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ADDITIONAL VIEWS

**Additional Views
of
Chairman Pat Roberts
joined by
Senator Christopher S. Bond, Senator Orrin G. Hatch**

I have no doubt that the debate over many aspects of the U.S. liberation of Iraq will continue for decades, but one fact is now clear, the U.S. Intelligence Community told the President, the Congress, and the American people before the war that Saddam had stockpiles of chemical and biological weapons, and if left unchecked, would probably have a nuclear weapon during this decade. More than a year after Saddam's fall, it also seems clear that no stockpiles are going to be found, the Iraqi nuclear program was dormant, and the President, the Congress and American people deserve an explanation. In short, the Intelligence Community's prewar assessments were wrong. This report seeks to explain how that happened.

The Senate Select Committee on Intelligence was formed in 1976 during a crisis of confidence in the country and in response to a need to rebuild the public's trust in government institutions including its intelligence agencies. The Senate created this Committee to conduct, for the first time, on behalf of the American people, vigorous oversight of the intelligence activities of the United States. While the underlying premise of legislative oversight is the need for "public" accountability, the Intelligence Committee's oversight usually occurs behind closed doors. This is a conundrum the Committee deals with on a daily basis. With the vast majority of our oversight being conducted out of sight, it is exceedingly difficult to assure the American people that we are doing our jobs. What may appear to be little to no Committee activity, often belies an intense and probing examination the result of which will never be made known to the public because the nation's security interests are paramount. However, the sheer gravity of certain unique issues can raise the public's interest to a level that requires a public accounting. This is such an issue.

The scope of the Committee's 12 month inquiry into the U.S. Intelligence Community's prewar assessments regarding Iraq is without precedent in the history of the Committee. The Committee has looked behind the Community's assessments to evaluate not only the quantity and quality of intelligence upon which it based its judgments, but also the reasonableness of the judgments themselves. The result is a detailed and meticulous recitation of the intelligence reporting and the concomitant evolution of the analyses. From the details emerges a report that is very critical of the Intelligence Community's performance. Some have expressed concern that such criticism is not only unnecessary, but will also engender excessive risk aversion. I believe that, although that is possible, we should not underestimate the character of the hard-working men and

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women of the Intelligence Community. While criticism is never easy to accept, professionals understand the need for self-examination and the men and women of the Intelligence Community are, first and foremost, true and dedicated professionals.

In order to begin the process of self-examination, however, one must recognize or admit that one has a problem. Unfortunately, many in the Intelligence Community are finding it difficult to recognize the full extent of this significant intelligence failure. It is my hope that this report will facilitate that process. The painstaking detail and harsh criticisms in this report are necessary not only because the democratic process demands it, but also to ensure that there is an honest accounting of the mistakes that were made so that they are not repeated. It is the constitutional responsibility of the Legislature to conduct such an accounting.

It was my hope from the outset of this inquiry that the Committee could handle this important matter in a responsible manner untainted by politics. Despite early setbacks and differences of opinion, I believe we achieved that goal. A clear measure of our success is the fact that this report was approved by a unanimous vote. However, this achievement did not come without very hard work and perseverance. The Committee's Vice Chairman and I have worked in full consultation throughout this process. I long ago lost count of the many meetings I have had with the Vice Chairman and Democrat and Republican members to hear and discuss their concerns about the inquiry. In response to Minority concerns and suggestions, we made many adjustments along the way. We conducted additional interviews, and most important, we expanded the scope of the review and made more than 200 changes to this report at the request of Democrat members. I am confident that every member of this committee has had ample opportunity to involve themselves to whatever extent they wished throughout the process.

Despite our hard and successful work to deliver a unanimous report, however, there were two issues on which the Republicans and Democrats could not agree: 1) whether the Committee should conclude that former Ambassador Joseph Wilson's public statements were not based on knowledge he actually possessed, and 2) whether the Committee should conclude that it was the former ambassador's wife who recommended him for his trip to Niger.

Niger

The Committee began its review of prewar intelligence on Iraq by examining the Intelligence Community's sharing of intelligence information with the UNMOVIC inspection teams. (The Committee's findings on that topic can be found in the section of the report titled, "The Intelligence Community's Sharing of Intelligence on Iraqi Suspect WMD Sites with UN Inspectors.") Shortly thereafter, we expanded the review when former Ambassador Joseph Wilson began speaking publicly about his role in exploring the possibility that Iraq was seeking or may have acquired uranium yellowcake from

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Africa. Ambassador Wilson's emergence was precipitated by a passage in President Bush's January 2003 State of the Union address which is now referred to as "the sixteen words." President Bush stated, ". . . the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." The details of the Committee's findings and conclusions on this issue can be found in the Niger section of the report. What cannot be found, however, are two conclusions upon which the Committee's Democrats would not agree. While there was no dispute with the underlying facts, my Democrat colleagues refused to allow the following conclusions to appear in the report:

Conclusion: The plan to send the former ambassador to Niger was suggested by the former ambassador's wife, a CIA employee.

The former ambassador's wife suggested her husband for the trip to Niger in February 2002. The former ambassador had traveled previously to Niger on behalf of the CIA, also at the suggestion of his wife, to look into another matter not related to Iraq. On February 12, 2002, the former ambassador's wife sent a memorandum to a Deputy Chief of a division in the CIA's Directorate of Operations which said, "[m]y husband has good relations with both the PM [prime minister] and the former Minister of Mines (not to mention lots of French contacts), both of whom could possibly shed light on this sort of activity." This was just one day before the same Directorate of Operations division sent a cable to one of its overseas stations requesting concurrence with the division's idea to send the former ambassador to Niger.

Conclusion: Rather than speaking publicly about his actual experiences during his inquiry of the Niger issue, the former ambassador seems to have included information he learned from press accounts and from his beliefs about how the Intelligence Community would have or should have handled the information he provided.

At the time the former ambassador traveled to Niger, the Intelligence Community did not have in its possession any actual documents on the alleged Niger-Iraq uranium deal, only second hand reporting of the deal. The former ambassador's comments to reporters that the Niger-Iraq uranium documents "may have been forged because 'the dates were wrong and the names were wrong,'" could not have been based on the former ambassador's actual experiences because the Intelligence Community did not have the documents at the time of the ambassador's trip. In addition, nothing in the report from the former ambassador's trip said anything about documents having been forged or the names or dates

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in the reports having been incorrect. The former ambassador told Committee staff that he, in fact, did not have access to any of the names and dates in the CIA's reports and said he may have become confused about his own recollection after the International Atomic Energy Agency (IAEA) reported in March 2003 that the names and dates on the documents were not correct. Of note, the names and dates in the documents that the IAEA found to be incorrect were not names or dates included in the CIA reports.

Following the Vice President's review of an intelligence report regarding a possible uranium deal, he asked his briefer for the CIA's analysis of the issue. It was this request which generated Mr. Wilson's trip to Niger. The former ambassador's public comments suggesting that the Vice President had been briefed on the information gathered during his trip is not correct, however. While the CIA responded to the Vice President's request for the Agency's analysis, they never provided the information gathered by the former Ambassador. The former ambassador, in an NBC Meet the Press interview on July 6, 2003, said, "The office of the Vice President, I am absolutely convinced, received a very specific response to the question it asked and that response was based upon my trip out there." The former ambassador was speaking on the basis of what he believed should have happened based on his former government experience, but he had no knowledge that this did happen.

These and other public comments from the former ambassador, such as comments that his report "debunked" the Niger-Iraq uranium story, were incorrect and have led to a distortion in the press and in the public's understanding of the facts surrounding the Niger-Iraq uranium story. The Committee found that, for most analysts, the former ambassador's report lent more credibility, not less, to the reported Niger-Iraq uranium deal.

During Mr. Wilson's media blitz, he appeared on more than thirty television shows including entertainment venues. Time and again, Joe Wilson told anyone who would listen that the President had lied to the American people, that the Vice President had lied, and that he had "debunked" the claim that Iraq was seeking uranium from Africa. As discussed in the Niger section of the report, not only did he NOT "debunk" the claim, he actually gave some intelligence analysts even more reason to believe that it may be true. I believed very strongly that it was important for the Committee to conclude publicly that many of the statements made by Ambassador Wilson were not only incorrect, but had no basis in fact.

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In an interview with Committee staff, Mr. Wilson was asked how he knew some of the things he was stating publicly with such confidence. On at least two occasions he admitted that he had no direct knowledge to support some of his claims and that he was drawing on either unrelated past experiences or no information at all. For example, when asked how he “knew” that the Intelligence Community had rejected the possibility of a Niger-Iraq uranium deal, as he wrote in his book, he told Committee staff that his assertion may have involved “a little literary flair.”

The former Ambassador, either by design or through ignorance, gave the American people and, for that matter, the world a version of events that was inaccurate, unsubstantiated, and misleading. Surely, the Senate Intelligence Committee, which has unique access to all of the facts, should have been able to agree on a conclusion that would correct the public record. Unfortunately, we were unable to do so.

Pressure

The Committee set out to examine a number of issues including whether anyone within the Intelligence Community was pressured to change their judgments or to reach a specific judgment to suit a particular policy objective. Not only did we find no such “pressure,” we found quite the opposite. Intelligence officials across the Community told Members and staff that their assessments were solely the product of their own analyses and judgments. They related to Committee staff in interview after interview their strong belief that the only “pressure” they felt was to get it right. Every individual with whom we spoke felt a deep sense of responsibility to provide the highest quality product possible. This was especially evident among terrorism analysts whose assessments had become all the more important after September 11, 2001.

There was a great deal of discussion among Members on the question of “pressure” and what constituted evidence of pressure. There was general agreement that intelligence professionals work in a high pressure environment. Therefore, it wasn’t evidence of a high pressure work environment with which we were concerned, but rather evidence of pressure to change or alter judgments. After reviewing thousands of documents and interviewing more than 200 analysts, managers, and government officials, we found only one instance that could remotely be characterized as “evidence” of pressure to reach a particular conclusion. This “evidence” was a single unsupported sentence in a report drafted by the Kerr Commission. The sentence is a brief reference to the issue of pressure on analysts in the introduction to the *Iraq’s Links to Al-Qaida* section of Kerr’s report. The sentence in question said, “Requests for reporting and analysis of this issue were steady and heavy in the period leading up to the war, creating significant pressure on the Intelligence Community to find evidence that supported a connection.” This one sentence stood out because it was the only instance where anyone or any document referenced pressure to reach a particular conclusion. The Committee’s staff vigorously pursued this question with Mr. Kerr.

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When Mr. Kerr was asked for examples of what he meant by pressure to find evidence that supported a connection, he told staff that he was actually referring to the questioning experienced by analysts on whether there was a link between Iraq and al-Qaida. He further stated that this questioning was not unlike the questioning analysts expect on any high interest topic and that, in fact, he DID NOT find that analysts were being pressured to reach a specific conclusion notwithstanding the language in his report. Therefore, this solitary piece of "evidence" was, in the end, no evidence at all.

I think that it is also important to point out that the question of pressure can be examined by means other than interviews. The Committee's staff essentially deconstructed the Community's assessments and reviewed in detail the progression of its judgments over many years. We were able to track and document how and why analysts reached their conclusions. Nowhere in this process did we find any unexplained gaps or evidence that judgments were changed for any reason other than the logical evolution of the analyses. Had there been a successful attempt to alter the judgments of the Intelligence Community, there would have been an obvious, unsubstantiated and inexplicable deviation from this progression. We found no such deviation. What we did find was largely good faith, albeit flawed, analyses that were influenced only by the intelligence reporting and the efforts of intelligence professionals trying hard to get it right.

Finally, as in any Congressional inquiry, we realize that certain individuals may be reluctant to be completely candid, especially when they are being interviewed by a group of congressional staff in the presence of representatives from their home agencies. In my experience, however, if such reluctance exists, it does not extend to every single individual that appears before the Committee or its staff. If someone was pressured to change their views, experience tells me someone would have come forward in some manner. The Committee's history is replete with examples of individuals approaching its staff or members either directly or anonymously with any number of concerns. We received no such approaches during this review despite my repeated public pleas for anyone with concerns to come forward.

In the end, what the President used to make the extremely difficult decision to go to war was what he got from the Intelligence Community, and not what he or Administration officials tried to make it. The question is now: Where do we go from here?

Reform

Unlike most congressional or commission reports, this report contains no recommendations. While I have stated publicly many times that the report cries out for reform, I also believe very strongly that the issues involved are so complex and of such import that it is incumbent on the Committee and Congress to think very carefully and

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deliberately about the question of reform. We must base whatever recommendations we ultimately make on facts and considered judgment, not political expediency or media-generated momentum. I intend to examine closely all proposals for change keeping in mind that we should first do no harm and avoid, as best we can, the law of unintended consequences. Congress should not legislate change merely for the sake of change.

This Committee will direct its actions only against identifiable problems that lend themselves to legislative solutions. This report details serious problems with both the collection and analysis of the intelligence that went into the prewar assessments regarding Iraq. Not only must we be prepared to act legislatively to address these problems, we must also be prepared to accept the fact that many of the solutions will not be within our reach. In those instances, we will make recommendations to the President and strongly recommend that the appropriate action be taken.

Whatever course the Committee eventually takes on the question of reform, it will not take it unilaterally. The American people established a legislature and an executive as separate but equal branches of government in order to provide for their common defense. It is our collective duty to ensure that the branches work as intended to fulfill that promise. We will, therefore, work with the executive branch and our counterparts in the House of Representatives to construct an intelligence capability worthy of the men and women we ask to do this difficult and often dangerous work and to better safeguard our nation's security.

In my years on the Senate Select Committee on Intelligence I have traveled around the world and met many of the brave, hard-working men and women of the Intelligence Community who, at times, risk their lives to keep us safe. They are dedicated, selfless patriots doing their level best to protect each and every one of us. They are, however, hampered by a flawed system that doesn't allow them to do their best work or allow us to get the most value out of that work. We need to honor their toil and sacrifices by giving them an Intelligence Community worthy of their efforts. This I intend to do.

Staff Contributions

I cannot understate the contributions of the staff members who comprised the Committee's Iraq Review Team (IRT). This group, over a period of one year, deconstructed over a decade of Intelligence Community assessments and reanalyzed the intelligence that underlay them. In the face of intense bureaucratic resistance, our staff revealed, document by document, interview by interview, the weaknesses identified in this report's findings and conclusions.

The Committee depends a great deal on the expertise, tenacity and dedication of its staff, and in this instance, they exceeded our expectations. An illustration of their dedication can be found in the final day of the Committee's deliberations which lasted

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more than five hours. The Committee's lead investigator on the WMD section of the report was nine months pregnant and one week overdue as she faced members' questions for that five-hour period. What we didn't know at the time was that she was already in early labor and refused to say so until the final vote was taken. Immediately after the vote, she drove home, collected her things and along with her husband went to the hospital and had a healthy baby boy. That is going above and beyond the call of duty, and then some.

We all owe them a debt of gratitude for what I think is not only an outstanding piece of work on behalf of the Committee, but also on behalf of the American people they serve with distinction every day.

As Chairman, I would also like to thank my colleague Senator Rockefeller and the majority of our members for their diligence, dedication and conscientious work despite a very long and sometimes contentious inquiry.

Finally, I would also like to thank the individuals within the Intelligence Community who worked diligently with the Committee and its staff throughout the process. Despite our disagreements, the people involved in fact-checking and reviewing for classification the contents of the report deserve special recognition for their efforts. This was a significant undertaking and no small accomplishment considering the very compressed time schedule under which we were operating at the end of this very long process.

**Additional Views
of
Vice Chairman John D. Rockefeller IV,
Senator Carl Levin and Senator Richard Durbin**

During a critical time in our Nation's history – an 18-month period spanning the terrorist attacks of September 11, 2001, to the invasion of Iraq on March 20, 2003 – the credibility of the United States Intelligence Community was significantly compromised.

A capable, independent Intelligence Community is an essential to our national security. For it to be compromised at a time when America must decide whether to commit the lives of our servicemen and women to combat created a dangerous gap in the information we desperately needed. The shaping of intelligence analysis over these eighteen months has not only called into question the basis for America's military action in Iraq but it has damaged our standing in the eyes of the world and raised questions about the credibility of future intelligence assessments.

Phase one of the Committee's report on U.S. pre-war intelligence on Iraq details how the Central Intelligence Agency (CIA) and the Intelligence Community as a whole often failed to produce accurate intelligence analysis on alleged Iraqi weapons of mass destruction and links to terrorist organizations.

Regrettably, the report paints an incomplete picture of what occurred during this period of time. The Committee set out to examine ten areas of investigation relating to pre-war intelligence on Iraq and we completed only five in this report. The scope of our investigation was divided in a way so as to prevent a complete examination of all the matters within the Committee's jurisdiction at one time.

