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U.S. GOVERNMENT
INFORMATION
GPO

108th Congress
2d Session

SENATE

S. Report
108–301

REPORT

OF THE

SELECT COMMITTEE ON INTELLIGENCE

on the

U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ

together with

ADDITIONAL VIEWS

July 9, 2004.—Ordered to be printed

VerDate jul 14 2003 22:16 Jul 09, 2004 Jkt 094712 PO 00000 Frm 00001 Fmt 6015 Sfmt 6015 E:\HR\OC\SR301.XXX SR301

U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ

VerDate jul 14 2003 22:16 Jul 09, 2004 Jkt 094712 PO 00000 Frm 00002 Fmt 6019 Sfmt 6019 E:\HR\OC\SR301.XXX SR301

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TABLE OF CONTENTS

I. INTRODUCTION 1
A. *Understanding Intelligence Analysis* 4
1. Developing Professional Intelligence Analysts 4
2. An Analyst's Daily Taskings 7
3. The Finished Product 7
B. *Weapons of Mass Destruction Capabilities* 8
1. What is an NIE? 9
2. The 2002 NIE on Iraq's Continuing Programs for Weapons of Mass Destruction 12
3. Overall Conclusions – Weapons of Mass Destruction 14
C. *Iraq's Ties to Terrorism* 29
1. Overall Conclusions – Terrorism 32

II. NIGER 36
A. *The Original Niger Reporting* 36
B. *Former Ambassador* 39
C. *Continuing Analysis* 47
D. *The British White Paper* 49
E. *The National Intelligence Estimate* 51
F. *The Cincinnati Speech* 55
G. *The Niger Documents* 57
H. *The Fact Sheet* 60
I. *The State of the Union* 64
J. *Secretary Powell's UN Speech* 66
K. *Niger Conclusions* 72

III. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S NUCLEAR PROGRAM 84
A. *Background* 84
B. *Nuclear Reconstitution* 85
1. Aluminum Tubes 87
a. *The National Intelligence Estimate* 95
b. *Other Assessments of the Tubes* 115

[redacted]

2. **Procurement Attempts for Magnets, High-Speed Balancing Machines and Machine Tools** 119
3. **Iraq's Efforts to Re-Establish and Enhance Its Cadre of Weapons Personnel as well as Activities at Several Suspect Nuclear Sites** ... 120
a. *The Iraqi Atomic Energy Commission is Expanding the Infrastructure – Research Laboratories, Production Facilities, and Procurement Networks – to Produce Nuclear Weapons* 121
b. *Many of Iraq's Nuclear Scientists Recently Have Been Reassigned to the IAEC* 121
c. *Renewed Regular Contact Between Saddam and the IAEC, as Well as Enhanced Security, Suggests the IAEC is Again the Focal Point of Saddam's Nuclear Program* 122
d. *Activity at Several Suspect Nuclear Sites* 124

C. Niger 125
D. Explaining Uncertainties 126
E. Intelligence Agencies' Analysis on Reconstitution Prior to Publication of the NIE 126
F. Analysis of Iraq's Currently Accurate, Full and Complete Disclosure 128
G. Nuclear Conclusions 129

IV. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S BIOLOGICAL WEAPONS PROGRAM 143
A. Background 143
B. Baghdad Has Transportable Facilities for Producing Bacterial and Toxin BW Agents 148
1. **Other Sources** 150
2. **CURVE BALL** 152
(b) 3. [redacted] 157
4. **INC Source** 160
(b) 5. [redacted] 161
6. **Intelligence Community Mind Set Concerning Mobile BW Programs** 161

C. Baghdad Has Been Able to Renovate and Expand its Fixed Dual-Use BW Agent Production Facilities 162
1. **Amiriyah Serum and Vaccine Institute** 163
2. **Habbaniyah I Castor Oil Plant** 164

3. Dawrah Foot and Mouth Disease Vaccine Production Plant 165
D. We Assess That Iraq Has Some BW Agent and Maintains the Capability to Produce a Variety of BW Agents 166
1. Smallpox 166
2. Other Agents 170
E. In the Absence of UN Inspectors, Iraq Probably Has Intensified and Expanded Research and Development in Support of Iraq's BW Program. Baghdad Probably Has Developed Genetically Engineered BW Agents 175
(b) 1. Research Activity [redacted] 176
2. Reported BW Testing Near Qadisiyah Reservoir 177
F. We Assess That Baghdad Also Has Increased the Effectiveness of its BW Arsenal by Mastering the Ability to Produce Dried Agent 178
G. Iraq's Capability to Manufacture Equipment and Materials . . . and to Procure Other Necessary, Dual-use Materials . . . Makes Large-scale BW Agent Production Easily Attainable 179
1. Foreign Procurement 179
2. Indigenous Iraqi Efforts 181
H. The Nature and Amounts of Iraq's Stored BW Material Remain Unresolved by UNSCOM Accounting 182
I. We Judge That We Are Seeing Only a Portion of Iraq's WMD Efforts, Owing to Baghdad's Vigorous Denial and Deception Efforts 183
J. Explaining Uncertainties 184
K. Intelligence Agencies' Analysis of Iraq's Biological Weapons Program Prior to Publication of the NIE 185
L. Biological Conclusions 187

V. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S CHEMICAL WEAPONS (CW) PROGRAM 195
A. Background 195
B. Baghdad Has Chemical Weapons 199
C. We Judge That Iraq Is Expanding its Chemical Industry Primarily to Support Chemical Weapons (CW) Production 202
D. We Assess That Baghdad Has Begun Renewed Production of Mustard, Sarin, GF (Cyclosarin), and VX 204

[redacted]

E. Although We Have Little Specific Information on Iraq's CW Stockpile, Saddam Probably Has Stocked at Least 100 Metric Tons and Possibly as Much as 500 Metric Tons of CW Agents – Much of it Added in the Last Year 205
F. Iraq Had Experience in Manufacturing CW Bombs, Artillery Rockets, and Projectiles 206
G. Baghdad Probably Is Hiding Small-Scale Agent Production Within Legitimate Research Laboratories 206
H. Baghdad Has Procured Covertly the Types and Quantities of Chemicals and Equipment Sufficient to Allow Limited CW Production Hidden Within Iraq's Legitimate Chemical Industry 207
I. Chemical Weapons Defensive Posture and Procurements 208
J. Explaining Uncertainties 208
K. Intelligence Agencies' Analysis of Iraq's Chemical Weapons (CW) Prior to Publication of the NIE 208
L. Chemical Conclusions 211

VI. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S DELIVERY SYSTEMS 215
A. Background 215
B. Scud-Type Missiles 217
C. Iraq Was in the Final Stages of Development of the Al Samoud Missile (2000), May Be Preparing to Deploy the Al Samoud (2001), and Was Deploying the Al Samoud and Ababil-100 Short Range Ballistic Missiles, Both Which Exceed the 150-km UN Range Limit (2002) 218
D. Development of Medium-Range Missile Capabilities 220
E. Unmanned Aerial Vehicles (UAV) 221
F. Other Possible Missions for the UAVs 225
G. Using UAVs to Target the U.S. 227
(b) *H.* [redacted] 231
I. Explaining Uncertainties 231
J. Intelligence Agencies' Analysis of Delivery Systems Prior to Publication of the NIE 232
K. Delivery Conclusions 234

[redacted]

[redacted]

VII. IRAQ WEAPONS OF MASS DESTRUCTION INTELLIGENCE IN SECRETARY POWELL'S UNITED NATIONS SPEECH 239
A. Nuclear Program 242
B. Biological Weapons 243
C. Chemical Weapons 251
D. Delivery Systems 253
E. WMD Powell Conclusions 253

VIII. INTELLIGENCE COMMUNITY COLLECTION ACTIVITIES AGAINST IRAQ'S WEAPONS OF MASS DESTRUCTION 258
A. Human Intelligence (HUMINT) 260
B. Signals Intelligence (SIGINT) 264
C. Imagery Intelligence (IMINT) 265
D. Measurement and Signatures Intelligence (MASINT) 266
E. Impact of Increased Collection on Analysis 267
F. Collection Directives 268
G. CIA HUMINT Compartmentation 268
H. Weapons of Mass Destruction (WMD) Collection Conclusions 269

IX. PRESSURE ON INTELLIGENCE COMMUNITY ANALYSTS REGARDING IRAQ'S WEAPONS OF MASS DESTRUCTION (WMD) CAPABILITIES 272
A. Allegations of Influence 277
B. INR Analyst 277
C. Former INR Office Director 279
D. Defense Intelligence Agency (DIA) Senior Intelligence Analyst 280
E. Defense Intelligence Agency (DIA) Senior Intelligence Officer 282
F. Former Office of the Secretary of Defense (OSD) Desk Officer 282
G. Weapons of Mass Destruction (WMD) Pressure Conclusions 284

X. WHITE PAPER ON IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS 286
A. Differences Between the Classified NIE and Unclassified White Paper 290
1. Nuclear Weapons 290
2. Biological Weapons 291
3. Chemical Weapons 292
4. Delivery Systems 293

[redacted]

B. Primary Differences in the Key Judgments of the Classified National Intelligence Estimate (NIE) and Unclassified White Paper 294
C. White Paper Conclusions 295

XI. THE RAPID PRODUCTION OF THE OCTOBER 2002 NATIONAL INTELLIGENCE ESTIMATE ON *IRAQ'S CONTINUING PROGRAMS FOR WEAPONS OF MASS DESTRUCTION* 298
A. Rapid Production of the National Intelligence Estimate Conclusions 302

XII. IRAQ'S LINKS TO TERRORISM 304
A. Intelligence Products Concerning Iraq's Links to Terrorism 304
B. September and October 2001 Papers 304
C. Iraq and al-Qaida: Interpreting a Murky Relationship, June 2002 305
D. Alternate Analysis in the Office of the Under Secretary of Defense for Policy 307
E. Iraqi Support for Terrorism, September 2002 313
F. Iraqi Support for Terrorism, January 2003 314
G. CIA Assessments on Iraq's Links to Terrorism 314
H. Terrorist Activities Conducted by the IIS 315
I. Support for Regional Terrorist Groups 317
J. Iraq's Relationship with al-Qaida 321
K. Leadership Reporting 323
L. Detainee Debriefings – Comments on the Relationship 324
1. Abu Zubaydah 324
2. [redacted] 325
3. Khalid Shaikh Muhammad 325
M. Contacts Between the Iraqi Regime and al-Qaida 326
N. Training of al-Qaida by Iraq 329
1. [redacted] 330
2. Additional Reports from Varying Sources 331
3. [redacted] Reporting about Activity at Salman Pak 332
O. The Use of Iraq as a Safehaven 334
1. Discussions of Safehaven 335
2. Iraqi Regime Knowledge of al-Qaida Presence in Northeastern Iraq 336
3. Abu Mus'ab al-Zarqawi in Baghdad 337
P. Operational Cooperation Between Iraq and al-Qaida 338
1. 1993 World Trade Center Bombing 339
2. The September 11th Attacks 340

3. The Foley Assassination 341
Q. Iraq's Use of Terrorist Strikes in the Event of War with the United States 342
1. Saddam Hussein's Past Use of Terrorism 343
2. The Decision-Making Environment in Iraq 344
3. Iraq's Weapons Capabilities 344
R. Iraqi Links to Terrorism Conclusions 345

XIII. INTELLIGENCE COMMUNITY COLLECTION ACTIVITIES AGAINST IRAQ'S LINKS TO TERRORISM 350
A. Human Intelligence (HUMINT) 351
B. Signals Intelligence (SIGINT) 353
C. Terrorism Collection Conclusions 355

XIV. PRESSURE ON INTELLIGENCE COMMUNITY ANALYSTS REGARDING IRAQ'S LINKS TO TERRORISM 357
A. Allegations of Influence 359
1. CIA Ombudsman for Politicization 359
2. Office of the Under Secretary of Defense for Policy and "Alternative Analysis" 361
B. Terrorism Pressure Conclusion 363

XV. POWELL SPEECH – TERRORISM PORTION 366
A. Powell Speech Conclusions – Terrorism Portion 369

XVI. IRAQ'S THREAT TO REGIONAL STABILITY AND SECURITY 371
A. Background 371
B. IC Analysis on the Iraqi Threat 374
C. Agency Level Papers and Current Intelligence Products 375
D. Key Analysis Topics in Agency Level Documents 376
E. Review of IC Level Assessments 377
1. Summary of Assessments 1991 - 1994 378
2. Summary of Assessments 1995 - 1998 381
3. Summary of Assessments 1999 - 2003 386
F. Iraq's Threat to Regional Stability and Security Conclusions 391

XVII. SADDAM HUSSEIN'S HUMAN RIGHTS RECORD 394
A. Background 394
B. Highlights of The Intelligence Record 395
C. Collection and Analytical Approaches 400
1. Information Sources 400
2. Collection Issues 401
3. Analysis Processes 401
D. Saddam Hussein's Human Rights Record Conclusions 402

XVIII. THE INTELLIGENCE COMMUNITY'S SHARING OF INTELLIGENCE ON IRAQI SUSPECT WEAPONS OF MASS DESTRUCTION SITES WITH UNITED NATIONS INSPECTORS 404
A. Background 404
B. The Lead-up to Renewed Inspections 405
C. The Sharing of Information – the "Pull" Side of the Exchange 406
D. The Sharing of Information – the "Push" Side of the Exchange 407
E. Information Shared Compared to the Intelligence Community's Master Inspection List 410
F. Multiple Intelligence Community Lists 413
G. Statements Made by Administration Officials about the Sharing of Information 415
H. The Intelligence Community's Sharing of Intelligence on Iraqi Suspect Weapons of Mass Destruction Sites with United Nations Inspectors Conclusions 417

APPENDIX A 423

APPENDIX B 429

GLOSSARY 431

ACRONYMS & ABBREVIATIONS 437

ADDITIONAL VIEWS 441
Chairman Pat Roberts joined by Senator Christopher S. Bond,
Senator Orrin G. Hatch 441
Vice Chairman John D. Rockefeller IV, Senator Carl Levin
and Senator Richard Durbin 449
Senator Saxby Chambliss with Senator Orrin G. Hatch, Senator Trent Lott,
Senator Chuck Hagel and Senator Christopher S. Bond 465
Senator Olympia Snowe 470
Senator John Warner 476
Senator Dianne Feinstein 479
Senator Ron Wyden 489
Senator Richard Durbin 498
Senator Barbara A. Mikulski 508

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I. INTRODUCTION

(U) In June 2003, the Senate Select Committee on Intelligence began a formal review of U.S. intelligence into the existence of Iraq's weapons of mass destruction (WMD) programs, Iraq's ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his violations of human rights including the actual use of weapons of mass destruction against his own people, as a part of the Committee's continuing oversight of the intelligence activities of the United States.

(U) Committee staff had, for the previous several months, already been examining aspects of intelligence activities regarding Iraq, including the Intelligence Community's (IC's) intelligence support to the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) weapons inspections in Iraq and the IC's analysis and collection of reporting related to the alleged Niger-Iraq uranium deal. On June 20, 2003, however, Senator Pat Roberts, Chairman, and Senator John D. Rockefeller IV, Vice Chairman, of the Senate Select Committee on Intelligence released a press statement announcing their joint commitment to continue the Committee's thorough review of U.S. intelligence. Chairman Roberts and Vice Chairman Rockefeller said the Committee would examine:

- the quantity and quality of U.S. intelligence on Iraqi weapons of mass destruction programs, ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his repression of his own people;
- the objectivity, reasonableness, independence, and accuracy of the judgments reached by the Intelligence Community;
- whether those judgments were properly disseminated to policymakers in the executive branch and Congress;
- whether any influence was brought to bear on anyone to shape their analysis to support policy objectives; and
- other issues we mutually identify in the course of the Committee's review.

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With the exception of the question of accuracy, all of the foregoing are addressed in this report.

(U) On February 12, 2004, the Committee unanimously agreed to refine the terms of reference of the Committee's inquiry. In addition to the matters set forth in the joint release of the Chairman and Vice Chairman on June 20, 2003, the Committee agreed to examine additional issues in two phases. Issues annotated as phase one have been addressed in this report. Issues annotated as phase two are currently under review by the Committee. The additional issues are:

- the collection of intelligence on Iraq from the end of the Gulf War to the commencement of Operation Iraqi Freedom (phase I);
- whether public statements, 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 (phase II);
- the postwar findings about Iraq's weapons of mass destruction and weapons programs and links to terrorism and how they compare with prewar assessments (phase II);
- prewar intelligence assessments about postwar Iraq (phase II);
- any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy (phase I and II); and
- the use by the Intelligence Community of information provided by the Iraqi National Congress (INC) (phase I and II).

(U) In early June 2003, the IC provided the Committee with nineteen volumes (approximately 15,000 pages) of intelligence assessments and source reporting underlying the IC's assessments of Iraq's WMD programs, ties to terrorist groups, threat to stability and security in the region, and repression of its own people. Committee staff began immediately to read and analyze every report provided to determine how intelligence analysts reached their conclusions and whether any assessments were not supported by the intelligence provided to the Committee. In late August and early September 2003, Committee staff requested additional intelligence to support IC assessments which Committee staff had judged were not supported by the intelligence that had been previously provided.

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(U) The Committee began to receive this additional supporting intelligence in October 2003. In late October 2003, Committee staff requested that the IC provide any intelligence, which had not already been provided, that contradicted the IC's analyses regarding Iraq. For example, Committee staff requested intelligence that showed Iraq had not reconstituted its nuclear program, had not renewed production of chemical agents, and had abandoned an offensive biological weapons program. In early November 2003, the IC wrote to the Committee that it was working to provide the contradictory intelligence requested by Committee staff. In the same letter, the IC said it had uncovered an additional six volumes of intelligence material that supported the IC's assessments on Iraq's WMD programs. These materials were also reviewed by Committee staff. The IC provided the contradictory intelligence information in late November. During the twelve months of the Committee's review, Committee staff submitted almost 100 requests for supplemental intelligence information, received over 30,000 pages of documents in response to those requests, and reviewed and analyzed each document provided. The Committee's request to review Presidential Daily Briefs (PDBs) relevant only to Iraq's weapons of mass destruction capabilities and links to terrorists was denied by the White House. Without examining these documents, the Committee is unable to determine fully whether Intelligence Community judgments were properly disseminated to policymakers in the executive branch, one of the tasks outlined for review.

(U) Committee staff interviewed more than 200 individuals including intelligence analysts and senior officials with the Central Intelligence Agency (CIA), Defense Intelligence Agency, Department of Defense, Department of Energy, Department of State, National Ground Intelligence Center, the Air Force, and the Federal Bureau of Investigation. Staff also interviewed former intelligence analysts, National Intelligence Officers, operations officers, collection managers, signals intelligence collectors, imagery analysts, nuclear experts with the International Atomic Energy Agency, Ambassadors, former United Nations inspectors, Department of Defense weapons experts, State Department officials, and National Security Council staff members.

(U) The Committee held four preliminary hearings on aspects of U.S. intelligence on Iraq: the Iraq-Niger connection, the CIA and State Department Inspectors General report on the review of the Iraq-Niger issue, the history and continuity of weapons of mass destruction assessments pertaining to Iraq, and Iraq prewar intelligence.

(U) These efforts have enabled the Committee to develop a full understanding of the quantity and quality of intelligence reporting on Iraq's WMD programs, Iraq's ties to terrorist groups, Saddam Hussein's threat to stability and security in the region, and his violations of

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human rights including the actual use of weapons of mass destruction against his own people. The Committee has also gained an understanding of how intelligence analysts throughout the IC used that intelligence to develop their assessments on these issues, how those assessments were disseminated to policymakers, whether those assessments were reasonable, objective, independent of political consideration, and whether any influence was brought to bear to shape their analysis to support policy objectives.

A. Understanding Intelligence Analysis

(U) Over a period of one year, Committee staff, many of whom are former intelligence analysts, reviewed over a decade of Intelligence Community (IC) assessments and the intelligence that underlay them. In all cases our staff endeavored, to the greatest extent possible, to disregard post-war discoveries concerning Iraq until after completing the analysis of the prewar intelligence material in order to replicate the same analytical environment IC analysts experienced prior to the war. The Committee's review surfaced strengths and weaknesses throughout the intelligence process. These are identified in the Report's findings and conclusions.

(U) Intelligence analysis is not a perfect science and we should not expect perfection from our IC analysts. It is entirely possible for an analyst to perform meticulous and skillful analysis and be completely wrong. Likewise, it is also possible to perform careless and unskilled analysis and be completely right. While intelligence collection is not an analytical function, it is the foundation upon which all good analysis is built. Problems with collection priorities and management will be discussed in detail throughout the report.

(U) The Committee, therefore, believes that it is important to understand the role of analysts and how they learn and apply their craft. With that background, the Committee hopes the reader can fully appreciate the content of this report.

1. Developing Professional Intelligence Analysts

(U) In order to give context to the Committee's review of the Intelligence Community's (IC) prewar analyses, Committee staff spoke with senior CIA officers at the Sherman Kent School for Intelligence Analysis at the CIA. The CIA relies on the Kent School to teach new analysts the trade craft of analysis. Committee staff members also drew on their own experiences working in the IC's analytic community.

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(U) Kent School officials provided a briefing, slides, and a copy of the school's brochure to explain the school's approach and how analytic trade craft is presented to new CIA analysts. The training also address how the Directorate of Intelligence (DI) views the analytic process and the DI's structure.

(U) The CIA's Directorate of Intelligence requires its new analysts to complete a training program called the Career Analyst Program, or CAP. The CAP includes eleven weeks of classroom instruction and a five week interim assignment. The participants receive two weeks of training on analysis, three weeks on DI writing and one week each on briefing, teamwork, and the business of intelligence. (These are the core analytic trade craft areas.) The CAP also devotes time to task-force exercises and visits to U.S. military commands and other agencies to help the students develop a broader perspective on the role of intelligence analysis in policymaking. For the interim assignment, analysts consult with their "home offices" to choose an assignment that is relevant to the account they will cover as a DI analyst. They can work in other intelligence agencies, a policy office or in a law enforcement agency for their interim assignment.

(U) According to the school's brochure, "The CAP emphasizes the Directorate's goal: to produce analysis that is rigorous, well-reasoned, and appropriately caveated. The analytic thinking courses' focus on questioning key assumptions and considering possible explanations and outcomes. Analysts learn to be aware of psychological, cultural, and informational factors that affect their analytic judgments." Kent School officials stated that this training involves a very hands-on approach and many small exercises that help the analysts learn by doing. Instructors give the students a number of short classroom assignments, many of which are done in groups. Students receive extensive feedback from the instructors.

(U) The same is true for the development of the analysts' writing skills. The long brochure states, "DI writing style emphasizes the bottom line up front, precise and concise language, and a clear articulation of our judgments and our confidence in them." The analysts practice writing each of the types of products that the DI produces including situation reports and short and long papers. They also participate in a final four-day course on writing for the President and senior policymakers. The Kent School officials stated that many of these assignments use case studies, such as the attack on Pearl Harbor, the Cuban Missile Crisis, the bombing of Khobar Towers, the break-up of Yugoslavia and the September 11 attacks.

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(U) Kent School officials outlined the key analytic goals as:

- providing timely, credible, and relevant intelligence analysis for the consumer;
- warning and identifying opportunities;
- maintaining analytic integrity and objectivity; and
- using all source intelligence.

They also described the analytic process as 1) dealing with facts and assertions, 2) testing assumptions and logic, 3) developing findings, 4) interpreting information, 5) developing scenarios (to include both high probability/low impact and low probability/high impact), 6) determining indicators, and 7) discussing options to determine opportunities, identifying vulnerabilities and revealing potential outcomes.

(U) By using case studies and providing the CAP participants with the intelligence cables used by analysts to build their assessments, the instructors are able to help the new analysts develop their ability to weigh information and become accustomed to the format of the reporting and source descriptions. They also learn to task collectors, structure data for presentations, and recognize indicators of activities. They also learn to recognize the strengths and weaknesses of the various "INTs" – human intelligence (HUMINT), signals intelligence (SIGINT), imagery intelligence (IMINT), and measurement and signature intelligence (MASINT).

(U) The Kent School also incorporates a module which alerts new analysts to the pitfalls of assumptions and biases in their own analysis and in the work of others. Recognizing one's own bias is extremely difficult, however. Therefore, it is critical to develop a workforce of analysts that are comfortable questioning each other. While it is stressed in the initial training provided by the CAP, it appears to be the lesson that analysts neglect first.

(U) In her February 11, 2004 address to the Directorate of Intelligence, the Deputy Director for Intelligence (DDI) stated:

> I want to focus on the danger of inherited assumptions. That may be the single most important aspect of our trade craft that needs to be examined. That is something I speak about to every new CAP class: How do we ensure that we are not passing along assumptions that haven't been sufficiently questioned or examined?

