 years old and reside at 192 Blue Heron Drive, Heathsville Virginia.
2. I am currently employed as Corporate Vice President for Corporate Development at Science Applications International Corporation.
3. I began my career at the Central Intelligence Agency in 1972 and retired from the Agency on October 31, 1997.
4. From 1986 to 1989 I was Director of the CIA's Office of Scientific Weapons Research.
5. In 1989, I was appointed the National Intelligence Officer for Science, Technology, and Proliferation, an intelligence community position under the Director of Central Intelligence.
6. In April 1992 I was appointed the first director of the Nonproliferation Center, a position I held until I retired.

7. My responsibilities in those positions included dealing with national level science and technology issues related to the proliferation of nuclear weapons.
8. I first met Mr. Barlow when he came to work in my organization at the CIA. My direct reports were his bosses, Charlie B [redacted] and John [redacted]. My recollection is that Mr. Barlow was a thorough analyst who went the extra mile to get the information he needed to do his job. He was also very focused on – and knowledgeable about – the Pakistani nuclear issue.
9. In the mid-1980s, Ret. General Einsel was appointed the National Intelligence Officer for Nuclear Energy (the exact title may have been somewhat different). Gen. Einsel and his deputy, Murray Kavanaugh, did not come from intelligence community backgrounds – Gen. Einsel from the Army and Mr. Kavanaugh from Lawrence Livermore Laboratories. Mr. Kavanaugh was, however, detailed from Lawrence Livermore to OSWR as a nuclear expert a couple of years prior to becoming Gen. Einsel's deputy.
10. One of the responsibilities of Gen. Einsel and Mr. Kavanaugh at the time was to provide the intelligence community's judgements to the Congress and the State Department on the issue of whether Pakistan possessed a nuclear explosive device, an issue relating to the Pressler Amendment.
11. At the time, in the mid to late 1980s, there was widespread agreement inside the CIA that Pakistan had a nuclear weapons program and [redacted] Throughout much of this time, there were differing views in the intelligence community [redacted] Mr. Barlow had strong views on the subject, which were not all accepted by all analysts. (It is common for different analysts to have different views on controversial intelligence topics.) Mr. Barlow's views, however, were not out of line given the uncertainties in the information.

12. There was also general agreement at the time that Pakistan's F-16 jets, which had been delivered in the early 1980s; had the technical ability to deliver nuclear weapons []
 [] There was some discussion
 of whether or not Pakistan would want to modify the F-16s []

13. My experience with General Einsel and his deputy, Murray Kavanaugh, was that they lacked a history of how intelligence results, including uncertainties and disagreements, are presented to policy makers. As the result, they had a tendency to select and interpret the intelligence data to support the administration's (and the State Department's) stated policy of continuing to provide assistance to Pakistan, rather than simply provide the unvarnished intelligence community's judgments on Pakistan's nuclear program and the F-16s – disagreements, uncertainties and all.

14. This shaping of the intelligence information to support a policy position was of concern to many in the intelligence community, including me. And it is my opinion that as a result of such shaping, there were times when the picture most consistent with the intelligence community's positions as a whole was not presented.

15. Also as I recall, a hostile relationship developed between Gen. Einsel and Mr. Kavanaugh on the one hand and Mr. Barlow on the other regarding how information should be presented to Congress.

16. It was also clear to me at the time that Pakistan was continuing []
 activities to export additional nuclear components from the U.S. []

17. I attended numerous closed briefings of Congressional committees and subcommittees charged with overseeing Pressler and Solarz Amendment issues during this time frame. I can no longer recall for certain, but believe I did not attend the specific closed door briefing with Congressman Solarz in July 1989 referenced by Mr. Barlow's current case.

I, Gordon C. Oehler, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on May ^{16th} 2002.



Gordon C. Oehler