The central issue of how intelligence on Iraq was used or misused by Administration officials in public statements and reports was relegated to the second phase of the Committee's investigation, along with other issues related to the intelligence activities of Pentagon policy officials, pre-war intelligence assessments about post-war Iraq, and the role played by the Iraqi National Congress, led by Ahmad Chalabi, which claims to have passed "raw intelligence" and defector information directly to the Pentagon and the Office of the Vice President.

As a result, the Committee's phase one report fails to fully explain the environment of intense pressure in which Intelligence Community officials were asked to render judgments on matters relating to Iraq when policy officials had already forcefully stated their own conclusions in public.

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Despite clear indications throughout 2002 that the Bush Administration intended to take military action against Iraq that would bring about a regime change in Baghdad, including quite probably the pre-emptive use of force, the Intelligence Community was caught flat-footed. Inexplicably, it took requests by members of the Senate Intelligence Committee to the Director of Central Intelligence George Tenet in September 2002 calling for production of a National Intelligence Estimate on alleged Iraqi weapons of mass destruction – the cornerstone of the Administration's case for invading Iraq – for the Intelligence Community to be roused from its analytical slumber.

The resulting classified National Intelligence Estimate, prepared in just three weeks time, was a rushed and sloppy product forwarded to members of Congress mere days before votes would be taken to authorize the use of military force against Iraq. As the Committee's report highlights, the October 2002 Estimate was hastily cobbled together using stale, fragmentary, and speculative intelligence reports and was replete with factual errors and unsupported judgments.

In preparing for a decision on whether this Nation should go to war, Congress needs the very best effort from our Intelligence Community. Tragically, in this case, their work did not rise to that level.

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When United Nations inspectors departed from Iraq in 1998, the Intelligence Community lost a major source of information on the ground and failed to take remedial actions to replace it with a human intelligence collection program essential for understanding the clandestine nature of proliferation activities and Saddam Hussein's intentions. As a result, the intelligence collected in the intervening period was primarily through overhead imagery and signals intercepts of limited value and from Iraqi defectors, often single sources of unknown credibility that were provided by the now suspect Iraqi National Congress, a group promoting the use of U.S. military force to overthrow Saddam Hussein.

The Intelligence Community's failure to collect accurate intelligence against Iraq after 1998 and how this failure deprived its analytical experts of the information needed to draw supportable conclusions tells only part of what went awry in the fall of 2002. The story at the heart of the October Estimate is how the Intelligence Community, using this paucity of timely intelligence, prepared a new set of analytical judgments about Iraqi weapons of mass destruction programs, judgments that were more declarative and certain about the existence of these weapons than was justified given how little the Intelligence Community really knew at the time.

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As the Bush Administration prepared for war against Iraq in the fall of 2002, the Intelligence Community judgments on Iraq shifted significantly from many of the corresponding assessments contained in earlier analytical products.

The Committee's report deconstructs the October 2002 Estimate and demonstrates how many of its key judgments were not substantiated by the underlying intelligence. The Estimate contains numerous instances where intelligence was stretched and manipulated to serve an analytical bias that Iraq's mass destruction programs were stockpiled and weaponized.

Each of the key pillars in the Intelligence Community's Estimate – assessments of Iraq's nuclear, chemical, biological, and delivery programs – was built upon a weak foundation of intelligence and analytical assumptions, unable to support the collective weight of the document's key judgments.

As the Committee report meticulously documents, the overall bias that permeates the October Estimate is toward greater certainty than warranted about Iraq possessing and producing weapons of mass destruction. As a result, the policymakers reading the Estimate were given an exaggerated picture of the threat posed by the Iraqi weapons programs during a crucial period of national and international debate on whether a pre-emptive invasion of Iraq was necessary.

It is no coincidence that the analytical errors in the Estimate all broke in one direction. The Estimate and related analytical papers assessing Iraqi links to terrorism were produced by the Intelligence Community in a highly-pressurized climate wherein senior Administration officials were making the case for military action against Iraq through public and often definitive pronouncements.

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The fixation of the Bush Administration in the aftermath of the September 11th attacks to use the war against al-Qaeda and other terrorists as a justification for overthrowing Saddam Hussein has been widely reported.

On the afternoon of September 11th, mere hours after al-Qaeda terrorists flew a plane into the Pentagon killing 184 people and leaving the building aflame, Secretary of Defense Donald Rumsfeld turned his focus to using the cataclysmic tragedy as an opportunity to move against the Iraq regime. According to the notes of his staff, Secretary Rumsfeld wondered whether the attack allowed the United States to "hit S.H.

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@ same time – not only UBL,” – the initials “S.H.” and “UBL” representing shorthand for Saddam Hussein and Usama Bin Laden, respectively.

In his book Plan of Attack, Bob Woodward extensively documents how Secretary Rumsfeld’s peculiar musing at a time when smoke billowed from the Pentagon was not an anomaly but a linkage brought up repeatedly by the Secretary at Administration war-planning sessions in the days that followed. Soon thereafter, according to Woodward, Vice President Dick Cheney asked the CIA to brief him on what the CIA could do in Iraq. On January 3, 2002, Director Tenet and other CIA officials briefed the Vice President and his staff on the limitations of covert operations in bringing down Saddam Hussein and explained that only a military operation and invasion would succeed. The CIA then gave the same briefing to the President. Later that month, in his State of the Union Address, President Bush identified Iraq as one of the three countries comprising the “an axis of evil”:

“States like these, and their terrorist allies, constitute an axis of evil...By seeking weapons of mass destruction, these regimes pose a grave and growing danger...I will not wait on events while dangers gather.”

The President’s message to the Joint Session of Congress and the over 50 million Americans watching the speech was clear and sobering: Iraq’s weapons of mass destruction and its alliance with terrorists, together, represented a danger to United States security and that the President would take action to remove this growing threat. Four months after al-Qaeda killed 3,000 people on American soil, the President had placed Iraq in the cross-hairs for military invasion.

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In order to make the public case for war against Iraq, the Bush Administration had to speak to two issues heavily cloaked in national security classification: what the Intelligence Community knew about Iraq’s alleged weapons of mass destruction and links to terrorism.

In the months before the production of the Intelligence Community’s October 2002 Estimate, Administration officials undertook a relentless public campaign which repeatedly characterized the Iraq weapons of mass destruction program in more ominous and threatening terms than the Intelligence Community analysis substantiated. Similarly, public statements of senior officials on Iraqi links to terrorism generally, and al-Qaeda specifically, were often based on a selective release of intelligence information that implied a cooperative, operational relationship that the Intelligence Community did not believe existed.

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The Bush Administration's case against Iraq was largely based on the argument that we knew with certainty that Iraq possessed large quantities of chemical and biological weapons, was aggressively pursuing nuclear weapons, and that an established relationship between Baghdad and al-Qaeda would allow for the transfer of these weapons for use against the United States. This national security rationale being put forth publicly by senior Administration officials in support of regime change in Iraq was simple, direct and often fundamentally misleading.

The rhetorical drumbeat for war in the months leading up to the Intelligence Community's October estimate, sounded from the highest levels of the government, repeatedly overstated what the Intelligence Community assessed at the time. Here are some examples of the exaggerations:

"... it's been pretty well confirmed that [9/11 al-Qaeda hijacker Mohammed Atta] did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack." (Vice President Cheney, Meet the Press, December 9, 2001)

"[Saddam Hussein] is a dangerous man who possesses the world's most dangerous weapons." (President Bush, Press Conference, March 22, 2002)

"But we know that Saddam has resumed his efforts to acquire nuclear weapons... Many of us are convinced that Saddam will acquire nuclear weapons fairly soon." (Vice President Cheney, Speech to the VFW's 103rd National Convention, August 26, 2002)

"We do know that there have been shipments going... into Iraq, for instance, of aluminum tubes that really are only suited to – high-quality aluminum tools that are only really suited for nuclear weapons programs, centrifuge programs." (National Security Advisor Rice, Late Edition, September 8, 2002)

"I think if you asked, do we know that he had a role in 9/11, no, we do not know that [Saddam Hussein] had a role in 9/11. But I think that this is the test that sets a bar that is far too high." (National Security Advisor Rice, Late Edition, September 8, 2002)

"Very likely all they need to complete a weapon is fissile material – and they are, at this moment, seeking that material – both from foreign sources and the capability to produce it indigenously." (Secretary Rumsfeld, Testimony Before the Senate Armed Services Committee, September 19, 2002)

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“[Saddam Hussein] has said, in no uncertain terms, that he would use weapons of mass destruction against the United States. He has, at this moment, stockpiles of chemical and biological weapons, and is pursuing nuclear weapons.” (Secretary Rumsfeld, Testimony Before the Senate Armed Services Committee, September 19, 2002)

“[Iraq] has weapons of mass destruction. And the battlefield has now shifted to America...” (President Bush, Remarks at OHS Complex, September 19, 2002)

“Well, I think there was new information in there, particularly about the 45-minute threshold by which Saddam Hussein has got his biological and chemical weapons triggered to be launched. There was new information in there about Saddam Hussein’s efforts to obtain uranium from African nations. That was new information.” (Press Secretary Fleischer, Press Briefing, September 24, 2002)

“[Y]ou can’t distinguish between al Qaeda and Saddam when you talk about the war on terror.” (President Bush, Photo Opportunity, September 25, 2002)

“We have what we consider to be credible evidence that al Qaeda leaders have sought contacts in Iraq who could help them acquire weapon of – weapons of mass destruction capabilities.” (Secretary Rumsfeld, DoD News Briefing, September 26, 2002)

“We know they have weapons of mass destruction. We know they have active programs. There isn’t any debate about it.” (Secretary Rumsfeld, DoD News Briefing, September 26, 2002)

“The Iraqi regime possesses biological and chemical weapons...and, according to the British government, could launch a biological or chemical attack in as little as 45 minutes after the order is given.” (President Bush, Radio Address, September 28, 2002)

“The dangers we face only worsen from month to month and year to year...and each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group.” (President Bush, Radio Address, September 28, 2002)

These high-profile statements in support of the Administration’s policy of regime change were made in advance of any meaningful intelligence analysis and created pressure on the Intelligence Community to conform to the certainty contained in the pronouncements.

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Another form of pressure on the Intelligence Community during 2002 came from policymakers repetitively tasking analysts to review, reconsider, and revise their analytical judgments. Evidence of this pressure comes from a number of reputable sources.

The CIA's independent review on U.S. intelligence on Iraq, conducted by a panel of former senior agency analysts and led by Richard Kerr, former Deputy Director of Central Intelligence, reported that:

“Requests for reporting and analysis of [Iraq's links to al Qaeda] were steady and heavy in the period leading up to the war, creating significant pressure on the Intelligence Community to find evidence that supported a connection.” (Kerr Report, July 2003)

Earlier this year, Mr. Kerr publicly elaborated on how the relentless, repetitive questioning and tasking from senior policymakers in the Bush Administration pressured Intelligence Community analysts:

“There was a lot of pressure, no question,” says Kerr. “The White House, State, Defense, were raising questions, heavily on W.M.D. and the issue of terrorism. Why did you select this information rather than that? Why have you downplayed this particular thing?... Sure, I heard that some of the analysts felt pressure. We heard about it from friends. There are always some people in the agency who will say, ‘We’ve been pushed too hard,’ Analysts will say, ‘You’re trying to politicize it.’ There were people who felt there was too much pressure. Not that they were being asked to change their judgments, but they were being asked again and again to restate their judgments – do another paper on this, repetitive pressures. Do it again.”

Was it a case, then, of officials repeatedly asking for another paper until they got the answer they wanted? “There may have been some of that,” Kerr concedes. The requests came from “primarily people outside asking for the same paper again and again. There was a lot of repetitive tasking. Some of the analysts felt this was unnecessary pressure.” The repetitive requests, Kerr made clear, came from the C.I.A.'s “senior customers,” including “the White House, the vice president, State, Defense, and the Joint Chiefs of Staff.” (Vanity Fair, May 2004)

The Kerr report findings were confirmed to the Committee by a second independent investigation: the CIA Ombudsman. According to the Ombudsman's charter, this individual serves as an “independent, informal, and confidential counselor

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for those who have complaints about politicization, biased reporting, or the lack of objective analysis.”

The CIA Ombudsman interviewed about two dozen analysts and managers involved in the preparation of the CIA’s June 2002, document entitled “Iraq and al-Qaida: Interpreting a Murky Relationship.” It was in the scope note of this document that the CIA stated its approach as being “purposefully aggressive” in seeking to draw connections between Iraq and al-Qaeda.

The Ombudsman told the Committee that he felt the “hammering” by the Bush Administration on Iraq intelligence was harder than he had previously witnessed in his 32-year career with the agency. Several analysts he spoke with mentioned pressure and gave the sense that they felt the constant questions and pressure to reexamine issues were unreasonable.

In his interview with the Committee, Director Tenet confirmed that some agency officials raised with him personally the matter of the repetitive tasking and the pressure it created during this time period. The Director’s counsel to those who raised the issue was to “relieve the pressure” by refusing to respond to repeated questions where no additional information existed.

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The October weapons of mass destruction estimate, with its numerous errors and exaggerated key judgments, reached Congress days before the hurried vote authorizing the President to order an invasion of Iraq.

As the Committee report describes, the unclassified version of the Estimate, the so-called “white paper,” that was released concurrently by the Intelligence Community to aid in the public debate further compounded the errors in the underlying classified analysis.

For reasons that have not been convincingly explained, the Intelligence Community eliminated many of the analytical caveats that were contained in the classified estimate when releasing the white paper to the public. Dissenting opinions among agencies on key judgments were dropped from the unclassified document as well. Perhaps most astonishingly, a key judgment in the white paper on Iraq’s potential to deliver biological weapons added a meaningful phrase – “including potentially against the US Homeland” – that was not part of the corresponding key judgment in the classified estimate. This addition, which the Intelligence Community has been unable to explain to the Committee, communicated to the American public a level of threat against the United States homeland that was inconsistent with the Intelligence Community’s judgment.

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Not only did the Intelligence Community produce a white paper that failed to accurately state its own analytical beliefs, and, in turn, misled the public, it selectively declassified information in a way that kept from the public important judgments central to the debate at the time, namely the likelihood that Baghdad would launch a terrorist attack against the United States or assist Islamic terrorists in launching such an attack, especially using weapons of mass destruction.

Only after members of the Committee requested further declassification of the key judgments contained in the October Estimate did the CIA agree to release its assessment that, given what was understood at the time, the likelihood of Iraq initiating a weapon of mass destruction attack in the foreseeable future was low. The likelihood of an attack was assessed to be high, however, under the scenario that Saddam Hussein feared a military attack against Iraq threatened the survival of his regime. This judgment was not in keeping with statements by Administration officials at the time describing Iraq as a looming threat to America.

* * *

When the analytical judgments of the Intelligence Community did not conform to the more conclusive and dire Administration view on Iraqi links to al-Qaeda and specifically the notion that Iraq may have been involved in the September 11th terrorist plot, policymakers within the Pentagon denigrated the Intelligence Community's analysis and sought to trump it by circumventing the CIA and briefing their own analysis directly to the White House.

Beginning in early 2002, a group of individuals under the direction of the Under Secretary of Defense for Policy Douglas Feith were tasked by him to look at intelligence information related to all terrorist groups, the links between them, and the roles of state sponsors. This effort eventually focused on al-Qaeda's ties to Iraq and the CIA's reporting on the subject, including its June 2002 report, "Iraq and al-Qaida: Interpreting a Murky Relationship."

Even though the CIA's June 2002 report was "purposefully aggressive" in seeking to draw connections between Iraq and al-Qaeda, the intelligence analysis did not find the relationship sought by Pentagon policy officials. One of the individuals working for the self-named "Iraqi intelligence cell" at the Pentagon stated the June report, "...should be read for content only - and CIA's interpretation ought to be ignored." This criticism of the CIA's analysis was sent by Under Secretary for Policy Feith to Deputy Secretary Paul Wolfowitz and Secretary Rumsfeld.

This critique turned into an alternative analysis of the relationship between Iraq and al-Qaeda. The analysis was briefed to Secretary Rumsfeld and the Deputy Secretary

[REDACTED]

Wolfowitz in early August 2002. Prominent in the briefing was a slide entitled "Fundamental Problems with How Intelligence Community is Assessing Information." It faulted the Intelligence Community for requiring "juridical evidence" for findings. It also criticized the Intelligence Community for "consistent underestimation" of efforts by Iraq and al-Qaeda to hide their relationship, contending that "absence of evidence is not evidence of absence."

On August 15, 2002, Pentagon analysts presented the alternative analysis to Director Tenet. In attendance at the briefing were Under Secretary Feith and the Director of the Defense Intelligence Agency. But the briefing given to Director Tenet was different than the one presented to Secretary Rumsfeld days earlier. Gone from the terrorism briefing was the highly-critical slide, "Fundamental Problems with How Intelligence Community is Assessing Information." The Pentagon wanted to avoid challenging directly the Intelligence Community while it sought to shape the Iraq terrorism analysis nearing completion.

