

**Interview of Dr. Donald M. Kerr
Principal Deputy Director of National Intelligence**

With Myles Dungan – RTÉ Radio

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MR. MYLES DUNGAN: Can I take it back to Los Alamos when you became the director of Los Alamos in 1979? Were you somebody who was, in any way, steeped in the history of the Manhattan Project?

DR. DONALD M. KERR: I was not. In fact, I was the first director at Los Alamos who had not been there during the Manhattan Project. I was the fourth director. Why it took so long to have the first was that the second director, Norris Bradbury, did it for 25 years and then Harold Agnew succeeded him and he too had been part of the original Manhattan Project. So –

MR. DUNGAN: And were there still scientists there who had actually worked on the A-bomb project when you were there?

DR. KERR: Oh yes. People like Nick Metropolis, Stan Ulam, and others were still there when I became director.

MR. DUNGAN: And these were people who were, I suppose, pioneers in their own right. I mean, what kind of a relationship did you have with these people?

DR. KERR: Actually, some of them were pretty good friends. And they were pioneers, but there's a mystique about the Manhattan Project that you need probably to recognize. And that is most of the science was done at the start, published back into the '30s, the fundamentals of quantum mechanics and nuclear fission and so forth. The real problem was getting the materials and then getting the understanding of how to work with those materials in order to produce the first device. Now, it took people with a great deal of scientific competence, particularly in doing the mathematics and some of the physics, but they didn't have to invent anew; they were applying.

MR. DUNGAN: And one reads of the actual first Trinity site explosion, for example, one of the things that horrified me was reading about people being only about five or six miles from the blast.

DR. KERR: Well, that's right. But remember people didn't know what the likely outcome might be. And even if you go back to the laboratory, there were people who were, for the first time, dealing with a new element, separated plutonium, and other materials. So it wasn't that they were doing things that were unsafe. They weren't known to be safe or unsafe at the time. Well, the same goes for the first explosion.

MR. DUNGAN: When you went there – because you went there in 1966, long before you became director – what kind of things were going on in Los Alamos at that stage?

DR. KERR: Interestingly enough, it spanned a broad set of programs. There was, of course, the nuclear weapons program. And if you think back to the late '60s and early '70s, you're talking about real Cold War times. The group I joined actually in addition to thinking about weapons' effects – and we did an awful lot of work on an earlier version of missile defense in terms of characterizing the environments and the atmosphere that might exist if a nuclear weapon went off.

We also had responsibility for part of the Vela Program, which was the nuclear test detection program. We had work – at that time, still going on for the use for nuclear energy for rocket propulsion, the whole Grover Program. We were building what was later called the Los Alamos Meson Physics Facility, which was a medium-energy, very high current particle accelerator that is now shut down, but over the years was very fruitful in looking at everything from creating medical isotopes to new ways of doing imaging to fundamental particle physics.

MR. DUNGAN: You're talking about a lot of stuff which might have been seen to have defense applications, but wouldn't necessarily have defense applications. I mean, one of the things I noticed you were very interested in when you became director was looking at alternative sources of energy, so I suppose in that sense, you were quite a bit ahead of your time. How did that work out and how could you convince that this was actually related to defense as opposed to security?

DR. KERR: Well, in fact, recall that the roots of the laboratory and its programs at that point in time were with the old Atomic Energy Commission. There was, in fact, a part of it devoted to new alternative energy sources; it was not all focused on nuclear solutions. And so we had good backing for that as well as for the basic science programs.

MR. DUNGAN: Now that you're out of all that, I mean, what is your attitude towards the nuclear debate, the nuclear power debate, nuclear versus alternative energy sources, whether nuclear is dirty, is dangerous and so on and so forth?

DR. KERR: I think I would still be counted among those who think we should pay a great deal of attention to using nuclear energy in the future. The most important reason is that it produces no carbon dioxide, so you avoid part of the global warming controversy. Second, after 60 years of people working with fissionable materials, it need not be as dirty as earlier generations and one could, in fact, call on investment made in many countries over the last two decades to look at more efficient and safer approaches that could be available in the future. I think we need to explore that.

MR. DUNGAN: Do you think inevitably we're going to have to do a lot more than explore that in a period of transition between a carbon-based or a series of carbon-based economies and alternative energy sources?