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2. An Analyst's Daily Taskings

(U) In terms of day-to-day work, intelligence analysts review raw reporting, draft assessments, and disseminate those assessments to policy makers. Each written assessment may be drafted by one or several analysts who have reviewed raw reporting over a period of time. Intelligence collected by the CIA, Defense Intelligence Agency (DIA), National Security Agency (NSA), National Geospatial-Intelligence Agency (NGA) and in some cases, State Department diplomatic reporting, is reviewed daily by intelligence analysts using computer software that searches the various agencies' databases and produces a daily electronic read file for each analyst that is specific to their area of responsibility. In many instances, analysts from regional and functional offices, which cover issues that span across regions, such as terrorism, drug trafficking, and humanitarian issues, will read the same material and draw conclusions relative to their interests and responsibilities.

(U) Each IC agency that has an all-source analysis capability or responsibility will have one or more analysts reviewing intelligence reporting on the same issues. In an ideal situation, these analysts will be in regular contact over secure communications to discuss new information, to share ideas and to brainstorm about how the information can be presented to policymakers to best satisfy their requirements, however, this exchange does not always occur. The analysts are responsible for sifting through large amounts of information and drawing connections or reaching conclusions about the implications of the information at their disposal. Depending on the product, the analysis may be coordinated with other IC members, but in many instances, each agency produces its own finished products which are subject to review and editing by its own internal management.

3. The Finished Product

(U) Analysts create their products for intelligence consumers, including policy makers and warfighters, to name two of many. While DIA products are generally intended for the Secretary of Defense, CIA products for the White House, and the State Department's Bureau Intelligence & Research products for the Secretary of State, most products are available to policy makers at each of these agencies regardless of the author's organization. The vast majority of intelligence products are available to the Congress as well.

(U) It is important to note that in many cases the manager responsible for approving the final product may not, and often does not, review the raw intelligence upon which the assessment is based. Kent School officials who have worked as branch chiefs or division managers stated,

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however, that products are reviewed more carefully when the drafter is a relatively new analyst. When the drafter is a more senior, well-established analyst, the product will often be edited, but not substantively reviewed before it goes up the chain to the policymaker. If the intelligence product was not coordinated with other intelligence agencies, it is entirely possible that one analyst's views may be presented to high-level officials including the President of the United States without having been reviewed by other analysts with the same depth of knowledge. This is a dynamic we found on a number of occasions in the course of this review.

B. Weapons of Mass Destruction Capabilities

(U) The Weapons of Mass Destruction (WMD) related sections of the report recount the Committee's efforts to evaluate the quantity and quality of the intelligence underlying prewar assessments. Each section contains its own set of conclusions. There is also a separate section on the issue of objectivity which addresses whether analysts were pressured to reach specific conclusions to support a particular policy objective. This report does not address the question of accuracy regarding WMD. When the Iraq Survey Group (ISG) completes its work in Iraq, we will then be able to evaluate to the maximum extent possible the accuracy of the IC's judgments prior to the war.

(U) The Committee focused its evaluation of the Intelligence Community's WMD analysis primarily on the October 2002 National Intelligence Estimate (NIE): *Iraq's Continuing Programs for Weapons of Mass Destruction.* This document was selected for several reasons:

- First, according to the National Intelligence Council (NIC) and the Director of Central Intelligence (DCI), National Intelligence Estimates (NIE) are the IC's most authoritative written judgments concerning national security issues. The process by which the IC produces NIEs – including the one on Iraqi WMD – has been honed over nearly 30 years. According to the Central Intelligence Agency's (CIA) webpage, it is designed to provide policymakers in both the executive and legislative branches with the "best, unvarnished, and unbiased information – regardless of whether analytic judgments conform to U.S. policy."

- Second, the 2002 NIE addressed all of Iraq's WMD programs and was a coordinated community judgment in which all agency views were represented and dissenting opinions were noted.

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- Third, the 2002 NIE was comprehensive, encompassing more than ten years of source reporting and analysis. The intelligence documentation provided to the Committee to support the assessments in the 2002 NIE also included the documents which were the basis for the previous decade of analytical products on Iraq's WMD programs.

- Fourth, the 2002 NIE presented some new IC assessments, some of which shifted in significant ways from previous judgments regarding Iraq's WMD programs.

- Finally, the 2002 NIE was requested by Senate Select Committee on Intelligence (SSCI) Members so that policymakers could benefit from the IC's coordinated judgment on Iraq's WMD programs while they debated authorizing military action against Iraq.

(U) Since June 2003, Committee staff has worked through a decade of intelligence assessments on Iraqi WMD programs and the intelligence source reporting used by IC analysts to make those assessments – over 20,000 pages of documents. Committee staff interviewed over 160 people, including intelligence analysts from every agency involved in preparing WMD assessments on Iraq, ambassadors, operations officers, collection managers, nuclear experts with the International Atomic Energy Agency (IAEA), former United Nations (UN) inspectors, Department of Defense (DoD) weapons experts, State Department officials, and National Security Council (NSC) staff members.

(U) These efforts have enabled Committee staff to develop a full understanding of the body of intelligence on Iraq's WMD capabilities and an understanding of how intelligence analysts throughout the IC used that body of intelligence reporting to develop their assessments, particularly those in the 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction.*

1. What is an NIE?

(U) A National Intelligence Estimate is the IC's most authoritative written judgment concerning a specific national security issue. The Estimates are intended to provide policymakers in both the executive and legislative branches with the best, unvarnished, and unbiased information – regardless of whether analytic judgments conform to any particular policy objective.

(U) A 2003 NIC paper on the NIE process stated that an NIE is ". . . the most authoritative written means by which the Director of Central Intelligence conveys to the

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President and other senior leaders the judgments of the entire Intelligence Community regarding national security issues." Sherman Kent,[1] a former Chairman of the Board of National Estimates, described the purpose and importance of NIEs in an essay in 1976, which noted that the NIE

> . . . was and is the Director's estimate, and its findings are his. Although many experts from perhaps all intelligence components of the community participated in the production of the papers in the NIE series, and although the intelligence chiefs themselves formally passed on the final text, they could not bend its findings to suit their own judgments contrary to the will of the DCI. They could try to win him to their sides by full and free discussions, but they could not outvote him and force him to join them, nor could they make him dissent from them . . . they could of their own accord concur with his findings or, not being able to, they could dissent and make their alternative views known in footnotes to his text.

(U) NIEs and the formal process by which they are produced, were established in the 1950s. An NIE can be requested by a variety of individuals, including members of the executive branch, members of Congress, and military commanders. After an NIE has been requested and authorized, the next step is the preparation of a document which has come to be called the Terms of Reference (TOR). According to a 1994 NIC paper describing NIE drafting guidelines, the TOR is an outline of the "issues and key questions to be covered in the Estimate." Sherman Kent describes the TOR as a "statement of precisely what was wanted."

(U) An officer of the NIC, typically the National Intelligence Officer (NIO) with responsibility for the substantive issue being examined in the NIE, is given responsibility for managing the NIE from its initial drafting, through the coordination process with the national intelligence agencies, to final approval. The officer presiding over the drafting of the NIE can draw on the staff of the NIC as well as the national intelligence agencies to write the draft.

(U) The 1994 NIE drafting guidelines state that an NIE can be drafted by an IC analyst, a member of the NIC staff, a deputy NIO, or an outside expert. After the draft has been reviewed within the NIC staff, it is then sent to the national intelligence agencies where each agency's appropriate subject matter experts review the draft and prepare their comments. Agency

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[1] *Sherman Kent and the Board of National Estimates: Collected Essays*, (Http://www.odci.gov/csi/books/shermankent/inst.html). From 1952 to 1967, Sherman Kent was the Chairman of the Board of National Estimates, which would later become the National Intelligence Council.

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comments are then carried forward to the first interagency coordination session. At this and any successive coordination sessions, the goal is to produce a draft that, without unnecessary hedging or ambiguity, reflects the collective judgment of the IC. In the event any of the agency representatives find a part of the NIE with which they do not concur, they are free to argue their case before their colleagues in order to sway them. If they fail to convince their colleagues, they are free to draft a dissenting footnote. Once the agency representatives arrive at a consensus paper, with or without footnotes, this final draft is usually submitted to IC peers and to a panel of IC experts for their review. A summary of the outside experts' views is included in the NIE. The NIC front office reviews the final draft prior to forwarding it to the National Foreign Intelligence Board (NFIB) principals for their approval. The NFIB is composed of senior representatives of the IC organizations involved in the collection, processing and analysis of intelligence[2] and is chaired by the DCI. The senior representatives of the military intelligence services may also attend as members of the NFIB when matters under their purview are considered and may attend other NFIB sessions as observers. The NFIB typically approves the NIE the same day it is presented.

(U) The 1994 NIE drafting guidelines described three rough time frames for the production of an NIE: a "fast track" of two to three weeks, a "normal track" of four to eight weeks, and a "long track" of two months or more. The Vice Chairman of the NIC told Committee staff that an NIE prepared within 60 days would be considered very fast, and that typically NIE's take three to six months. Sherman Kent noted in his essay that prior to 1976, NIE's had historically taken up to six to eight months to produce, but under conditions of urgency the time line has been considerably shortened. For example, during the Suez crisis of 1956, the Soviets sent a threatening note to Britain and France, who, along with the Israelis, had begun an attack on Egypt. The acting DCI convened the heads of the national intelligence agencies to develop an NIE to provide the IC's appraisal of Soviet intentions. There were no TORs and a draft was produced in about 30 minutes. The draft was immediately presented to the heads of the IC, who discussed and cleared the NIE within a few hours. The NIOs told Committee staff that ideally they would like about three months to produce an NIE.

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[2] The members of the NFIB are the DCI; Deputy Director of Central Intelligence (DDCI); Associate Director of Central Intelligence for Military Support; Assistant Secretary for Intelligence and Research (INR), Department of State; Deputy Director for Intelligence (DDI), Central Intelligence Agency (CIA); Director, Defense Intelligence Agency (DIA); Director, National Security Agency (NSA); Director, National Geospatial-Intelligence Agency (NGA); Executive Assistant Director, Federal Bureau of Investigation (FBI); Director, Office of Intelligence, Department of Energy (DOE); Special Assistant to the Secretary of the Treasury; Chairman, National Intelligence Council.

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2. The 2002 NIE on Iraq's Continuing Programs for Weapons of Mass Destruction

(U) In an unclassified letter dated September 9, 2002, Senator Richard Durbin, a member of the SSCI, wrote to the DCI expressing concern that the IC had not drafted an NIE on the status of Iraq's WMD program, and requested that the DCI "direct the production" of such an NIE – expressing the belief that "policymakers in both the executive branch and the Congress will benefit from the production of a coordinated, consensus document produced by all relevant components of the Intelligence Community" on this topic. Senator Durbin also requested that the DCI "produce an unclassified summary of this NIE" so "the American public can better understand this important issue."

(U) On September 10, 2002, Senator Bob Graham, then SSCI Chairman, sent a second letter to the DCI requesting the production of an NIE "on the status of Iraq's programs to develop weapons of mass destruction and delivery systems, the status of the Iraqi military forces, including their readiness and willingness to fight, the effects a U.S.-led attack on Iraq would have on its neighbors, and Saddam Hussein's likely response to a U.S. military campaign designed to effect regime change in Iraq."

(U) On September 13, 2002, Senator Diane Feinstein, a member of the SSCI, wrote to President Bush to request his assistance in ensuring that the DCI prepare, on an immediate basis, an NIE "assessing the nature, magnitude and immediacy of the threat posed to the United States by Iraq." Senator Feinstein added, "there has not been a formal rigorous Intelligence Community assessment, such as a National Intelligence Estimate, addressing the issues relating to Iraq, and I deeply believe that such an estimate is vital to Congressional decision making, and most specifically, any resolution which may come before the Senate."

(U) On September 17, 2002, Senator Carl Levin, a member of the SSCI and then Chairman of the Senate Armed Services Committee, wrote to the DCI stating that it was "imperative" for the IC to prepare an NIE on Iraq "including the central question of the current state of Iraq's weapons of mass destruction programs." Senator Levin asked that the NIE address a number of issues including Iraq's WMD holdings, development facilities, acquisition activities, denial and deception activities, deployment, doctrine for employment, means of delivery, the likelihood that Saddam Hussein would use WMD against the U.S., our allies, or our interests, the likelihood that Iraq would comply with UN resolutions; and Iraq's terrorist activities.

(U) By the morning of September 12, 2002, the NIO for Strategic and Nuclear Programs had received official guidance from the DCI to begin work on the NIE. The work of assembling

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and coordinating the NIE was divided primarily between four NIO's: the NIO for Strategic and Nuclear Programs was responsible for the nuclear and ballistic missile portions as well as overall management of the entire NIE, the NIO for Conventional Military Issues was responsible for the chemical warfare (CW) and unmanned aerial vehicle (UAV) portions, and the NIO for Science and Technology was responsible for the biological weapons (BW) portion. The NIO for Near East South Asia (NESA) was also involved in issues regarding regional reactions, interfacing with the NIO for Conventional Military Issues on the doctrine issues, and some terrorism issues, specifically whether Iraq might use terrorists to deliver WMD.

(U) Because of the short time period to prepare the NIE, the NIOs began by drawing language from existing agency and interagency papers. The NIO for Strategic and Nuclear Programs disseminated a draft to the IC agencies for review on September 23, 2002 and held an all-day coordination meeting with IC analysts on September 25, 2002. The NIO for Strategic and Nuclear Programs disseminated a second draft which incorporated the analysts' changes and comments on September 26, 2002. Due to the compressed schedule of this NIE, the NIC did not submit the draft for peer review or to a panel of outside experts. The Vice Chairman of the NIC told Committee staff that because preparation for this NIE involved four NIOs, there was a "virtual peer review," and said that he did not believe that outside experts would have had substantially different views from the NIE, noting that "I think all you could have called in is an amen chorus on this thing, because there was nobody out there with different views." The NIE was approved by a meeting of the full NFIB on October 1, 2002 and printed that day.

(U) The scope note of the NIE said that it "was requested by the Director of Central Intelligence to address the status of and outlook for Iraq's weapons of mass destruction programs" and built on the work and judgments of twelve previous IC products. The NIE contained four sections on specific WMD programs including:

1) Saddam's Pursuit of Nuclear Weapons;

2) Chemical Warfare Program – Rebuilt and Expanding;

3) Biological Warfare Program – Larger Than Before; and

4) Delivery Systems – Iraq Increasing Its Options.

(U) Committee staff examined each of these sections in detail, including the intelligence source reporting underlying the assessments. Committee staff also reviewed previous IC

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products and assessments from individual IC agencies that discussed Iraq's WMD programs to understand the progression of analysis from the time United Nations inspectors left Iraq in December 1998 until just before the war with Iraq in 2003. The nuclear, biological, chemical and delivery sections of this report discuss the assessments made in those products and the intelligence source reporting the IC analysts used to make their judgments.

3. Overall Conclusions – Weapons of Mass Destruction

(U) Conclusion 1. 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 trade craft, led to the mischaracterization of the intelligence.

(U) The major key judgments in the NIE, particularly that Iraq "is reconstituting its nuclear program," "has chemical and biological weapons," was developing an unmanned aerial vehicle (UAV) "probably intended to deliver biological warfare agents," and that "all key aspects – research & development (R&D), production, and weaponization – of Iraq's offensive biological weapons (BW) program are active and that most elements are larger and more advanced than they were before the Gulf War," either overstated, or were not supported by, the underlying intelligence reporting provided to the Committee. The assessments regarding Iraq's continued development of prohibited ballistic missiles were reasonable and did accurately describe the underlying intelligence.

(U) The assessment that Iraq "is reconstituting its nuclear program" was not supported by the intelligence provided to the Committee. The intelligence reporting did show that Iraq was procuring dual-use equipment that had potential nuclear applications, but all of the equipment had conventional military or industrial applications. In addition, none of the intelligence reporting indicated that the equipment was being procured for suspect nuclear facilities. Intelligence reporting also showed that former Iraqi nuclear scientists continued to work at former nuclear facilities and organizations, but the reporting did not show that this cadre of nuclear personnel had recently been regrouped or enhanced as stated in the NIE, nor did it suggest that they were engaged in work related to a nuclear weapons program.

(U) The statement in the key judgments of the NIE that "Baghdad has chemical and biological weapons" overstated both what was known and what intelligence analysts judged about Iraq's chemical and biological weapons holdings. The intelligence reporting did support

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the conclusion that chemical and biological weapons were within Iraq's technological capability, that Iraq was trying to procure dual-use materials that could have been used to produce these weapons, and that uncertainties existed about whether Iraq had fully destroyed its pre-Gulf War stocks of weapons and precursors. Iraq's efforts to deceive and evade United Nations weapons inspectors and its inability or unwillingness to fully account for pre-Gulf War chemical and biological weapons and precursors could have led analysts to the reasonable conclusion that Iraq may have retained those materials, but intelligence analysts did not have enough information to state with certainty that Iraq "has" these weapons.

([redacted]) Similarly, the assessment 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" was not supported by the underlying intelligence provided to the Committee. Intelligence showed that Iraq was renovating or expanding facilities that had been associated with Iraq's past BW program and was engaged in research that had BW applications, but few reports suggested specifically that the activity was related to BW. Intelligence reports did indicate that Iraq may have had a mobile biological weapons program, but most of the reporting was from a single human intelligence (HUMINT) source to whom the Intelligence Community (IC) never had direct access. It was reasonable for intelligence analysts to be concerned about the potential weapons applications of Iraq's dual use activities and capabilities. The intelligence reporting did not substantiate an assessment that all aspects of Iraq's BW program "are" larger and more advanced than before the Gulf War, however.

([redacted]) The key judgment in the NIE that Iraq was developing a UAV "probably intended to deliver biological warfare agents" also overstated what the intelligence reporting indicated about the mission of Iraq's small UAVs. Numerous intelligence reports confirmed that Iraq was developing a small UAV program [redacted], but none of the reports provided to the Committee said that Iraq intended to use the small UAVs to deliver chemical or biological weapons. The Air Force footnote, which stated that biological weapons delivery was a possible mission for the small UAVs, though other missions were more likely, more accurately reflected the body of intelligence reporting.

(U) The failure of the IC to accurately analyze and describe the intelligence in the NIE was the result of a combination of systemic weaknesses, primarily in analytic trade craft, compounded by a lack of information sharing, poor management, and inadequate intelligence collection. Many of these weaknesses, which are described in detail below, have not yet been fully addressed, despite having been identified previously by other inquiry panels, including the *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of*

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September 11, 2002 (2002), *The Intelligence Community's Performance on the Indian Nuclear Tests* (The Jeremiah Report, 1998), and the *Report of the Commission to Assess the Ballistic Missile Threat to the United States* (The Rumsfeld Commission, 1998). The Committee found no evidence that the IC's mischaracterization or exaggeration of the intelligence on Iraq's weapons of mass destruction (WMD) capabilities was the result of political pressure.

(U) Conclusion 2. The Intelligence Community did not accurately or adequately explain to policymakers the uncertainties behind the judgments in the October 2002 National Intelligence Estimate.

(U) One of the key failures in analytic trade craft of the National Intelligence Estimate (NIE) was the failure of the Intelligence Community (IC) to explain the details of the reporting and the uncertainties of both the reliability of some key sources and of intelligence judgments. Intelligence analysts are not only charged with interpreting and assessing the intelligence reporting, but with clearly conveying to policymakers the difference between what intelligence analysts know, what they don't know, what they think, and to make sure that policymakers understand the difference. This articulation of the IC's responsibility to policymakers is widely attributed to Colin Powell when he was serving as the Chairman of the Joint Chiefs of Staff, but the effective communication of judgments has been accepted as a primary analytic function for decades. For example, in 1964, Sherman Kent, considered the founder of intelligence analysis as a profession, wrote about the importance of using appropriate words of estimative probability to "set forth the community's findings in such a way as to make clear to the reader what is certain knowledge and what is reasoned judgment, and within this large realm of judgment what varying degrees of certitude lie behind each key statement."[3]

(U) At the time the IC drafted and coordinated the NIE on Iraq's weapons of mass destruction (WMD) programs in September 2002, most of what intelligence analysts actually "knew" about Iraq's weapons programs pre-dated the 1991 Gulf War, leaving them with very little direct knowledge about the current state of those programs. Analysts knew that Iraq had active nuclear, chemical, biological, and delivery programs before 1991, and had previously lied to, and was still not forthcoming with, UN weapons inspectors about those programs. The analysts also knew that the United Nations was not satisfied with Iraq's efforts to account for its

[3] *Sherman Kent and the Board of National Estimates: Collected Essays*, (Http://www.odci.gov/csi/books/shermankent/inst.html). From 1952 to 1967, Sherman Kent was the Chairman of the Board of National Estimates, which would later become the National Intelligence Council.

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destruction of all of its pre-Gulf War weapons, precursors, and equipment. Additionally, the analysts knew that Iraq was trying to import dual-use materials and equipment and had rebuilt or was continuing to use facilities that had been associated with Iraq's pre-Gulf War weapons programs, and knew that WMD were likely within Iraq's technological capabilities.

(U) The IC did not know whether Iraq had retained its pre-Gulf War weapons, whether Iraq was intending to use those dual-use materials and facilities for weapons or for legitimate purposes, or even if Iraq's attempts to obtain many of the dual-use goods it had been trying to procure were successful. The IC thought that Iraq had retained its pre-Gulf War weapons and that Iraq was using dual-use materials and facilities to manufacture weapons. While this was a reasonable assessment, considering Iraq's past behavior, statements in the 2002 NIE that Iraq "has chemical and biological weapons," "Iraq has maintained its chemical weapons effort," and "is reconstituting its nuclear weapons program," did not accurately portray the uncertainty of the information. The NIE failed in that it portrayed what intelligence analysts thought and assessed as what they knew and failed to explain the large gaps in the information on which the assessments were based.

([redacted]) In the cases in the NIE where the IC did express uncertainty about its assessments concerning Iraq's WMD capabilities, those explanations suggested, in some cases, that Iraq's capabilities were even greater than the NIE judged. For example, the key judgments of the NIE said "we judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts. Revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny information. [redacted]" While this did explain that key information on Iraq's programs was lacking, it suggested that Iraq's weapons programs were probably bigger and more advanced than the IC had judged and did not explain that [redacted] analysts did not have enough information to determine whether Iraq was hiding activity or whether Iraq's weapons programs may have been dormant.

(U) Accurately and clearly describing the gaps in intelligence knowledge is not only important for policymakers to fully understand the basis for and gaps in analytic assessments, but is essential for policymakers in both the executive and legislative branches to make informed decisions about how and where to allocate Intelligence Community resources to fill those gaps.

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(U) Conclusion 3. The Intelligence Community (IC) suffered from a collective presumption that Iraq had an active and growing weapons of mass destruction (WMD) program. This "group think" dynamic led Intelligence Community analysts, collectors and managers to both interpret ambiguous evidence as conclusively indicative of a WMD program as well as ignore or minimize evidence that Iraq did not have active and expanding weapons of mass destruction programs. This presumption was so strong that formalized IC mechanisms established to challenge assumptions and group think were not utilized.

(U) The Intelligence Community (IC) has long struggled with the need for analysts to overcome analytic biases, that is, to resist the tendency to see what they would expect to see in the intelligence reporting. In the case of Iraq's weapons of mass destruction (WMD) capabilities, the Committee found that intelligence analysts, in many cases, based their analysis more on their expectations than on an objective evaluation of the information in the intelligence reporting. Analysts expected to see evidence that Iraq had retained prohibited weapons and that Iraq would resume prohibited WMD activities once United Nations' (UN) inspections ended. This bias that pervaded both the IC's analytic and collection communities represents "group think," a term coined by psychologist Irving Janis in the 1970's to describe a process in which a group can make bad or irrational decisions as each member of the group attempts to conform their opinions to what they believe to be the consensus of the group. IC personnel involved in the Iraq WMD issue demonstrated several aspects of group think: examining few alternatives, selective gathering of information, pressure to conform within the group or withhold criticism, and collective rationalization.

(U) The roots of the IC's bias stretch back to Iraq's pre-1991 efforts to build WMD and its efforts to hide those programs. The fact that Iraq had repeatedly lied about its pre-1991 WMD programs, its continued deceptive behavior, and its failure to fully cooperate with UN inspectors left the IC with a predisposition to believe the Iraqis were continuing to lie about their WMD efforts. This was compounded by the fact that Iraq's pre-1991 progress on its nuclear weapons program had surprised the IC. The role this knowledge played in analysts' thinking is evident in the 2002 National Intelligence Estimate's (NIE) introduction which said, "revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny information. The revelations also underscore the extent to which limited information fostered underestimates by the Intelligence Community of Saddam's capabilities at that time." This bias was likely further reinforced by the IC's failure to detect the September 11th terrorist plot and the criticism that the Community had not done all it could to "connect the dots."