When asked about his reactions about the Pentagon's alternative terrorism analysis, Director Tenet told the Committee that he "didn't think much of it" and that he "...didn't see anything that broke any new ground for me." Still, according to one staffer's account of the briefing, Director Tenet took the unusual action of agreeing to postpone the publication of the CIA's assessment of Iraq's links to terrorism, entitled "Iraqi Support for Terrorism," until Intelligence Community analysts could meet with Pentagon policy officials and "attempt to come to some consensus."

The meeting between analysts and the Pentagon briefers took place on August 20, 2002. In a memorandum submitted to the Committee by the two Pentagon staffers who attended the meeting, they stated "We raised numerous objections to the paper." One was that the draft "makes no reference to the key issue of Atta."

The August 20th meeting is clear evidence of the Administration politicizing an analytical process that should be protected from the meddlesome reach of policy officials. The Pentagon's policy office had delayed the publication of an important Intelligence Community assessment on Iraq and terrorism and insinuated themselves into a coordination meeting in the hopes of molding the judgments to establish a link between Iraq and the attacks carried out by al-Qaeda terrorists on September 11th. The Pentagon officials "raised numerous objections to the paper" as if they believed it was the policy office's role to object to an Intelligence Community assessment prior to its publication. The "key issue of Atta" was at the center of the Pentagon's case. The problem is that the Intelligence Community did not find the report alleging a meeting between al-Qaeda hijacker Atta and an Iraqi intelligence official in the Czech Republic to be credible, a meeting Vice President Cheney had already said publicly was "pretty well confirmed."

[REDACTED]

The Intelligence Community's findings did not support the link between Iraq and the 9/11 plot. Administration policy officials wanted to help galvanize public support for military action in Iraq. As a result, officials under the direction of Under Secretary Feith took it upon themselves to push for a change in the intelligence analysis so that it bolstered Administration policy statements and goals.

But the Intelligence Community analysts did not buckle under the pressure brought to bear by Pentagon policy officials on August 20th. While some changes were made to the "Iraq Support for Terrorism" report, published in September 2002, the efforts of the Pentagon staffers did not convince the analysts to change their analytical judgments.

This did not dissuade the Pentagon policy shop, however. They simply took their case directly to the White House. On September 16, 2002, two days before the Intelligence Community disseminated its terrorism assessment, Pentagon policy officials presented their alternative analysis to the Deputy National Security Advisor and the Vice President's Chief of Staff. This time the staffers re-inserted the slide critical of the Intelligence Community's analytical approach to the issue and included additional information on the alleged meeting in Prague between Atta and the Iraqi intelligence service not in the version briefed to Director Tenet. Furthermore, the CIA was kept in the dark about the Pentagon's intentions. Director Tenet was not told by the Pentagon that this alternative analysis would be subsequently briefed to the White House and remained ignorant of that fact until March 4, 2004, when it was revealed to him at an Intelligence Committee hearing.

* * *

Following the publication of the Intelligence Community's terrorism and weapons of mass destruction analytical estimates and the subsequent congressional vote authorizing the use of force in Iraq, Administration public statements leading up to the war became increasingly hyperbolic and urgent.

The qualifications the Intelligence Community placed on what it assessed about Iraq's links to terrorism and alleged weapons of mass destruction programs were spurned by top Bush Administration officials, early casualties in the war with Iraq:

"The danger to America for the Iraqi regime is grave and growing... Delay, indecision and inaction are not options for America, because they could leave to massive and sudden horror." (President Bush, Radio Address, October 5, 2002)

[REDACTED]

[REDACTED]

“Facing clear evidence of peril, we cannot wait for the final proof – the smoking gun – that could come in the form of a mushroom cloud.” (President Bush, Speech in Cincinnati, October 7, 2002)

“After September 11th, we’ve entered into a new era and a new war. This is a man that we know has had connections with al Qaeda. This is a man who, in my judgment, would like to use al Qaeda as a forward army.” (President Bush, Remarks in Dearborn, MI, October 14, 2002)

“We cannot afford to wait until Saddam Hussein or some terrorist supplied by him attacks us with a chemical or biological or, worst of all, a nuclear weapon, to recognize the danger we face...The dots are there for all to see. We must not wait for some terrible event that connects the dot for us.” (Deputy Secretary of Defense Wolfowitz, Remarks at Fletcher Conference, October 16, 2002)

“Saddam Hussein was close to having a nuclear weapon. We don’t know whether or not he has a nuclear weapon.” (President Bush, Q&A in Crawford, TX, December 31, 2002)

“[Saddam Hussein] could decide secretly to provide weapons of mass destruction to terrorists for use against us. And as the President said on Tuesday night, it would take just one vial, one canister, one crate to bring a day of horror to our nation unlike any we have known.” (Vice President Cheney, Remarks to the Conservative PAC, January 30, 2003)

“And as I have said repeatedly, Saddam Hussein would like nothing more than to use a terrorist network to attack and to kill and leave no fingerprints behind.” (President Bush, Remarks with Prime Minister Blair, January 31, 2003)

“We also know that Iraq is harboring a terrorist network, headed by a senior al Qaeda terrorist planner...The danger Saddam Hussein poses reaches across the world.” (President Bush, Statement in the Roosevelt Room, February 6, 2003)

“[Saddam Hussein] provides funding and training and safe haven to terrorists, terrorists who would willingly use weapons of mass destruction against America and other peace-loving countries.” (President Bush, News Conference, March 6, 2003)

“The strongest link of – of Saddam Hussein to al-Qaida – we’ve never said that he somehow masterminded 9/11 or was even involved in 9/11. But the strongest – although there are a lot of tantalizing meetings that – with people who were involved in 9/11.” (Dr. Rice, Face the Nation, March 9, 2003)

[REDACTED]

[REDACTED]

“[Saddam Hussein] claims to have no chemical or biological weapons, yet we know he continues to hide biological and chemical weapons, moving them to different locations as often as every 12 to 24 hours, and placing them in residential neighborhoods.” (Secretary Rumsfeld, Press Briefing, March 11, 2003)

“... we know he has, in fact, developed these kinds of capabilities, chemical and biological weapons... We know he’s reconstituted these programs since the Gulf War. We know he’s out trying once again to produce nuclear weapons and we know that he has a long-standing relationship with various terrorist groups, including the al-Qaeda organization.” (Vice President Cheney, Meet the Press, March 16, 2003)

“And we believe he has, in fact, reconstituted nuclear weapons.” (Vice President Cheney, Meet the Press, March 16, 2003)

* * *

By the time American troops had been deployed overseas and were poised to attack Iraq, the Administration had skillfully manipulated and cowed the Intelligence Community into approving public statements that conveyed a level of conviction and certainty that was not supported by an objective reading of the underlying intelligence reporting. The charge levied in the President’s State of the Union Address in late January 2003 that Iraq was seeking uranium from Africa is the most notable example of how the Intelligence Community’s agreed to let the Administration be a fact witness to an intelligence report the CIA considered “weak” and “not credible.”

Secretary of State Colin Powell gave his speech before the United Nations eight days later with Director Tenet seated directly behind him. The content of his speech was approved by the CIA and laid out the Intelligence Community’s case against Iraq in a high degree of certainty that was unencumbered by the limitations of the underlying intelligence and corresponding analytical judgments. It was in this speech that Secretary Powell assured the United Nations General Assembly – and the world at large – that “every statement I make today is backed up by sources, solid sources. These are not assertions. What we are giving you are fact and conclusion based on solid intelligence.”

The day before the February 5th United Nations speech, a CIA official involved with intelligence reporting on Iraq sent an email to another agency official responding to concerns about the use of one particular source at the center of the assertion that Iraq had constructed numerous mobile biological weapons laboratories:

[REDACTED]

[REDACTED]

“As I said last night, let’s keep in mind the fact that this war’s going to happen regardless of what [the source] said or didn’t say, and the Powers That Be probably aren’t terribly interested in whether [the source] knows what he’s talking about. However, in the interest of Truth, we owe somebody a sentence or two of warning, if you honestly have reservations.”

Despite these and other misgivings at the time about the information received from this all-important source, the Intelligence Community only recently officially declared him to be a fabricator.

The Committee’s report examines both the State of the Union and United Nations speeches in detail and explains how statements used in them were inaccurate or misleading.

* * *

The week following Secretary Powell’s February 5th speech at the United Nations, Director Tenet testified in open session before the Senate Intelligence and Armed Services Committees on successive days. At the time, teams of United Nations inspectors had been in Iraq for about eight weeks trying to locate evidence of weapons of mass destruction. With the weather conditions in Iraq expected to become more inhospitable in the upcoming weeks, the Bush Administration began questioning the efficacy of international diplomacy and continued inspections in bringing Saddam Hussein into compliance with international mandates.

The Intelligence Community had been sharing intelligence with the United Nations inspectors since late 2002 on what it considered the top 148 suspect sites, including the 105 Iraqi sites it considered “high” and “medium” priority sites where the Intelligence Community believed the likelihood of finding proscribed weapons activity was the greatest.

Director Tenet testified in mid-February 2003 that the Intelligence Community had shared with the United Nations inspectors all information it had on these high and medium priority sites, even though data provided by the CIA to the Committee indicated otherwise. In fact, at the time of the Director’s testimony, the CIA’s own classified information showed that no information had been shared on 29 of the Intelligence Community’s 105 high and medium priority sites. Repeated attempts by a Committee member over the next few weeks to have the Director correct his public assurances failed.

Three weeks later, on March 6, 2003, both Director Tenet and National Security Advisor Rice wrote unclassified letters to Senators on the Committee repeating the same

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false claim. The war was two weeks away and the message was obvious: the Administration had decided the time for international inspections was over.

Over a year later, after much prodding, the CIA declassified the fact that by the time inspections were halted in early March it still had not shared information with United Nations inspectors on 21 of the Intelligence Community's 105 high and medium priority suspect sites.

* * *

As invasion plans were readied and finalized, the Administration had succeeded in painting a stark and sobering picture of an imminent threat to American security based on fragmentary intelligence and overheated rhetoric. The Vice President had told a nationwide television audience that Iraq not only had a nuclear weapons development program but had "in fact, reconstituted nuclear weapons." The President spoke of a "mushroom cloud" and "massive and sudden horror," while top officials continued to link Iraq and al-Qaeda terrorism in vivid terms that went well beyond what the Intelligence Community assessed. As Deputy Secretary Wolfowitz stated on January 23, 2003:

"Iraq's weapons of mass terror and the terror networks to which the Iraqi regime are linked are not two separate themes – not two separate threats. They are part of the same threat."

It is no wonder that by the time the bombing campaign of "shock and awe" had begun, a majority of Americans believed that Saddam Hussein was involved in the 9/11 terrorist attacks carried out by al-Qaeda. By selectively releasing and mischaracterizing intelligence information that supported an Iraq – al-Qaeda collaboration while continuing to keep information classified and out of the public realm that did not, the Administration distorted intelligence to persuade Americans into believing the actions of al-Qaeda and Iraq were indistinguishable, "part of the same threat," as Deputy Secretary Wolfowitz asserted.

Not until September 2003, a half-year after the start of the Iraq War, did the President state in clear, unequivocal terms the Intelligence Community position that was no evidence supporting such a link between Iraq and the murderous acts of al-Qaeda on September 11th.

* * *

The predicate for reforming the Intelligence Community can be found in the thorough evaluation of pre-war intelligence set forth in the phase one of the Committee's Iraq investigation. We believe our Nation is afforded a rare opportunity to forge a

[REDACTED]

bipartisan consensus between Congress and the Executive Branch on a legislative package of reforms that will address the lessons learned from this and other recent and ongoing Intelligence Community inquiries. It is important that we not squander this opportunity to bring about reform that will strengthen the Intelligence Community, improve accountability, and foster cooperation and the sharing of intelligence information among agencies.

While the Committee considers reform legislation, we believe that it is important that the work remaining in phase two of our investigation be completed by the year-end.

Legislative fixes that improve collection, analysis, and sharing of intelligence are powerless, however, in preventing intelligence from being slanted or exaggerated in support of policy objectives. The long-standing wall separating the worlds of Policy and Intelligence was first weakened and then crumbled under the pressure from Administration officials in the year and a half preceding the Iraq War. Restoring the Intelligence Community's damaged credibility requires patience and leadership.

**Additional Views
of
Senator Saxby Chambliss with Senator Orrin G. Hatch,
Senator Trent Lott, Senator Chuck Hagel and Senator Christopher S. Bond**

Since the December 2002 submission of the report of the *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*, little progress has been made in two areas which we view as key to improving the U.S. Intelligence Community: information sharing and human intelligence (HUMINT) collection. We also believe it is important to address a third issue which became the center of controversy with regard to this report, and that is the allegations of "pressure" on intelligence analysts in the pre-war environment.

Information Sharing

The Joint Inquiry found:

9. Finding: The U.S. Government does not presently bring together in one place all terrorism-related information from all sources. While the CIA's Counterterrorist Center⁶⁹ does manage overseas operations and has access to most Intelligence Community information, it does not collect terrorism-related information from all sources, domestic and foreign. Within the Intelligence Community, agencies did not adequately share relevant counterterrorism information, prior to September 11. This breakdown in countercommunications was the result of a number of factors, including differences in the agencies' missions, legal authorities and cultures. Information was not sufficiently shared, not only between different Intelligence Community agencies, but also within individual agencies, and between the intelligence and law enforcement agencies.⁷⁰

With regard to Iraq's weapons of mass destruction, the Committee found numerous instances in which access to important intelligence information was limited to a few CIA analysts. This is not to say that sensitive operational detail needs to be

⁶⁹We note that this center is actually under the DCI, and this finding should read, "the DCI's Counterterrorist Center"

⁷⁰*Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*, Report of the Senate Select Comm. on Intelligence and House Permanent Select Comm. on Intelligence, S. Rep. No. 107-351 and H. Rep. No. 107-792, at 77 (2002).

[REDACTED]

disseminated to each Intelligence Community analyst, however, the CIA in particular must examine how it trains its reports officers, and whether they are producing the highest quality reporting with as much relevant detail included as possible.

In a February all-hands speech, the Deputy Director for Intelligence (DDI) told the Directorate's analysts that the time had come for them to have access to important source information. It is not clear to us why, in the wake of the 9/11 failures, it took 17 months for the CIA to begin to reconsider its information handling guidelines. While we see the DDI's February announcement as an important first step, allowing only CIA analysts access to source information limits both the level of intellectual debate, and the checks and balances available for having analysts at various agencies examining the same issues. The Committee found that with respect to the intelligence on Iraq's alleged biological weapons program, the CIA withheld important information concerning two HUMINT sources which were key to their assessments. In this case the information was available only to the CIA analysts that the CIA had determined had a "need to know." This left the analysts at other agencies at an analytical disadvantage, since they had to trust their CIA counterparts to make critical determinations about the credibility of these sources. We can see from the footnotes and alternative views that were expressed in the NIE that analysts from other agencies were not shy about expressing their doubts about the reporting. Therefore, we can extrapolate that these analysts might have interpreted the reporting from these two sources more critically and might have argued to include these views in the NIE.

This problem is not limited to analysts and the sharing of source information. The Committee found that the DCI was not aware of the views of all of the intelligence agencies, particularly on the aluminum tubes issue, prior to September 2002. As a result, his briefings may have only provided CIA's views on the purpose of the aluminum tubes to the President and might not have addressed the possibility that they were intended for conventional rocket programs. There is no excuse for this type of stovepiping. The DCI, having shouldered the responsibility of being the President's primary intelligence briefer, is responsible for knowing the issues he briefs, and this includes knowing the varying views of all of the intelligence agencies. If he is not aware that other agencies have alternative views, he renders these agencies largely irrelevant.

HUMINT

The Joint Inquiry found:

11. Finding: Prior to September 11, 2001, the Intelligence Community did not effectively develop and use human sources to penetrate the al-Qaida inner circle. This lack of reliable and knowledgeable human sources significantly limited the Community's ability to acquire intelligence that

[REDACTED]

could be acted upon before the September 11 attacks. In part, at least, the lack of unilateral (i.e. U.S.-recruited) counterterrorism sources was a product of an excessive reliance on foreign liaison services.⁷¹

Senator Chambliss noted in his Report by the House of Representatives Subcommittee on Terrorism and Homeland Security in July 2002 that “. . .the CIA had become overly reliant on foreign liaison at a cost to its unilateral capability.” Since the Joint Inquiry and many others have come to the same conclusion, we are at a loss to explain why this has not been addressed. Prior to 9/11, the CIA had not built the capability to penetrate al-Qaida at a sufficient level to gain access to the plans and intentions of bin Laden or his inner circle. We were shocked to learn that the same had been true for Saddam Hussein’s regime. Moreover, whereas the 9/11 terrorist attacks constituted a significant strategic surprise, the threat of Saddam was known. The U.S. Intelligence Community should have taken the necessary measures to learn Saddam’s abilities and his intentions since 1991. Instead analysts were left to make uninformed judgements as to how he might respond to international pressure, or a coalition strike. This is unacceptable.