DR. KERR: I think that's right because the fraction of present energy use that could be quickly taken over by alternative and renewable sources is so small that the Western economies, in

particular, I don't think could stand to go off of coal, for example, and other hydrocarbons and immediately move to renewables. So I think nuclear energy is part of a transition there.

MR. DUNGAN: But do you not think that we are going to land ourselves, if that has to happen, with a huge, huge radioactive waste problem?

DR. KERR: I don't think so. There are actually a number of thoughtful approaches that people have worked on over the years to recycle the fuel in reactors and, in effect, burn out more of the elements that are very difficult in terms of waste disposal. And the volume of that which would need to be protected could be reduced significantly. More importantly, the length of time over which that protection would be afforded could be considerably reduced.

MR. DUNGAN: You moved then to the FBI, or you moved at a later stage to –

DR. KERR: Actually, I went to private industry and spent 12 years and found actually that I learned quite a lot. An old friend came to me one day and said, well, god, you worked for the federal government, you've worked for the University of California, when are you going to get a real job? And that was a good thing to do because if you're on what is called – you call it the government sector in the economy, the way you view transactions and your responsibilities are very different than in the private sector. So I was glad to have had that chance.

MR. DUNGAN: In the FBI, though, you were responsible for the laboratory division. In terms of crime within the federal U.S.A., first of all, what were the most interesting things that your office would have been doing during your tenure?

DR. KERR: Well, the laboratory division at that time had a broad set of responsibilities. The obvious and historic one was forensics. And it was the laboratory, for example, that in the U.S. pioneered the use of DNA technology for law enforcement and judicial applications. I came to the FBI at a time when they had some significant challenges with their forensic work. There were concerns about the way they took care of evidence, the way they reached conclusions and testified on it and the fact that they, while having been responsible for accrediting crime laboratories across the United States, had never done it for themselves. And so I was responsible for getting the FBI laboratory accredited.

But the most challenging work we did, other than the volume day to day, was the work we did on the East Africa bombing cases, subsequent work on, particularly the USS Cole and really the deep involvement of both forensics as well as the other responsibilities we have for physical and electronic surveillance, computer evidence, which is sort of in between surveillance and classical forensics, and we pioneered a lot of those techniques during that period of time.

MR. DUNGAN: Just to come back to – you were talking about East Africa and the USS Cole. How did your unit become involved essentially in the early days of the USA versus al Qaeda?

DR. KERR: Well, we didn't know it when we deployed, but we were, in fact, in 1998, at the edge of understanding that we were up against al Qaeda, not isolated groups who you could just deal with case by case as a law enforcement problem. And it was the fact that it became much

clearer at about that time that we were up against an adversary that wouldn't stop with those attacks and others might follow. That, unfortunately, proved true.

MR. DUNGAN: Was this a little bit like historically with the FBI back in the 1950s discovering that there was this thing called the Mafia?

DR. KERR: This wasn't limited to the FBI discovering that there was an al Qaeda. It was, in fact, the intelligence community, the then-director of Central Intelligence, George Tenet, is well known for having said at that time, we're in a war; we have to begin to think of it that way and begin to connect between events, not just deal with investigating singular events.

MR. DUNGAN: I think for you personally, you came up against the reality of what these kind of activities were like, of the reality of what it is like to go in, for example, to an embassy after it's been blown up.

DR. KERR: Well, that's right, I mean, particularly in Nairobi, where the embassy was adjacent to the main train station in the city. People working on the crime scene, if you want to call it that, had to deal with thousands of people passing by each day, extracting from the rubble of a large building, plus other buildings nearby that, which might be evidence of who did it and lead to them. That was done again in an easier environment, in some sense, on the Cole, but we actually were able to recover evidence that led to DNA information on some of the perpetrators that allowed us later to find safe houses they'd used, ultimately connected to other people who had access to the safe facilities.

MR. DUNGAN: But I suppose on an emotional level, also, part of what you're doing is that you are disinterring the parts, the missing parts of people's bodies essentially.

DR. KERR: That's correct. In fact, in all cases, the two embassies, the Cole, recovery of the victims' remains, actually our people did some of that because they were on site and prepared to deal with.