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(U) The IC had long assessed that Iraq maintained its ambitions to obtain WMD, and would seek to resume full WMD efforts once UN sanctions and inspections ended. Accordingly, after UN inspectors left Iraq in 1998, IC analysts began to look for evidence that Iraq was expanding WMD programs. Analysts interpreted ambiguous data as indicative of the active and expanded WMD effort they expected to see. The presumption that Iraq would take advantage of the departure of inspectors to restart its WMD efforts essentially became a hypothesis in search of evidence.

([redacted]) The IC's bias was compounded by the fact that prior to 1998, the IC had become heavily dependent on UN information on the state of Iraq's WMD programs. When the IC lost this important information, analysts were forced to rely on less reliable and less detailed sources. For example, [redacted] reporting during UN inspections often described the [redacted]. These reports provided IC analysts with much of the insight [redacted]. Intelligence reporting after inspectors departed relied on less direct sources of information such as satellite imagery of activity at suspect facilities, fragmentary and ambiguous reports of Iraqi dual-use procurement efforts, and reporting of suspicious or prohibited activity from human sources who were no longer in the country. These indirect sources left the IC with few ways to determine the exact nature of suspicious Iraqi activity. The expectation, however, that Iraq would take advantage of the departure of inspectors to resume and expand its WMD programs led analysts to downplay or ignore the increased uncertainty that came with these less detailed and less reliable sources.

([redacted]) The Committee found that the IC had a tendency to accept information which supported the presumption that Iraq had active and expanded WMD programs more readily than information which contradicted it. This was evident in analysts' assessments of Iraq's attempts to procure dual-use materials and activities at dual-use facilities. Dual-use materials and facilities are those which could be used in a WMD program, but which also have conventional military or legitimate civilian applications. The IC properly noted the potential threat embodied in these dual-use capabilities, should they be turned toward WMD purposes, and did an effective job of analyzing [redacted] Iraq's attempts to purchase dual-use equipment and materials to show how they could advance Iraq's WMD capability. But, the IC fell short by accepting most reporting of dual-use material imports or capabilities as intended for WMD programs. Information that contradicted the IC's presumption that Iraq had WMD programs, such as indications in the intelligence reporting that the dual-use materials were intended for conventional or civilian programs, was often ignored. The IC's bias that Iraq had active WMD

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programs led analysts to presume, in the absence of evidence, that if Iraq could do something to advance its WMD capabilities, it would.

([redacted]) Another example of the IC's tendency to reject information that contradicted the presumption that Iraq had active and expanded WMD programs was the return of UN inspectors to Iraq in November 2002. [redacted] When these inspections did not find evidence of active Iraqi WMD programs and, in fact, even refuted some aspects of the IC's nuclear and biological assessments, many analysts did not regard this information as significant. For example, the 2002 NIE cited [redacted] Iraq's Amiriyah Serum and Vaccine institute as [redacted] reasons the IC believed the facility was a "fixed dual-use BW agent production" facility. When UN inspectors visited Amiriyah after their return to Iraq in November 2002, however, they did not find any evidence of BW work at the facility, [redacted]. Analysts discounted the UN's findings as the result of the inspectors relative inexperience in the face of Iraqi denial and deception. Similarly, when International Atomic Energy Agency (IAEA) inspectors returned to Iraq in late 2002, one of their key lines of work was to investigate Iraq's claims that aluminum tubes it was trying to procure were intended for artillery rockets. The IAEA found that Iraq's claims that the aluminum tubes were intended for artillery rockets was completely consistent with the evidence on the ground in Iraq. The Central Intelligence Agency (CIA) responded to the IAEA's analysis by producing intelligence reports which rejected the IAEA's conclusions. Without giving many details of the IAEA's findings, CIA's analysis suggested that the IAEA was being fooled by Iraq, and reiterated CIA's assessment that the tubes were to be used in uranium centrifuges.

(U) Intelligence analysts' presumption that all dual-use activity was intended for WMD programs recurs throughout the 2002 NIE. Analysts believed that the fact that Iraq often attempted to obtain dual-use materials surreptitiously, through front companies and other illicit means in violation of UN sanctions, indicated that Iraq intended to use those materials for WMD. Analysts argued that Iraq would have no reason to hide itself as the end user of these materials if they were intended for legitimate purposes. However, analysts ignored the fact that Iraq typically used front companies and evaded UN sanctions for imports of purely legitimate goods. Analysts who monitored Iraq's compliance with the Oil for Food Program noted several reasons that Iraq wanted to avoid legitimate channels for imports including 1) the UN often denied materials needed for legitimate purposes because the materials had WMD applications, 2) using the UN's bureaucratic process was more cumbersome and time consuming than using illicit channels, and

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3) transactions using front companies were less transparent, making corruption and profit taking easier for Iraqi managers and officials.

(U) Likewise, analysts were predisposed to identify as suspect any activity by scientists and officials involved in Iraq's pre-1991 WMD programs. While the IC should not have ignored the activity of these people, IC analysts failed to fully consider the possibility that Iraq, having spent significant national resources developing their capabilities, might have been seeking non-WMD purposes to fully employ the idle expertise left over from closed WMD programs.

(U) The presumption that Iraq had active WMD programs affected intelligence collectors as well. None of the guidance given to human intelligence collectors suggested that collection be focused on determining *whether* Iraq had WMD. Instead, the requirements assumed that Iraq had WMD, and focused on uncovering those activities and collecting against the extent of Iraq's WMD production and the locations of hidden stocks of weapons. A former manager in the CIA's Iraq WMD Task Force also told Committee staff that, in retrospect, he believes that the CIA tended to discount human intelligence (HUMINT) sources that denied the existence of Iraqi WMD programs as just repeating the Iraqi party line. In fact, numerous interviews with intelligence analysts and documents provided to the Committee indicate that analysts and collectors assumed that sources who denied the existence or continuation of WMD programs and stocks were either lying or not knowledgeable about Iraq's programs, while those sources who reported ongoing WMD activities were seen as having provided valuable information.

(U) The presumption that Iraq had active WMD programs was so strong that formalized IC mechanisms established to challenge assumptions and "group think," such as "red teams," "devil's advocacy," and other types of alternative or competitive analysis, were not utilized. The Committee found no evidence that IC analysts, collectors, or managers made any effort to question the fundamental assumptions that Iraq had active and expanded WMD programs, nor did they give serious consideration to other possible explanations for Iraq's failure to satisfy its WMD accounting discrepancies, other than that it was hiding and preserving WMD. The fact that no one in the IC saw a need for such tools is indicative of the strength of the bias that Iraq had active and expanded WMD programs. The Committee does not regard the [redacted] analysis on Iraq's aluminum tubes performed by CIA contractors as an attempt to challenge assumptions, but rather as an example of the collective rationalization that is indicative of "group think." The contractors were only provided with information by CIA, did not question agencies about their analysis, were not briefed by other agencies about their analysis, and performed their analysis of a complex intelligence issue in only one day.

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(U) The IC's failure to find unambiguous intelligence reporting of Iraqi WMD activities should have encouraged analysts to question their presumption that Iraq had WMD. Instead, analysts rationalized the lack of evidence as the result of "vigorous" Iraqi denial and deception (D&D) efforts to hide the WMD programs that analysts were certain existed. The 2002 NIE's introduction stated that "we judge that we are only seeing a portion of Iraq's WMD efforts owing to Baghdad's vigorous D&D efforts." The intelligence provided to the Committee showed that Iraq was making efforts to hide some activity, but the reporting was not clear about what activity was being hidden or why it was being hidden. Although the IC lacked unambiguous reporting of either active WMD programs or a vigorous D&D effort to hide WMD programs, the assumptions that Iraq was engaged in both were tied together into a self-reinforcing premise that explained away the lack of strong evidence of either.

(U) Conclusion 4. In a few significant instances, the analysis in the National Intelligence Estimate suffers from a "layering" effect whereby assessments were built based on previous judgments without carrying forward the uncertainties of the underlying judgments.

(U) The Committee defines "layering" as the process of building an intelligence assessment primarily using previous judgments without substantial new intelligence reporting. While this process is a legitimate and often useful analytic tool in making logical connections between intelligence reports and in understanding complex analytic problems, the process can lose its legitimacy when the cumulative uncertainties of the underlying assessments are not factored into or conveyed through the new assessments.

(U) In discussions with the Committee about his experience running the Iraq Survey Group, Dr. David Kay suggested that the IC's mind set before Operation Iraqi Freedom concerning Iraq's weapons of mass destruction (WMD) programs was a train that seemed "to always be going in the same direction." The IC drew on very few pieces of new evidence to reach large conclusions in which new pieces of evidence would accrete to the previous conclusion and pieces that did not fit tended to be thrown aside.

(U) One example of this layering effect occurred in the IC's analysis of Iraq's chemical weapons program. The NIE assessed that Iraq had renewed production of chemical weapons agents and stockpiled as much as 500 metric tons of chemical agent, much of it added in the last year. These assessments were largely based on another assessment, that Iraq may have been engaged in chemical weapons transshipment activity in the spring of 2002. This assessment was largely based on yet another assessment, that the presence of a specific tanker truck was a

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possible indicator that chemical or biological weapons related activities were occurring. The IC did not make it clear in its latter assessments that its judgments were based on layer upon layer of previous analytic judgments. This gave the reader of the NIE the impression that Iraq's chemical weapons program was advancing and growing, but did not convey that the assessment was based on very little direct or credible intelligence reporting.

([redacted]) Similarly, the IC based its judgment that "all key aspects – research & development (R&D), production, and weaponization – of Iraq's offensive biological weapons (BW) program are active and that most elements are larger and more advanced than they were before the Gulf War" primarily on its assessment that Iraq had mobile biological production vans. While this assessment was based on direct intelligence that indicated Iraq had mobile biological production units, the reporting was largely from a single source to whom the Intelligence Community did not have direct access. The Committee believes that the IC's expectation that Iraq would move to mobile biological weapons production, focused their attention on reporting that supported that contention and led them to disregard information that contradicted it. This exemplifies Dr. Kay's concerns that the IC made large new conclusions based on only a few pieces of new evidence that were joined to previous conclusions and that pieces that did not fulfill its expectations tended to be thrown aside.

(U) These are just two, of many, examples of this layering effect the Committee found in the IC's analysis of Iraq's weapons of mass destruction programs. The Committee recognizes the importance of analysts' ability to perform this type of analytic extrapolation, particularly in trying to "connect the dots" of sometimes seemingly disparate pieces of intelligence. Incorporating and accurately explaining the cumulative underlying uncertainties inherent in that process is equally important, however.

(U) Conclusion 5. In each instance where the Committee found an analytic or collection failure, it resulted in part from a failure of Intelligence Community managers throughout their leadership chains to adequately supervise the work of their analysts and collectors. They did not encourage analysts to challenge their assumptions, fully consider alternative arguments, accurately characterize the intelligence reporting, or counsel analysts who lost their objectivity.

(U) This report describes a variety of serious analytical and collection failures in the Intelligence Community's (IC) work on Iraq's weapons of mass destruction programs. While not in any way diminishing the responsibility of the analysts and collectors that were directly involved, the Committee believes that blame for these failures can not be laid at their feet alone.

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In each instance, the analysts' and collectors' chains of command in their respective agencies, from immediate supervisors up to the National Intelligence Council and the Director of Central Intelligence, all share responsibility for not encouraging analysts to challenge their assumptions, fully consider alternative arguments or accurately characterize the intelligence reporting. They failed to adequately question and challenge analysts about their assessments, and, most importantly, to recognize when analysts had lost their objectivity and take corrective action. It seems likely that these failures of management and leadership resulted at least in part as a result of the fact that the Intelligence Community's chain of command shared with its analysts and collectors the same "group think" presumption that Iraq had active and expanded weapons of mass destruction programs.

(U) Conclusion 6. The Committee found significant short-comings in almost every aspect of the Intelligence Community's human intelligence collection efforts against Iraq's weapons of mass destruction activities, in particular that the Community had no sources collecting against weapons of mass destruction in Iraq after 1998. Most, if not all, of these problems stem from a broken corporate culture and poor management, and will not be solved by additional funding and personnel.

(U) The Committee's review into the prewar intelligence concerning Iraq's weapons of mass destruction programs has entailed an unprecedented outside examination of a broad range of the Intelligence Community's (IC) human intelligence (HUMINT) operations. The Committee found significant short-comings in almost every aspect of these operations.

([redacted]) From 1991 to 1998, the IC relied too heavily on United Nations (UN) inspectors to collect information about Iraq's weapons of mass destruction programs and did not develop a sufficient unilateral HUMINT collection effort targeting Iraq to supplement UN-collected information and to take its place upon the departure of the UN inspectors. While the UN inspection process provided a valuable source of information, the IC should have used the time when inspectors were in Iraq to plan for the possibility that inspectors would leave and to develop sources who could continue to report after inspectors left.

([redacted]) Because the United States lacked an official presence inside Iraq, the Intelligence Community depended too heavily on defectors and foreign government services to obtain HUMINT information on Iraq's weapons of mass destruction activities. While these sources had the potential to provide some valuable information, they had a limited ability to provide the kind of detailed intelligence about current Iraqi weapons of mass destruction efforts sought by U.S. policymakers. Moreover, because the Intelligence Community did not have direct access to

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many of these sources, their credibility was difficult to assess and was often left to the foreign government services to judge. Intelligence Community HUMINT efforts against a closed society like Iraq prior to Operation Iraqi Freedom were hobbled by the Intelligence Community's dependence on having an official U.S. presence in-country to mount clandestine HUMINT collection efforts.

(U) When UN inspectors departed Iraq, the placement of HUMINT agents and the development of unilateral sources inside Iraq were not top priorities for the Intelligence Community. The Intelligence Community did not have a single HUMINT source collecting against Iraq's weapons of mass destruction programs in Iraq after 1998. The Intelligence Community appears to have decided that the difficulty and risks inherent in developing sources or inserting operations officers into Iraq outweighed the potential benefits. The Committee found no evidence that a lack of resources significantly prevented the Intelligence Community from developing sources or inserting operations officers into Iraq.

([redacted]) [redacted]. When Committee staff asked why the CIA had not considered placing a CIA officer in Iraq years before Operation Iraqi Freedom to investigate Iraq's weapons of mass destruction programs, a CIA officer said, "because it's very hard to sustain . . . it takes a rare officer who can go in . . . and survive scrutiny [redacted] for a long time." The Committee agrees that such operations are difficult and dangerous, but they should be within the norm of the CIA's activities and capabilities. Senior CIA officials have repeatedly told the Committee that a significant increase in funding and personnel will be required to enable to the CIA to penetrate difficult HUMINT targets similar to prewar Iraq. The Committee believes, however, that if an officer willing and able to take such an assignment really is "rare" at the CIA, the problem is less a question of resources than a need for dramatic changes in a risk averse corporate culture.

(U) Problems with the Intelligence Community's HUMINT efforts were also evident in the Intelligence Community's handling of Iraq's alleged efforts to acquire uranium from Niger. The Committee does not fault the CIA for exploiting the access enjoyed by the spouse of a CIA employee traveling to Niger. The Committee believes, however, that it is unfortunate, considering the significant resources available to the CIA, that this was the only option available. Given the nature of rapidly evolving global threats such as terrorism and the proliferation of weapons and weapons technology, the Intelligence Community must develop means to quickly respond to fleeting collection opportunities outside the Community's established operating areas. The Committee also found other problems with the Intelligence Community's follow-up on the

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Iraq-Niger uranium issue, including a half-hearted investigation of the reported storage of uranium in a warehouse in Benin, and a failure, to this day, to call a telephone number, provided by the Navy, of an individual who claimed to have information about Iraq's alleged efforts to acquire uranium from Niger.

([redacted]) The Committee also found that the Defense HUMINT Service (DHS) demonstrated serious lapses in its handling of the HUMINT source code named CURVE BALL, who was the principle source behind the Intelligence Community's assessments that Iraq had a mobile biological weapons program. The DHS had primary responsibility for handling the Intelligence Community's interaction with the [redacted] debriefers that were handling CURVE BALL, but the DHS officers that were involved in CURVE BALL's case limited themselves to a largely administrative role, translating and passing along reports [redacted] analysts do not have the benefit of the regular interaction with sources or, in this case, CURVE BALL's debriefers, that could have allowed them to make judgments about the reliability of source reporting.

(U) Another significant problem found by the Committee is the fact that the CIA continues to excessively compartment sensitive HUMINT reporting and fails to share important information about HUMINT reporting and sources with Intelligence Community analysts who have a need to know. In the years before Operation Iraqi Freedom, the CIA protected its Iraq weapons of mass destruction sources so well that some of the information they provided was kept from the majority of analysts with a legitimate need to know. The biological weapons and delivery sections of this report discuss at length the CIA's failure to share important information about source reporting on Iraq's alleged mobile biological weapons program and unmanned aerial vehicle (UAV) program that left analysts and policymakers with an incomplete and, at times, misleading picture of these issues.

(U) The process by which the Intelligence Community calculates the benefits and risks of sharing sensitive human intelligence is skewed too heavily toward withholding information. This issue has been raised repeatedly with the Intelligence Community, particularly after the lack of information sharing was found to have played a key role in the intelligence failures of 9/11. The Committee believes that the Intelligence Community must reconsider whether the risks of expanding access to *cleared* analysts are truly greater than the risks of keeping information so

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tightly compartmented that the analysts who need it to make informed judgments are kept in the dark.

(U) Conclusion 7. The Central Intelligence Agency (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.

(U) The Intelligence Community is not a level playing field when it comes to the competition of ideas in intelligence analysis. The Director of Central Intelligence's (DCI's) responsibility, established by the National Security Act of 1947, to coordinate the nation's intelligence activities and correlate, evaluate, and disseminate intelligence that affects national security, provides the CIA with a unique position in the Intelligence Community. The fact that the DCI is the head of the CIA and head of the Intelligence Community, the principal intelligence advisor to the President, and is responsible for protecting intelligence sources and methods, provides the CIA with unique access to policymakers and unique control of intelligence reporting. This arrangement was intended to coordinate the disparate elements of the Intelligence Community in order to provide the most accurate and objective analysis to policymakers. The Committee found that in practice, however, in the case of the Intelligence Community's analysis of Iraq's weapons of mass destruction programs, this arrangement actually undermined the provision of accurate and objective analysis by hampering intelligence sharing and allowing CIA analysts to control the presentation of information to policymakers, and exclude analysis from other agencies.

(U) The Committee found in a number of cases that significant reportable intelligence was sequestered in CIA Directorate of Operations (DO) cables, distribution of sensitive intelligence reports was excessively restricted, and CIA analysts were often provided with "sensitive" information that was not made available to analysts who worked the same issues at other all-source analysis agencies. These restrictions, in several cases, kept information from analysts that was essential to their ability to make fully informed judgments. Analysts cannot be expected to formulate and present their best analysis to policymakers while having only partial knowledge of an issue.

([redacted]) For example, important information concerning the reliability of two of the main sources on Iraq's alleged mobile biological weapons program was not available to most Iraq biological weapons analysts outside the CIA. Some analysts at other agencies were aware of some of the credibility concerns about the sources, but the CIA's DO did not disseminate cables

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throughout the Intelligence Community that would have provided this information to all Iraq biological weapons analysts. [redacted]

([redacted]) The CIA also failed to share important information about Iraq's UAV software procurement efforts with other intelligence analysts. The CIA did share sensitive information that indicated Iraq [redacted] was trying to obtain mapping software that could only be used for mapping in the U.S. This suggested to many analysts that Iraq may have been intending to use the software to target the U.S. The CIA failed to pass on additional information, until well after the coordination and publication of the National Intelligence Estimate (NIE), [redacted]. This information was essential for analysts to make fully informed judgments about Iraq's intentions to target the U.S.

(U) In some cases CIA analysts were not open to fully considering information and opinions from other intelligence analysts or creating a level playing field in which outside analysts fully participated in meetings or analytic efforts. This problem was particularly evident in the case of the CIA's analysis of Iraq's procurement of aluminum tubes during which the Committee believes the agency lost objectivity and in several cases took action that improperly excluded useful expertise from the intelligence debate. For example, the CIA performed testing of the tubes without inviting experts from the Department of Energy (DOE) to participate. A CIA analyst told Committee staff that the DOE was not invited "because we funded it. It was our testing. We were trying to prove some things that we wanted to prove with the testing. It wasn't a joint effort." The Committee believes that such an effort should never have been intended to prove what the CIA wanted to prove, but should have been a Community effort to get to the truth about Iraq's intended use for the tubes. By excluding DOE analysts, the Intelligence Community's nuclear experts, the CIA was not able to take advantage of their potentially valuable analytic insights. In another instance, an independent Department of Defense (DOD) rocket expert told the Committee that he did not think the CIA analysts came to him for an objective opinion, but were trying "to encourage us to come up with [the] answer" that the tubes were not intended to be used for a rocket program.

(U) The Committee also found that while the DCI was supposed to function as both the head of the CIA and the head of the Intelligence Community, in many instances he only acted as head of the CIA. For example, the DCI told the Committee that he was not aware that there were dissenting opinions within the Intelligence Community on whether Iraq intended use the

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aluminum tubes for a nuclear program until the NIE was drafted in September 2002, despite the fact that intelligence agencies had been fervently debating the issue since the spring of 2001. While the DCI, as the President's principal intelligence advisor, should provide policymakers, in particular the President, with the best analysis available from throughout the Intelligence Community, the DCI told Committee staff that he does not even expect to learn of dissenting opinions "until the issue gets joined" through interagency coordination of an NIE. This means that contentious debate about significant national security issues can go on at the analytic level for months, or years, without the DCI or senior policymakers being informed of any opinions other than those of CIA analysts. In addition, the Presidential Daily Briefs (PDBs) are prepared by CIA analysts and are presented by CIA briefers who may or may not include an explanation of alternative views from other intelligence agencies. Other Intelligence Community agencies essentially must rely on the analysts who disagree with their positions to accurately convey their analysis to the nation's most senior policymakers.

(U) These factors worked together to allow CIA analysts and officials to provide the agency's intelligence analysis to senior policymakers without having to explain dissenting views or defend their analysis from potential challenges from other Intelligence Community agencies. The Committee believes that policymakers at all levels of government and in both the executive and legislative branches would benefit from understanding the full range of analytic opinions directly from the agencies who hold those views, or from truly impartial representatives of the entire Intelligence Community.

C. Iraq's Ties to Terrorism

(U) The terrorism related sections of the report recount the Committee's efforts to evaluate the quantity and quality of the intelligence underlying prewar assessments. Each section contains it own set of conclusions. There is also a separate section on the issue of objectivity and whether analysts were pressured to reach specific conclusions to support a particular policy objective. Unlike the WMD sections of the report, in some instances, the issue of accuracy has been addressed as post-war reporting has become available.

(U) Because there was no National Intelligence Estimate specifically focused on Iraq's ties to terrorism, the Committee focused its work primarily the January 2003 Intelligence Report entitled *Iraqi Support for Terrorism*. This intelligence assessment was drafted by the Director of Central Intelligence's (DCI) Counterterrorist Center (CTC). (The CTC includes analysts from across the Intelligence Community.) *Iraqi Support for Terrorism* was first published for a limited executive audience in September 2002 under the same title. There were a few changes

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made to the January 2003 version of the document including the addition of new information that had been collected following the September publication. The Committee chose to evaluate it as the IC's most comprehensive product on the subject because the January 2003 paper was the most current version and was disseminated to a much wider audience.

(U) To complete this section of the report, the Committee's staff interviewed a total of sixty-two individuals and reviewed more than 1,000 documents provided by the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the State Department's Bureau of Intelligence and Research (INR), and the Federal Bureau of Investigation (FBI). To gain an in-depth understanding of the Intelligence Community (IC) and CTC collection posture, Committee staff received a briefing from the Assistant Director of Central Intelligence for Collection (ADCI/C) and met with two former heads of the DCI's Counterterrorist Center (CTC). Committee staff interviewed analysts from the CTC, DIA, and FBI who were responsible for assessing Iraq's links to al-Qaida. Committee staff also met with National Security Agency (NSA) employees who collected and analyzed signals intelligence (SIGINT) related to Iraq's links to terrorism. To address analytical objectivity and allegations concerning the politicization of the intelligence process, Committee staff received a briefing from the CIA Ombudsman for Politicization and interviewed IC analysts who interacted with, *inter alia*, personnel from the Office of the Under Secretary of Defense for Policy (OUSDP).

(U) In addition to reviewing activities specifically relating to Iraq's links to terrorism, the Committee staff participated in a briefing to the Committee by the Under Secretary of Defense for Policy and in a Committee hearing with the former Special Advisor to the DCI on Iraq's Weapons of Mass Destruction. On each occasion, the Committee raised the issue of Iraq's links to terrorism.