The Committee noted in this Review an interview in which a CIA officer stated that regarding Iraq “It takes a rare officer who can go in . . .and survive scrutiny for a long time.” The risks associated with clandestine intelligence collection – removal from the country, arrest, torture and execution – are ever present, particularly against such hard targets as Saddam’s Iraq. We do not want to callously expose our officers to unnecessary risk, but risks must be carefully balanced against the policymakers’ need for intelligence that will protect our national security and inform difficult policy decisions. The clandestine collection of intelligence – hard target or not – is the job of the Intelligence Community. We know that many of the men and women who serve as collections officers would willingly put themselves in harm’s way to perform this important mission. If only a rare officer can sustain cover, we need to rethink how we recruit our collections officers. We are not advocating careless operations or overwhelming targets with sheer numbers, but we cannot shy away from carefully planned operations when we have thoughtfully weighed the risks and benefits.

The Question of “Pressure”

In contrast to the first two issues we have addressed, “pressure” on intelligence analysts was not examined by the Joint Inquiry. We believe it is emerging now largely as

⁷¹*Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*, Report of the Senate Select Comm. on Intelligence and House Permanent Select Comm. on Intelligence, S. Rep. No. 107-351 and H. Rep. No. 107-792, at 90 (2002).

[REDACTED]

a result of the way intelligence analysis has shifted since the attacks of September 11. In terms of recent intelligence failures, none have been so costly, and none have so impacted our approach to strategic warning. We did not recognize the tremendous volume of intelligence data that we expected analysts to sift through and understand, nor did we anticipate that our collections platforms might miss something that could have helped prevent the attacks.

There have been numerous allegations in the press that analysts were questioned repeatedly about the information linking Iraq to al-Qaida and that this somehow constituted pressure to alter intelligence judgements. This allegation was also included in the Kerr Report, which the Committee reviewed. The Kerr report judged that repeated questions and taskings pressured analysts to find evidence that supported a link between Saddam's regime and al-Qaida, and the Committee questioned Mr. Kerr and his colleagues about that line in their report. Their response was that the questioning was similar to other issues of high interest that they had dealt with in their intelligence careers, and that, in fact, the analysts were not pressured to reach certain conclusions. Mr. Kerr also suggested that the Committee speak with the CIA's Ombudsman for Politicization, which the Committee did. The Committee later submitted follow-up questions asking the Ombudsman to clarify some of the statements he made during his initial discussion with the Committee.

The Ombudsman stated that he interviewed a number of analysts during an inquiry subsequent to a complaint about the production of a specific intelligence report. During his inquiry, the issue of pressure came up. Several of the analysts he interviewed mentioned "pressure from the Administration" and implied that it was in the form of repeated questioning. Some of these analysts felt that the questioning was unreasonable, while others stated that they felt it was not unreasonable. The Ombudsman also interviewed members of the CIA's Policy Support Staff as part of his inquiry, and they explained that the CIA's initial answers to the Administration's questions were unsatisfactory, and therefore merited the repeated questions.

To assess whether something untoward had happened in the form of this questioning, the Committee reviewed the CIA's training materials and opinions on the subject that had been produced as Occasional Papers for the CIA's Sherman Kent School of Intelligence Analysis. The Committee found that analysts are taught to expect and to field difficult questions from policymakers, and that no question should be considered inappropriate or unreasonable. In the DDI's February All-Hands speech that we mentioned earlier, she took the opportunity to remind analysts,

. . . rigorous questioning of our judgments is not to be feared; it is welcomed. It is the price we pay for being relevant and influential – for being taken so seriously. It should be something that we, as intelligence

[REDACTED]

professionals, welcome, and it is why we spend so much time emphasizing our tradecraft.

This is the same answer we heard from Mr. Kerr, and also from the DCI – when issues are of high interest, analysts can expect rigorous challenging of their assessments. That is to be expected most in instances that involve threats and strategic warning. We agree strongly with the portion of Conclusion 4 of the Overall Conclusions for the Terrorism section of the Report, “Just as the post 9/11 environment lowered the Intelligence Community’s reporting threshold, it has also affected the intensity with which policymakers will review and question threat information.” It was apparent from the interviews conducted by the Committee that analysts, their managers, and senior intelligence officials alike recognize that this is the reality of the post 9/11 environment.

If we judge, or leave open to interpretation, that repeated questioning and challenging of intelligence assessments is inappropriate, we do ourselves a disservice as United States Senators, and limit our own ability to demand rigorous review of intelligence. We also discount the tremendous efforts and dedication of our analytic professionals by implying that they cannot perform effectively in the most critical of times. Our terrorism analysts made careful, appropriately caveated judgments regarding Iraq’s links to terrorism, they should be commended, not characterized as weak and inclined to yield to political influence.

[REDACTED]

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**Additional Views
of
Senator Olympia Snowe**

Over the past year, this Committee has focused a large part of its work on reviewing the pre-war intelligence on Iraq's weapons of mass destruction (WMD) programs, the regime's ties to terrorism, Saddam Hussein's human rights abuses and his regime's impact on regional stability. I commend my colleagues, and especially our staff, for the manner and thoroughness with which they conducted the in-depth analysis of the approximately 30,000 pages of intelligence assessments and source reporting, and the interviews of more than 200 individuals. This was a monumental task but in the final analysis, the Committee has produced a comprehensive and revealing report that indisputably begs for Intelligence Community reform.

This report is being released amidst many discussions about reform. While I acknowledge the need to be cautious and deliberate, reform cannot wait. This is a time of unprecedented challenges and we must act now to ensure that our Intelligence Community is poised to confront these challenges. The men and women, the dedicated professionals of the Intelligence Community, who toil every day to protect our national security must have a decisive, innovative and centralized leadership and management structure as well as the requisite resources to perform this vital, and often daunting, task. The days of the Cold War are over; we have entered a new era where our nation faces very different, more pervasive and inimical threats. The Intelligence Community's old structure and old ways of doing business are insufficient for confronting the challenges of the twenty-first century; we can neither minimize nor underestimate the imperative for change. The time has come for a major over-haul of the United States Intelligence Community and that time is now upon us.

Accountability

The Committee's report on the pre-war intelligence on Iraq reveals systemic flaws in the Intelligence Community, perhaps, most notably in many instances, a stunning lack of accountability and sound, "hands-on" management practices throughout the Community's chain of command. These poor management practices contributed to the mis-characterization of intelligence reporting on Iraq's WMD programs. I recognize that intelligence analysis is an imprecise art, with rarely- if ever- any absolutes; however, this report reveals that many judgements regarding Iraq's weapons of mass destruction programs and capabilities were based on old assumptions allowed to be carried over year after year, virtually unchecked and unchallenged, without any critical re-examination of the issue. In short, there was a lack of analytic rigor performed on one of the most critical and defining issues spanning more than a decade.

[REDACTED]

Intelligence Community managers, collectors and analysts believed that Iraq had WMD, a notion that dates back to Iraq's pre-1991 efforts to retain, build and hide those programs. In many cases, this report shows that the Intelligence Community made intelligence information fit into its preconceived notions about Iraq's WMD programs. From our review, we know the Intelligence Community relied on sources that supported its predetermined ideas, and we also know that there was no alternative analysis or "red teaming" performed on such a critical issue, allowing assessments to go unchallenged. This loss of objectivity or unbiased approach to intelligence collection and analysis led to erroneous assumptions about Iraq's WMD program.

For example, this review shows that analysts minimized reporting from a biological weapons source because the source reported information that did not fit with their beliefs about the existence of mobile biological weapons facilities. We also know that the key judgment in the National Intelligence Estimate, that Iraq was developing an unmanned aerial vehicle (UAV) "probably intended to deliver biological warfare agents" overstated what was in the intelligence reporting. This review revealed that some Intelligence Community UAV analysts failed to objectively assess significant evidence that clearly indicated that non-biological weapons delivery missions were more likely. In addition, this report reveals that, despite overwhelming evidence suggesting that the aluminum tubes Iraq was trying to procure were for artillery rockets, some Intelligence Community analysts rejected information and analysis from experts, including the International Atomic Energy Agency and the Department of Energy, who refuted the claim that the tubes were being procured for use in Iraq's nuclear weapons program. This information was rejected because it did not fit into some analysts' notion that Iraq was procuring these tubes as part of its nuclear reconstitution effort.

Clearly stated, the Intelligence Community failed to "think outside the box", a phrase often used by the Community's analytic cadre to describe more innovative approaches to examining a problem set. Critical thinking and objectivity are crucial elements in both the collection and analytic trade crafts and ought to be ingrained, by appropriate training and effective oversight by management, in every collector and analyst entering the ranks of the Intelligence Community. Management has the responsibility to ensure analysts are trained to produce—and actually produce—the best, most objective, unvarnished assessments, and both management and the analysts and collectors have the responsibility to ensure that their trade-craft is practiced properly.

Along this same line of accountability, this report reveals how poor leadership and management resulted in the Intelligence Community's failure to convey the uncertainties in many of the assessments in the National Intelligence Estimate on *Iraq's Continuing Programs for Weapons of Mass Destruction*. For example, the Intelligence Community assessed that Iraq had mobile transportable facilities for producing biological warfare agents but failed to alert intelligence consumers that this assessment was based primarily

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on reporting from a single human intelligence source to whom the Intelligence Community never had direct access and with whom there were credibility problems. In the analysis on Iraq's chemical weapons activities, the Intelligence Community failed to explain that several assessments were based on a layers of analysis of a single stream of intelligence reporting regarding the presence of a tanker truck that was assessed to be involved in the possible transshipment of chemical munitions.

Perhaps the most glaring example of the Intelligence Community's poor management and oversight is revealed in the IC's failure to convey the uncertainties behind intelligence reporting and assessments while coordinating on the State of the Union address and Secretary Powell's speech to the United Nations. Discredited information was included in the President's State of the Union speech, a speech that was a predicate for going to war with Iraq. This should never have occurred and would not have occurred if the speech had been carefully reviewed. Furthermore, this report reveals that the DCI was "not aware of the views of all intelligence agencies on the aluminum tubes" and therefore could not inform the President of the full range of the views on that issue. As the head of the entire Intelligence Community, the DCI should have been aware of the debate within the Community surrounding such a critical issue at such a critical juncture.

Finally, during coordination sessions with Secretary Powell in preparation for his speech before the United Nations in February 2003, the Intelligence Community was instructed to include in the presentation only corroborated, solid intelligence. In fact, from our review we learned that the DCI told a National Intelligence Officer who was also working on the speech to "back up the material and make sure we had good stuff to support everything." When Secretary Powell spoke before the UN, he said that every statement he was about to make would be "backed up by sources, solid sources...based on solid intelligence." Incredibly, from our review, we know that much of the intelligence provided or cleared by the CIA for inclusion in Secretary Powell's speech was incorrect and uncorroborated. For example, the IC never alerted Secretary Powell that most of the intelligence regarding Iraq's mobile biological warfare program came from one source with questionable credibility nor did anyone alert Secretary Powell to the fact one of the sources cited in his speech was deemed to be a fabricator—something known by IC analysts since the May 2002 issuance of a "fabrication notice".

Information Sharing

Surprisingly, the Committee's review reveals that even after the lack of information sharing was found to have played a key role in the intelligence failures of September 11, 2001, intelligence agencies still fail to share information within and among its own cadre. The Committee's report details several instances where intelligence reporting, that was held in highly compartmented or restricted channels, was withheld from analysts who had a *legitimate need to know* the information. These analysts were not

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given access to information that would have impacted their assessments. For example, the CIA failed to share information on the reliability of two biological weapons sources with all Iraq biological weapons analysts. Information about the credibility of these sources, upon which many assumptions regarding Iraq's biological weapons program were made, could have significantly altered analysts' judgments. In addition, the CIA failed to share some intelligence reporting with other agency UAV analysts on critical issues surrounding Iraq's UAVs. This information was essential for analysts to make fully informed judgments about Iraq's intentions to use UAVs to target the United States.

The Committee's review shows that the CIA continues to overly compartment sensitive HUMINT reporting and that this lack of information sharing prevented key analysts on certain issues from making fully informed judgments. Analysts with a need to know cannot be asked to make judgments about an issue without the full range of available intelligence information or without knowledge of the source of the intelligence information. Despite the acknowledgment of information sharing failures in the catastrophic events of September 11th, critical lessons were not learned and information failures were repeated in the pre-war intelligence on Iraq. It is crucial to our national security that the Intelligence Community cease operating in an overly compartmented and stove-piped manner.

Lack of HUMINT and Coordinated Collection

Another recurring problem within the IC that is identified in the Committee's report is the lack of human intelligence (HUMINT) on the Iraqi target. The Committee's review reveals, as the *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001* revealed, that our Intelligence Community is averse to undertaking high-risk HUMINT operations. This forced our analysts to rely on inadequate, outdated or unreliable intelligence. From our review, we know that the Intelligence Community relied too heavily on foreign government sources, and the placement of HUMINT agents and the development of sources inside Iraq were not top priorities. Surprisingly, the CIA did not have any WMD sources in Iraq after 1998, and the Community's risk averse culture prevented them from placing or even developing a strategy to place their own agents inside Iraq after until about six weeks prior to Operation Iraqi Freedom. Committee staff asked why CIA had not considered placing a CIA officer in the years before Operation Iraqi Freedom to investigate Iraq's WMD programs. A CIA officer said, "because it was very hard to sustain...it takes a rare officer who can go in...and survive scrutiny for a long time". This risk averse culture has to change. I am not advocating carelessly placing intelligence officers in harms way; these operations undeniably require extreme caution, preparation and training; however, the very nature of what CIA agents do is risky—even in the least hostile of circumstances.

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In addition to the absence of a human intelligence collection effort, the IC lacked an overall collaborative collection strategy to target Iraq's WMD programs. Despite the obvious priority of the target, the Intelligence Community did not develop a unilateral collection effort, and it was not until 2000 that the Intelligence Community initiated a focused and collaborative collection plan against Iraq's weapons of mass destruction programs. After years of being such a high priority issue, the Intelligence Community should have recognized that Iraq's WMD programs merited a coordinated collection plan that would levy, to the extent possible, all our assets—imagery, SIGINT, MASINT as well as HUMINT—against this target.

Recommendations

The Committee's report illustrates critical deficiencies in the Intelligence Community; the points raised above demand change. The challenges we face today and the failures of the past prove the urgency for establishing an Intelligence Community structure that is centralized, coordinated and agile enough to face the struggles of the future. I offer the following recommendations for a major restructuring and revamping of the all-too ad hoc nature of intelligence operations. These recommendations are a starting point from which we in Congress, in conjunction with the President and the Intelligence Community, must move forward to ensure that the best intelligence is available to protect our country.

Creation of a Director of National Intelligence

To help address the dysfunctional organizational and management structure of the Intelligence Community, I believe that we need to establish a cabinet-level intelligence position—that of the Director of National Intelligence (DNI). That is why I am cosponsoring legislation with Senator Dianne Feinstein to create the Office of the Director of National Intelligence.

In the current Intelligence Community structure, the head of the Intelligence Community has the additional responsibility of running the CIA. These two jobs are too vast for one person. A new DNI, free from the day-to-day management responsibilities of running an agency in addition to the entire IC, would be able to focus solely on managing the IC more effectively. A DNI would be able to focus on breaking down the institutional barriers that contributed to 9/11, and as our report shows, to the largely erroneous assessments regarding Iraq's WMD programs. By his overarching leadership, a DNI would improve coordination and implement a focused approach to intelligence operations allowing the IC to operate as a cohesive entity.

Currently, the Intelligence Community comprises fifteen agencies, each with their own mission, individual chain of command, procedures, history and institutional

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paradigm. A single DNI would have the statutory and budgetary authority to concentrate full time on coordinating intelligence resources, setting priorities, deciding strategies for the entire IC and advising the President on intelligence matters. Moreover, the DNI would have the time to provide greater oversight in developing the budget of the entire intelligence infrastructure—all the more critical considering that approximately 85 percent on the intelligence budget is outside the purview of the DCI.

Improve Intelligence Community Accountability

The Committee's review of the pre-war intelligence on Iraq's WMD is replete with information sharing failures, analytic failures and collection failures. It is imperative that these failures, many of which were identified in the *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11*, are not repeated. I believe that one way to prevent the same mistakes from happening again is to inject more accountability into the Intelligence Community, and I have introduced legislation creating an Office of the Inspector General for Intelligence (IGI) to achieve this goal.