MR. DUNGAN: Was the U.S. intelligence community asleep on the job on September the 11th, 2001?

DR. KERR: I don't think so. As you may know, I moved from the FBI to the Central Intelligence Agency three weeks prior to 9/11. And throughout the summer of 2001, there was a lot of reporting, a lot of concern, but it was non-specific as to time, place, and modality. So we had people in the community who were alerting their seniors to the possibility of something happening, but they couldn't give them the specific information that would have allowed them to intervene. And that certainly was true on 9/11. But I don't think anyone can say, particularly after the testimony that George Tenet gave in his worldwide threat testimony in February 2001, that the greatest threat the U.S. faced was the possibility of terrorist attack by al Qaeda, shows that there was no concern.

MR. DUNGAN: What are your personal memories of the day?

DR. KERR: Quite honestly, at first it was disbelief, but interestingly that very morning I had breakfast at CIA with the former commanding officer of the USS Cole. I left him because I had to go give a talk a few miles away and came back to my office because I had been called by them to find that the second strike had just happened. He'd seen it on the television outside of my office and simply turned and left the building. It made such an impression on him.

Quite honestly, at that point, we knew that three strikes had taken place, two in New York, one here. We knew there was a fourth airplane. We didn't know its precise target, but there had been reason to believe that either the White House, the Capitol, or even CIA itself might be. So we actually evacuated the headquarters' building. And without a real plan, seniors regrouped in another building nearby and tried to deal with the situation as it unfolded.

We have much better plans today. We did learn from that. But ultimately, we went back to the building, convened a senior staff and went to work on what next.

MR. DUNGAN: And what was next?

DR. KERR: What was next was, of course, the execution of a plan that was largely produced by CIA and the intelligence community that led to the invasion of Afghanistan.

MR. DUNGAN: You've worked with the CIA and you've worked with the FBI, as you've said. Has it always been hard to get them to actually talk to each other? I mean, is there a sense in which – in the CIA, the FBI is the real enemy and vice versa?

DR. KERR: I think that's a myth perpetuated more by the press and others outside of the two agencies than a reality.

MR. DUNGAN: I've talked to CIA people and FBI people who wouldn't agree with that.

DR. KERR: I understand. On the other hand, I was at the FBI at a time when the second ranking counterterrorism officer was always a CIA officer. The counterterrorism center at CIA had always been populated by senior FBI people. And the people who were out there day by day, carrying out investigations, producing intelligence, were very well linked together. Yes, there's an ancient tradition of friction. I think necessity, particularly after 2001, diminished that a great deal.

And of course now the FBI is an acknowledged member of the intelligence community and one of our responsibilities under intelligence reform is to make the connection between foreign intelligence and domestic information, all of it comprising national intelligence on a more integrated whole.

MR. DUNGAN: Can they now focus, both of them, their animosity on your office, for example, the Directorate of National Intelligence?

DR. KERR: Oh, I'm sure they do. I mean, we are, in some sense, the common enemy of the entire community because we were put in place to cause that community of 16 relatively

independent agencies to behave as a unified and integrated whole. Well, that means asking them to behave in a manner that's somewhat alien to their tradition, culture, and history. I think we're making some progress on it and I expect we'll make a lot more because there's certain things we can do that no one of them could do alone.

We recently, for example, have been working very hard on just the whole mechanism for getting people vetted and brought in to work in the community. And we're trying to shorten that period substantially. That's not something any of them could achieve. Another realization from the last few years is there is no intelligence operation or analytic product that is the work of one agency or one discipline by itself. Intelligence really is a team sport. Our job is to make it possible for the community to function more like a team and not just bring things together at the final analytic product or the final operation, but in the planning phases and the execution phase as well. That's what we're spending our time on.

MR. DUNGAN: Was there a lot of demoralization in the CIA after 2001?

DR. KERR: I think there was – you know, how it affects different individuals, of course, varies greatly. I think given the fact that all of the people there had a commitment to protecting the United States and its interests and its citizens and for this to happen, that represents a failure in a sense. Whether it can be attributed to one agency or, in fact, a large number, which I think is more the case, doesn't matter. It's a personal thing. You feel like you haven't met the expectations.