(U) Intelligence from the 1960s and 1970s first established the link between Iraq and terrorism, resulting in Iraq's inclusion in the State Department's 1979 list of State Sponsors of Terrorism. The State Department removed Iraq from the list in 1982.[4] Iraq returned to the list in 1990 based upon intelligence information linking the regime to acts of terrorism conducted by the Iraqi Intelligence Service (IIS) and its support for Palestinian terrorists. The first intelligence

[4]The 1982 State Department publication Patterns of Global Terrorism explained Iraq's removal from the list of State Sponsors of Terrorism in the following manner: "The Iraqi Government has reduced support to non-Palestinian groups, thereby moving closer to the policies of its moderate Arab neighbors."

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reports suggesting links between Iraq and al-Qaida emerged in the mid-1990s. The IC continues to receive reporting on these links from detainees and document exploitation.

(U) While the nature of the intelligence reporting produced or obtained by the IC has not changed dramatically in the past decade, there has been a significant shift in the way IC analysts evaluate reporting regarding terrorism, particularly in the aftermath of the September 11 attacks. CIA officials interviewed by Committee staff indicated that, following the terrorist attacks of September 11, 2001, the trade craft of terrorism analysis shifted and analysts now feel obligated to make more conclusive assessments regardless of the quality of the available intelligence. In this new analytic environment analysts cannot set aside intelligence reports because the information does not fit within the context of their prior knowledge or because the report has not been corroborated. The CIA Deputy Director for Intelligence (DDI), describing the unique nature of terrorism analysis, said, ". . . terrorism analysis is just fundamentally different on some issues." She commented further that:

> Sometimes it is the walk-in who has the best information about the impending attack. What we teach people in trade craft is that you want to get a report. It's preferable that that report come from a fully-vetted source whose information is from a long-established reporting record, has direct access and you've been able to corroborate it somehow. That's what you would ideally like and that's what you ideally teach analysts to look for. But with terrorism you can't dismiss the walk-in.

The Deputy Director of the CTC's Office of Terrorism Analysis noted that this is the most difficult issue he has encountered in his eighteen years of intelligence analysis. He also stated that:

> On the other hand, I would also say that we've encouraged and developed a sense of trade craft specifically on terrorism that says push the envelope because the implications are so high and because we have to acknowledge up front that, unlike in some other cases, some other lines of analysis, that we have to accept that often our information is going to be fragmentary and, if we wait too long to reach conclusions, we might make a mistake.

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(U) The focus of the Committee's terrorism review, *Iraqi Support for Terrorism,* addressed four main issues:

- terrorist activities conducted by the IIS;
- Iraqi support for terrorist activities conducted by regional terrorist groups;
- Iraqi contacts with al-Qaida; and,
- potential Iraqi use of terrorism in the event of a war with the United States.

(U) Committee staff evaluated each of these and other issues including the intelligence source reporting underlying the assessments. The terrorism related sections of this report discuss the assessments and the intelligence reporting in detail.

1. Overall Conclusions – Terrorism

(U) Conclusion 8. Intelligence Community analysts lack a consistent post-September 11 approach to analyzing and reporting on terrorist threats.

(U) Though analysts have been wrong on major issues in the past, no previous intelligence failure has been so costly as the September 11 attacks. As the Deputy Director of Intelligence (DDI) explained during an interview with Committee staff, terrorist threat analysts now use a different type of trade craft than generally employed by political, leadership or regional analysts. Threat analysts are encouraged to "push the envelope" and look at various possible threat scenarios that can be drawn from limited and often fragmentary information. As a result, analysts can no longer dismiss a threat as incredible because they cannot corroborate it. They cannot dismiss what may appear to be the rantings of a walk-in until additional vetting shows those stories to be fabricated.

(U) To compensate for the fragmentary nature of the reporting on Iraq's potential links to al-Qaida, Intelligence Community (IC) analysts included as much detail as they could about the nature of the sources and went to great lengths to describe their analytic approach to the problem. For example, where information was limited to a single or untested source or to a foreign government service, a source description was provided. As discussed in more detail in the body of this report, a "Scope Note" was incorporated in each product to describe the analytic approach the drafters had taken to address the issue. In *Iraq and al-Qaida: Interpreting a Murky Relationship*, the Scope Note explained that the authors had purposefully taken an aggressive approach to interpreting the available data. In both the September 2002 and January 2003 versions of *Iraqi Support for Terrorism*, the Scope Note did not describe an analytic approach,

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but rather it highlighted the gaps in information and described the analysts' understanding of the Iraq–al-Qaida relationship as "evolving."

(U) Though the Committee understands the need for different analytical approaches and expressions of competing viewpoints, the IC should have considered that their readership would not necessarily understand the nuance between the first "purposely aggressive" approach and a return, in *Iraqi Support for Terrorism*, to a more traditional analysis of the reporting concerning Iraq's links to al-Qaida. A consistent approach in both assessments which carefully explained the intelligence reports and then provided a spectrum of possible conclusions would have been more useful and would have assisted policymakers in their public characterizations of the intelligence.

(U) Conclusion 9. Source protection policies within the Intelligence Community direct or encourage reports officers to exclude relevant detail about the nature of their sources. As a result, analysts community-wide are unable to make fully informed judgments about the information they receive, relying instead on nonspecific source lines to reach their assessments. Moreover, relevant operational data is nearly always withheld from analysts, putting them at a further analytical disadvantage.

(U) A significant portion of the intelligence reporting that was used to evaluate whether Iraq's interactions with al-Qaida operatives constituted a relationship was stripped of details prior to being made available to analysts community-wide. Source information and operational detail was provided only to Central Intelligence Agency (CIA) analysts. This lack of information sharing limited the level of discussion and debate that should have taken place across the Community on this critical issue. While in the case of Iraq's links to terrorism, the final analysis has proven, thus far, to have been accurate and not affected by a lack of relevant source or operational detail, we cannot rely on this system in the future. Until changes are made concerning how and when source information is made available to analysts, we run the risk of missing critical data that might provide early warning.

(U) The absence of source and operational detail affects not only analysts, but policymakers as well. The Committee found that policymakers took an active role by personally examining individual intelligence reports for themselves. If this trend continues, it is even more important that such relevant detail be provided.

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([redacted]) Conclusion 10. The Intelligence Community relies too heavily on foreign government services and third party reporting, thereby increasing the potential for manipulation of U.S. policy by foreign interests.

([redacted]) Due to the lack of unilateral sources on Iraq's links to terrorist groups like al-Qaida [redacted], the Intelligence Community (IC) relied too heavily on foreign government service reporting and sources to whom it did not have direct access to determine the relationship between Iraq and [redacted] terrorist groups. While much of this reporting was credible, the IC left itself open to possible manipulation by foreign governments and other parties interested in influencing U.S. policy. The Intelligence Community's collectors must develop and recruit unilateral sources with direct access to terrorist groups to confirm, complement or confront foreign government service reporting on these critical targets.

(U) Conclusion 11. Several of the allegations of pressure on Intelligence Community (IC) analysts involved repeated questioning. The Committee believes that IC analysts should expect difficult and repeated questions regarding threat information. 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.

(U) A number of the individuals interviewed by the Committee in conducting its review stated that Administration officials questioned analysts repeatedly on the potential for cooperation between Saddam Hussein's regime and al-Qaida. Though these allegations appeared repeatedly in the press and in other public reporting on the lead-up to the war, no analyst questioned by the Committee stated that the questions were unreasonable, or that they were encouraged by the questioning to alter their conclusions regarding Iraq's links to al-Qaida.

(U) In some cases, those interviewed stated that the questions had forced them to go back and review the intelligence reporting, and that during this exercise they came across information they had overlooked in initial readings. The Committee found that this process – the policymakers probing questions – actually improved the Central Intelligence Agency's (CIA) products. The review revealed that the CIA analysts who prepared *Iraqi Support for Terrorism* made careful, measured assessments which did not overstate or mischaracterize the intelligence reporting upon which it was based.

(U) The Committee also found that CIA analysts are trained to expect questions from policymakers, and to tailor their analysis into a product that is useful to them. In an Occasional

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Paper on improving CIA analytic performance, written by a Research Fellow at the Sherman Kent Center, the fellow states:

> If the mission of intelligence analysis is to inform policymaking – to help the U.S. government anticipate threats and seize opportunities – then customization of analysis is the essence of the professional practice, not a defilement of it (i.e., politicization). **In effect there is no such thing as an unprofessional policymaker question for intelligence to address so long as the answer reflects professional analytic trade craft (e.g., tough-minded weighing of evidence and open-minded consideration of alternatives).** (Emphasis added)

(U) The same Research Fellow commented on strategic warning stating, "Key to the warning challenge is that the substantive uncertainty surrounding threats to U.S. interests requires analysts, and policymakers, to make judgments that are inherently vulnerable to error." This vulnerability has never been so apparent as in the failure to detect and deter the attacks on September 11, 2001. While analysts cannot dismiss a threat because at first glance it seems unreasonable or it cannot be corroborated by other credible reporting, policymakers have the ultimate responsibility for making decisions based on this same fragmentary, inconclusive reporting. If policymakers did not respond to analysts' caveated judgments with pointed, probing questions, and did not require them to produce the most complete assessments possible, they would not be doing their jobs.

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II. NIGER

A. The Original Niger Reporting

([redacted]) Reporting on a possible uranium yellowcake[5] sales agreement between Niger and Iraq first came to the attention of the U.S. Intelligence Community (IC) on October 15, 2001. The Central Intelligence Agency's (CIA) Directorate of Operations (DO) issued an intelligence report [redacted] from a foreign government service indicating that Niger planned to ship several tons of uranium to Iraq [redacted]. The intelligence report said the uranium sales agreement had been in negotiation between the two countries since at least early 1999, and was approved by the State Court of Niger in late 2000. According to the cable, Nigerien President Mamadou Tandja gave his stamp of approval for the agreement and communicated his decision to Iraqi President Saddam Hussein. The report also indicated that in October 2000 Nigerien Minister of Foreign Affairs Nassirou Sabo informed one of his ambassadors in Europe that Niger had concluded an accord to provide several tons of uranium to Iraq. [redacted]

(U) At the time, all IC analysts interviewed by Committee staff considered this initial report to be very limited and lacking needed detail. CIA, Defense Intelligence Agency (DIA) and Department of Energy (DOE) analysts considered the reporting to be "possible" while the Department of State's Bureau of Intelligence and Research (INR) regarded the report as "highly suspect," primarily because INR analysts did not believe that Niger would be likely to engage in such a transaction and did not believe Niger would be able to transfer uranium to Iraq because a French consortium maintained control of the Nigerien uranium industry.

(U) Only the CIA wrote a finished intelligence product on the report (Senior Executive Intelligence Brief [SEIB], *Iraq: Nuclear-Related Procurement Efforts*, October 18, 2001). Regarding the Niger reporting the SEIB said:

> According to a foreign government service, Niger as of early this year planned to send several tons of uranium to Iraq under an agreement concluded late last year.

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[5] Yellowcake is extracted from uranium ore through a milling and solvent extraction process. Yellowcake requires further processing before it can be used as reactor fuel or in a nuclear weapon.

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Iraq and Niger had been negotiating the shipment since at least early 1999, but the state court of Niger only this year approved it, according to the service.

– There is no corroboration from other sources that such an agreement was reached or that uranium was transferred.

– United Nations Security Council (UNSC) Resolution 687 prohibits Iraq from purchasing uranium, although the transfer would not require the application of safeguards.

In view of the origin, the uranium probably is in the form of yellowcake and will need further processing to be used in an uranium enrichment plant. Iraq has no known facilities for processing or enriching the material.

– The quantity of yellowcake to be transferred could support the enrichment of enough uranium for at least one nuclear weapon.

([redacted]) On November 20, 2001, U.S. Embassy Niamey disseminated a cable on a recent meeting between the ambassador and the Director General of Niger's French-led consortium. The Director General said "there was no possibility" that the government of Niger had diverted any of the 3,000 tons of yellowcake produced in its two uranium mines.

([redacted]) Reporting on the uranium transaction did not surface again until February 5, 2002 when the CIA's DO issued a second intelligence report [redacted] which again cited the source as a "[foreign] government service." Although not identified in the report, this source was also from the foreign service. The second report provided more details about the previously reported Iraq-Niger uranium agreement and provided what was said to be "verbatim text" of the accord.

([redacted]) [redacted] Subsequently, the governments of Niger and Iraq signed an agreement regarding the sale of uranium during meetings held July 5-6, 2000. The report indicated that 500 tons of uranium per year [redacted]

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([redacted]) IC analysts at the CIA and the DIA were more impressed with the detail and substance of the second report. One analyst noted that the report provided much more information than they had seen previously in similar reporting about alleged uranium transactions to other countries. INR analysts continued to doubt the accuracy of the reporting, again because they thought Niger would be unwilling and unable to sell uranium to Iraq and because they thought Iraq would be unlikely to risk such a transaction when they were "bound to be caught." Because of these doubts, an INR analyst asked the CIA whether the source of the report could submit to a polygraph. [redacted] A CIA analyst also inquired about the source and says he was told by the CIA's DO that the report was from a "very credible source."

([redacted]) Several analysts interviewed by Committee staff also pointed out that information in the second intelligence report matched [redacted] reporting from 1999 which showed that an Algerian businessman, Baraka, was arranging a trip for the Iraqi Ambassador to the Vatican, Wissam al-Zahawi, to visit Niger and other African countries in early February 1999. [redacted]

([redacted]) Based on information from the CIA report from the foreign service, on February 12, 2002, the DIA wrote a finished intelligence product titled *Niamey signed an agreement to sell 500 tons of uranium a year to Baghdad* (NMJIC [National Military Joint Intelligence Center] Executive Highlight, Vol 028-02, February12, 2002). The product outlined the details in the DO intelligence report, namely, that Niger had agreed to deliver 500 tons of yellowcake uranium to Iraq [redacted]. The piece concluded that "Iraq probably is searching abroad for natural uranium to assist in its nuclear weapons program." The product did not include any judgments about the credibility of the reporting.

([redacted]) After reading the DIA report, the Vice President asked his morning briefer for the CIA's analysis of the issue. In response, the Director of Central Intelligence's (DCI) Center for Weapons Intelligence, Nonproliferation, and Arms Control (WINPAC) published a Senior Publish When Ready (SPWR021402-05), an intelligence assessment with limited distribution, which said, "information on the alleged uranium contract between Iraq and Niger comes exclusively from a foreign government service report that lacks crucial details, and we are working to clarify the information and to determine whether it can be corroborated." The piece discussed the details of the DO intelligence report and indicated that "some of the information in

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the report contradicts reporting from the U.S. Embassy in Niamey. U.S. diplomats say the French Government-led consortium that operates Niger's two uranium mines maintains complete control over uranium mining and yellowcake production." The CIA sent a separate version of the assessment to the Vice President which differed only in that it named the foreign government service [redacted].

B. Former Ambassador

([redacted]) Officials from the CIA's DO Counterproliferation Division (CPD) told Committee staff that in response to questions from the Vice President's Office and the Departments of State and Defense on the alleged Iraq-Niger uranium deal, CPD officials discussed ways to obtain additional information. [redacted] who could make immediate inquiries into the reporting, CPD decided to contact a former ambassador to Gabon who had a posting early in his career in Niger.

([redacted]) Some CPD officials could not recall how the office decided to contact the former ambassador, however, interviews and documents provided to the Committee indicate that his wife, a CPD employee, suggested his name for the trip. The CPD reports officer told Committee staff that the former ambassador's wife "offered up his name" and a memorandum to the Deputy Chief of the CPD on February 12, 2002, from the former ambassador's wife says, "my 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 CPD sent a cable [redacted] requesting concurrence with CPD's idea to send the former ambassador to Niger and requesting any additional information from the foreign government service on their uranium reports. The former ambassador's wife told Committee staff that when CPD decided it would like to send the former ambassador to Niger, she approached her husband on behalf of the CIA and told him "there's this crazy report" on a purported deal for Niger to sell uranium to Iraq.

([redacted]) The former ambassador had traveled previously to Niger on the CIA's behalf [redacted]. The former ambassador was selected for the 1999 trip after his wife mentioned to her supervisors that her husband was planning a business trip to Niger in the near future and might be willing to use his contacts in the region [redacted]. Because the former ambassador did not uncover any information about [redacted] during this visit to Niger, CPD did not distribute an intelligence report on the visit.

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(U) On February 18, 2002, the embassy in Niger disseminated a cable which reported that the alleged Iraq-Niger uranium deal "provides sufficient detail to warrant another hard look at Niger's uranium sales. The names of GON [government of Niger] officials cited in the report track closely with those we know to be in those, or closely-related positions. However, the purported 4,000-ton annual production listed is fully 1,000 tons more than the mining companies claim to have produced in 2001." The report indicated that the ambassador had met with the Nigerien Foreign Minister to ask for an unequivocal assurance that Niger had stuck to its commitment not to sell uranium to rogue states. The cable also noted that in September 2001 the Nigerien Prime Minister had told embassy personnel that there were buyers like Iraq who would pay more for Niger's uranium than France, but the Prime Minister added, "of course Niger cannot sell to them." The cable concluded that despite previous assurances from Nigerien officials that no uranium would be sold to rogue nations, "we should not dismiss out of hand the possibility that some scheme could be, or has been, underway to supply Iraq with yellowcake from here." The cable also suggested raising the issue with the French, who control the uranium mines in Niger, despite France's solid assurances that no uranium could be diverted to rogue states.

(U) On February 19, 2002, CPD hosted a meeting with the former ambassador, intelligence analysts from both the CIA and INR, and several individuals from the DO's Africa and CPD divisions. The purpose of the meeting was to discuss the merits of the former ambassador traveling to Niger. An INR analyst's notes indicate that the meeting was "apparently convened by [the former ambassador's] wife who had the idea to dispatch [him] to use his contacts to sort out the Iraq-Niger uranium issue." The former ambassador's wife told Committee staff that she only attended the meeting to introduce her husband and left after about three minutes.

(U) The INR analyst's meeting notes and electronic mail (e-mail) from other participants indicate that INR explained its skepticism that the alleged uranium contract could possibly be carried out due to the fact that it would be very difficult to hide such a large shipment of yellowcake and because "the French appear to have control of the uranium mining, milling and transport process, and would seem to have little interest in selling uranium to the Iraqis." The notes also indicate that INR believed that the embassy in Niger had good contacts and would be able to get to the truth on the uranium issue, suggesting a visit from the former ambassador would be redundant. Other meeting participants argued that the trip would do little to clarify the story on the alleged uranium deal because the Nigeriens would be unlikely to admit to a uranium sales agreement with Iraq, even if one had been negotiated. An e-mail from a WINPAC analyst to CPD following the meeting noted "it appears that the results from this source will be suspect

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at best, and not believable under most scenarios." CPD concluded that with no other options, sending the former ambassador to Niger was worth a try.

(U) The INR analyst's notes also indicate that specific details of the classified report on the Iraq-Niger uranium deal were discussed at the meeting, as well as whether analysts believed it was plausible that Niger would be capable of delivering such a large quantity of uranium to Iraq. The CIA has told Committee staff that the former ambassador did not have a "formal" security clearance but had been given an "operational clearance" up to the Secret level for the purposes of his potential visit to Niger.

([redacted]) On February 20, 2002, CPD provided the former ambassador with talking points for his use with contacts in Niger. The talking points were general, asking officials if Niger had been approached, conducted discussions, or entered into any agreements concerning uranium transfers with any "countries of concern" [redacted]. The talking points also focused on whether any uranium might be missing from Niger or might have been transferred and asked how Niger accounts for all of its uranium each year. The talking points did not refer to the specific reporting on the alleged Iraq-Niger uranium deal, did not mention names or dates from the reporting, and did not mention that there was any such deal being reported in intelligence channels. DO officials told Committee staff that they promised the former ambassador that they would keep his relationship with CIA confidential, but did not ask the former ambassador to do the same and did not ask him to sign a confidentiality or non-disclosure agreement. The former ambassador left for Niger on February 21, 2002.

(U) On February 24, 2002, the U.S. Embassy in Niamey disseminated a cable (NIAMEY 000262) describing a meeting between the U.S. Ambassador to Niger, Barbro Owens-Kirkpatrick, Deputy Commander, European Command, General Carlton Fulford, Niger's President, Mamadou Tandja and Foreign Minister Aïchatou Mindaoudou. General Fulford had previously scheduled a routine refueling stop and brief meeting with Nigerien officials at the request of Ambassador Owens-Kirkpatrick. Ambassador Owens-Kirkpatrick told Committee staff that she routinely encouraged visitors to Western Africa to make refueling stops in Niger. She said "when you are assigned to a place like Niger, which is not exactly the center of the universe . . . you take everything you can get. And I worked very hard to make Niger the best refueling stop in Africa." When the Iraq-Niger uranium reporting surfaced in early February, Ambassador Owens-Kirkpatrick decided to ask General Fulford to use the previously scheduled meeting to raise the uranium issue with Nigerien officials. Ambassador Owens-Kirkpatrick prepared talking points for General Fulford to use during his visit and the CIA coordinated on the talking points.

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(U) At the meeting, Nigerien President Tandja assured the ambassador and General Fulford that Niger's goal was to keep its uranium "in safe hands." He [redacted] In the comment section of the cable, the embassy noted that in the past, "previous Nigerien governments have suggested that the best way the [U.S. government] could keep Niger's uranium from the wrong hands" was for the U.S. to purchase it. Ambassador Owens-Kirkpatrick told Committee staff that during her meetings with Nigerien officials, she never asked whether the officials had been approached by any countries to purchase uranium. She said, "we raised the issue in more general terms rather than specifics."

(U) On February 26, 2002, the former ambassador arrived in Niger. He told Committee staff that he first met with Ambassador Owens-Kirkpatrick to discuss his upcoming meetings. Ambassador Owens-Kirkpatrick asked him not to meet with current Nigerien officials because she believed it might complicate her continuing diplomatic efforts with them on the uranium issue. The former ambassador agreed to restrict his meetings to former officials and the private sector.

(U) The former ambassador told Committee staff that he met with the former Nigerien Prime Minister, the former Minister of Mines and Energy, and other business contacts. At the end of his visit, he debriefed Ambassador Owens-Kirkpatrick [redacted], Chad. He told Committee staff that he had told both U.S. officials he thought there was "nothing to the story." Ambassador Owens-Kirkpatrick told Committee staff she recalled the former ambassador saying "he had reached the same conclusions that the embassy had reached, that it was highly unlikely that anything was going on."

(U) On March 1, 2002, INR published an intelligence assessment, *Niger: Sale of Uranium to Iraq Is Unlikely.* The INR analyst who drafted the assessment told Committee staff that he had been told that the piece was in response to interest from the Vice President's office in the alleged Iraq-Niger uranium deal. The assessment reiterated INR's view that France controlled the uranium industry and "would take action to block a sale of the kind alleged in a CIA report of questionable credibility from a foreign government service." The assessment added that "some officials may have conspired for individual gain to arrange a uranium sale," but considered President Tandja's government unlikely to risk relations with the U.S. and other key aid donors. In a written response to a question from Committee staff on this matter, the Department of State said the assessment was distributed through the routine distribution process in which intelligence documents are delivered to the White House situation room, but State did not provide the assessment directly to the Vice President in a special delivery.

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([redacted]) In early March 2002, the Vice President asked his morning briefer for an update on the Niger uranium issue. In response, on March 5, 2002, WINPAC analysts sent an analytic update to the briefer which noted that the government of Niger said it was making all efforts to ensure that its uranium would be used for only peaceful purposes. The update said the foreign government service that provided the original report "was unable to provide new information, but continues to assess that its source is reliable." The update also noted that the CIA would "be debriefing a source who may have information related to the alleged sale on March 5."

(U) Later that day, two CIA DO officers debriefed the former ambassador who had returned from Niger the previous day. The debriefing took place in the former ambassador's home and although his wife was there, according to the reports officer, she acted as a hostess and did not participate in the debrief. Based on information provided verbally by the former ambassador, the DO case officer wrote a draft intelligence report and sent it to the DO reports officer who added additional relevant information from his notes.

(U) The intelligence report based on the former ambassador's trip was disseminated on March 8, 2002. The report did not identify the former ambassador by name or as a former ambassador, but described him as "a contact with excellent access who does not have an established reporting record." The report also indicted that the "subsources of the following information knew their remarks could reach the U.S. government and may have intended to influence as well as inform." DO officials told Committee staff that this type of description was routine and was done in order to protect the former ambassador as the source of the information, which they had told him they would do. DO officials also said they alerted WINPAC analysts when the report was being disseminated because they knew the "high priority of the issue." The report was widely distributed in routine channels.