The Intelligence Community Accountability Act will institute better accountability within the Intelligence Community by creating an Inspector General for the entire Community. This effort will expand DCI authorities over the Intelligence Community, assist in instituting better management accountability, and will help the DCI resolve problems within the Intelligence Community systematically. The Inspector General for Intelligence will have the ability to investigate current issues within the Intelligence Community, not just conduct "lessons learned" studies. The IGI will seek to identify problem areas and identify the most efficient and effective business practices required to ensure that critical deficiencies can be addressed before it is too late, before we have another intelligence failure, before lives are lost.

In short, an Inspector General for Intelligence that can look across the entire Intelligence Community will help improve management and coordination, and cooperation and information sharing among the intelligence agencies. An IGI will help break down the barriers that have perpetuated the parochial, stove-pipe approaches to Intelligence Community management and operations.

The revelations in this report are a clarion call for change. With the asymmetric threats of the twenty-first century, intelligence is our first line of defense and Congress and the President are obligated to reform our intelligence apparatus into an adaptable organization prepared to anticipate and prepare for these threats. The failure to do so will prove too costly.

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**Additional Views
of
Senator John Warner**

Over my years of Senate service, I have participated in many reports. This may prove to be the single most important one.

Under the terms of Senate Resolution 400 of the 94th Congress (1976), Members may serve up to eight years on this Committee; then, after a period of time rejoin, by appointment of the Senate leadership, for additional service. My first term on this Committee was 1987-1995, and I was Vice Chairman for the last two years of that term. I am now in my second term.

That experience, coupled with over twenty five years on the Armed Services Committee, which shares budgetary responsibility and oversight over the National Foreign Intelligence Program, provides me with a measure of experience to render the following views on this report. I accept this work product of the Committee, provided that my concerns, stated below, are made a part of the report.

Chairman Roberts, Vice Chairman Rockefeller, and Committee Members have worked diligently and conscientiously in collecting and evaluating the facts. Reducing and presenting the voluminous materials has been a prodigious task undertaken by the hardworking staff of the Committee. Where there were honest differences of opinion, conscientious efforts were taken to reconcile those differences and to produce this report.

The focal point of the Committee's work and the subject matter of the Committee's report was the process -- including the review by senior officials in the Intelligence Community -- that led to the publication of a National Intelligence Estimate (NIE) on Iraqi Weapons on Mass Destruction Programs in October 2002. This NIE proved to be seriously flawed; and from this flawed NIE, Congress and the President were briefed.

I am concerned, however, that the conclusions of the Committee's report, as written, will be viewed as a broad indictment of the entire Intelligence Community, and the thousands of hardworking, dedicated, patriotic individuals who make up that community. Overreaction could well send the wrong message, causing our intelligence operatives and analysts to become too cautious and risk averse. Such a result could cause degradation of ongoing operations as well as the finished intelligence products available to our national leadership during a time of war. The errors of a few must not tarnish the good work of the vast majority.

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The U.S. Intelligence Community is, in my judgment and long experience, the most capable intelligence organization in the world, by far, and is a critical element in the overall national security of our Nation. The very nature of intelligence -- as with every nation -- is one of a degree of uncertainty. Best judgments are made as required, with such information as is in hand. Over time, some judgments will prove to be wrong, some partially wrong, and some will prove to be right. Rarely can this profession deal in absolute certainty. We ask our intelligence operatives the world over to take risk, sometimes risk of life and limb, as they collect the information this country requires. The information is a combination of scientific data, human sources, documentary evidence and other means. The evaluation of this information then falls to intelligence analysts to make their best evaluation. At every step, this process requires subjective judgment. Nevertheless, policymakers must rely on these reports.

It is important to view this report against that background of procedures. Our Committee, as the findings reflect, discovered that there were serious flaws in the production and step-by-step review of the October 2002 NIE which was the subject of the committee's inquiry. In some cases, the agencies with significant technical competence and differing views were overruled by the CIA in the overall process. Some sources of information were not properly evaluated; indeed some were given undue weight. In some cases, key judgments did not include appropriate qualifiers to communicate to policymakers the level of uncertainty associated with the judgment. These problems that we have pointed out in the report must be addressed and corrected for future estimates.

We must remember, however, that this was an unusual NIE, required by Congress, on a compressed time line. Most NIE's are conducted using a more deliberate process, mostly in single discipline areas, with well-understood time lines. This NIE was carried out using a truncated process that took the best available judgments, across a variety of normally distinct disciplines. The resulting shortcomings can be partially explained in this light; but not excused. There must be accountability for those errors that violate the standards of professional competence and good judgment that we must expect of our intelligence professionals. When their actions fall below those standards, resignation or dismissal is in order. The environment and culture that allowed such errors to occur must be corrected.

While the committee report concludes that there were errors in judgment, there was no evidence of willful misconduct by anyone involved in the production of this intelligence estimate. Furthermore, there was no evidence that anyone involved in reaching intelligence judgments for this NIE was subjected to any pressure from their superiors or from policymakers to alter any of their judgments or analyses. The problems with this NIE were very serious. The environment, the culture, the procedures followed and the review process clearly were flawed. I further note that as this Committee report goes forward, the work of the Iraq Survey Group, which was tasked, in large part, to

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ascertain the status of Iraqi weapons of mass destruction programs, remains ongoing. The Congress has received two interim briefings, to date, and I anticipate we will receive additional updates before they conclude their work and submit their final report.

Our challenge now is to address the errors and procedural problems associated with the NIE process. Some fixes can be done promptly; some must evolve over a period of time.

There is much conscientious discussion in this committee, in other committees of the Congress, and from various commissions and interest groups calling for massive reform and reorganization of the U.S. Intelligence Community. I commend the Chairman for deferring such judgments until a sufficient body of fact and recommendations can be assessed. This report examines one aspect and one compressed time period of the complex intelligence process that goes on continuously, 24 hours a day, seven days a week, 365 days a year. It is a process undertaken by dedicated public servants who take their profession and their loyalty to country very seriously. It is a process that invariably produces exceptional intelligence products that have, are currently and will continue to serve our country well, in peacetime and in time of war.

I trust this committee will continue its thorough examination of our Nation's intelligence processes. There are systemic and cultural problems that must be addressed and improved, in a careful, fair manner. As we continue with that examination, an examination that will invoke conflicting views, I urge my colleagues to be patient and thorough in our deliberations.

I also urge my colleagues to remember the outstanding work that the vast majority of our intelligence professionals do, day in and day out. It is our duty to work with the Intelligence Community to ensure that the organization and procedures of our intelligence agencies are worthy of the noble work and sacrifices of the dedicated professionals who work within their walls.

**Additional Views
of
Senator Dianne Feinstein**

The flawed intelligence documented in the Committee's report presents a clear case that we need to restructure the Intelligence Community. As the Committee's report documents, intelligence contained in the 2002 National Intelligence Estimate (NIE), as well as in statements to Congress and the American people by the Administration regarding both Iraq's Weapons of Mass Destruction and ties to al-Qaida, were inaccurate. The doctrine of preemption inherently requires the Intelligence Community to be right every time on the nature and imminence of threats. In this case, the intelligence was flawed.

Three important judgments were made by intelligence analysts and contained in the NIE:

"We judge that Iraq has continued its weapons of mass destruction programs in defiance of United Nations resolutions and restrictions. Baghdad has chemical and biological weapons, as well as missiles with ranges in excess of United Nations restrictions. If left unchecked, it probably will have a nuclear weapon during this decade."

"We assess that Baghdad has begun renewed production of mustard, sarin, cyclosarin and VX. Its capability probably is more limited now than it was at the time of the Gulf War, although VX production and agent storage-life probably have been improved."

"We judge that all key aspects -- R&D, production and weaponization of Iraq's offensive BW program are active, and that most elements are larger and more advanced than they were before the Gulf War."

There were also many statements made by the administration that, when combined with the intelligence, created a very strong case that Iraq was a serious and immediate threat to American interests and America itself.

Let me give just five examples of such statements:

Secretary of State Powell, on September 8, 2002, said on Fox News Sunday: "There is no doubt that he has chemical weapons stocks." He also said: "With respect to biological weapons, we are confident that he has some stocks of those weapons, and he is probably continuing to try to develop more."

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President Bush, on September 12, 2002, said in his address to the U.N. General Assembly: "Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons."

President Bush, in his October 7, 2002, address also said: "We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, and VX nerve gas."

Secretary Powell, again in his February 5, 2003, address to the U.N. Security Council, said:

"Our conservative estimate is that Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agent. That is enough agent to fill 16,000 battlefield rockets. Even the low end of 100 tons of agent would enable Saddam Hussein to cause mass casualties across more than 100 square miles of territory, an area nearly 5 times the size of Manhattan . . . when will we see the rest of the submerged iceberg? Saddam Hussein has chemical weapons. Saddam Hussein has used such weapons. And Saddam Hussein has no compunction about using them again, against his neighbors and against his own people."

President Bush said, on October 2, 2002, in Cincinnati: "Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun that may come in the form of a mushroom cloud."

Neither the military examination of more than a thousand priority sites nor the interim findings of Dr. David Kay, and his successor, have produced evidence of weapons of mass destruction, the weaponization of chemical or biological elements, or their deployment to battlefield commanders. To date, the most likely prewar judgments of intelligence analysts have not been borne out.

Questions About Intelligence

There are four questions critical to understand what went wrong with the prewar intelligence assessments that must be answered:

The first is: Were the prewar intelligence assessments of the dangers posed by Saddam Hussein's regime wrong? This is not as simple a question as it seems, for in the months prior to the invasion of Iraq these assessments had two separate, equally important parts. Whether Iraq had the capability to place the United States in such danger as to warrant the unprecedented step of a unilateral preemptive invasion of another sovereign nation, and was such a threat imminent or was it grave and growing? Secretary Powell was asked if he would have recommended an invasion knowing Iraq had no prohibited

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weapons, and he replied: "I don't know because it was the stockpile that presented the final little piece that made it more of a real and present danger and threat to the region and to the world." He added: "The absence of a stockpile changes the political calculus; it had the changes the answer you get." Critical to this debate during the summer and fall of 2002 was the immediacy of the threat which supported the argument that we needed to attack quickly and could not wait to bring traditional allies aboard or to try other options short of invasion.

The second question is: Whether the intelligence assessments were bad as well as wrong?

This requires a fine distinction between an intelligence assessment that is wrong, and one that is bad. Intelligence assessments are often wrong, for by their nature they are an assessment of the probability that a future event will take place. But wrong does not always mean bad. Sometimes an intelligence assessment follows the right logic and fairly assesses the amount, credibility and meaning of collected data, and still is wrong.

The third question is: If the intelligence assessments were both bad and wrong, to what degree were they both bad and wrong, and why?

Did the intelligence community negligently depart from accepted standards of professional competence in performing its collection and analytic tasks? Was the intelligence community subject to pressures, personal or structural, which caused it to reach a wrong result through bad analysis? Were the ordinary internal procedures by which intelligence is subject to peer review properly carried out?

The fourth and final question is: Whether the intelligence assessments reached by the intelligence community, whether right or wrong, good or bad, were fairly represented to the Congress and to the American people. Did administration officials speaking in open and closed session to members of Congress accurately represent the intelligence product that they were relying upon? Were public statements, speeches, and press releases fair and accurate? This is the cauldron boiling below the surface.

This final question is particularly grave, because it touches upon the constitutionally critical link between the executive and legislative branches. The Founders knew what they were doing when they developed a shared responsibility for war making--only Congress can declare war, with the President, as Commander-in-Chief, conducting it--the need is vital for members of Congress to have fairly presented, timely and accurate intelligence when they consider whether to invest in the President the authority as Commander-in-Chief to put American lives, as well as those of innocent civilians, at risk.

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Answers to the Questions

My worst fears about the answers to these four questions have come true. In this case, the intelligence was both bad and wrong. To cite just one example of the issues contained in the Committee's report, the intelligence regarding mobile labs used to make biological weapons (BW) was not only wrong, but the assessments were bad. The conclusions of the biological section of the Committee's report uses the words, "is not supported by the intelligence," "overstated what was known," "did not accurately convey," and most disturbing, "the CIA withheld important information."

Secretary Powell, in his speech before the United Nations on February 5, 2003, used four sources to make the case about BW mobile labs: "Curveball," an Iraqi civil engineer, a third source, and an Iraqi National Congress (INC) fabricator. Secretary Powell laid out a graphic, detailed, and powerful case for Iraq's possession of a number of mobile biological production labs before the United Nations and the world based on four sources—all of which have proven to be false.

The bottom line is that the CIA gave Secretary Powell four sources that were not only wrong about the BW mobile trailers, but that also included bad assessments. Despite new information discrediting the sources, no reevaluation was made. A DOD detailee to the CIA who met with "Curveball," made several observations that raised questions about the reliability of "Curveball's" information. The detailee, after explaining his views, received an email from the Deputy of the CIA Counter Proliferation Unit which said:

"As I said last night, let's keep in mind the fact that this war's going to happen regardless of what Curveball said or didn't say, and the Powers That Be probably aren't terribly interested in whether Curveball knows what he's talking about. However, in the interest of Truth, we owe somebody a sentence or two of warning, if you honestly have reservations."

This must never be allowed to happen again, and there must be a process that ensures that a source is sufficiently vetted and evaluated prior to a determination that the source's information is actionable intelligence. The first overall conclusion of the WMD section of the Committee's report sums this up by stating:

"Most of the major key judgments in the Intelligence Community's October 2002 National Intelligence Estimate (NIE), Iraq's Continuing Programs for Weapons of Mass Destruction, either overstated or were not supported by the underlying intelligence reporting. A series of failures, particularly in analytic tradecraft, led to the mischaracterization of the intelligence."

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The answer to the third question of why the pre-war intelligence was both bad and wrong is based in both structural and functional failures within the Intelligence Community. The Committee's report proves, beyond all doubt, that the present arrangement of collection and analysis between agencies and departments must change.

The functional flaws in the Intelligence Community include the absence of any or adequate "red teaming" and peer review—a procedure to reconcile differing departmental and analytical views in the formation of the NIE. For example, in the review of the aluminum tubes, Department of Energy analysts, the acknowledged experts in nuclear technology, found that the aluminum tubes were not suitable for a nuclear program, and the State Department's analysts agreed. However, CIA and Defense Intelligence Agency (DIA) analysts believed these items were intended to be used for a nuclear program. Despite the fact that the acknowledged experts disagreed, the NIE included the faulty analysis of CIA analysts, with DIA concurring, in its key judgments.

At the very least, a robust peer review process within the Intelligence Community would have described the disagreement between analysts on the aluminum tube issue within the key judgments, instead of siding with one analysis over the other. A strong peer review process would have prevented any key judgment based on the aluminum tube issue from being included in the NIE. The Intelligence Community should have performed further, detailed analysis of this subject to try to achieve a consensus. Then, all analysts involved would have had a better understanding of the details and perspective involved, even if the Intelligence Community could not resolve all of the differences.

I think it is clear that there was not an ongoing nuclear program. In August of 2002, prior to the vote in the Senate on the authorization to go to war, I spent a day in Vienna at the International Atomic Energy Agency (IAEA). The IAEA is the agency that runs nuclear inspections; they saw no signs of a nuclear program in Iraq. The IAEA convinced me that there was no on-going nuclear program in Iraq. The intelligence reporting on a possible Iraqi nuclear program did not have an impact on me, because I did not believe it was correct.

There was a similar problem with the analysis of the Iraqi small Unmanned Aerial Vehicle (UAV) program. The Air Force analysts who had the expertise in this area said the UAVs could be used to deliver biological agents, in the same sense that all aircraft could, but that the most likely mission for the small UAVs was as aerial targets or for reconnaissance missions. However, their analysis was ignored, and the NIE used an assessment based on conjecture instead of scientific analysis when it said these UAVs could be used for biological or chemical delivery purposes. For future NIEs, peer review should occur on a least three levels: first, within each agency, where analysts should be encouraged to express contrarian views; second, between agencies, such as between the CIA and the Department of Energy on the aluminum tubes issue; third, between allied and

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trusted foreign intelligence; and forth, with international agencies such as the International Atomic Energy Agency.

Virtually every time there was a difference of views between agencies, the CIA's views prevailed. Because of the structural flaws in the current Intelligence Community, this is a predictable result that explains, but does not excuse, the failures of the pre-war intelligence.

Before explaining my views on structural reforms for the Intelligence Community, the fourth question must be answered—whether the intelligence assessments reached by the Intelligence Community, whether right or wrong, good or bad, were fairly reported to the Congress and to the American people.