MR. DUNGAN: Well, I talked to one former agent of the CIA. He said that over a period of years, the Agency had become less interested in human intelligence.

DR. KERR: Well, the Agency itself, I don't think, necessarily became less interested in human intelligence, but the balance of resources and people applied had changed. And so, in fact, fewer case officers were on the payroll and fewer were in the pipeline for training than many would have been comfortable with. That's something we've readjusted, particularly since 9/11. But I think it's an important thing because if you think about sources of information for intelligence, human is a very big set of sources. It's not all clandestine; some of it's diplomatic reporting, other kinds of contact. Open Source is another major component of what we know and we have to pay attention to that and use that as the context within which we go and get other information.

And then the third big piece is technical collection. Americans are prone to look for technical solutions. I think it's a tradition, if you will. And technical collection is expensive. It's very good for corroborating human and Open Source information, but it's often not dispositive with really understanding a situation. It doesn't tell you much about plans and intentions, which are the things that you'd really like to get after.

And so one of the responsibilities we have in the DNI organization is to try to achieve proper balance between these major areas of activity. You notice those areas also don't particularly line up with existing agencies and their responsibilities. So we really have to pay attention to the mix of capabilities, the interaction between those capabilities, and making them affordable and effective in their application.

MR. DUNGAN: October 2007, you made a very interesting speech in that you would be seen as the deputy head of spying, basically, of surveillance, of all of those things. You made speech in which you said that you can have safety and privacy, so, applause from the liberals, from the ACLU. But you also said that privacy does not equal anonymity, so boos and hisses from the liberals. What point were you making there?

DR. KERR: I was trying to make the point in the era we live in today, for any of us to maintain anonymity is virtually impossible. In many cases, we give it up ourselves as we share credit card numbers, other personal information in order to obtain services that we want.

MR. DUNGAN: But that's our choice.

DR. KERR: That's our choice. One of the things we forget is the largest service provider for any of us is in fact our own government on which we depend for retirement benefits, health care, public safety, a long list of things. And what we have to remember is that in order to have those services effective in our modern world, we also probably have to examine our relationship with the government relative to privacy in a way that we didn't previously.

MR. DUNGAN: But you also said in that speech that we should be focusing – or you should be focusing – more on how we can protect essential privacy in this interconnected environment. I went to tease that one out – essential privacy – because essential privacy to most people means absolute privacy. It doesn't equal privacy circumscribed. So essential privacy sounds like a circumscribed statement.

DR. KERR: It is a circumscribed statement because in an era when I can go to public records and learn all about your property transactions for many, many years, can learn you neighbors' names, and go to other records and find patterns of financial transactions, including what you do at retail, I think people really need to examine what it is they would like to protect as their most private and personal information. We need some good debate on that frankly because I think the idea that you can pull back what you've already let go, that's long since passed. So people need to pay some attention to that.

What is privileged communication? Is it, as our laws say, between you and your attorney? I think that's covered. Is it between you and your physician? I think that's covered too. You and your family – that's covered. But at what point do you begin to come out of this envelope where we might easily reach agreement on what should be protected and private and get into those things where in fact you're already compromised; you may just not know it.

MR. DUNGAN: But are you, as the deputy head of spying and surveillance, saying that anonymity is a threat to security, ipso facto?

DR. KERR: In some cases, it is. If, for example, I am concerned with protecting networks on which rides an awful lot of our commerce and economic activity, then people can go and corrupt records, commit crimes online, and do so with a cloak of anonymity that allows them to get away

with it, I think that's very bad. So it seems to me that one of the debates we have to have is can you use electronic means to cloak your identity when you engage in certain transactions online?

MR. DUNGAN: Just to talk briefly about the image of the USA abroad – I'm speaking specifically, I suppose, about the image of the USA in Europe – do you accept that when it comes to the way that intelligence has been obtained by the USA in recent years that the U.S. has been doing things that it would not have countenanced before – Guantanamo Bay, rendition, waterboarding, those kind of issues?