([redacted]) The intelligence report indicated that former Nigerien Prime Minister Ibrahim Mayaki was unaware of any contracts that had been signed between Niger and any rogue states for the sale of yellowcake while he was Prime Minister (1997-1999) or Foreign Minister (1996-1997). Mayaki said that if there had been any such contract during his tenure, he would have been aware of it. Mayaki said, however, that in June 1999, [redacted] businessman, approached him and insisted that Mayaki meet with an Iraqi delegation to discuss "expanding commercial relations" between Niger and Iraq. The intelligence report said that Mayaki interpreted "expanding commercial relations" to mean that the delegation wanted to discuss uranium yellowcake sales. The intelligence report also said that "although the meeting took place, Mayaki let the matter drop due to the UN sanctions on Iraq."

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([redacted]) The intelligence report also said that Niger's former Minister for Energy and Mines [redacted], Mai Manga, stated that there were no sales outside of International Atomic Energy Agency (IAEA) channels since the mid-1980s. He knew of no contracts signed between Niger and any rogue states for the sale of uranium. He said that an Iranian delegation was interested in purchasing 400 tons of yellowcake from Niger in 1998, but said that no contract was ever signed with Iran. Mai Manga also described how the French mining consortium controls Nigerien uranium mining and keeps the uranium very tightly controlled from the time it is mined until the time it is loaded onto ships in Benin for transport overseas. Mai Manga believed it would be difficult, if not impossible, to arrange a special shipment of uranium to a pariah state given these controls.

(U) In an interview with Committee staff, the former ambassador was able to provide more information about the meeting between former Prime Minister Mayaki and the Iraqi delegation. The former ambassador said that Mayaki did meet with the Iraqi delegation but never discussed what was meant by "expanding commercial relations." The former ambassador said that because Mayaki was wary of discussing any trade issues with a country under United Nations (UN) sanctions, he made a successful effort to steer the conversation away from a discussion of trade with the Iraqi delegation.

([redacted]) When the former ambassador spoke to Committee staff, his description of his findings differed from the DO intelligence report and his account of information provided to him by the CIA differed from the CIA officials' accounts in some respects. First, the former ambassador described his findings to Committee staff as more directly related to Iraq and, specifically, as refuting both the possibility that Niger could have sold uranium to Iraq and that Iraq approached Niger to purchase uranium. The intelligence report described how the structure of Niger's uranium mines would make it difficult, if not impossible, for Niger to sell uranium to rouge nations, and noted that Nigerien officials denied knowledge of any deals to sell uranium to any rogue states, but did not refute the possibility that Iraq had approached Niger to purchase uranium. Second, the former ambassador said that he discussed with his CIA contacts which names and signatures should have appeared on any documentation of a legitimate uranium transaction. In fact, the intelligence report made no mention of the alleged Iraq-Niger uranium deal or signatures that should have appeared on any documentation of such a deal. The only mention of Iraq in the report pertained to the meeting between the Iraqi delegation and former Prime Minister Mayaki. Third, the former ambassador noted that his CIA contacts told him there were documents pertaining to the alleged Iraq-Niger uranium transaction and that the source of the information was the [redacted] intelligence service. The DO reports officer told Committee staff that he did not provide the former ambassador with any information about the source or details of

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the original reporting as it would have required sharing classified information and, noted that there were no "documents" circulating in the IC at the time of the former ambassador's trip, only intelligence reports from [redacted] intelligence regarding an alleged Iraq-Niger uranium deal. Meeting notes and other correspondence show that details of the reporting were discussed at the February 19, 2002 meeting, but none of the meeting participants recall telling the former ambassador the source of the report [redacted]

(U) The former ambassador also told Committee staff that he was the source of a *Washington Post* article ("CIA Did Not Share Doubt on Iraq Data; Bush Used Report of Uranium Bid," June 12, 2003) which said, "among the Envoy's conclusions was that the documents may have been forged because 'the dates were wrong and the names were wrong.'" Committee staff asked how the former ambassador could have come to the conclusion that the "dates were wrong and the names were wrong" when he had never seen the CIA reports and had no knowledge of what names and dates were in the reports. The former ambassador said that he may have "misspoken" to the reporter when he said he concluded the documents were "forged." He also 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 and may have thought he had seen the names himself. The former ambassador reiterated that he had been able to collect the names of the government officials which should have been on the documents.

(U) The former ambassador told Committee staff that he had no direct knowledge of how the information he provided was handled by the CIA, but, based on his previous government experience, he believed that the report would have been distributed to the White House and that the Vice President received a direct response to his question about the possible uranium deal. He said,

> Whether or not there was a specific response to the specific question the Vice President asked I don't know for a fact, other than to know, having checked with my own memory when I was in the White House at the National Security Council . . . any time an official who is senior enough to ask that question, that official was senior enough to have a very specific response. The question then becomes whether the response came back as a telephone call, a non-paper – in other words, talking points – or orally briefed, or a specific cable in addition to the more general report that is circulated."

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([redacted]) The CIA's DO gave the former ambassador's information a grade of "good," which means that it added to the IC's body of understanding on the issue, [redacted]. The possible grades are unsatisfactory, satisfactory, good, excellent, and outstanding, which, according to the Deputy Chief of CPD, are very subjective. [redacted] The reports officer said that a "good" grade was merited because the information responded to at least some of the outstanding questions in the Intelligence Community, but did not provide substantial new information. He said he judged that the most important fact in the report was that the Nigerien officials admitted that the Iraqi delegation had traveled there in 1999, and that the Nigerien Prime Minister believed the Iraqis were interested in purchasing uranium, because this provided some confirmation of foreign government service reporting.

(U) IC analysts had a fairly consistent response to the intelligence report based on the former ambassador's trip in that no one believed it added a great deal of new information to the Iraq-Niger uranium story. An INR analyst said when he saw the report he believed that it corroborated the INR's position, but said that the "report could be read in different ways." He said the report was credible, but did not give it a lot of attention because he was busy with other things.

(U) DIA and CIA analysts said that when they saw the intelligence report they did not believe that it supplied much new information and did not think that it clarified the story on the alleged Iraq-Niger uranium deal. They did not find Nigerien denials that they had discussed uranium sales with Iraq as very surprising because they had no expectation that Niger would admit to such an agreement if it did exist. The analysts did, however, find it interesting that the former Nigerien Prime Minister said an Iraqi delegation had visited Niger for what he believed was to discuss uranium sales.

(U) Because CIA analysts did not believe that the report added any new information to clarify the issue, they did not use the report to produce any further analytical products or highlight the report for policymakers. For the same reason, CIA's briefer did not brief the Vice President on the report, despite the Vice President's previous questions about the issue.

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([redacted]) On March 25, 2002, the DO issued a third and final intelligence report from the same "[foreign] government service." The report said that the 2000 agreement by Niger to provide uranium to Iraq specified that 500 tons of uranium per year would be delivered in [redacted].

([redacted]) As in the two previous reports, the government service was not identified as the foreign government service. The foreign government service did not provide the DO with information about its source and the DO, to date, remains uncertain as to how the foreign government service collected the information in the three intelligence reports. There were no obvious inconsistencies in the names of officials mentioned or the dates of the transactions in any of the three reports. Of the seven names mentioned in the reporting, two were former high ranking officials who were the individuals in the positions described in the reports at the time described and five were lower ranking officials. Of the five lower ranking, two were not the individuals in the positions described in the reports, however, these do not appear to be names or positions with which intelligence analysts would have been familiar. For example, an INR analyst who had recently returned from a position as Deputy Chief of Mission at the U.S. Embassy in Niger told Committee staff that he did not notice any inconsistencies with the names of the officials mentioned. The only mistake in any of the reports regarding dates, is that one date, July 7, 2000, is said to be a Wednesday in the report, but was actually a Friday.

C. Continuing Analysis

([redacted]) Throughout the time the Niger reports were being disseminated, the [redacted] CIA Iraq nuclear analyst said he had discussed the issue with his INR colleague and was aware that INR disagreed with the CIA's position. He said they discussed Niger's uranium production rates and whether Niger could have been diverting any yellowcake. He said that he and his INR counterpart essentially "agreed to disagree" about whether Niger could supply uranium to Iraq. The CIA analyst said he assessed at the time that the intelligence showed both that Iraq may have been trying to procure uranium in Africa and that it was possible Niger could supply it. He said his assessment was bolstered by several other intelligence reports on Iraqi interest in uranium from other countries in Africa.[6]

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[6] ([redacted]) Several intelligence reports [redacted] alleged Iraq wanted to purchase uranium from countries in Africa. [redacted] said Iraq had offered the Democratic Republic of the Congo [redacted]. Two CIA intelligence reports from separate sources in March and April 1999 said a delegation of Iraqis, [redacted] had arrived

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(U) On May 10, 2002, the CIA's Office of Near Eastern and South Asian Analysis (NESA) in the Directorate of Intelligence (DI) prepared a Principals Committee briefing book updating the status of Iraqi weapons of mass destruction (WMD) programs. The document noted that a "foreign government service says Iraq was trying to acquire 500 tons of uranium from Niger."

(U) On June 24, 2002, the U.S. Embassy in Niamey published a cable, *Niger's Uranium: GON Signs IAEA Accord, But Keeps Looking for New Buyers as Price Falls*. The cable reported that, following prolonged lobbying, on June 10, 2002, the government of Niger signed a comprehensive safeguards agreement with the IAEA. The cable indicated that the agreement would help ensure that Niger's uranium production is only used for "peaceful purposes."

(U) On July 22, 2002, the DOE published an intelligence product (Daily Intelligence Highlight, *Nuclear Reconstitution Efforts Underway?*) which highlighted the intelligence on the Iraq-Niger uranium deal as one of three indications that Iraq might be reconstituting its nuclear program. The report added that there was "no information indicating that any of the uranium shipments arrived in Iraq," and suggested that the "amount of uranium specified far exceeds what Iraq would need even for a robust nuclear weapons program."

(U) On August 1, 2002 CIA NESA published a paper on Iraq's weapons of mass destruction (WMD) capabilities which did not include the alleged Iraq-Niger uranium information.

(U) In September 2002, the DIA published an intelligence assessment (Defense Intelligence Assessment, *Iraq's Reemerging Nuclear Program*) which outlined Iraq's recent efforts to rebuild its nuclear program. The report focused on a variety of issues related to Iraq's nuclear efforts, including procurement efforts, nuclear facilities, consolidation of scientists and uranium acquisition. On the latter issue, the assessment said "Iraq has been vigorously trying to procure uranium ore and yellowcake." The report described the intelligence on the Iraq-Niger uranium deal and several other intelligence reports on Iraqi efforts to acquire uranium from Somalia and the Democratic Republic of the Congo. The assessment said that "DIA cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources."

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in Somalia in March to evaluate and discuss [redacted] uranium from a Somali [redacted]. [redacted]

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(U) In a written response to questions from Committee staff, the White House said that on September 11, 2002, National Security Council (NSC) staff contacted the CIA to clear language for possible use in a statement for use by the President. The language cleared by the CIA said, "Iraq has made several attempts to buy high strength aluminum tubes used in centrifuges to enrich uranium for nuclear weapons. And we also know this: within the past few years, Iraq has resumed efforts to obtain large quantities of a type of uranium oxide known as yellowcake, which is an essential ingredient of this process. The regime was caught trying to purchase 500 metric tons of this material. It takes about 10 tons to produce enough enriched uranium for a single nuclear weapon." The text was identical to the text proposed by the White House except that the CIA had suggested adding "up to" before 500 metric tons. The President never used the approved language publicly.

D. The British White Paper

([redacted])

([redacted])

([redacted])

[redacted]

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[redacted]

([redacted]) [redacted] On September 24, 2002 the British Government published a White Paper on Iraq's WMD stating, "there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa."

([redacted]) [redacted]

[redacted]

([redacted]) [redacted]

[redacted]

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(U) In a response to questions from Committee staff, the White House said that on September 24, 2002, NSC staff contacted the CIA to clear another statement for use by the President. The statement said, "we also have intelligence that Iraq has sought large amounts of uranium and uranium oxide, known as yellowcake, from Africa. Yellowcake is an essential ingredient of the process to enrich uranium for nuclear weapons." The CIA cleared the language, but suggested that "of the process" be changed to "in the process." The President did not use the cleared language publicly.

(U) Some time in September a member of the NSC staff discussed the Niger uranium issue with a CIA analyst. The CIA analyst told Committee staff that during coordination of a speech (he was not sure which one) with an NSC staff member, the CIA analyst suggested that the reference to Iraqi attempts to acquire uranium from Africa be removed. The CIA analyst said the NSC staff member said that would leave the British "flapping in the wind." In a written response to a question about this matter from the Committee, the NSC staff member said that the CIA analyst did not suggest that he remove text regarding Iraqi attempts to acquire uranium from Africa. The NSC staff member said the analyst suggested that Saddam's meeting with his "nuclear mujahedin" was more compelling evidence of Iraq's effort to resurrect the Iraqi nuclear program than attempts to acquire yellowcake, but said the analyst never suggested that the yellowcake text be removed. He said he had no recollection of telling a CIA analyst that replacing the uranium reference would leave the British "flapping in the wind" and said such a statement would have been illogical since the President never presented in any one speech every detail of intelligence gathered on Iraq either by the U.S. or by the U.K.

E. The National Intelligence Estimate

([redacted]) At the same time [redacted], the IC was preparing the National Intelligence Estimate (NIE) on *Iraq's Continuing Programs for Weapons of Mass Destruction.* In mid-September 2002, in both hearings and in letters, Members of the Senate Select Committee on Intelligence (SSCI) requested that the CIA publish an NIE on Iraq's weapons of mass destruction (WMD) programs. Committee Members expressed concerns that they would be expected to vote on an Iraq Resolution shortly and had no NIE on which to base their vote.

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(U) On September 12, 2002, the DCI officially directed the National Intelligence Officer (NIO) for Strategic and Nuclear Programs to begin to draft an NIE. The National Intelligence Council (NIC) staff drew the discussion of nuclear reconstitution for the draft NIE largely from an August 2002 CIA assessment and a September 2002 DIA assessment, *Iraq's Reemerging Nuclear Weapons Programs*. The NIO sent a draft of the entire NIE to IC analysts on September 23, 2002 for coordination and comments and held an interagency coordination meeting on September 25, 2002 to discuss the draft and work out any changes.

(U) Regarding uranium from Africa, the language of the NIE said:

> Iraq has about 550 metric tons of yellowcake and low-enriched uranium at Tuwaitha, which is inspected annually by the IAEA. Iraq also began vigorously trying to procure uranium ore and yellowcake; acquiring either would shorten the time Baghdad needs to produce nuclear weapons.
>
> - A foreign government service reported that as of early 2001, Niger planned to send several tons of "pure uranium" (probably yellowcake) to Iraq. As of early 2001, Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement.
>
> - Reports indicate Iraq has also sought uranium ore from Somalia and possibly the Democratic Republic of the Congo.
>
> We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources.

(U) At the NIE coordination meeting, the only analyst who voiced disagreement with the uranium section was an INR analyst. Several analysts from other agencies told Committee staff that they did not recall even discussing the uranium reporting at the meeting. All of the analysts said that the bulk of the time at the meeting was spent debating other issues such as the aluminum tubes, time lines for weapons designs, and procurement of magnets and other dual use items. CIA, DIA and DOE analysts all said that at the time the NIE was written, they agreed with the NIE assessment that Iraq was attempting to procure uranium from Africa. Some analysts said, in retrospect, the language should have been more qualified than it was, but they generally agreed with the text.

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(U) The uranium text was included only in the body of the NIE, not in the key judgments section because the interagency consensus was that Iraq's efforts to acquire uranium were not key to the argument that Iraq was reconstituting its nuclear program. According to the NIO, the key judgments were drawn from a CIA paper which only highlighted the acquisition of aluminum tubes as the reason Iraq was reconstituting its nuclear program. The NIO said that at the NIE coordination meeting, analysts added other reasons they believed Iraq was reconstituting, such as acquiring magnets, machine tools, and balancing machines, and reestablishing Iraq's nuclear scientists cadre. When someone, the NIO was not sure who,[7] suggested that the uranium information be included as another sign of reconstitution, the INR Iraq nuclear analyst spoke up and said that he did not agree with the uranium reporting and that INR would be including text indicating their disagreement in their footnote on nuclear reconstitution. The NIO said he did not recall anyone else at the coordination meeting who disagreed with the uranium text, but also did not recall anyone really supporting including the uranium issue as part of the judgment that Iraq was reconstituting its nuclear program, so he suggested that the uranium information did not need to part of the key judgments. He told Committee staff he suggested that "We'll leave it in the paper for completeness. Nobody can say we didn't connect the dots. But we don't have to put that dot in the key judgments."

(U) Because INR disagreed with much of the nuclear section of the NIE, it decided to convey its alternative views in text boxes, rather than object to every point throughout the NIE. INR prepared two separate boxes, one for the key judgments section and a two page box for the body of the nuclear section, which included a sentence which stated that "the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious."

(U) While formatting the final version of the NIE, the NIC staff decided to separate the entire aluminum tubes discussion into a separate annex that laid out each agency's position. When this formatting change was made, a text box INR had previously submitted for the body of the NIE was split into a text box on reconstitution and a text box on the aluminum tubes. Both the NIO for Strategic and Nuclear Programs and the INR's senior WMD analyst told Committee staff that INR's dissent on the uranium reporting was inadvertently separated from the reconstitution section and included in the aluminum tubes box in the annex of the NIE. The NIC staff disseminated a draft of the NIE in which those changes were made on September 26, 2002

[7] Committee staff interviewed all of the analysts involved in coordinating the nuclear portion of the NIE and none could recall who suggested that Iraq's interest in acquiring uranium from Africa be included in the key judgments. A DOE analysts said he could have made that suggestion, because at the time he did believe that uranium acquisitions attempts was an important sign of reconstitution, however, he could not be certain.

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for coordination. An e-mail on September 30, 2002 indicates that INR made some further edits to their text boxes, but did not change the placement of their dissent on the uranium reporting. INR analysts told Committee staff they did not notice that the uranium dissent was included in the aluminum tube section.

([redacted]) On October 1, 2002, in preparation for an SSCI hearing on the NIE the following day, a CIA NESA analyst prepared responses to questions anticipated from SSCI Members. The [redacted] WINPAC Iraq nuclear analyst sent the NESA analyst comments for inclusion [redacted]

(U) On October 1, 2002, the NIC published the NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction.* The language on Iraq's efforts to acquire uranium from Africa appeared as it did in the draft version and INR's position that "claims of Iraqi pursuit of natural uranium in Africa are highly dubious" was included in a text box, separated by about 60 pages from the discussion of the uranium issue.

(U) On October 2, 2002, the Deputy DCI testified before the SSCI. Senator Jon Kyl asked the Deputy DCI whether he had read the British white paper and whether he disagreed with anything in the report. The Deputy DCI testified that "the one thing where I think they stretched a little bit beyond where we would stretch is on the points about Iraq seeking uranium from various African locations. We've looked at those reports and we don't think they are very credible. It doesn't diminish our conviction that he's going for nuclear weapons, but I think they reached a little bit on that one point. Otherwise I think it's very solid."

(U) On October 4, 2002, the NIO for Strategic and Nuclear Programs testified before the SSCI. When asked by Senator Fred Thompson if there was disagreement with the British white paper, the NIO said that "they put more emphasis on the uranium acquisition in Africa than we would." He added, "there is some information on attempts and, as we said, maybe not to this committee, but in the last couple of weeks, there's a question about some of those attempts because of the control of the material in those countries. In one case the mine is completely flooded and how would they get the material. For us it's more the concern that they have

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uranium in-country now. It's under inspection. It's under control of the IAEA – the International Atomic Energy Agency – but they only inspect it once a year." The NIO told Committee staff that he was speaking as an IC representative and was representing INR's known view on the issue. He said at the time of his remarks, he did not believe that the CIA had any problem with the credibility of the reporting, but said the CIA may have believed that the uranium information should not be included in an unclassified white paper.

(U) Also, on October 4, 2002, CIA published an unclassified White Paper, *Iraq's Weapons of Mass Destruction Programs.* The NIO for NESA started work on the white paper in the spring of 2002, well before efforts began on the classified NIE. A CIA NESA analyst drafted the body of the White Paper and did not include text on Iraqi attempts to acquire uranium from Africa.

(U) In October 2002, CIA's NESA published a classified Iraq handbook as a repository of reference material that policymakers, intelligence officers, and military personnel could easily access. In the section on Iraq's nuclear program NESA wrote, "Iraq may be trying to acquire 500 tons of uranium – enough for 50 nuclear devices after processing – from Niger."

F. The Cincinnati Speech

(U) On October 4, 2002, the NSC sent a draft of a speech they were preparing for the President to deliver in Cincinnati, Ohio. It was draft six of the speech and contained the line, "and the regime has been caught attempting to purchase up to 500 metric tons of uranium oxide from Africa – an essential ingredient in the enrichment process."

(U) The CIA's former Associate Deputy Director for Intelligence (ADDI) for Strategic Programs, told Committee staff he was tasked by the Deputy Director for Intelligence (DDI) to handle coordination of the speech within the CIA. On October 5, 2002, the ADDI brought together representatives for each of the areas of Iraq that the speech covered and asked the analysts to bring forward any issues that they thought should be addressed with the NSC. The ADDI said an Iraq nuclear analyst – he could not remember who – raised concerns about the sourcing and some of the facts of the Niger reporting, specifically that the control of the mines in Niger would have made it very difficult to get yellowcake to Iraq.

([redacted]) Both WINPAC Iraq nuclear analysts who had followed the Iraq-Niger uranium issue told Committee staff they were not involved in coordinating the Cincinnati speech and did not participate in the speech coordination session on October 5, 2002. The WINPAC Deputy

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[redacted]

Director for Analysis also told Committee staff he did not recall being involved in the Cincinnati speech, but later clarified his remarks to the Committee in writing saying that he remembered participating in the speech, but did not recall commenting on the section of the speech dealing with the Niger information. Committee staff asked the CIA to identify who might have attended the Cincinnati speech coordination meeting and raised concerns with the ADDI about the sourcing and facts of the Niger reporting. The CIA told Committee staff that the NESA Iraq analyst, [redacted] believes he may have been the one who attended the meeting and raised concerns about the Niger reporting with the ADDI.

(U) Based on the analyst's comments, the ADDI drafted a memo for the NSC outlining the facts that the CIA believed needed to be changed, and faxed it to the Deputy National Security Advisor and the speech writers. Referring to the sentence on uranium from Africa the CIA said, "remove the sentence because the amount is in dispute and it is debatable whether it can be acquired from the source. We told Congress that the Brits have exaggerated this issue. Finally, the Iraqis already have 550 metric tons of uranium oxide in their inventory."

([redacted]) Later that day, the NSC staff prepared draft seven of the Cincinnati speech which contained the line, "and the regime has been caught attempting to purchase substantial amounts of uranium oxide from sources in Africa." Draft seven was sent to CIA for coordination.

([redacted]) The ADDI told Committee staff he received the new draft on October 6, 2002 and noticed that the uranium information had "not been addressed," so he alerted the DCI. The DCI called the Deputy National Security Advisor directly to outline the CIA's concerns. On July 16, 2003, the DCI testified before the SSCI that he told the Deputy National Security Advisor that the "President should not be a fact witness on this issue," because his analysts had told him the "reporting was weak." The NSC then removed the uranium reference from the draft of the speech.

([redacted]) Although the NSC had already removed the uranium reference from the speech, later on October 6, 2002 the CIA sent a second fax to the White House which said, "more on why we recommend removing the sentence about procuring uranium oxide from Africa: Three points (1) The evidence is weak. One of the two mines cited by the source as the location of the uranium oxide is flooded. The other mine cited by the source is under the control of the French authorities. (2) The procurement is not particularly significant to Iraq's nuclear ambitions because the Iraqis already have a large stock of uranium oxide in their inventory. And (3) we

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[redacted]

have shared points one and two with Congress, telling them that the Africa story is overblown and telling them this is one of the two issues where we differed with the British."

(U) On October 7, 2002, President Bush delivered the speech in Cincinnati without the uranium reference. On the same day, the CIA prepared comments on a draft White House paper, *A Grave and Gathering Danger*. The comments suggested a change to the draft language saying "better to generalize the first bullet as follows: Sought uranium from Africa to feed the enrichment process." The original text from the White House had said "sought uranium oxide, an essential ingredient in the enrichment process, from Africa." The White House did not publish the paper.

G. The Niger Documents

([redacted]) On October 9, 2002, an Italian journalist from the magazine *Panorama* provided U.S. Embassy Rome with copies of documents[8] pertaining to the alleged Iraq-Niger uranium transaction. The journalist had acquired the documents from a source who had requested 15,000 Euros in return for their publication, and wanted the embassy to authenticate the documents. Embassy officers provided copies of the documents to the CIA's [redacted] because the embassy, which did collect the information, was sending copies of the documents back to State Department headquarters.