Without transparency into the intelligence process, and without rigorous peer review, it is difficult to fully assess how objective the assessments and conclusions were in the NIE. The Committee's report did not just highlight one or two issues where intelligence was changed to reach a conclusion to go to war. Instead, the Committee's report documents that EVERY time a judgment changed in the 2002 NIE from previous assessments, the new judgments were more threatening and more dire to the security of the United States. The Committee's report makes clear that the facts gathered by intelligence in 2001 and 2002 did not support the threatening changes to the analysts assessments. So how did these changes occur? The Committee's report explains the changes as "layering" of previous assumptions, "groupthink" about ambiguous evidence, and a "broken corporate culture and poor management." I agree that those caused the intelligence to be both bad and wrong. However, the Committee's report does not acknowledge that the intelligence estimates were shaped by the Administration. In my view, this remains an open question that needs more careful scrutiny.

The Committee's report did find that analysts were repeatedly questioned and asked to find links between Iraq and al-Qaida to make the Administration's case. In fact, the CIA Ombudsman for Politicization reported to the Committee that "several analysts gave the sense that they felt the constant questions and pressures to reexamine issues were unreasonable." Further, as stated in the Committee's report, the Committee staff interviewed Mr. Richard Kerr who said, "in this case I talked to people who felt that there was more pressure than they thought there should have been . . . they felt that they were being pressured and questioned about their analysis." Although the Committee's report states that no analysts said that he or she changed their conclusions due to pressures, Mr. Kerr when asked about why analysts had not spoken to the Senate Intelligence Committee review team, said the following:

Mr. Kerr: "There's always people who are going to feel pressure in these situations and feel they were pushed upon."

[REDACTED]

Committee Interviewer: "That's what we've heard. We can't find any of them, though."

Mr. Kerr: "Maybe they are wiser than to come talk to you."

The Committee's report found "that CIA analysts are trained to expect questions from policy makers, and to tailor their analysis into a product that is useful to them." I don't agree. There is a difference between repeated questioning and badgering in the form of persistent questioning. There is a difference between tailoring a product to a specific issue area and shaping a conclusion to fit what a policymaker wants to hear. It is important to note that the Committee found persistent questioning of analysts only in the terrorism section. Why didn't the Committee see evidence of this repeated questioning on the issues of WMD where there clearly was a difference of opinion on aluminum tubes and UAVs? Perhaps the CIA pleased the Administration with their WMD conclusion, but did not please them when they could not prove a terrorism connection. The Administration persistently questioned the CIA about ties between Iraq and al-Qaida, and then oversold the imminent need for war to the Congress and American public on the basis of these alleged ties.

The answer to the fourth question is that the Administration did not fairly represent the intelligence. There are a number of specifics that are enumerated in the Vice Chairman's additional views which adequately document this. Unless Administration officials, from the President on down, had information not made available to the Senate Intelligence Committee, there was clearly an exaggeration of either an "imminent" or "grave and growing" threat to the American people.

Director of National Intelligence

The Congress must act, and should act now, to begin fixing the faulty structure of the Intelligence Community and begin by taking a single, critical step: Pass legislation creating a Director of National Intelligence.

Establishing this position is one of the most important recommendations by the Joint Congressional Inquiry on 9/11, which examined the dysfunctional structure of an Intelligence Community comprising 15 separate agencies, which costs tens of billions of dollars annually and is plagued by territorial battles.

Currently, one person leads the Central Intelligence Agency and at the same time nominally oversees the entire Intelligence Community. But he has only limited budgetary and management authority over the myriad agencies that range from the CIA and DIA to the National Reconnaissance Office, the National Geospatial Intelligence Agency, and the

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National Security Agency. In fact, 80 percent of the intelligence budget is under the control of the Secretary of Defense.

I have introduced legislation, co-sponsored by Senators Snowe, Rockefeller, Lott, Graham, Mikulski, and Wyden, that creates a true head of our 15 intelligence agencies with both the budgetary and statutory authority that the current structure does not provide. A new Director of National Intelligence would be responsible for leading the entire Intelligence Community. Working within an independent office, aided by a Deputy Director of National Intelligence and equipped with meaningful budget and personnel authority, this Director would provide the focused, independent and powerful leadership the Intelligence Community badly needs.

The CIA would retain its role as the central analytic element of the Intelligence Community and the lead agency for human intelligence, and it would have its own full-time Director.

Important issues for the DNI to consider include:

- assessing the balance between expensive technical collection platforms, such as satellite systems, and human-source collection and analysis;
- developing mechanisms to enhance our ability to collect foreign intelligence within the United States;
- setting the priorities and strategies in a new non-state asymmetric world;
- evaluating and implementing a human intelligence capability with language and cultural knowledge in critically important areas; and
- reforming the analytic process to ensure effective peer review and analytic integrity to prevent the use of false intelligence in policy making.

The current structure of our Intelligence Community is a relic of last century's conflicts. It is a Cold War solution to Cold War problems. In fact, the structure dates to the 1947 passage of the National Security Act.

I believe the intelligence failures in the past years, including those leading to the 9/11 attacks and the largely erroneous analytic conclusions about weapons of mass destruction in Iraq, are in a great part the result of this outdated structure.

Saddled with a Soviet-era structure in a post-Soviet world, it is not surprising that we are losing the intelligence battle against non-state actors who practice asymmetric

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warfare. Nor should it be unexpected that many of the members of the Intelligence Community, including the CIA, FBI and National Security Agency, are struggling to understand, infiltrate and analyze the non-Western, Islamic world in which we must now defend ourselves.

Some have argued that the changes I recommend would damage the ability of those elements of the Intelligence Community with a combat-support mission (such as the National Security Agency) to serve their primary customers, who are the war-fighters. I disagree. The Secretary of Defense will lose none of his ability to levy requirements on the Intelligence Community -- after all, whatever the leadership structure, the Pentagon will always be, after the President, the Intelligence Community's biggest customer. Additionally, the legislation also includes language permitting and recommending that the President appoint a military official to a senior position in the office of the Director of National Intelligence.

Others, George Tenet among them, have argued that a Director of National Intelligence, removed from his "troops" at CIA, will be powerless. I believe this argument misses the point -- the Director of National Intelligence will derive his power from his statutory, budgetary, and personnel authorities, and, to no small degree, his relationship with the President.

The bottom line is that leading the U.S. Intelligence Community is a full-time position and, if it is to be done right, we cannot expect the person holding that responsibility to run a separate agency simultaneously.

It is time to put somebody in charge of the entire Intelligence Community and give him the authority to accomplish the job.

Doctrine of Preemption

We must learn a great lesson from this experience: the doctrine of preemption is flawed. Unilateralism and preemption and an over-reliance on the military dimension of U.S. power may well be leading us in a direction that weakens, rather than strengthens, our ability to meet the challenges of the new asymmetric world. I fear that our current foreign policy is adding thousands to the terrorist movements across the globe.

Without the imminent threat of weapons of mass destruction or evidence of a clear threat, Iraq appears not to have been a preemptive war to prevent an attack by the government of Iraq against either America or American interests; rather, it was America's first preventive war, the purpose of which was to topple the regime of Saddam Hussein. Preventive war targeted against speculative threats is not legitimate under international law.

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It's critical that, even with our focus on Iraq, we don't lose focus on the ongoing war on terror, where preemption may be both justified and necessary. Al-Qaida is still active recruiting, organizing, and in places, merging with other terrorist organizations. American interests at home and abroad remain vulnerable to asymmetric attack. And by shifting the focus of the war on terror from al-Qaida to Iraq, we must not allow al-Qaida to recuperate and strike again.

By endorsing unilateralism and preemption, we may well be paving the way for others -- China, Russia, India, Pakistan, North Korea -- to likewise adopt these same policies to carry out their national aspirations. As Henry Kissinger put it, "It's not in America's national interest to establish preemption as a universal principle available to every nation." And I agree. But by walking away from or undermining effective multilateral institutions, by alienating friends and allies, the United States may well find itself with fewer options at its disposal and fewer friends to help us out.

For the past half century, our country has embraced international cooperation, not out of vulnerability or weakness, but from a position of strength. The United States has the right to carry out military strikes against terrorists who would strike us, and there should be no doubt that we will. But many of the threats and problems we face today may not be effectively countered simply with the blunt application of military force. Diplomacy, treaties and robust foreign assistance programs have important roles to play if we are to be successful in meeting today's foreign policy challenges. A world in which no nation is bound by treaties or international accords, and in which might makes right, is not a world where the United States is better off. Our strength as a nation emanates not just from our power, but also from our moral stature and our principled stand for truth, for justice and for freedom.

Summary

The Senate vote on the resolution to authorize the use of force in Iraq was difficult and consequential based on hours of intelligence briefings from Administration and intelligence officials, as well as the classified and unclassified versions of the National Intelligence Estimates. It was based on trust that this intelligence was the best our Nation's intelligence services could offer, untainted by bias, and fairly presented. In this case it was not.

**Additional Views
of
Senator Ron Wyden**

I commend my fellow Members and the staff of the Senate Select Committee on Intelligence for their review of and report regarding the U.S. Intelligence Community's collection and analysis of intelligence information concerning Iraq's weapons of mass destruction programs and support for terrorism.

The report produced by the Committee has found glaring weaknesses in how intelligence was collected, and obvious faults in how that information was analyzed. Its descriptions of failures in information sharing, of the publication of poor analysis when better-supported alternative interpretation was available, and of the outright manipulation of the analytical process reflect a community in dire need of reform.

The intelligence failures preceding September 11th and regarding weapons of mass destruction in Iraq show that the management structure of the Intelligence Community is broken. Walls between organizations prevent information from being shared. Walls between organizations prevent the shifting of human and financial resources to address changing threats. Walls between organizations hinder the coordination of effort against a common target and foe.

The Intelligence Community needs broad, overall reform to help assure that U.S. policymakers receive better support when faced with decisions crucial to the security of our nation and the use of military forces. Congress and the Administration must use the work of both the Joint Inquiry Into The Terrorist Attacks of September 11, 2001 and the National Commission on Terrorist Attacks Upon the United States (the 9-11 Commission), as well as this Committee's review of pre-war intelligence on Iraq, as both impetus and guide on how to transform the IC to best address the threats of the 21st century.

However, reform of the Intelligence Community will not resolve all the mistakes and miscues that led to the invasion and occupation of Iraq. The CIA and other elements of the Intelligence Community did perform poorly in their collection and analysis of Iraq's weapons of mass destruction programs and its actual possession of these weapons. The Intelligence Community did fail the Bush Administration, the Congress, and the American public when it provided such poor intelligence on Iraqi WMD. But ultimately, poor intelligence collection and analysis do not absolve the Bush Administration of the decision to go to war. These events did not occur simply because the Bush Administration relied upon poor intelligence. In reality, the Administration repeatedly and independently made the case for war not by relying on U.S. intelligence, but by ignoring or directly

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contradicting the same. Therefore, I feel the inclusion of additional views is essential to the completion of a thorough report from the Senate Select Committee on Intelligence.

Exaggeration of the Threat

Bad intelligence and bad policy decisions are not mutually exclusive – that is, both can exist simultaneously yet quite independently of each other in the same situation. This is true of the U.S. march to war against Iraq. The Bush Administration used the Intelligence Community's poor intelligence on Iraq's WMD programs to support its decision to go to war, but just as the Intelligence Community's conclusions were more definitive than the information warranted, the urgency expressed by President Bush and members of his administration was unsupported even by the faulty intelligence. The Bush Administration independently compounded the failure of the Intelligence Community by exaggerating the Community's conclusions to the public – an inappropriate course of action that could have occurred even if the intelligence had been sound.

The Committee's second phase of its review will hopefully delve more deeply into this issue and detail how policymakers' public statements on Iraq's threat to the U.S. did not match the classified intelligence analysis. Nevertheless, there is already enough information available publicly to fault the Administration for its seemingly single-minded pursuit of war to remove Saddam Hussein from power. Accurate intelligence information reflecting the marginal threat Saddam posed to the U.S. and its allies was available well before the March 2003 start of the war.

To further illustrate this, following are examples of the Administration's exaggeration of intelligence regarding Iraq.

"A Mushroom Cloud"

"Facing clear evidence of peril, we cannot wait for the final proof - the smoking gun - that could come in the form of a mushroom cloud."

President Bush Outlines Iraqi Threat; Remarks by the President on Iraq, White House (10/7/2002).

The phrase "mushroom cloud" conveys the globally recognized specter of a nuclear explosion. These words remind the listener of the nightmarish images of nuclear explosions and their ghastly aftermath. When President Bush uttered these words, simultaneously citing "clear evidence," a listener would obviously infer that Iraq either had or soon would have nuclear weapons and a means to use them against the United States.

[REDACTED]

However, the Intelligence Community believed otherwise at the time of this statement. In its unclassified October 2002 "white paper" entitled "Iraq's Weapons of Mass Destruction Programs," the Intelligence Community made a much less urgent judgment. The paper stated simply that "if left unchecked, (Iraq) probably would have a nuclear weapon during this decade." It further stated:

Iraq is unlikely to produce indigenously enough weapons-grade material for a deliverable nuclear weapon until the last half of this decade; Baghdad could produce a nuclear weapon within a year if it were able to procure weapons-grade fissile material abroad.

While noting Iraq's continuing interest in nuclear weapons, the foremost intelligence analysis prior to the war does not include any information suggesting that Iraq did have a nuclear weapon.

President Bush's statement about a "mushroom cloud" was not phrased to directly contradict the analysis of the Intelligence Community at that time. It was not a simple "lie." However, the effect of this statement, if not the intention behind it, was alarmist. It conveyed an urgency that was not supported by the Community's assessment of the situation at that time. In the aftermath of Saddam's overthrow, it became clear that Iraq was in fact even farther away from a nuclear weapon than the Intelligence Community had judged.

Capability vs. Intent

"Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction. But why? The only possible explanation, the only possible use he could have for these weapons, is to dominate, intimidate, or attack."

President Bush Delivers "State of the Union," White House (1/28/2003)

While the Intelligence Community characterized Saddam Hussein as having an ongoing interest in developing nuclear weapons, the Intelligence Community concluded that Iraq was already in possession of chemical and biological weapons. While these weapons are not as devastating and horrifying as nuclear weapons, they are capable of killing and maiming hundreds or thousands at a time if spread efficiently among a military force or population. Efficient deployment of these types of weapons to cause mass casualties, however, is a difficult technological feat, especially if the target of the attack is thousands of miles away. Two questions, then, were essential to the appropriate use of this intelligence for policymaking purposes.

[REDACTED]

First, was Iraq capable of attacking the U.S. or its allies with chemical or biological weapons? Saddam Hussein did not have the capability to launch a chemical or biological attack against the U.S. homeland using missiles or airplanes launched from Iraq. In the 1980s, Saddam Hussein had used chemical weapons closer to home: against his own people and against Iran. In the unclassified October 2002 "white paper," the Intelligence Community suggested Iraq could still effectively use biological weapons against his enemies within or close to its borders. So, Iraq arguably possessed the technological capability to attack American troops and allied nations in the area.

However, to launch a chemical or biological assault, Saddam Hussein had to be willing to deal with the consequences of such an attack on our far more advanced and overpowering military or those the U.S. would likely aid if attacked.

So the second key question has a much less certain answer. Did Saddam intend, or was he likely, to use WMD to attack U.S. troops or its allies in the region? The Intelligence Community's assessment was that he was not – as long as the threat of an imminent American-led invasion to overthrow his regime did not enter the picture. In an October 7, 2002 letter to then-SSCI Chairman Bob Graham, Director of Central Intelligence George Tenet provided declassified testimony from a Senior Intelligence Witness concerning the possibility that Saddam Hussein would initiate an attack using a weapon of mass destruction if he was not threatened. The witness' assessment was as follows: "My judgment would be that the probability of him initiating an attack – let me put a time frame on it – in the foreseeable future, given the conditions we understand now, the likelihood I think would be low."

In October 2002, when Congress was weighing a resolution to authorize the use of military force to remove Saddam Hussein from power, the United States' intelligence analysis was that he was not a threat to our troops or allies even in the region. Yet the President's public statements exaggerated the Intelligence Community's assertion of Saddam's capability into an insufficiently supported pronouncement of his intention to attack U.S. interests.

Terrorist Threat from Iraq

Before September the 11th, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses, and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other planes -- this time armed by Saddam Hussein. It would take one vial, one canister, one crate slipped into this country to bring a day of horror like none we have ever known.

President Delivers "State of the Union", White House (1/28/2003).

[REDACTED]

President Bush's comments above present a nightmare scenario of terrorists armed with Saddam Hussein-supplied chemical or biological weapons attacking the U.S. homeland. His statement is noteworthy for its reliance on hypothetical examples which, as hypothetical examples do, dealt with possibilities that might or might not be likely occurrences. There are innumerable possibilities, but only limited numbers of truly likely events. Before going to war, a President should be assured that there is a significant likelihood that the scenarios being used as a basis for attack will actually occur.