DR. KERR: Well, I think the image abroad has been magnified in many ways by the coverage of some of those things. Guantanamo was not actually an intelligence responsibility. I suspect you know that. But if you cast your mind back to the post-9/11 environment where one of the major questions we had to address was, is there another attack in planning and ready for execution, our approach in thinking about it was we had defined the perpetrators of such an attack or those who might be responsible for planning it, and we needed to find the answer to those questions very quickly so that we could take responsible action to mitigate the consequences or even prevent such a further attack.

That certainly led people to explore what I'll call the absolute outer bounds of what might be countenanced as appropriate treatment. Now, it seems to me, the opportunity we missed – and perhaps regrettably – was that in the immediate aftermath of 9/11, what I said could be easily understood by people because they felt themselves at risk. As time went on, we should have found ways, I think, to ask questions about appropriateness and effectiveness, because we hadn't by then found the next attack and had to take action against it. We took action against people who might later have done it, but we didn't find it in the offing. So if I had a regret it was that we didn't move from what you might think of as the post-attack crisis and the things you might do in that environment to the longer-term situation. And the consequence of that is some of the debate we're still having today.

MR. DUNGAN: But I've talked to former CIA agents, for example, who say that the CIA never tortures. And that's what is essentially happening now is that the CIA or the USA is simply outsourcing torture.

DR. KERR: Well, I think I agree with the first point. We never had the view that we were going to be torturers. We knew, though how we were going to use the most aggressive approaches we could with the full knowledge of our Justice Department and others. With regard to outsourcing, that is not a post-9/11 phenomenon; that's been an accusation all along. And it's had to do with the fact that from time to time, people have been returned to their country of origin because they're not under any charges of the United States. Whether those countries treat them differently than the norm in some other country, it's still – they're citizens of those countries and that relationship is something that we can't define.

MR. DUNGAN: But is that not the Pontius Pilate approach?

DR. KERR: No, I don't think so. We can't set ourselves up as the world's court and detention center. It's inappropriate for us to think that way. I think it's appropriate, in fact, to turn people back to their countries of origin.

MR. DUNGAN: And just before finishing this, can I parochialize a little bit, because there's a concern, obviously, in Ireland about the use of Shannon airport for rendition flight. As far as the American government is concerned, can you offer assurances that Shannon airport has not been used for rendition flights?

DR. KERR: I can actually say that I don't know because I am not aware of the flight plans and potential places where refuelings were made. I myself have flown through Shannon many times, not on rendition flights but to refuel. So I think one has to be very careful of that question; but I can't shed any light on that.

MR. DUNGAN: How do you make the world a safer place and sleep soundly at night?

DR. KERR: By, I think, realizing that we're not in a war per se, even though many have talked about the war on terrorism. In fact, we're much more – as time goes on – in a competition of ideas, and one that we have to recognize is not dealt with 100 percent by the application of force. And so, the hard problem for the West and the United States, in particular, is what are the other elements of national power and collective engagement that we can use to reduce the risk of other violent terrorism in the future?

How do we deal with populations in some parts of the world that are young men in their early 20s, unemployed, very much targets for those who might influence their behavior who could mobilize them to do things that we would find extremely uncomfortable and painful? How do we deal with that problem, because if we don't get to the pool that breeds extremism, we'd never get out of this conflict. And that's not the way I would choose to live or want my children to live.

MR. DUNGAN: Just to conclude, I was struck by your full name. I'm sure this has occurred to you, given the job that you're occupying: Donald Maclean Kerr. Did you have vetting problems given that you have almost the same name as one of the great spies, and one of the great treasures in British espionage history?

DR. KERR: (Chuckles.) There was no problem. Unfortunately, I can't claim him as a relative either. (Chuckles.) But it's not bad when I go to Ireland or Scotland to have Donald Maclean Kerr as a name.

MR. DUNGAN: And finally, I mean, do you ever think I'd love to go back to being a plasma scientist, because that, strangely I suppose, is where you started?

DR. KERR: Well, I started off there. And in fact, those skills and knowledge were very important to things like nuclear test detection and some of the other things I did early on. The problem is that I have finished my graduate degree in 1966.

MR. DUNGAN: Things have moved on a bit.

DR. KERR: The field has moved on. And so, I would find it really painful to go back to that at this point in time.

MR. DUNGAN: Donald Kerr, thank you very much for talking to us.

DR. KERR: You're welcome. It's been a pleasure.