([redacted]) [redacted]

[8] ([redacted]) The documents from the Italian journalist are those that were later passed to the IAEA and discovered to have been forged. In March 2003, the Vice Chairman of the Committee, Senator Rockefeller, requested that the Federal Bureau of Investigation (FBI) investigate the source of the documents, [redacted], the motivation of those responsible for the forgeries, and the extent to which the forgeries were part of a disinformation campaign. Because of the FBI's investigation into this matter, the Committee did not examine these issues.

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([redacted]) Also on October 11, 2002, the U.S. Embassy in Rome reported to State Department headquarters that it had acquired photocopies of documents on a purported uranium deal between Iraq and Niger from an Italian journalist. The cable said that the embassy had passed the documents to the CIA's [redacted]. The embassy faxed the documents to the State Department's Bureau of Nonproliferation (NP) on October 15, 2002, which passed a copy of the documents to INR.

(U) Immediately after receiving the documents, the INR Iraq nuclear analyst e-mailed IC colleagues offering to provide the documents at a previously planned meeting of the Nuclear Interdiction Action Group (NIAG) the following day. The analyst, apparently already suspicious of the validity of the documents noted in his e-mail, "you'll note that it bears a funky Emb. of Niger stamp (to make it look official, I guess)."

(U) The INR Iraq nuclear analyst told Committee staff that the thing that stood out immediately about the documents was that a companion document – a document included with the Niger documents that did not relate to uranium – mentioned some type of military campaign against major world powers. The members of the alleged military campaign included both Iraq and Iran, and was, according to the documents, being orchestrated through the Nigerien Embassy in Rome, which all struck the analyst as "completely implausible." Because the stamp on this document matched the stamp on the uranium document, the analyst thought that all of the documents were likely suspect. The analyst was unaware at the time of any formatting problems with the documents or inconsistencies with the names or dates.

(U) On October 16, 2002, INR made copies of the documents available at the NIAG meeting for attendees, including representatives from the CIA, DIA, DOE and NSA. Because the analyst who offered to provide the documents was on leave, the office's senior analyst provided the documents. She cannot recall how she made the documents available, but analysts from several agencies, including the DIA, NSA and DOE, did pick up copies at that meeting. None of the four CIA representatives recall picking up the documents, however, during the CIA Inspector General's investigation of this issue, copies of the documents were found in the DO's CPD vault.

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It appears that a CPD representative did pick up the documents at the NIAG meeting, but after returning to the office, filed them without any further distribution.

([redacted]) The CIA told the Committee its analysts did not seek to obtain copies of the documents because they believed that the foreign government service reporting was verbatim text and did not think it would advance the story on the alleged uranium deal. One analyst noted that, at the time, the CIA was preparing its case [redacted] on reconstitution and since the uranium reporting was not significant to their argument, getting the documents was not a priority.

([redacted]) [redacted]

(U) On November 22, 2002, during a meeting with State Department officials, the French Ministry of Foreign Affairs Director for Nonproliferation said that France had information on an Iraqi attempt to buy uranium from Niger. He said that France had determined that no uranium had been shipped, but France believed the reporting was true that Iraq had made a procurement attempt for uranium from Niger.

([redacted]) On November 25, 2002, The Naval [redacted] issued a very brief report (*Alleged Storage of Uranium Destined for Iraq* [redacted] that a large quantity of uranium from Niger was being stored in a warehouse in Cotonou, Benin. The uranium was reportedly sold to Iraq by Niger's President. The report provided the name and telephone numbers for the individual, a West African businessman, who was responsible for coordinating the alleged uranium transaction and indicated that he was willing to provide information about the transaction. CIA's DO told Committee staff that the businessman has never been contacted and the DO has not made an effort to determine whether this individual had any useful information. The DO told Committee staff that they saw no reason to contact him and noted that "no one even thought to do that." The Defense Humint Service (DHS) and the Navy also told Committee staff that they

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did not try to contact the businessman. The Navy told the Committee that because they were not further tasked regarding their report, they did not pursue the matter further. The DHS told Committee staff that because the DHS examined the warehouse on December 17, 2002 and saw only what appeared to be bales of cotton in the warehouse, they did not see a reason to contact the businessman. The report on the DHS's findings was not published until February 10, 2003. *(See page 68)*

(U) On December 17, 2002, WINPAC analysts produced a paper, *U.S. Analysis of Iraq's Declaration, 7 December 2002*. The paper reviewed Iraq's "Currently Accurate, Full and Complete Disclosure" to the UN of its WMD programs and made only two points regarding the nuclear program – one noted Iraq's failure to explain its procurement of aluminum tubes the IC assessed could be used in a nuclear program, and the other noted that the declaration "does not acknowledge efforts to procure uranium from Niger, one of the points addressed in the U.K. Dossier." An e-mail from the INR Iraq nuclear analyst to a DOE analyst on December 23, 2002 indicated that the analyst was surprised that INR's well known alternative views on both the aluminum tubes and the uranium information were not included in the points before they were transmitted to the NSC. The DOE analyst commented in an e-mail response to INR that, "it is most disturbing that WINPAC is essentially directing foreign policy in this matter. There are some very strong points to be made in respect to Iraq's arrogant non-compliance with UN sanctions. However, when individuals attempt to convert those "strong statements" into the "knock out" punch, the Administration will ultimately look foolish – i.e. the tubes and Niger!"

H. The Fact Sheet

(U) On December 18, 2002, the Department of State's Assistant Secretary for the Bureau of Public Affairs (PA) asked the Under Secretary for Arms Control and International Security to help develop a response to Iraq's December 7, 2002 declaration to the UN. PA also contacted the State Department Bureau of Nonproliferation (NP) directly. The fact sheet was to be published after Ambassador John Negroponte delivered a speech to the UNSC the following morning, and after the Secretary of State held a press conference shortly thereafter.

(U) Later the same day, an NP special assistant prepared a draft of the fact sheet based on an existing copy of Negroponte's speech and sent the draft to the Director of WINPAC at the CIA for coordination. In a phone conversation with an NP special assistant, the WINPAC Director made a few edits, but did not change the reference to Iraq's procurement of uranium from Niger. The suggested edits were outlined in a State Department e-mail and show no comments regarding the Niger uranium information.

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(U) Separately, the NSC staff coordinated the Negroponte speech directly with the WINPAC Director and he recommended that "Niger" be replaced with "Africa" in the speech.

([redacted]) At 11:28 a.m. on the morning of December 19, 2002, NP e-mailed its draft fact sheet to several offices in the State Department, including INR's Office of Analysis for Strategic, Proliferation, and Military Issues (SPM). NP sent the e-mail to the senior analyst in the office and did not indicate that there was a response deadline for comments. At 12:20 p.m. the senior analyst passed the fact sheet to three other analysts to solicit comments. At 1:12 p.m. the [redacted] Iraq nuclear analyst in SPM sent comments to NP requesting that the word "reported" be added before "efforts" in the sentence, "the declaration ignores efforts to procure uranium from Niger." The e-mail added "as you know, INR assesses this reporting as dubious. Policymakers are entitled to leave out the word 'reported,' but the INR/SPM would not sign off on such a move." The INR's comments did not reach NP before the fact sheet had already been forwarded to the Office of Public Affairs. NP did not try to retrieve the document from PA to make the INR's recommended change.

(U) At about the same time, the action officer for Iraq in the State Department's Office of United Nations Political Affairs (IO/UNP) responded to NP that the draft fact sheet needed to be vetted with WINPAC because some items in the Negroponte speech had been changed. NP, aware that the fact sheet had already been cleared with WINPAC but unaware that WINPAC had told the NSC the prior evening to change the "Niger" reference to "Africa," told IO/UNP that the fact sheet was consistent with the speech. Later that afternoon, IO/UNP responded to NP's e-mail, saying "didn't we pull 'from Niger' from Negroponte's comments at IC request?" By that time, the fact sheet had already been posted to the State Department web page. The fact sheet said Iraq's declaration, "ignores efforts to procure uranium from Niger."

(U) According to the State Department Inspector General, shortly after the fact sheet was posted, NP drafted a cable to all embassies which included the fact sheet, Ambassador Negroponte's speech, and Secretary Powell's public remarks. By this time, aware that the Niger reference in the Negroponte speech had been changed, NP changed the text of the fact sheet that was included in the cable to "abroad" instead of "Niger." None of the text was ever changed to qualify the uranium information as "reported" as recommended by INR.

(U) On December 24, 2002, the Nigerien Prime Minister declared publicly that Niger had not sold uranium to Iraq and had not been approached since he took office in 2000. Niger's President and Minister of Mines also denied the sale. These comments were passed in a State Department cable on December 27, 2002, which noted that the remarks were in response to

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questions from local press after the State Department released its fact sheet noting Iraq's declaration to the UNSC "ignores efforts to procure uranium from Niger."

([redacted]) On January 6, 2003, [redacted], the head of IAEA/INVO, Jacques Baute, requested information on the alleged Iraq-Niger uranium deal mentioned in the Department of State's fact sheet. [redacted].

(U) On January 13, 2003, the INR Iraq nuclear analyst sent an e-mail to several IC analysts outlining his reasoning why, "the uranium purchase agreement probably is a hoax." He indicated that one of the documents that purported to be an agreement for a joint military campaign, including both Iraq and Iran, was so ridiculous that it was "clearly a forgery." Because this document had the same alleged stamps for the Nigerien Embassy in Rome as the uranium documents, the analyst concluded "that the uranium purchase agreement probably is a forgery." When the CIA analyst received the e-mail, he realized that WINPAC did not have copies of the documents and requested copies from INR. CIA received copies of the foreign language documents on January 16, 2003.

(U) Two CIA Iraq WINPAC analysts told Committee staff that after looking at the documents, they did notice some inconsistencies. One of the analysts told Committee staff, "it was not immediately apparent, it was not jumping out at us that the documents were forgeries." The CIA then sent the documents to the State Department for translation.

([redacted]) On January 15, 2003, thirteen days before the State of the Union address, WINPAC provided comments on a White House paper, *A Grave and Gathering Danger*, saying "better to generalize first bullet as follows: Sought uranium from Africa to feed the enrichment process." WINPAC had submitted identical language when it commented on the same paper in October. The paper was never published.

([redacted]) On January 17, 2003, eleven days before the State of the Union address, WINPAC published a current intelligence paper (*Request for Evidence of Iraq's Nuclear Weapons Program Other Than the Aluminum Tube Procurement Effort*, SPWR011703-01) in response to a request from the Chairman, Joint Chiefs of Staff for information, other than the aluminum tubes, that showed Iraq was reconstituting its nuclear program. Regarding uranium acquisition, the paper said, "fragmentary reporting on Iraqi attempts to procure uranium from various countries in Africa in the past several years is another sign of reconstitution. Iraq has no

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legitimate use for uranium." The information on uranium acquisition attempts was one [redacted] streams of intelligence provided to show Iraq was reconstituting its nuclear program.

(U) WINPAC analysts told Committee staff that, even though they were still in the process of analyzing the documents, their analytic position had not changed, so they believed it would have been premature to publish concerns about the documents without having investigated those concerns for themselves. One analyst said that if he were presenting CIA's best evidence on reconstitution he would not have included the uranium information, but when asked what else we had besides the tubes, he "ratcheted" down the threshold of what was appropriate to include. He also indicated that the reference in the paper about efforts to acquire uranium from Africa were broader than the alleged Niger contract in that it included the reports on Iraqi attempts to acquire uranium from Somalia and the Democratic Republic of the Congo.

(U) Other WINPAC analysts told Committee staff that by January, they had come to believe that if Iraq was in fact attempting to acquire uranium from Africa, it would bolster their argument that Iraq was reconstituting its nuclear weapons program because Iraq had no other use for uranium. Most of the other elements of the reconstitution case, the tubes, magnets, machine tools and balancing machines, were all dual-use materials, while for Iraq, uranium had only one potential use - a nuclear weapons program.

(U) On January 20, 2003, the President submitted a report to Congress on Iraq's noncompliance with UNSC resolutions. The report stated that Iraq had failed to include in its declaration "attempts to acquire uranium and the means to enrich it." The CIA and the White House have told Committee staff that the IC did not coordinate on this draft. In a written response to a question from Committee staff, the Department of State said that their usual role was to prepare the pre-decisional drafts of this periodic report. Their draft, which was provided to the NSC on December 9, 2002, did not include the language contained in the final draft on Iraq's failure to declare "attempts to acquire uranium and the means to enrich it. The CIA Inspector General told Committee staff the text for the report had been drawn from WINPAC's assessment of Iraq's UNSC declaration.

(U) On January 24, 2003, in response to a request from the NSC for additional details regarding IC input to "the case for Saddam possessing weapons of mass destruction," the NIO for Strategic and Nuclear Programs faxed a packet of background information to the NSC. The fax contained the information from the October 2002 NIE on Iraq's vigorous attempts to procure uranium ore and yellowcake from Niger and other countries in Africa. The information was used to prepare for Secretary Powell's presentation of intelligence to the UN in February 2003.

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([redacted]) On January 24, 2003, in response to a question for the Office of the Secretary of Defense/International Security Affairs for information on Nigerien uranium sales to Iraq, the DIA provided a background paper which described the original CIA Niger reporting and the November 25 Navy report on alleged storage of uranium destined for Iraq. The paper concluded that "DIA cannot confirm whether Iraq succeeded in acquiring uranium ore or yellowcake from Niger. However, sufficient time has elapsed since the commencement of the recent alleged uranium agreement, that we cannot discount that Iraq may have received an unknown quantity." The report made no mention of the foreign language documents on the alleged uranium deal and did not indicate that there were any concerns about the quality of those documents.

(U) On January 26, 2003, Secretary of State Powell addressed the World Economic Forum in Davos, Switzerland. He said, "why is Iraq still trying to procure uranium and the special equipment to transform it into material for nuclear weapons?"

([redacted]) On January 27, 2003, a CIA intelligence report [redacted] indicated that foreign government service reported that the uranium sodium compound in storage at the warehouse in Cotonou, Benin was destined for France, not Iraq. The same report said that separate foreign government service had information on Iraqi attempts to obtain uranium from Niger, dating from 1999, but had no further information. The foreign government service also indicated that Niger had been looking to sell an old stock of uranium for years to the highest bidder. According to the foreign government service, other countries had expressed interest.

I. The State of the Union

(U) On January 27, 2003, the DCI was provided with a hardcopy draft of the State of the Union address at an NSC meeting. When he returned to the CIA, he passed the draft to an executive assistant to deliver to the office of the DDI. No one in the office of the DDI recalls who the point of contact for the speech was, or if a point of contact was ever named. No one recalled receiving parts of the speech for coordination and because the speech was hand carried, no electronic versions of the speech exist at the CIA. The DCI testified at a July 16, 2003 hearing that he never read the State of the Union speech.

(U) In late January, the Director of WINPAC discussed, over the phone, the portion of the State of the Union draft pertaining to uranium with his NSC counterpart, the Special Assistant to the President for Nonproliferation. Neither individual can recall who initiated the phone call. Both the WINPAC Director and NSC Special Assistant told Committee staff that the WINPAC Director's concerns about using the uranium information pertained only to revealing sources and

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methods and not to any concerns about the credibility of the uranium reporting. The WINPAC Director said because the Niger information was specifically and directly tied to a foreign government service, his concern was about releasing classified information in an unclassified speech. He told Committee staff that this had been the CIA's longstanding position and was the reason the CIA wanted the reference removed from the British white paper. Both the WINPAC Director and NSC Special Assistant agreed that the discussion was brief, cordial, and that they mutually agreed that citing the British information, which was already unclassified, was preferable to citing U.S. classified intelligence.

(U) The WINPAC Director and the NSC Special Assistant disagreed, however, about the content of their conversation in some important respects. First, when the WINPAC Director first spoke to Committee staff and testified at a Committee hearing, he said that he had told the NSC Special Assistant to remove the words "Niger" and "500 tons" from the speech because of concerns about sources and methods. The NSC Special Assistant told Committee staff that there never was a discussion about removing "Niger" and "500 tons" from the State of the Union and said that the drafts of the speech show that neither "Niger" nor "500 tons" were ever in any of the drafts at all. He believed that the WINPAC Director had confused the State of the Union conversation with a conversation they had previously had in preparation for the Negroponte speech in which they did discuss removing "Niger" from the speech because of the WINPAC Director's concerns about revealing sources and methods.

(U) A few days after his testimony before the Committee, the WINPAC Director found the draft text of the State of the Union in WINPAC's files and noticed that it did not say "500 tons of uranium from Niger." In a follow up interview with Committee staff, he said that he still recalls the conversation the way he described it to the Committee originally, however, he believes that he may have confused the two conversations because the documentation he found does not support his version of events. The draft text of the State of the Union he found said, "we know that he [Saddam Hussein] has recently sought to buy uranium in Africa." The White House also told the Committee that the text they sent to the CIA in January said, "we also know that he has recently sought to buy uranium in Africa."

(U) Second, the WINPAC Director also told the Committee that the NSC Special Assistant came up with the idea to source the uranium information to the British during their conversation when he was attempting to come up with an unclassified way to use the uranium reporting. The NSC Special Assistant told Committee staff that the reference to the British came from the White House speech writers who were working to come up with publicly usable sources for all of the intelligence information in the speech. Because the speech writers obtained

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information regarding Iraq's attempts to acquire uranium from Africa from both the intelligence underlying the NIE and the British white paper, the speech writers sought to attribute the State of the Union reference to one of those sources. The NSC Special Assistant told Committee staff the discussion with the WINPAC Director was focused on which of the two sources would be better to use and that the WINPAC Director preferred sourcing the information to the British paper because it was unclassified. Both the WINPAC Director and NSC Special Assistant told Committee staff that there was never a discussion about the credibility of the information.

(U) Finally, the two disagreed about the WINPAC Director's account that he had told the NSC Special Assistant that the CIA had urged the British to remove the uranium reference from their white paper, also because of concerns about sources and methods. The NSC Special Assistant told Committee staff that the WINPAC Director did not tell him the CIA had asked the British to remove the reference from their white paper.

(U) The CIA has told the Committee in a written response that the agency did not coordinate with any other NSC directorates on the reference to Iraqi attempts to acquire uranium from Africa.

(U) On January 28, 2003, the President noted in his State of the Union address that ". . . the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." At the time the President delivered the State of the Union address, no one in the IC had asked anyone in the White House to remove the sentence from the speech. CIA Iraq nuclear analysts and the Director of WINPAC told Committee staff that at the time of the State of the Union, they still believed that Iraq was probably seeking uranium from Africa, and they continued to hold that belief until the IAEA reported that the documents were forgeries.

J. Secretary Powell's UN Speech

(U) Beginning in late January the CIA, State Department, White House and NSC officials began to work together to draft, coordinate and clear language to be used in an upcoming U.S. policy speech to the United Nations Security Council (UNSC). In the early stages of the process, it was unclear exactly who would be delivering the speech.

(U) At the White House's request, the initial input for the speech came from the CIA. The CIA sent the input to the White House which reworked it and added additional material. In the final days of January and during the weekend of February 2, 2003, the Secretary of State and officials from the State Department, White House and the CIA, met at CIA headquarters to work

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through the issues the Secretary would address and to provide substantive clearance for the text. Several CIA analysts told Committee staff, and Secretary Powell has said publicly, that the Secretary did not want to use any information in the speech which was not supported by IC analysts.

(U) According to the CIA's former ADDI for Intelligence for Strategic Programs, who was the point person for coordinating the speech, the CIA removed some of the information that the White House had added to the speech, gathered from finished and raw intelligence, because the information was single source and uncorroborated. All of the individuals interviewed by Committee staff who were involved in drafting and coordinating the speech, said that they never saw any drafts that referenced Iraqi attempts to acquire uranium from Africa. The ADDI told Committee staff that a White House staffer and the Secretary asked about the uranium information, but after discussing the issue with a WINPAC analyst, did not want to include the information in the speech. Committee staff spoke to the WINPAC analyst, but he remembered discussing the issue with a State Department staffer, not a White House staffer. Committee staff interviewed the State Department staffer who said that he did ask about the uranium reporting. He said he asked the analysts if they had any new information on the reporting and, when they said they did not, he dropped the issue.

([redacted]) On February 3, 2003, the CIA sent a cable to [redacted] requesting information from the foreign government service, on its January 27, 2003 report which [redacted] had information on a Iraq-Niger uranium deal from 1999. The cable said, "the issue of Iraqi uranium procurement continues to resonate with senior policymakers and may be part of SecState's speech to the UN Security Council on 5 Feb 2003 if [a foreign government service] is able to provide a contract for the 1999 uranium deal, confirm that the information was not from another foreign government service, [redacted]." The same day, CIA [redacted] responded that the foreign government service does not have a copy of the contract, the information was of "national origin," [redacted]

([redacted]) On February 4, 2003, the U.S. Government passed electronic copies of the Iraq-Niger documents to [redacted] the IAEA. Because the Director of the IAEA's INVO was in New York at the time, the U.S. Government also provided the documents to him in New York. Included with the documents were the U.S. Government talking points which stated, "[redacted] of reporting suggest Iraq has attempted to

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acquire uranium from Niger. We cannot confirm these reports and have questions regarding some specific claims. Nonetheless, we are concerned that these reports may indicate Baghdad has attempted to secure an unreported source of uranium yellowcake for a nuclear weapons program." The [redacted] of reporting mentioned refer to the original CIA intelligence reports from the foreign government service and the CIA intelligence report on the former ambassador's trip to Niger. [redacted]

(U) On February 5, 2003, Secretary Powell briefed the UN. His speech did not mention Iraqi uranium procurement efforts.

(U) On February 7, 2003, the State Department's Office of Language Services, Translating Division, completed the translation of the Iraq-Niger uranium documents. The State Department passed the translated documents to the CIA. Some signs that the documents were forgeries were not conveyed in the translation process.

([redacted]) On February 10, 2003, the U.S. Defense Attache in Abidjan (the capital of the African country, Ivory Coast) reported that its reports officer examined two warehouses in Benin suspected of storing uranium on route to Iraq on December 17, 2002. The visit was conducted almost a month after a Navy report indicated uranium destined for Iraq was transiting through the warehouses. *(See page 59)* The report indicated that the warehouses appeared to contain only bales of cotton. A CIA operations cable on the inspection noted, however, it was not possible to determine if the cotton bales concealed the uranium shipment and that no radiation detection equipment had been used during the inspection. The DIA told Committee staff that this report was not published sooner because of a coup in Ivory Coast and a civil war and unrest in Liberia, a country for which the Defense Attache in Abidjan had temporary responsibility, occupied the office with other responsibilities.

([redacted]) On February 11, 2003, a CIA senior Africa analyst sent an intelligence assessment to other CIA offices for coordination. [redacted] On the Iraq-Niger uranium reporting,

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the assessment said, "extensive documentary evidence contains several questionable details and could be fraudulent," [redacted] The assessment was never published because it was deemed by CIA managers to be policy prescriptive in that it was suggesting a course of diplomatic contact with the Nigerien leader.

([redacted]) On February 27, 2003, the CIA responded to a letter from Senator Carl Levin, dated January 29, 2003, which asked the CIA to detail "what the U.S. IC knows about Saddam Hussein seeking significant quantities of uranium from Africa." The CIA's response was almost identical to the U.S. Government points passed to the IAEA/INVO in early February, saying "[redacted] of reporting suggest Iraq had attempted to acquire uranium from Niger." The response says the CIA believes the government of Niger's assurances that it did not contract with Iraq but says, "nonetheless, we question, [redacted], whether Baghdad may have been probing Niger for access to yellowcake in the 1999 time frame." The CIA's response made no mention of any concerns about the validity of the documents and left out the sentence, "we cannot confirm these reports and have questions regarding some specific claims," that had been included in the U.S. Government IAEA/INVO points.

([redacted]) On March 3, 2003, the IAEA/INVO provided [redacted] U.S. Mission in Vienna with an analysis of the Niger uranium documents the U.S. had provided the previous month. The IAEA/INVO concluded that the documents were forgeries and did not substantiate any assessment that Iraq sought to buy uranium from Niger. Their assessment was based on analysis of the documents and interviews with Iraqi officials. [redacted].

([redacted]) On March 4, 2003, the U.S. Government learned that the French had based their initial assessment that Iraq had attempted to procure uranium from Niger on the same documents that the U.S. had provided to the INVO. [redacted].

([redacted]) On March 8, 2003, the DIA provided an info memo (TS-99-177-03) to the Secretary of Defense in response to a March 8, 2003 *Washington Post* article, "Some Evidence on Iraq Called Fake." The memo said, "we believe the IAEA is dismissing attempted Iraqi yellowcake purchases, largely based upon a single set of unverified documents concerning a contract between Niger and Iraq for the supply of 'pure uranium.' The [memo added that the] USG ha[d] not shared other [information] with the IAEA that suggested a Nigerien uranium deal

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[redacted]

with Iraq." The other intelligence referenced in the memo is the CIA intelligence report on the former ambassador's trip, which described the Nigerien Prime Minister's belief that an Iraqi delegation was interested in uranium, the Navy report from November 2002 which said uranium destined for Iraq was being stored in a warehouse in Cotonou, Benin, and a fax from late 2001 found in the possession of a Somali businessman which described arrangements for shipping unidentified commodities in an amount that appeared similar to the amount in the Iraq-Niger yellowcake deal. The fax, however, did not mention uranium, Iraq, or Niger.