The Intelligence Community did not believe that Saddam Hussein was likely to use his own forces or an outside group like al Qaeda to attack the United States – with one important caveat. The Intelligence Community believed that an impending U.S.-led attack to remove Hussein from power would increase the likelihood of a terror attack. Again in the October 7, 2002 letter to Chairman Graham, members of the Intelligence Community stated::

Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States.

Should Saddam conclude that a US-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or CBW (chemical or biological weapons).

Saddam might decide that the extreme step of assisting Islamic terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

The intelligence analysis presented as devastating a scenario as President Bush described in his State of the Union Address, with one vitally important distinction. President Bush outlined what he believed would occur if *no* action was taken against Saddam Hussein. But, according to the Intelligence Community, a war to remove Saddam Hussein from power would make terrorist attacks against the U.S. *more likely* than a continuance of the policy then in place. With these public statements, President Bush directly contradicted the intelligence information he had been given. A war undertaken ostensibly to remove a threat, the war to remove Saddam, would actually increase the possibility of attacks against the United States and its citizens.

Saddam Hussein and Al Qaeda

“If the world fails to confront the threat posed by the Iraqi regime, refusing to use force, even as a last resort, free nations would assume immense and unacceptable risks. The attacks of

[REDACTED]

September the 11th, 2001, showed what the enemies of America did with four airplanes. We will not wait to see what terrorists or terrorist states could do with weapons of mass destruction.”

President's Radio Address - "War on Terror," White House (3/8/2003).

The September 11 attacks were a direct assault on the United States homeland. Strikes on the World Trade Center and Pentagon awakened Americans to their vulnerability, ended any misconceived notions of inviolability to catastrophic terrorism, and introduced all Americans to the shadowy organization known as al Qaeda. The basis for making war on al Qaeda after September 11 seemed more or less straightforward to most Americans. The basis for making war on Saddam Hussein because of an alleged connection to al Qaeda was much more complex, much less clear-cut, than portrayed by the Administration.

In his address to the United Nations Security Council in February 5, 2003, Secretary of State Powell outlined the extent of what the Intelligence Community knew about Saddam's interactions with al Qaeda. His remarks noted contacts between the Iraqi government and al Qaeda dating back to the mid-1990s, reports that Iraq provided training to al Qaeda, including possibly in chemical and biological weapons, and the presence of al Qaeda members both in Baghdad and in the Kurdish areas of northeastern Iraq, presumably with the knowledge and acquiescence of the Saddam regime. The connections described by Secretary Powell at first glance might seem provocative, but upon closer inspection the conclusions do not present as ominous a picture. Also, it is important to note what the Intelligence Community did not say.

Secretary Powell did not describe, and the Intelligence Community never concluded that there was, cooperation between Iraq and al Qaeda on terrorist operations, nor did they actively support each other with resources or personnel. Saddam Hussein and al Qaeda are not natural allies; far from it, they are natural foes. Secular Arab regimes like Saddam Hussein's were threatened by religious fundamentalists like those within al Qaeda. Likewise, al Qaeda's fierce Islamists would be wary of cooperation for fear of being associated with or co-opted by a dictator like Saddam.

The Iraqi government likely had contacts at various levels with al Qaeda. Yet the same could be said of many other governments inside and outside the region, especially with regard to state intelligence services trying to collect information about al Qaeda and whether it threatened their nations' interests. Secretary Powell mentioned the *possibility* that Iraq had given chemical and biological training to al Qaeda. His careful choice of words reflected the level of uncertainty in the Intelligence Community surrounding this information. As for the presence of al Qaeda in Iraq, Powell did not say that Saddam

[REDACTED]

knew al Qaeda operatives were in Baghdad or elsewhere in Iraq, or that he could have done anything to prevent the use by al Qaeda of Iraqi territory such as the Kurdish areas not under his control.

In their public comments, the Bush Administration never claimed directly that Iraq was involved in the September 11 attacks. President Bush himself said on September 17, 2003, "No, we've had no evidence that Saddam Hussein was involved with September the 11th." However, President Bush clearly did not refrain from associating Saddam Hussein and Iraq with al Qaeda and thereby with the attacks against the World Trade Center and the Pentagon. Repeated associations helped build the case for war against Iraq, despite the absence of a real connection between Iraq and September 11. According to an August 2003 Washington Post poll, almost 70 percent of Americans believed that Iraq was complicit in the September 11 attacks.

Advertising executives know the power of association when trying to convince customers to purchase a product. Advertisers do not have to promise specific benefits from that product; they only have to associate the product with the benefit.

White House Chief of Staff Andrew Card used a business analogy to explain the timing of the public debate on military action against Iraq: "from a marketing point of view, you don't introduce new products in August." In his warning about "terrorists or terrorist states" and in other comments regarding Iraq and al Qaeda, President Bush seemed to be using marketing-based associative techniques to attempt to convince the American public of a connection not explicitly stated in his remarks: that Iraq was somehow involved in the September 11 attacks. It was not.

No Imminent Threat

"The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger."

*President's Remarks at the United Nations General Assembly, White House
(9/12/2002)*

Just as he never said Iraq was involved with September 11, President Bush never said explicitly that Saddam Hussein's regime was an imminent threat to the United States. Nevertheless, as in the remark above, he repeatedly drove home the image of an Iraq that had attacked its neighbors in the past, that had used and likely still possessed chemical and biological weapons, that was pursuing nuclear weapons, and that had defied the will of the international community by refusing to abide by United Nations Security Council resolutions. Iraq was presented by President Bush as a problem that needed to be addressed immediately.

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The Intelligence Community never considered Iraq an "imminent threat." In fact, DCI Tenet made that clear in his February 5, 2004 speech describing the Intelligence Community's performance in assessing Iraq's weapons of mass destruction programs. Referring to the analysts who worked on the National Intelligence Estimate on Iraq's Weapons of Mass Destruction Programs, Tenet specifically noted, "They never said there was an 'imminent' threat."

Clearly, the United States and the international community were wise to maintain focus on the intransigence and threatening actions of Saddam Hussein. The policy of containment toward Iraq had weakened since the removal of United Nations weapons inspectors in 1998, and a renewed effort was needed to strengthen the restrictions put in place to prevent Saddam Hussein from further destabilizing the region. The Bush Administration was right to rebuild the resolve of the United Nations (UN) and to get the weapons inspectors back into Iraq. However, the UN weapons inspectors were only in Iraq for less than three months before the U.S.-led military campaign to overthrow Saddam from power began. At that point, the weapons inspections process had not yet confirmed the disarming of Saddam, but it had clearly and significantly thwarted his weapons programs and was the best source of information on his efforts.

Why, then, was it necessary to attack Iraq in March 2003? Iraq, as understood then, was not an "imminent threat," and, as understood today, did not present even the "grave and gathering danger" President Bush described.

The U.S. was in the midst of the continuing effort to find, capture or kill Osama bin Laden, members of al Qaeda and members of affiliated groups seeking to attack the U.S. and its allies. Instead of being able to maintain a single-minded focus to find and root out the terrorists who committed the September 11 attacks and who continue to threaten American lives, the United States military, intelligence agencies, diplomatic corps, and the rest of the national security apparatus were forced to shift their primary attention to an issue that the facts reveal to have been far less urgent. While Saddam Hussein has been captured, Osama bin Laden remains at large and his al Qaeda organization continues to plan attacks against the U.S. homeland. Despite this imminent threat, the situation in Iraq remains the primary focus of our national security apparatus. The US has 130,000 troops now in Iraq and will likely need similar numbers for the foreseeable future if security in that nation is to be established and maintained.

Conclusion

It was not a conspicuous rationale before the war, but President Bush and members of his administration today note prominently that the Iraqi people are better off now than under the regime of Saddam Hussein. The security situation in Iraq, although still tenuous, would have to deteriorate significantly for that not to be the case. Yet, however noble a

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goal, freeing the Iraqi people was not the foremost reason presented to the American people for going to war. President Bush said Iraq was a threat to the United States and that removing Saddam Hussein from power was necessary to improve the security of Americans.

Are Americans safer today? Are Americans less likely to suffer a terrorist attack because Saddam is out of power? Can the U.S. military, intelligence agencies, and the remainder of our government better protect our citizens and interests around the world than it could before Operation Iraqi Freedom? Unfortunately, the answer to all these questions is no. But they are questions that are appropriately posed to the Bush Administration – not the U.S. Intelligence Community – in the aftermath of the Iraq war. These are the issues by which the decision to invade and occupy Iraq must be judged.

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**Additional Views
of
Senator Richard Durbin**

I voted in favor of this report because I believe that it makes a valuable contribution to our understanding of prewar intelligence related to Iraq. However, this report should be considered incomplete as the Committee's inquiry is far from finished.

In February of this year, the Committee voted to expand the scope of its inquiry to look into other essential aspects of intelligence related to the recent war in Iraq: (1) the collection of intelligence on Iraq from the end of the Gulf War to the commencement of Operation Iraqi Freedom; (2) whether public statements and reports and testimony regarding Iraq by U.S. Government officials made between the Gulf War period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information; (3) the postwar findings about Iraq's weapons of mass destruction (WMD) and weapons programs and links to terrorism and how they compare with prewar assessments; (4) prewar intelligence assessments about postwar Iraq; (5) any intelligence activities relating to Iraq conducted by the Pentagon's Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy; and (6) the use by the Intelligence Community of information provided by the Iraqi National Congress (INC). Hopefully, a thorough review of these issues will be completed and the Committee will issue a report on this second phase of our inquiry before Congress adjourns later this year.

While, on balance, I endorsed the report on the first phase of the Committee's inquiry into prewar intelligence on Iraq, I have several concerns regarding this document:

Accountability

The report appropriately identifies problem areas in the Intelligence Community's analysis and reporting relating to prewar intelligence on Iraq. However, I am concerned that the report does not cite responsibility more broadly for the intelligence failures related to Iraq. For example, the first overall conclusion in the report's WMD section states that "[a] series of failures, particularly in analytic tradecraft, led to the mischaracterization of the intelligence." While failures in analytic tradecraft are a significant part of the problems identified in this inquiry, responsibility for prewar intelligence related to Iraq is much broader. It's apparent that policymakers throughout the Executive Branch should have been more diligent in inquiring about the validity of Intelligence Community analytical assumptions and assessing the adequacy of intelligence collection and reporting related to Iraq WMD prior to the recent war.

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There is little in this report about policymakers questioning intelligence reporting related to Iraq WMD beyond Secretary of State Powell's examination of Iraqi intelligence in preparation for his February 2003 speech before the U.N. Security Council. But we know that dissenting or cautionary views regarding Iraq's WMD programs as contained in the October 2002 National Intelligence Estimate (NIE), *Iraq's Continuing Programs for Weapons of Mass Destruction* -- by the Department of Energy and State/INR regarding nuclear matters, and the Air Force regarding Unmanned Aerial Vehicles (UAVs) -- seemed to elicit comparatively few questions by policymakers. Analysis related to terrorism, which cited weak connections between Iraq and al-Qa'ida, elicited far greater questioning from policymakers. Undoubtedly, this was because the Administration had already decided to invade Iraq, and the WMD intelligence analysis supported that objective, while the terrorism analysis did not. It is a significant shortcoming of this report that the Committee did not undertake to interview senior policymakers to gain their perspective on prewar intelligence related to Iraq -- as well as the nature and extent of their interactions with Intelligence Community analysts.

The responsibility for problems related to prewar intelligence regarding Iraq should not be confined to intelligence analysts and their managers in the Intelligence Community, but to policymakers as well -- particularly those policymakers at the Department of Defense, the Department of State, the National Security Council and the White House. Nor should the intelligence oversight committees of the Congress, which are supposed to scrutinize intelligence analysis as part of their oversight mandate, be excluded from criticism. Former Deputy Director of Central Intelligence Richard J. Kerr, who conducted a review of prewar intelligence related to Iraq at the request of DCI Tenet, told the Committee:

If I were a Senator not on the oversight committee, I'd say you guys failed. What happened here? Why didn't you know more about this -- you, the Senate Select Committee -- which are our eyes and ears on intelligence? What did you do to deal with the issue? What did you do to systematically look and see if the resources were appropriate or the subjects were appropriate? ...I'm just saying you have an obligation there too.

I am also concerned that there are several instances in the report where the CIA -- and the Director of Central Intelligence in particular -- are either faulted for failings that should be shared by others, or are treated too harshly. For example, the section of the report dealing with allegations related to the Niger uranium issue contains a conclusion that "[t]he DCI should have taken the time to read the State of the Union speech and fact check it himself. Had he done so, he would have been able to alert the National Security Council if he still had concerns about the use of the Iraq-Niger uranium reporting in a Presidential speech."

[REDACTED]

As the senior White House official in charge of vetting national security issues for the President's January 2003 State of the Union address, Deputy National Security Advisor Stephen Hadley led the interagency coordination and clearance process that produced the President's speech. It is in this capacity that the Deputy National Security Advisor could have prevented the language on the uranium reporting from being included in the State of the Union address. Approximately four months earlier, prior to the President's October 2002 Cincinnati speech, DCI Tenet telephoned Deputy National Security Advisor Hadley directly and asked that similar language be removed from that public speech. Mr. Hadley, along with Director Tenet, has publicly accepted responsibility for the State of the Union incident. If the Committee is insistent on faulting Director Tenet for this incident, in fairness, it should have faulted Mr. Hadley as well.

Similarly, I think the report is unduly harsh on the CIA in a conclusion in the overall WMD conclusions section which states: "[t]he CIA, in several significant instances, abused its unique position in the Intelligence Community, particularly in terms of information sharing, to the detriment of the Intelligence Community's prewar analysis concerning Iraq's weapons of mass destruction programs." It's one thing to fault the CIA for lack of information sharing, but it seems excessive to charge them with abuse. Several other conclusions in this section of the report paint their criticism with too broad a brush. For example, the report criticizes the Intelligence Community for having a "broken corporate culture" and faults the CIA for needing "dramatic changes in a risk averse corporate culture" when it comes to undertaking difficult HUMINT operations -- at a time when numerous intelligence officers are bravely serving in dangerous conditions around the world. Rather than make these sweeping condemnations, we need to devote more time and effort to understand why things went wrong regarding prewar intelligence on Iraq.

Pressure

The report's first WMD pressure conclusion notes that "[t]he Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's WMD capabilities." The conclusion section goes on to describe two analysts who related to the Committee episodes that they believed constituted pressure. It turned out that those episodes were unrelated to Iraq. Our inquiry should have ended there. Instead, in the case of a Department of State/INR analyst, the conclusion section in the report rebukes the analyst for the temerity of raising a policy question with a State Department Under Secretary, on a matter outside the scope of our inquiry. Furthermore, the Committee's reproach is based on little knowledge about the actual incident, not having interviewed all the individuals and reviewed all the documents involved. This knowledgeable analyst was cooperative with our inquiry, appearing several times for interviews, and provided useful insights into analysis related to Iraq's WMD programs -- which were extensively incorporated into the Committee's report. To treat someone in such a gratuitous fashion, particularly in a widely

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disseminated report, does not enhance the likelihood that Intelligence Community personnel will be willing to cooperate with the Committee in the future.

The President's Summary of the NIE

Concurrent with the production of a National Intelligence Estimate is the production of a one page President's Summary of the NIE. A one page President's Summary was completed and disseminated for the October 2002 NIE, *Iraq's Continuing Programs for Weapons of Mass Destruction*, though there is no mention of this fact in the report. These one page NIE summaries are drafted by members of the National Intelligence Council's Analysis and Production Staff and are based on and consistent with the NIE. They are, however, written exclusively for the President and senior policymakers and are therefore tailored for that audience. Unlike NIE Key Judgments which are coordinated by agency representatives, President's Summaries are coordinated by the National Foreign Intelligence Board principals.

In denying the Committee's request for a copy of the President's Summary of the October 2002 NIE, the CIA stated that "we will not provide any materials written exclusively for the President or for the PDB [President's Daily Brief] readership." However, the Committee has also been informed by the CIA that 80 copies of the President's Summary were distributed to the White House -- indicating that the document was not intended "exclusively" for the President, and apparently far exceeding the PDB readership at the White House. The President's Summary contains no intelligence beyond that contained in the widely disseminated NIE, and does not set forth policy advice that could be considered privileged.

While the Committee staff were permitted to take notes from the President's Summary, the full document should have been provided to the Committee. Furthermore, there is no reason the President's Summary should not be declassified in its entirety and publicly released. In determining what the President was told about the contents of the NIE dealing with Iraq's weapons of mass destruction -- qualifiers and all -- there is nothing clearer than this single page.

Administration officials' claims regarding Iraq

In his January 2002 State of the Union speech, the President identified Iraq, along with North Korea and Iran, as part of an "axis of evil." As the year progressed, it became clear from Administration public statements regarding Iraq's WMD programs that Iraq was considered a growing threat to the U.S. that should be addressed through military action.

- [REDACTED]
- June 1, 2002 -- In a graduation speech at West Point, President Bush stated: “[o]ur security will require all Americans to be forward-looking and resolute, to be ready for pre-emptive action when necessary to defend our liberty and to defend our lives.”
 - August 26, 2002 -- In a speech before the Veterans of Foreign Wars’ National Convention in Nashville, Tennessee, Vice President Cheney stated: “Many of us are convinced that Saddam will acquire nuclear weapons fairly soon. ...Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us. ...As former Secretary of State Kissinger recently stated, the imminence of proliferation of weapons of mass destruction, the huge dangers it involves, the rejection of a viable inspection system and the demonstrated hostility of Saddam Hussein combine to produce an imperative for preemptive action.”
 - September 8, 2002 -- In an interview on FOX News Sunday, Secretary of State Colin Powell stated that: “[t]here is no doubt that he has chemical weapons stocks... With respect to biological weapons, we are confident that he has some stocks of those weapons and he is probably continuing to try to develop more... With respect to nuclear weapons, we are quite confident that he continues to try to pursue the technology that would allow him to develop a nuclear weapon... So there’s no question that he has these weapons...”
 - September 8, 2002 -- In an appearance on NBC’s “Meet the Press”, Vice President Cheney stated: “...the more recent developments have to do with our now being able to conclude, based on intelligence that’s becoming available, some of it has been made public, more of it hopefully will be, that he [Saddam Hussein] has indeed stepped up his capacity to produce and deliver biological weapons, that he has reconstituted his nuclear program to develop a nuclear weapon, that there are efforts under way inside Iraq to significantly expand his capability. ...He [Saddam] has and continues to conduct himself in a way that is fundamentally threatening to the United States. Now, if he doesn’t have any significant capability, you don’t have to worry about it. He’s just a blow hard out in Iraq. ...[W]e believe that he is a danger, a fundamental danger, not only for the region but potentially the United States, as well. And I say, a lot of that is based on the evidence that’s now available, that he is working actively to improve his biological weapons program and his nuclear weapons program.”

The Background to the October 2002 NIE

Because of the Administration’s growing drumbeat regarding the threat posed to our country by Iraq -- and the Administration’s apparent determination to address this

[REDACTED]

perceived threat by military force -- I wanted to know what the Intelligence Community's coordinated assessment was of the threat posed by Iraq.

As a Member of the Senate Select Committee on Intelligence (SSCI), I was concerned that Administration statements were painting a more ominous view of Iraq's threat to the United States than was reflected in the intelligence analysis. We rely on the Intelligence Community to make the most thorough and unbiased analytical assessment of threats facing our country. I was particularly concerned that neither the Intelligence Community nor policymakers in the Administration had initiated the production of a National Intelligence Estimate (NIE) on Iraq's WMD programs. NIEs are the Director of Central Intelligence's most authoritative written judgments concerning national security issues. They contain the coordinated judgments of the Intelligence Community regarding the likely course of future events. I believed that as part of the on-going national debate on the nature and extent of the threat to the U.S. posed by Saddam Hussein, policymakers in both the Executive Branch and the Congress would benefit from the production of a coordinated, consensus analytical document produced by all relevant components of the Intelligence Community on the status of Iraq's WMD infrastructure.

On September 9, 2002, I sent a letter to Director of Central Intelligence George Tenet requesting that he "direct the immediate production of a National Intelligence Estimate [NIE] assessing the current and projected status -- over the next 10 years -- of Iraq's weapons of mass destruction capabilities. This NIE should include, but not be limited to, an assessment of Iraqi capabilities in the areas of biological weapons, chemical weapons, nuclear and radiological weapons, ballistic missiles and other systems capable of delivering weapons of mass destruction and any basis for believing that Iraqi leaders would share these weapons with terrorist groups, such as al-Qaeda." I also requested that an unclassified summary of this NIE be produced "so the American public can better understand this important issue." Senate Select Committee on Intelligence Chairman Bob Graham sent a letter dated September 10, 2002 to DCI Tenet requesting, among other things, the production of an NIE on Iraq's WMD programs. Other SSCI colleagues subsequently echoed this request for an NIE.

During the weeks of September 2002 when the NIE was being produced, the Administration continued its alarmist rhetoric regarding the threat posed to the U.S. by Iraq's WMD, and what the Administration was likely to do to address this threat:

- September 12, 2002 -- In a speech before the United Nations General Assembly, President Bush stated: "...We know that Saddam Hussein pursued weapons of mass murder even when inspectors were in his country. Are we to assume that he stopped when they left? The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regimes's good faith is

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to bet the lives of millions and the peace of the world in a reckless gamble. And this is a risk we must not take.”

- September 17, 2002 -- President Bush approved his Administration’s National Security Strategy (released on September 20, 2002), outlining a policy of preemption to deal with rogue states and terrorists harboring weapons of mass destruction. The Strategy states: “[t]he United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction -- and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.”
- September 18, 2002 -- In testimony before the House Armed Services Committee, Chairman of the Joint Chiefs of Staff, General Richard Myers stated: “...let me just add that when you think about Iraq developing nuclear weapons, and the fact that they have an active ballistic missile production program, that when you put those two things together, you have to be very, very worried, like the secretary says. And I would say that it makes a very bad strategic situation, given that he has chemical and biological weapons, it makes a very, very bad strategic situation for his neighbors much worse.”
- September 19, 2002 -- In open testimony before the Senate Armed Services Committee, Secretary of Defense Rumsfeld stated: “He [Saddam] has amassed large clandestine stockpiles of biological weapons, including anthrax, botulism toxin, and possibly smallpox. He has amassed large clandestine stockpiles of chemical weapons, including VX, sarin, and mustard gas. His regime has an active program to acquire nuclear weapons. His regime has dozens of ballistic missiles and is working to extend their ranges, in violation of U.N. restrictions. He has in place an elaborate organized system of denial and deception to frustrate both inspectors and outside intelligence efforts. ...We do know that the Iraqi regime has chemical and biological weapons of mass destruction, that they’re pursuing nuclear weapons, that they’ve a proven willingness to use those weapons... ...We do know that Saddam Hussein has been actively and persistently pursuing nuclear weapons for more than 20 years, but we should be just as concerned about the immediate threat from biological weapons. Iraq has these weapons.”
- September 20, 2002 -- At a White House press briefing, White House Spokesman Ari Fleischer stated: “[n]o nation represents the threat to peace on earth the way Iraq does because of its attempt to get weapons of mass destruction and because of

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its militaristic recent history, where it has shown a willingness and an ability to invade its neighbors and attack its neighbors. No other nation is like that.”

- September 28, 2002 -- In a radio address to the nation, President Bush stated: “[t]he danger to our country is grave and it is growing. The Iraqi regime possesses biological and chemical weapons, is rebuilding the facilities to make more and, according to the British government, could launch a biological or chemical attack in as little as 45 minutes after the order is given.”

It was clear from such comments that Administration policymakers were not looking for the Intelligence Community’s consensus conclusions regarding Iraq’s WMD programs -- the President, the Vice President, Secretary of Defense Rumsfeld and General Myers had already reached their own conclusions, including that the U.S. needed to go to war to neutralize the perceived Iraqi threat. An analyst informed the Committee that a subtext for Intelligence Community analysts’ approach to producing the October 2002 NIE was that a decision had, in his view, already been made by the Administration to go to war against Iraq:

I would also say that this NIE was written -- the going-in assumption was we were going to war, so this NIE was to be written with that in mind. We were going to war, which meant American men and women had to be properly given the benefit of the doubt of what they would face.... ...That was what was said to us. We’re going to war. This is about going to war and giving the combatant commander an estimate on which he can properly organize. ...Remember, the conops [concept of operations] had already been published. ...[Y]ou have to understand that from an executive branch [perspective,] it’s about planning. The conop order had been given months before, months. Deployments had already begun.

After the completed NIE was delivered to the Committee on October 1, 2002, I reviewed the Estimate and attended several hearings and briefings by Intelligence Community officials regarding the information contained in the document. While I was certainly concerned about the threat posed by Iraq’s WMD programs as described by the Intelligence Community, I was not at all convinced that Iraq posed an imminent threat to our nation. And to my knowledge, no U.S. Intelligence Community analyst or official suggested at the time that Iraq’s WMD programs posed an imminent threat to the United States. For example, I noted that there was not a consensus among Intelligence Community components regarding the most potentially threatening element of Iraq’s WMD infrastructure -- Iraq’s nuclear program. The Department of Energy, which retains the greatest Intelligence Community expertise regarding nuclear programs, along with the Department of State’s Intelligence and Research Bureau (INR), did not agree that

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Baghdad's pursuit of aluminum tubes was related to a uranium enrichment effort as part of a nuclear weapon program, but was more likely intended for conventional weapons uses.

On October 3, 2002, the Senate began debate on S.J.Res. 45 "to authorize the use of military force against Iraq." Because I believed there was a paucity of intelligence, as reflected in the NIE, that Iraq's WMD programs posed an imminent threat to the U.S. -- and certainly not to the level of urgency as was reflected by Administration statements, I offered an amendment to the resolution on October 10 which would have authorized the use of military force against Iraq only to address an "imminent threat" by Iraq's weapons of mass destruction, instead of counteracting a "continuing threat" by Iraq. My amendment was rejected by the Senate by a vote of 30-70. On October 11, 2002, I voted against the resolution authorizing the use of force against Iraq, which passed in the Senate by a vote of 77-23.

It should be noted that, for the most part, this report ends its examination of prewar intelligence as it relates to Iraq's WMD programs with intelligence reporting that supported the production of the Iraq WMD NIE -- which was completed on October 1, 2002. This excludes the intelligence reporting on Iraq's WMD infrastructure that was generated between that time and the commencement of hostilities with Iraq in March 2003 (a period which included the return of U.N. inspectors to Iraq). Examination of the October 2002 NIE, while important, should not be considered the end of the story regarding WMD intelligence leading up to the war. And within several months of the initiation of the war, it became increasingly clear that the threat posed by Iraq's WMD programs, as described in the October 2002 NIE, was grossly exaggerated.

The Fallacy of Preemption

The apparent failure of the Intelligence Community to accurately assess the nature and extent of Iraq's WMD programs vividly highlights the fallacy of a foreign policy based on preemption. As former weapons inspector David Kay stated: "If you cannot rely on good, accurate intelligence that is credible to the American people and to others abroad, you certainly can't have a policy of preemption." (FOX News Sunday, February 1, 2004) The Iraq intelligence experience has completely undermined the Administration's preemption policy, and has done serious damage to America's reputation around the globe.

The Need for an In-Depth Review of the Intelligence Community

The Intelligence Community has experienced two significant failures in the last several years -- the September 11, 2001 terrorist attacks against the United States and prewar intelligence related to Iraq. This Fall will mark the three year anniversary of the September 11, 2001 terrorist attacks against the United States and the two year anniversary of the production of the October 1, 2002 NIE on Iraq's weapons of mass destruction,

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which was shown to have been inaccurate over a year ago. (The historic House and Senate Joint Inquiry into the September 11, 2001 terrorist attacks issued a report in December 2002 which contained recommendations for Intelligence Community reform.) These intelligence failures point to the compelling need for the Committee to undertake an in-depth review of the Intelligence Community's structure and effectiveness, and based on the results of such a review, initiate appropriate reforms. Given the national security challenges facing our country, this important undertaking should have begun long ago. Time is not on our side.

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**Additional Views
of
Senator Barbara A. Mikulski**

The Urgency of Reforming U.S. Intelligence

Over the past two years, the Senate Select Committee on Intelligence has investigated and completed reports on two of the most significant intelligence failures in America's history – the September 11th attacks and intelligence leading up to the war in Iraq. I endorse the bipartisan, unanimous report of the Intelligence Committee on intelligence leading up to the war in Iraq, as I did the December 2002 report by the Joint Inquiry on intelligence activities prior to September 11th.

The report on pre-Iraq war intelligence explains in detail what went wrong with the collection and analysis of intelligence leading up to the war. The purpose of these additional views is to outline recommendations for where we go from here.

The investigation, its report and conclusions must be a clarion call for reform. Our national security, our national honor and our standing in the world depend such action. We must be as energetic, as far reaching and as vigorous in our reform efforts as we were in the investigation of intelligence failures.

The Importance of Accurate and Timely Intelligence

Now more than ever, the security of our nation depends on timely and reliable intelligence. We depend on intelligence to detect, disrupt and deter terrorist attacks, and to help policymakers make the right decisions about diplomacy and deployment of troops.

The full report of the Intelligence Committee makes clear that the intelligence leading up to the war in Iraq was seriously flawed. Our intelligence agencies were wrong about Iraq's weapons of mass destruction, wrong about what our troops would face in the aftermath of war and wrong about how and when Iraq would move to a stable, democratic system. Errors were not limited to the CIA. They also occurred at the Departments of Defense and State.

Two of the world's other great intelligence services – those of the UK and Israel – were also in error. These countries have already begun a process of self-examination and reform. So must we.

For our own country, these intelligence failures were not small, insignificant or isolated. There are persistent, systemic problems with how we gather and analyze

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intelligence, and how that intelligence is used to formulate policy.

In the case of Iraq, flawed intelligence was fuel for activating the policy of pre-emption. The men and women of our armed forces were put, and remain, in harm's way – perhaps needlessly. Relationships with our treasured allies are frayed. These are grave and severe consequences.

That is why I believe it is not sufficient to merely analyze what went wrong. That analysis must be a starting point for reform.

Since the attacks of September 11, we have seen a few modest changes in our intelligence procedures. For example, progress has been made on the consolidation of watch lists so terrorists who seek to cross our borders can be identified. Intelligence agencies report improved information sharing and increased personnel dedicated to intelligence analysis. These are steps in the right direction. But more needs to be done.

Modernization of our intelligence community cannot be slow or timid. Reform must be undertaken with a sense of urgency. It must be broad, deep and authentic. America's intelligence professionals are capable and dedicated. They often do their jobs in dangerous and difficult circumstances. They need strong leadership, a renewed focus on mission, and clear lines of authority and accountability to excel.

Structural, organizational and jurisdictional reforms must be made and will be made. But, the goal ultimately is to create an environment and a culture where truth to power is spoken from the bottom to the top.

Ideas for Reform

There are many ideas for reform. All should be carefully and thoroughly considered, including the following:

1. *Give the Director of Central Intelligence (DCI) authority over all intelligence agencies.*

Elevating the DCI to a true position of authority over the entire intelligence community -- and the entire intelligence budget -- is the first step to an integrated intelligence community free from turf battles, internal rivalries and tunnel vision.

Today's DCI is not empowered to provide strategic direction or management oversight over the entire intelligence community. Organizational authority is dispersed among fourteen different agency directors. The vast majority of intelligence funds – 80 percent – are controlled by the Department of Defense. This is a dysfunctional structure. The DCI cannot deploy intelligence resources in the most efficient and effective manner when his recommendations may be ignored by the Department of Defense.

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This new DCI should be appointed to five or six year terms – similar to the term of the Federal Reserve Board Chairman – to ensure independence of the DCI. If it is important to ensure independence of monetary policy, it is important to ensure independence of our intelligence community.

2. *Institute and formalize procedures for alternative analysis.*

Even the best analysts need to have their work checked and challenged by others. The best way to vet assumptions, information and sources is to open them up to scrutiny and initiate a “devil’s advocate” or red team mechanism. Experts who do not have a vested interest in any particular agency or outcome should be part of this process.

3. *Create an intelligence community Inspector General.*

There is no single Inspector General with oversight of the intelligence community. Instead, there are individual IGs spread across the 15 intelligence agencies. Creating an Inspector General position empowered to identify and investigate problems throughout the intelligence community should be considered.

4. *Improve congressional oversight.*

Congress must make a number of structural changes to better oversee the intelligence agencies. First, we should consider modifying the term limits of members on the Intelligence Committee. It takes time for members to learn and understand the intelligence agencies. We need a system that retains the benefits of experience and knowledge while still bringing in fresh ideas and perspectives of new members.

Second, the jurisdiction of the Intelligence Committee needs examination. The Intelligence Committee has no budgetary authority over large segments of the intelligence community. For example, 80% of intelligence funds are controlled by the Department of Defense and fall under the jurisdiction of the defense committees. The FBI falls under jurisdiction of the Judiciary Committee. Some of these functions may be more appropriately reviewed by the Intelligence Committee. How to organize ourselves so the Intelligence Committee has sufficient authority and broad oversight is a question to be explored and examined.

Conclusion

The investigation of the Intelligence Committee shows that the intelligence failures leading up to the war in Iraq were serious and pervasive. So were the failures prior to the September 11th attacks. While the investigations will continue, reform must begin. There can be no delay when the safety and security of America and Americans are at stake.

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The goal of review and reform is to build 21st century intelligence agencies that America and the world can rely on, with the best trained, best led people and a congress that does its due diligence with the most efficient and effective jurisdictional oversight structure.

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