([redacted]) On March 11, 2003, the CIA [redacted] assessment with limited distribution, "we do not dispute the IAEA Director General's conclusion – last Friday before the UN Security Council – that documents on Iraq's agreement to buy uranium from Niger are not authentic." The assessment said, "[U.S. Government] on several occasions has cautioned IAEA inspectors that available information on this issue was fragmentary and unconfirmed and early last month told them, 'We could not confirm these reports and have questions regarding some specific claims. Nonetheless, we are concerned that these reports may indicate Baghdad has attempted to secure an unreported source of uranium yellowcake for a nuclear weapons program.'" The assessment did not say whether the CIA had changed its position that Iraq may have attempted to acquire uranium yellowcake from Africa.

([redacted]) On March 11, 2003, WINPAC drafted a current intelligence piece (SPWR031103-04) for the Secretary of Defense titled *Iraq's Reported Interest in Buying Uranium From Niger and Whether Associated Documents are Authentic.* The piece said "we do not dispute the IAEA Director General's conclusions . . . that documents on Iraq's agreement to buy uranium from Niger are not authentic." The piece also noted that the

> [U.S. Government] . . . has cautioned IAEA inspectors that available information on this issue was fragmentary and unconfirmed and early last month told them, "we could not confirm these reports and have questions regarding some specific claims. Nonetheless, we are concerned that these reports may indicate Baghdad has attempted to secure an unreported source of uranium yellowcake for a nuclear weapons program."

– A centerpiece of the British White Paper last fall was U.K. concern over Iraqi interest in foreign uranium. Given the fragmentary nature of the reporting, [redacted]

[redacted]

[redacted]

(U) The piece never addressed whether the CIA had changed its previous assessment that Iraq may have been trying to obtain uranium from Africa.

([redacted]) On April 5, 2003, the NIC issued a Sense of the Community Memorandum (SOCM), (*Niger: No Recent Uranium Sales to Iraq*, NIC SOCM 2001-12.) The SOCM said, "we judge it highly unlikely that Niamey has sold uranium yellowcake to Baghdad in recent years. The IC agrees with the IAEA assessment that key documents purported showing a recent Iraq-Niger sales accord are a fabrication. We judge that other reports from 2002 – one alleging warehousing of yellowcake for shipment to Iraq, a second alleging a 1999 visit by an Iraqi delegation to Niamey – do not constitute credible evidence of a recent or impending sale." The SOCM added, "the current government of Niger [redacted] and probably would report such an approach by the Iraqis, especially because a sale would violate UN resolution 687." The SOCM did not say whether the IC continued to judge that Iraq had been "vigorously trying to procure uranium ore and yellowcake" from Africa, as indicated in the October 2002 NIE. To date, the IC has not published an assessment to clarify or correct its position on whether or not Iraq was trying to purchase uranium from Africa.

([redacted]) On June 12, 2003, the DIA sent an information memorandum to Deputy Secretary of Defense Paul Wolfowitz, in response to questions about Iraq's nuclear program. The memo said, "while the Intelligence Committee agrees that documents the IAEA reviewed were likely 'fake,' other unconfirmed reporting suggested that Iraq attempted to obtain uranium and yellowcake from African nations after 1998." The other reporting mentioned was the Navy report from November 2002, which said uranium destined for Iraq was being stored in a warehouse in Cotonou, Benin.

(U) On June 17, 2003, nearly five months after the President delivered the State of the Union address, the CIA produced a memorandum for the DCI which said, "since learning that the Iraq-Niger uranium deal was based on false documents earlier this spring, we no longer believe that there is sufficient other reporting to conclude that Iraq pursued uranium from abroad." This memorandum was not distributed outside the CIA and the Committee has not been provided with any intelligence products in which the CIA published its corrected assessment on Iraq's pursuit of uranium from Niger outside of the agency.

[redacted]

[redacted]

K. Niger Conclusions

(U) Conclusion 12. Until October 2002 when the Intelligence Community obtained the forged foreign language documents[9] on the Iraq-Niger uranium deal, it was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based on Central Intelligence Agency (CIA) reporting and other available intelligence.

([redacted])

([redacted])

([redacted])

[9] ([redacted]) In March 2003, the Vice Chairman of the Committee, Senator Rockefeller, requested that the Federal Bureau of Investigation (FBI) investigate the source of the documents, [redacted], the motivation of those responsible for the forgeries, and the extent to which the forgeries were part of a disinformation campaign. Because of the FBI's current investigation into this matter, the Committee did not examine these issues.

[redacted]

[redacted]

(U) Conclusion 13. The report on the former ambassador's trip to Niger, disseminated in March 2002, did not change any analysts' assessments of the Iraq-Niger uranium deal. For most analysts, the information in the report lent more credibility to the original Central Intelligence Agency (CIA) reports on the uranium deal, but State Department Bureau of Intelligence and Research (INR) analysts believed that the report supported their assessment that Niger was unlikely to be willing or able to sell uranium to Iraq.

([redacted])

([redacted])

[redacted]

[redacted]

(U) Conclusion 14. The Central Intelligence Agency should have told the Vice President and other senior policymakers that it had sent someone to Niger to look into the alleged Iraq-Niger uranium deal and should have briefed the Vice President on the former ambassador's findings.

([redacted])

(U) Conclusion 15. The Central Intelligence Agency's (CIA) Directorate of Operations should have taken precautions not to discuss the credibility of reporting with a potential source when it arranged a meeting with the former ambassador and Intelligence Community analysts.

([redacted])

[redacted]

[redacted]

(U) Conclusion 16. The language in the October 2002 National Intelligence Estimate that "Iraq also began vigorously trying to procure uranium ore and yellowcake" overstated what the Intelligence Community knew about Iraq's possible procurement attempts.

[redacted]

[redacted]

[redacted]

(U) Conclusion 17. The State Department's Bureau of Intelligence and Research (INR) dissent on the uranium reporting was accidentally included in the aluminum tube section of the National Intelligence Estimate (NIE), due in part to the speed with which the NIE was drafted and coordinated.

[redacted]

(U) Conclusion 18. When documents regarding the Iraq-Niger uranium reporting became available to the Intelligence Community in October 2002, Central Intelligence Agency (CIA) analysts and operations officers should have made an effort to obtain copies. As a result of not obtaining the documents, CIA Iraq nuclear analysts continued to report on Iraqi efforts to procure uranium from Africa and continued to approve the use of such language in Administration publications and speeches.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 19. Even after obtaining the forged documents and being alerted by a State Department Bureau of Intelligence and Research (INR) analyst about problems with them, analysts at both the Central Intelligence Agency (CIA) and Defense Intelligence Agency (DIA) did not examine them carefully enough to see the obvious problems with the documents. Both agencies continued to publish assessments that Iraq may have been seeking uranium from Africa. In addition, CIA continued to approve the use of similar language in Administration publications and speeches, including the State of the Union.

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 20. The Central Intelligence Agency's (CIA) comments and assessments about the Iraq-Niger uranium reporting were inconsistent and, at times contradictory. These inconsistencies were based in part on a misunderstanding of a CIA Weapons Intelligence, Nonproliferation, and Arms Control Center (WINPAC) Iraq analyst's assessment of the reporting. The CIA should have had a mechanism in place to ensure that agency assessments and information passed to policymakers were consistent.

[redacted]

[redacted]

[redacted]

[redacted]

(a) [redacted]

(b) [redacted]

(c) [redacted]

[redacted]

[redacted]

(U) Conclusion 21. When coordinating the State of the Union, no Central Intelligence Agency (CIA) analysts or officials told the National Security Council (NSC) to remove the "16 words" or that there were concerns about the credibility of the Iraq-Niger uranium reporting. A CIA official's original testimony to the Committee that he told an NSC official to remove the words "Niger" and "500 tons" from the speech, is incorrect.

([redacted])

([redacted])

([redacted])

([redacted])

[redacted]

[redacted]

(U) Conclusion 22. The Director of Central Intelligence (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 (NSC) if he still had concerns about the use of the Iraq-Niger uranium reporting in a Presidential speech.

[redacted]

(U) Conclusion 23. The Central Intelligence Agency (CIA), Defense Humint Service (DHS), or the Navy should have followed up with a West African businessman, mentioned in a Navy report, who indicated he was willing to provide information about an alleged uranium transaction between Niger and Iraq in November 2002.

[redacted]

[redacted]

[redacted]

(U) Conclusion 24. In responding to a letter from Senator Carl Levin on behalf of the Intelligence Community in February 2003, the Central Intelligence Agency (CIA) should not have said that "[redacted] of reporting suggest Iraq had attempted to acquire uranium from Niger," without indicating that State Department's Bureau of Intelligence and Research (INR) believed the reporting was based on forged documents, or that the CIA was reviewing the Niger reporting.

[redacted]

(U) Conclusion 25. The Niger reporting was never in any of the drafts of Secretary Powell's United Nations (UN) speech and the Committee has not uncovered any information that showed anyone tried to insert the information into the speech.

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 26. To date, the Intelligence Community has not published an assessment to clarify or correct its position on whether or not Iraq was trying to purchase uranium from Africa as stated in the National Intelligence Estimate (NIE). Likewise, neither the Central Intelligence Agency (CIA) nor the Defense Intelligence Agency (DIA), which both published assessments on possible Iraqi efforts to acquire uranium, have ever published assessments outside of their agencies which correct their previous positions.

([redacted]) [redacted]

[redacted]

[redacted]

III. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S NUCLEAR PROGRAM

A. Background

(U) Prior to the October 2002 National Intelligence Estimate (NIE) on *Iraq's Continuing Programs for Weapons of Mass Destruction*, the Intelligence Community (IC) prepared several Community papers on Iraq's weapons of mass destruction (WMD) programs, and, more specifically, Iraq's nuclear weapons program. In October 1998, the IC published a National Intelligence Council (NIC) Memorandum, *Current Iraqi WMD Capabilities*. In December 2000, the IC published an Intelligence Community Assessment (ICA), *Iraq: Steadily Pursuing WMD Capabilities* (ICA 2000-007HCX). The assessment was prepared at the request of the National Security Council (NSC) for a broad update on Iraqi efforts to rebuild WMD and delivery system programs in the absence of weapons inspectors, as well as a review of what remains of the WMD arsenal and outstanding disarmament issues that were the focus of the United Nations Special Commission (UNSCOM).

(U) On Iraq's nuclear program, the IC also produced a Joint Atomic Energy Intelligence Committee (JAEIC) report in October 1997, *Reconstitution of Iraq's Nuclear Weapons Program: An Update* (JAEIC 97-004) and a JAEIC report in June 1999, *Reconstitution of Iraq's Nuclear Weapons Program: Post Desert Fox* (JAEIC 99-003.)

(U) All of the assessments in these Community papers on Iraq's nuclear program were consistent in assessing that:

- The International Atomic Energy Agency (IAEA) and UNSCOM had destroyed portions of, and neutralized the remainder of Iraq's nuclear infrastructure but that Iraq retained the foundation for future nuclear reconstitution.

- Iraq continued low-level clandestine theoretical research and training of personnel, and was attempting to procure dual-use technologies and materials that could be used to reconstitute its nuclear program.

- If Iraq acquired a significant quantity of fissile material through foreign assistance, it could have a crude nuclear weapon within a year.

[redacted]

[redacted]

- It would take five to seven years for Iraq – with foreign assistance – to produce enough weapons-grade fissile material for a nuclear weapon.

- Iraq did not appear to have reconstituted its nuclear weapons program.

(U) In December 2001, the IC produced an National Intelligence Estimate (NIE) on *Foreign Missile Developments and the Ballistic Missile Threat Through 2015*. In the Iraq section of the NIE, the IC noted, "Recent Iraqi procurements, however, suggest possible preparation for a renewed uranium enrichment program." Possible preparations for a renewed uranium enrichment program represented a slight shift in the IC's assessment, but the assessment remained consistent with previous IC position that "Iraq did not appear to have reconstituted its nuclear weapons program." This judgment did not change until the 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction*, when, for the first time, the IC assessed that "Baghdad began reconstituting its nuclear program shortly after the departure of UNSCOM inspectors in December 1998." Viewing this as a possibly significant shift, Senate Select Committee on Intelligence staff focused their work on the analysis of Iraq's nuclear program in the 2002 NIE and the analysis from individual agencies leading up to that judgment in the period following the 2000 ICA.

B. Nuclear Reconstitution

(U) The assessment that Iraq began reconstituting its nuclear program shortly after inspectors left in 1998 was based on the longstanding IC view that, in the 1990s, because of sanctions and United Nations (UN) inspections, Saddam Hussein had reorganized his nuclear program to recommence work once sanctions were lifted. After inspectors left Iraq, intelligence analysts became concerned that Iraq might use the opportunity to restart its nuclear program. In the 2002 NIE, the IC judged that Saddam Hussein had most likely shifted his strategy from waiting for sanctions to end to waiting for inspections to end. IC analysts told Committee staff the assessment was an analytical judgment based on Hussein's clearly established desire to acquire nuclear weapons and the fact that Hussein probably realized that sanctions were not going to be lifted soon. The IC did not have direct intelligence reporting to show that Saddam Hussein had decided to shift his strategy from waiting for sanctions to end to waiting for inspections to end.

(U) At the time of the 2002 NIE, the IC continued to hold its longstanding view that once reconstitution had begun, it would take five to seven years, with foreign assistance, for Iraq to produce enough weapons-grade fissile material for a nuclear weapon. Although the NIE said that

[redacted]

[redacted]

reconstitution had begun shortly after inspectors departed Iraq in 1998, the NIE concluded that Iraq probably would not be able to make a weapon until 2007 to 2009, nine to eleven years after the IC assessed that reconstitution had begun. The National Intelligence Officer (NIO) for Strategic and Nuclear Programs told Committee staff that although most IC analysts believed that Iraq had started reconstitution "efforts" in 1999 by starting to put the nuclear program back together, they did not assess that full reconstitution, in which the "five to seven year clock" would start running, had occurred at that point. He said the IC assessed that, "The five to seven year clock started in 2002 – in other words, the time of the Estimate."

(U) The reasons the IC believed that Iraq was reconstituting its nuclear program were described in the key judgments, and in more detail in the body of the NIE. The key judgments said:

- Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors – as well as Iraq's attempts to acquire magnets, high-speed balancing machines, and machine tools – provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for Baghdad's nuclear weapons program. (The Department of Energy [DOE] agrees that reconstitution of the nuclear program is underway but assesses that the tubes probably are not part of the program.)

- Iraq's efforts to re-establish and enhance its cadre of weapons personnel as well as activities at several suspect nuclear sites further indicate that reconstitution is underway.

(U) Although the DOE's Office of Intelligence and the Department of State's Bureau of Intelligence and Research (INR) both assessed that the aluminum tubes Iraq was seeking were probably not intended for a nuclear program, only INR disagreed with the assessment that Iraq had begun reconstituting its nuclear program. In addition to a text box explaining INR's alternative view in the body of the NIE, INR also published a text box in the key judgments explaining its analysis on reconstitution:

> The Assistant Secretary of State for Intelligence and Research (INR) believes that Saddam continues to want nuclear weapons and that available evidence indicates that Baghdad is pursuing at least a limited effort to maintain and acquire nuclear weapons-related capabilities. The activities we have detected do not, however, add up to a compelling case that Iraq is currently pursuing what INR would consider to be an integrated and comprehensive approach to acquire nuclear

[redacted]

[redacted]

weapons. Iraq may be doing so, but INR considers the available evidence inadequate to support such a judgment. Lacking persuasive evidence that Baghdad had launched a coherent effort to reconstitute its nuclear program, INR is unwilling to speculate that such an effort began soon after the departure of UN inspectors or to project a timeline for the completion of activities it does not now see happening. As a result, INR is unable to predict when Iraq could acquire a nuclear device or weapon.

(U) Committee staff interviewed analysts from every all-source intelligence agency involved in the nuclear section of the NIE including the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Ground Intelligence Center (NGIC), the DOE, and INR to hear each agency's argument on nuclear reconstitution and the aluminum tubes. Committee staff also interviewed experts at the International Atomic Energy Agency (IAEA) to learn about their work to investigate Iraq's nuclear program.

(U) The following sections recount the Committee's examination of the intelligence supporting the six reasons the IC assessed Iraq was reconstituting its nuclear program as outlined in the NIE: Iraq's procurement of 1) aluminum tubes, 2) magnets, 3) high-speed balancing machines, and 4) machine tools, and Iraq's 5) efforts to re-establish and enhance it's cadre of weapons personnel, and 6) activity at several suspect nuclear sites. The report focuses first on the intense debate in the IC about the intended use of aluminum tubes Iraq was attempting to procure in late 2000 to 2002 and then addresses the other reasons outlined in the NIE that contributed to the assessment that Iraq was reconstituting its nuclear program. The Committee's examination of the intelligence did not stop with the NIE, however. Information that became available to the IC through IAEA inspections prior to Operation Iraqi Freedom is included because analysts could have updated or altered their assessments based on that information if they believed the information warranted a change.

1. Aluminum Tubes

> *Most agencies assess that Iraq's aggressive pursuit of high-strength aluminum tubes provides compelling evidence that Saddam is attempting to reconstitute a uranium enrichment effort for Baghdad's nuclear weapons program. (DOE agrees that reconstitution of the nuclear program is underway but assesses that the tubes probably are not part of the program.)* (October 2002 NIE)

[redacted]

[redacted]

(U) In 2001, the IC became aware that Iraq was attempting to procure 60,000 high-strength aluminum tubes manufactured from 7075-T6 aluminum, with an outer diameter of 81 mm, and inner diameter of 74.4 mm, a wall thickness of 3.3 mm and a length of 900 mm. The tubes were to be anodized using chromic acid and were to be shipped, wrapped in wax paper and separated from each other. Seven-thousand series aluminum alloy is extremely hard and strong and when formed into a tube of more than 75 mm in diameter, is a controlled item under the Nuclear Suppliers Group and Annex III of UNSCR 687 and 707 which Iraq is prohibited from importing because it could have nuclear applications.

([redacted]) Soon after receiving the initial intelligence report, the CIA assessed that the tubes were probably intended for an Iraqi uranium enrichment centrifuge program.[10] Although coordinated with other WINPAC analysts, the CIA's initial analysis was based largely on the work of a centrifuge analyst in the Director of Central Intelligence's (DCI) Center for Weapons Intelligence, Nonproliferation and Arms Control (WINPAC). This analyst had [redacted]. The CIA published its first assessment on the aluminum tubes on April 10, 2001[11], noting that they "have little use other than for a uranium enrichment program." (Senior Executive Intelligence Brief [SEIB] 01-083CHX) The assessment did not provide any details outlining why the CIA assessed that the tubes were probably intended for a centrifuge program, but noted, "using aluminum tubes in a centrifuge effort would be inefficient and a step backward from the specialty steel machines Iraq was poised to mass-produce at the onset of the Gulf War. Iraq successfully used outdated enrichment technologies, such as its electromagnetic isotope separation effort, before the war."

(U) One day after the CIA published its assessment, the DOE published their own analysis of the aluminum tube procurement. The DOE paper provided a more detailed analysis of the aluminum tubes and their applicability to a uranium centrifuge enrichment program. The assessment said:

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[10] Centrifuge rotors are typically thin walled tubes which spin at very high speeds and cause uranium gas to enrich into the isotope – U235 (enriched uranium). The high rate of spin required for a centrifuge requires that the tube be composed of a high-strength material, such as 7075-T6 aluminum.

[11] The CIA has told Committee staff that the first assessment they published was actually a PDB published on [redacted]. The Committee cannot verify the date or describe the content of this document because the CIA has not provided it to the Committee.

[redacted]

[redacted]

Based on the reported specifications, the tubes could be used to manufacture gas centrifuge rotor cylinders for uranium enrichment. However, our analysis indicates that the specified tube diameter, which is half that of the centrifuge machine Iraq successfully tested in 1990, is only marginally large enough for practical centrifuge applications, and other specifications are not consistent with a gas centrifuge end use. Moreover, the quantity being sought suggests preparations for large-scale production of centrifuge machines, for which we have not seen related procurement efforts – and the tubes' specifications suggest a centrifuge design quite different from any Iraq is known to have. Thus, we assess that this procurement activity more likely supports a different application. Regardless of end use, the delivery of aluminum tubes with the reported specifications to Iraq would be prohibited under Annex III of UNSCR 687 and 707.

(U) DOE's assessment concluded that:

While the gas centrifuge application cannot be ruled out, we assess that the procurement activity more likely supports a different application, such as conventional ordnance production. For example, the tube specifications and quantity appear to be generally consistent with their use as launch tubes for man-held anti-armor rockets or as tactical rocket casings. Also, the manner in which the procurement is being handled (multiple procurement agents, quotes obtained from multiple suppliers in diverse locations, and price haggling) seems to better match our expectations for a conventional Iraqi military buy than a major purchase for a clandestine weapons-of-mass destruction program. However, we have not identified an Iraq-specific, military, or other noncentrifuge application that precisely matches the tube specifications. (Daily Intelligence Highlight, *Iraq: High-Strength Aluminum Tube Procurement*)

([redacted]) By the next month, the DOE had done further research on the tubes and had identified a noncentrifuge end use that did match the tube specifications. On May 9, 2001, DOE published another Daily Intelligence Highlight, [redacted]/*Iraq: Aluminum Alloy Tube Purchase*, which said, "The Intelligence Community's original analysis of these tubes focused on their possible use in developing gas centrifuges for the enrichment of uranium. Further investigation reveals, however, Iraq has purchased similar aluminum tubes previously to manufacture chambers (tubes) for a multiple rocket launcher." The assessment noted that the IAEA had learned that tubes found at the Nasser metal fabrication facility in Baghdad that were 800 mm in length, 81 mm in diameter and had a wall thickness of 3.3 mm, [redacted]

[redacted]

[redacted] The DOE assessment noted that Nasser officials said the tubes were used for manufacturing the chambers of 81-mm rockets and that the high-strength tubes had previously been purchased in large quantities. Iraq had 160,000 tubes on hand in 1989 and 66,737 in 1996.

([redacted]) On June 14, 2001, the CIA produced a Senior Publish When Ready (SPWR) which said that China [redacted]. The assessment noted that the tubes are, "controlled items under the Nuclear Suppliers Group and Chinese export laws, are suitable for uranium enrichment gas centrifuge rotors and, while less likely, could be used as rocket bodies for multiple rocket launchers." This CIA assessment also did not provide any further details outlining why the CIA assessed the tubes were more likely to be used for centrifuge rotors.

([redacted]) Although China [redacted], a shipment of about 2,000 tubes had already been sent [redacted]. In [redacted] June, 2001, the tubes arrived [redacted] authorities, [redacted], seized the tubes. [redacted] several sample tubes [redacted]. A [redacted] intelligence assessment disseminated on July 2, 2001 said [redacted] personnel had inspected the tubes [redacted] and said, "The tubes are constructed from high-strength aluminum (7075-T6) and are manufactured to the tight tolerances necessary for gas centrifuges. The dimensions of the tubes match those of a publicly available gas centrifuge design from the 1950s, known as the Zippe centrifuge."[12] The assessment concluded that "the specifications for the tubes far exceed any known conventional weapons application, including rocket motor casings for 81-mm multiple rocket launchers."

([redacted]) From July 2001 to July 2002, the CIA produced at least nine additional intelligence [redacted] discussing Iraq's aluminum tube procurement efforts. None of these assessments provided any additional information to support the CIA's analysis that the tubes were probably intended for Iraq's nuclear program, other than what was stated in the July 2001 assessment; the tubes matched the 1950s Zippe centrifuge design and the tubes' specifications far exceeded those for any known conventional weapons application. Most of the assessments were

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[12] The dimensions of the tubes seized [redacted] do not "match" the dimensions of any of Zippe's centrifuge designs. The inner diameter of the tubes was close to the dimension of the diameter in a Zippe design, but the wall thickness of the tubes is more than three times the wall thickness of any of Zippe's designs. The tubes seized [redacted] were also more than twice as long as the tubes used in Zippe's centrifuge designs. (See page 109).

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[redacted]

disseminated in limited channels, only to high-level policymakers and were not available to intelligence analysts from other agencies. In a written response to a question from the Committee, the CIA said these products were limited in their distribution because they were intended for the President, drafted in response to specific policymaker questions, or were very narrow in scope.

([redacted]) On August 2, 2001, the DIA produced an internal background paper outlining the brewing debate within the IC about the intended and likely end use for the aluminum tubes. The paper briefly discussed the assessments from both the CIA and the DOE on the intended purpose of the tubes and noted that "DIA analysts found the CIA WINPAC presentation to be very compelling." The paper pointed to WINPAC research which indicated that "The tubes have specifications very similar to the gas centrifuge rotor described in the German scientist, Gernot Zippe's publications: the material was 7075-T6 aluminum with an outer diameter of 74.2-81.9-mm, an inner diameter of 68.6-76.3-mm, a wall thickness of 2.8-mm,[13] a length of 279.4-381-mm and a tolerance of 0.1-mm."

([redacted]) On August 17, 2001, DOE published a Technical Intelligence Note (TIN), *Iraq's Gas Centrifuge Program: Is Reconstitution Underway?* (TIN000064) which contained an extensive eight page analysis of whether the aluminum tubes were intended for a rocket or a centrifuge program. The assessment [redacted] noted that the Iraqis had declared to the IAEA that the Nasser State Establishment obtained and used large numbers of high-strength aluminum tubes to manufacture 81-mm rockets dating back to at least 1989. The tubes were declared to be made of 7075-T6 aluminum with an 81 mm outer diameter, 74.4 mm inner diameter, and 900 mm length – the same specifications of the tubes Iraq was trying to acquire in 2001. The assessment also noted that the IAEA [redacted] found large numbers of the tubes stored in various locations around the site. As mentioned in an earlier DOE assessment, the IAEA [redacted] Iraq did, in fact, have an 81 mm-rocket in its arsenal that was produced at the Nasser State Establishment.

(U) Regarding the tubes' utility in a gas centrifuge program, the DOE assessed that the tubes could have been used to manufacture centrifuge rotors, but were not well suited for that

[13] The wall thickness of all of Zippe's centrifuge designs were less than 1 mm, not 2.8 mm as suggested by the CIA's presentation and restated in DIA's intelligence assessment. (See page 109).

[redacted]

[redacted]

purpose. The DOE assessed that 7075-T6 aluminum "provides performance roughly half that of the materials Iraq previously pursued." Prior to the Gulf War, Iraq had pursued rotors made from maraging steel and carbon fiber composites, which both offer better uranium separative capacity. If Iraq were to pursue a rotor of 7075-T6 aluminum instead, it would need twice as many rotors, as well as twice as many other centrifuge components, such as end caps, bearings, and outer casings.

([redacted]) According to the DOE assessment, the tube diameter was smaller than that of any known deployed centrifuge machine and was about half the diameter of Iraq's pre-Gulf War prototype machine. DOE noted that a small diameter would have presented "various design and operational problems that veteran engineers of Iraq's prior program should readily understand." In addition, "the tubes are too thick for favorable use as rotor tubes, exceeding the nominal 1-mm thickness of known aluminum rotor tubes by more than a factor of three . . . . Additionally, various tolerances specified in contract documents . . . are looser than the expected precision call-outs for an aluminum rotor tube by factors of two to five." The DOE also noted that the anodized surface, requested by Iraq in its tube procurements, ". . . is not consistent with a gas centrifuge application. [redacted].

(U) According to the DOE's assessment, "A centrifuge machine using 81-mm aluminum rotors is different from any known centrifuge machine deployed in a production environment. . . . In our judgment, Iraq would need to undertake its development program all over again and address each aspect of centrifuge engineering anew at the reduced diameter and using the different rotor material." DOE concluded that ". . . a gas centrifuge application is credible but unlikely and a rocket production application is the more likely end-use for these tubes."

([redacted]) In November 2001, the DIA published a Military Intelligence Digest (MID) supplement [redacted], *Iraq: Procuring Possible Nuclear-Related Gas Centrifuge Equipment*. The MID was prepared by a DIA Iraq nuclear analyst and an analyst from the NGIC, the IC agency responsible for conventional ground weapons systems assessments. The MID assessed that "Although alternative uses for the tubes are possible, such as rocket motor cases or rocket launch tubes, the specifications are consistent with earlier Iraqi gas centrifuge rotor designs." In a box titled "Conventional Military Uses Unlikely for Aluminum Tubes" the paper said, "Although 7075-T6 aluminum could be an acceptable metal for small rocket motor bodies, the 3.3-mm wall thickness and overall weight would make these particular tubes poor choices for

[redacted]

[redacted]

rocket motor bodies. The thickness is roughly twice that of known small rocket motor bodies,[14] and . . . the 0.1-mm metal thickness tolerance along the 900-mm length is excessive for both rocket motor bodies and rocket launch tubes."

(U) On August 1, 2002, the CIA published its first detailed paper explaining its assessment that the aluminum tubes were destined for Iraq's nuclear program. An intelligence assessment, *Iraq: Expanding WMD Capabilities Pose Growing Theat*, provided a one page outline of the CIA's assessment that the tubes' materials, exceedingly stringent tolerances, high cost, and the secrecy surrounding procurement attempts, indicated that the tubes were destined for Iraq's gas centrifuge program.

(U) In September 2002, DIA published an assessment of *Iraq's Reemerging Nuclear Weapons Program*, which included an assessment of the tubes potential use in an Iraqi gas centrifuge enrichment program. The assessment noted that "Alternative uses for the tubes, such as rocket motor cases or launch tubes, are possible. However, this is less likely because the specifications are consistent with late-1980s Iraqi gas centrifuge rotor designs."

(U) In September 2002, the CIA published an even more extensive analysis of the tubes in a second intelligence assessment, *Iraq's Hunt for Aluminum Tubes: Evidence of a Renewed Uranium Enrichment Program*. This assessment also discussed Iraqi efforts to hide the tube procurement attempts, the materials, high cost, tight tolerances, dimensions and the anodized coating of the tubes, and CIA's assessment that the tubes "matched" known centrifuge rotor dimensions. The assessment also included a box outlining NGIC's analysis that the tubes were unlikely to be intended for a conventional rocket program. The CIA's analysis in these papers will be discussed in more detail below because, according to NIC and CIA officials, this assessment was used as the basis for the draft text of the majority position of the aluminum tube section of the October 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction.*

([redacted]) Contributing to the CIA's analysis for the extensive September intelligence assessment was an analysis performed by an individual from [redacted] who were working under contract with the CIA at the time to provide broad-based technical advice [redacted]

[14] The thickness is consistent with tubes declared by Iraq for use in a rocket program in 1996 and is consistent with an Italian rocket design the Iraqis were attempting to re-engineer. Both are manufactured from 7075-T6 aluminum.

[redacted]

[redacted]

[redacted]. The CIA WINPAC analyst, [redacted], requested in September 2002 that they perform an analysis of the tubes. [redacted]

([redacted]) The contractors told Committee staff that the CIA provided them with a stack of intelligence data and analysis on the Iraqi aluminum tube procurements on September 16, 2002. All of the information was provided by the CIA and the contractors told Committee staff that they did not discuss the data with any agencies other than the CIA. They were provided with NGIC's analysis of the tubes, but said they were not briefed by nor did they ask to speak to NGIC or DOE analysts. One contractor said, "This was internal to the agency." One of the contractors said before joining [redacted] he had been given a tutorial on 81-mm rockets by a DOE analyst, but said that the conversation was "pretty meaningless to me because the rest of the issue had not bubbled up at that point." A DOE analyst told Committee staff that he also discussed the issue with the contractor in May of 2001. The contractor produced a paper on September 17, 2002, one day after receiving the information, that said the team concluded, "that the tubes are consistent with design requirements of gas centrifuge rotors, but due to the high-strength material and excessively tight tolerances, the tubes seem inconsistent with design requirements of rocket motor casings." The report referenced NGIC's analysis that the material and quantity of the tubes were inconsistent with rocket motor applications. The report said that while the dimensions "possibly" were suitable for rockets, the tolerances were too stringent and the pressure test requirements were too high.

([redacted]) A September 13, 2002 *New York Times* article which discussed the IC debate about the aluminum tubes, noted that an administration official said, ". . . the best technical experts and nuclear scientists at laboratories like Oak Ridge supported the CIA assessments." The [redacted] contractors told Committee staff, however, that before September 16, 2002, they had not seen any of the intelligence data on the Iraqi tubes. DOE officials, including the Director of the Oak Ridge Field Intelligence Element, told Committee staff that the vast majority of scientists and nuclear experts at the DOE and the National Labs did not agree with the CIA's analysis.

(U) Although the IC had been debating this issue for almost a year and a half, the DCI testified at a Committee hearing that he was unaware of the debate until mid-September of 2002.

[redacted]

[redacted]

a. The National Intelligence Estimate

(U) In September 2002, Members of the Senate Select Committee on Intelligence (SSCI) requested that the IC produce an NIE on Iraq's WMD programs. Because of the time constraints required to finish the estimate, the NIO for Strategic and Nuclear Programs used existing Community papers to build the text for the various sections. The National Intelligence Council staff drew the portion of the nuclear section on nuclear reconstitution largely from an August 2002 CIA assessment and a September 2002 DIA assessment, *Iraq's Reemerging Nuclear Weapons Programs.* The majority analysis of the aluminum tubes in the NIE was drawn from the CIA's September intelligence assessment, *Iraq's Hunt for Aluminum Tubes: Evidence of a Renewed Uranium Enrichment Program.*

(U) In late September 2002, when the NIE drafts had been completed and circulated to analysts to review, the NIO for Strategic and Nuclear Programs brought IC analysts together for a coordination meeting on the NIE draft so that the analysts could raise and discuss pertinent issues about the draft text and refine and complete the draft. At the meeting on September 25, 2002, both the CIA and the DIA supported the NIE assessment that the aluminum tubes were intended for Iraq's nuclear program and were evidence that Iraq was starting to reconstitute its nuclear weapons program. The DOE's Office of Intelligence and State Department's INR believed that the tubes were intended for a conventional rocket program and probably not a nuclear use. The DOE did agree, however, that for other reasons addressed later in this report, that Iraq was reconstituting its nuclear program. Both the DOE and INR included extensive text boxes in the NIE outlining their analysis of the tubes. The NGIC, the IC agency responsible for conventional ground weapons systems, did not attend the NIE coordination meeting, although the agency's analysis was cited in the NIE in support of the assessment that the tubes were highly unlikely to be intended for a rocket program. NGIC was represented at the coordination meeting by DIA.

([redacted]) The IC assessment that the tubes were intended for Iraq's nuclear weapons program centered on several factors outlined in the NIE and outlined previously in the CIA's analysis of the tubes:

(1) Saddam Hussein had a personal interest in the procurement of the aluminum tubes, suggesting that the acquisition efforts had a high national priority.

(2) The composition, dimensions, and extremely tight manufacturing tolerances of the tubes far exceed the requirements for non nuclear applications but make them suitable for use as rotors in gas centrifuges.

[redacted]

[redacted]

(3) Iraqi agents agreed to pay up to [redacted] for each 7075-T6 aluminum tube. Their willingness to pay such costs suggests the tubes are intended for a special project of national interest.

(4) Iraq has insisted that the tubes be shipped through such intermediary countries as [redacted] in an attempt to conceal the ultimate end user; such activity is consistent with Iraq's prewar nuclear procurement strategy but are more robust than post-war denial and deception (D&D) efforts.

(5) Procurement agents have shown unusual persistence in seeking numerous foreign sources for the tubes, often breaking with Iraq's traditionally cautious approach to potential vendors.

(6) An aluminum tube built to the Iraqi specifications for the tubes seized [redacted] was successfully spun in a laboratory setting to 60,000 rpm (1000Hz). This test was performed without balancing the tube; a critical step required for full speed operation, but still provided a rough indication that the tube is suitable as a centrifuge rotor.[15]

(7) The dimensions of the tubes [redacted] are similar to those used in the Zippe and Beams-type gas centrifuges. The inner diameter of the seized tubes - 74.4 mm – nearly matches the tube size used by Zippe and is described in detail in his unclassified report on centrifuge development. The length and wall thickness of the seized tubes are similar to Iraq's prewar Beams design.

(8) Iraq performed internal pressure tests to induce a hoop-stress level similar to that obtained by an operating rotor.

(9) [redacted]

(U) The NIE included discussion of some of these assessments in the main text and contained an annex with a more extensive discussion of the assessments and extensive dissenting opinions from both the DOE and INR. The following section outlines the intelligence and assessments provided by the intelligence agencies on the aluminum tubes.

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[15] [redacted]

[redacted]

[redacted]

(1) Saddam Hussein Had a Personal Interest in the Procurement of the Aluminum Tubes, Suggesting That the Acquisition Efforts Had a High National Priority

([redacted]) The intelligence provided to the Committee in support of the conclusion that Saddam Hussein had a personal interest in the tubes was limited to one CIA human intelligence (HUMINT) report. The source of the report was a "[foreign] government service, from a [redacted]" The report provided very little detail, saying only that "As of late August 2002, Iraqi President Saddam Husayn was closely following the purchase and analysis of 114,000 7075-T6 aluminum tubes by the Iraqi Organization for Military Industrialization (OMI)." The IC told the Committee that they had no other reporting to show Saddam Hussein had a personal interest in the tubes, but had information that the Iraqi deputy prime minister was also involved in the tube acquisition effort.

([redacted]) The information on the deputy prime minister [redacted] indicated the deputy prime minister's interest in urgently needed shipments of unspecified items. The shipments appear related to the aluminum tubes. [redacted]

([redacted]) It is not clear from either of these reports that the high-level interest from Saddam Hussein and his deputy prime minister suggests the tubes were intended for Iraq's nuclear program. The report on Saddam Hussein's interest in the tubes provides few details which would help corroborate the information or indicate why he was interested in the procurement. The report on the deputy prime minister also does not indicate why he is interested in the shipment. The deputy prime minister is also the minister of the Organization of Military Industrialization, suggesting that his interest in the tubes may be consistent with his ministerial responsibilities. Furthermore, because both reported instances of high-level interest in the tubes occurred after a previous shipment of the tubes had been seized [redacted] in 2001 and the IAEA had become involved in the matter, it is possible that both Saddam Hussein and the deputy prime minister were interested in the shipments because of concerns that they too might be confiscated. In any case, it is not clear why these shipments were a high priority for Iraqi officials.

(2) The Composition, Dimensions, and Extremely Tight Manufacturing Tolerances of the Tubes Far Exceed the Requirements for non Nuclear Applications but Make Them Suitable for Use as Rotors in Gas Centrifuges

[redacted]

[redacted]

(U) All intelligence agencies agreed that the composition, dimensions, and tight manufacturing tolerances of the aluminum tubes made them capable of being used in a centrifuge program if the tubes were modified. The DOE assessed, however, that technical aspects of the tubes and their handling appeared inconsistent with a gas centrifuge application, and INR agreed with the DOE's analysis.

([redacted]) The CIA and DIA were the all-source analysis agencies which supported the NIE assessment that the composition of the tubes, dimensions, and tight manufacturing tolerances far exceeded the requirements for conventional rocket applications. The NIE noted that Iraq consistently requested tubes composed of 7075-T6 aluminum, although the material ". . . is considerably more expensive than other more readily available materials." The NIE also noted that "Materials or tubes meeting conventional rocket requirements could be acquired at much lower prices or be produced indigenously." A separate box in the NIE contained NGIC analysis that the tubes were "highly unlikely to be intended for rocket motor cases," and that the "wall thickness and overall weight would make these particular tubes poor choices for rocket motor bodies." The NGIC analysis compared the Iraqi tubes to a U.S. rocket system that uses the same type of aluminum, 7075-T6, and found that the tubes Iraq was seeking were much more precisely manufactured than the U.S. system or any other U.S. or Russian system of which the NGIC was aware. The tone box said "most agencies agree with NGIC, the Department of Defense (DOD) experts on conventional military systems, that tubes with the specifications – materials and tolerances – like those seized [redacted] are highly unlikely to be used for rocket motor cases."

(U) The NIE's assessment that the composition and dimension of the tubes exceeded the requirements for conventional rocket applications is contrary to information obtained by the Committee indicating that the composition and dimensions of the Iraqi tubes were consistent with rockets manufactured in several countries, and, in fact, match exactly the tubes Iraq had imported years earlier for use in its rocket program which it had declared to the UN.

(U) Committee staff interviewed DOD design engineers who work on U.S. rocket systems, specifically the Mark-66 rocket, who said that the assessments in the NIE that 7075-T6 aluminum "is considerably more expensive than other more readily available materials" and that "materials or tubes meeting conventional rocket requirements could be acquired at much lower prices" are "not correct at all." They said that high-strength aluminum is "around the world the material of choice for low cost rocket systems, because it's widely available and can be easily manufactured," and has a high strength to weight ratio. They added that aluminum is "one of the cheapest materials [from which] to make rocket motor cases. Everything else is higher cost to manufacture, like steels."

[redacted]

[redacted]

(U) In addition, [redacted] UNSCOM inspections indicated that Iraq had declared using 7075-T6 aluminum in their own rocket program as early as 1996. Information noting that tubes of "apparently similar dimensions were discovered during IAEA inspections" was included in a text box in the NIE explaining NGIC's analysis of the tubes. The text box said that the "Iraqis claimed to UN inspectors that the tubes were 7075-T6 aluminum and were used by Iraq for the Nasser 81 MRL."

(U) The IAEA told Committee staff that in 1996 they discovered over 66,000 tubes at Iraq's Nasser State Establishment, a military industrial complex which was involved in various rocket manufacturing programs. Iraq declared the Nasser tubes to the IAEA as 7075-T6 aluminum with an 81 mm outer diameter, 3.3 mm wall thickness, and 900 mm length, the same composition and dimensions of the tubes the Iraqis were trying to procure in 2001 and 2002.[16] The Iraqis indicated at the time that the tubes were intended for use in their Nasser 81 mm rocket program.

([redacted]) The CIA WINPAC centrifuge analyst told Committee staff that the IAEA [redacted] tested the tubes to determine their material properties, but the tests showed that none of the tubes tested were high-strength aluminum. The DOE and the IAEA told Committee staff, however, that the testing was not intended to show whether [redacted] the 81-mm tubes Iraq had declared were made of 7075-T6 aluminum. The [redacted] tests the IAEA had conducted were on other tubes found at Nasser to determine whether those tubes were made of proscribed materials. The IAEA never tested the 7075-T6 aluminum tubes in 1996, because they assessed that the Iraqis would not declare the tubes to be 7075-T6 aluminum and voluntarily submit them to IAEA control if they were not made from the restricted material. Since the controversy regarding the tubes erupted in the fall of 2002, the IAEA told Committee staff they did test the older Iraqi tubes and found that they were in fact, 7075-T6 aluminum as declared by the Iraqis. According to DOE, the U.S. Government learned of this fact in February 2003.

(U) The IAEA told Committee staff that the tubes that Iraq declared in 1996 were the same material and were the exact same dimensions as the tubes Iraq had been trying to procure in recent years. According to the IAEA, the Iraqis were working to reverse engineer an Italian air to

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[16] [redacted] The IAEA told Committee staff that the tubes were 900 mm in length and they believe the reference to 800 mm was a typographical error.

[redacted]

[redacted]

ground rocket, the Medusa. The tubes used by the foreign government service in the Medusa rocket bodies are also of the same material, 7075-T6 aluminum, and dimensions as the tubes Iraq had been recently trying to procure.

([redacted]) Finally, although the NGIC assessment cited in the NIE said "tubes with specifications – materials and tolerances – like those seized [redacted] are highly unlikely to be intended for rocket motor cases," the NGIC told the Committee in a written response that "lightweight rockets, such as those originally developed for air-to-ground systems, typically use 7075-T6 aluminum for the motor casing because of its strength and weight." In addition, the response noted that [redacted] review of the tubes and stated that "it is not unusual to use the aluminum alloy specified by Iraq for casings of unguided rockets." The Swiss produce their own version of the Italian Medusa rocket using 7075-T6 aluminum. Furthermore, U.S. and Russian rocket systems also use 7075-T6 aluminum and, according to the DOD rocket design engineers, thirteen other countries that manufacture the U.S. Mark-66 also use 7075-T6 aluminum in their rockets.

([redacted]) The [redacted] NGIC [redacted] analyst on Iraq told Committee staff he was unaware at the time of his assessment of the materials or specifications of the Medusa rocket. He had not spoken with any DOE analysts about their analysis and had not read any DOE products. He learned of DOE's position on the tubes from discussions with the CIA and DIA, agencies that vigorously disagreed with DOE's assessment.

([redacted]) In addition to the composition and dimensions, the NIE assessed that the tolerances Iraq was seeking for the aluminum tubes ". . . far exceed the requirements for non-nuclear applications." This assessment was based on the CIA's analysis dating back to a July 2, 2001 CIA intelligence assessment and was supported by NGIC's analysis in both the November 2001MID Supplement [redacted], *Iraq: Procuring Possible Nuclear-Related Gas Centrifuge Equipment*, and the September 2002 CIA intelligence assessment, *Iraq's Hunt for Aluminum Tubes: Evidence of a Renewed Uranium Enrichment Program*, which assessed that the tolerances of the tubes Iraq was trying to procure were far tighter than any rockets of which NGIC was aware.

(U) When questioned about the assessment that Iraq's requested tolerances would have been unusually tight for rockets, the WINPAC centrifuge analyst told Committee staff that intelligence reporting showed that "almost every country [the Iraqis] approached has told them we cannot make tubes to these specifications," suggesting that the tolerances were so tight that manufacturers would not even try to make them. Because this statement contradicted

[redacted]

[redacted]

information previously provided to the Committee which showed that Iraq was working with several companies to try to procure these tubes, the Committee requested intelligence to support the analyst's contention.

([redacted]) The analyst provided six intelligence reports to the Committee, but only one of the six showed that any company from any country told the Iraqis that they could not make the tubes to the specifications requested. The report does not say which specifications the manufacturer could not meet so it is unclear whether this was due to the tolerances. [redacted] These reports did indicate that the manufacturers did not always meet the requested tolerances, but in several cases Iraq accepted the tubes nonetheless. The reports did not show that "Almost every country [the Iraqis] approached told them we cannot make the tubes to these specifications."

([redacted]) Contractors from [redacted], brought in by CIA to perform a [redacted] analysis of the tubes, told Committee staff that Iraq was seeking tolerances far tighter than standard industrial tolerances for extruded[17] products. In addition, an NGIC assessment in November 2002 (NGIC-1143-78184-03) contained a chart with a side by side comparison between the tolerances of the tubes Iraq was seeking and two U.S. rocket systems, the Mark-40 and Mark-66 MRLs. The chart was intended to show that the tolerances "far exceed the tolerances of the Iraqi tubes." The chart below shows NGIC's comparison of tolerances (in parenthesis) of the tubes Iraq was trying to procure and the two U.S. multiple rocket launcher (MRL) systems.

[17]Extruded tubes are those that have been formed by forcing heated metal through dies, rather than cast.

[redacted]

[redacted]

	Iraqi tubes	U.S. Mk 40 rocket	U.S. Mk 66 rocket
Outside diameter	81 mm [redacted]	67.95 mm (+1.27 mm)	70 mm*
Inside diameter	74.4 mm [redacted]	62.23 mm (+0.38 mm)	66.4 mm (+0.1 mm/-0.08 mm)
Wall thickness	3.3 mm [redacted]	1.83 mm (+/-0.178 mm)	1.8 mm (+0.1 mm/-0.05 mm)
Roundness	[redacted]	Not provided	Not provided
Yield strength	[redacted]	Not available	483 N/mm

* Outside diameter tolerance is inferred from inner diameter and wall thickness.

(U) The DOE told Committee staff that the tolerances of the Iraqi tubes and the Mark-66 are very similar and that the NGIC chart is misleading because the U.S. Mark-66 specifications included 25 pages of detailed tolerances which are not shown on the chart and which were not requested by the Iraqis for their tubes. These 25 pages of tolerances show that the Mark-66 tubes are more precisely manufactured than the Iraqi tubes. In addition, DOE noted that many standard industrial items, such as bicycle seat posts or aluminum cans are of the same or better tolerances than the tubes sought by Iraq. DOE noted that even if the tolerances were tighter than those for most world wide rocket systems, the fact that Iraq may have requested tolerances that were tighter than necessary, does not indicate that the tubes were intended for a nuclear program. The DOE told Committee staff that over-specifying tolerances is quite common when poor or average engineers try to reverse engineer equipment as the Iraqis were attempting to do.

(U) The DOD rocket design engineers told Committee staff that based on their assessment of the tolerances Iraq requested, the tubes were "perfectly usable as rocket motor tubes, but were excessively tightly toleranced for the application." They added, "You could easily build rocket motors out of them. They would certainly be nice, straight-flying rockets. But it's unnecessary." When asked if they could think of a reason why a country might request tubes with such tight tolerances for a rocket program, one of the engineers said, "Sure. If a person is a relatively inexperienced engineer and they don't have 40 years of rocket manufacture like we have . . . you would tend to err on the conservative side." Another engineer said, " If you were starting from scratch, you would tend to go for a straighter, more tightly-toleranced product."

[redacted]

[redacted]

(See page 118 for a description of the IAEA's findings regarding Iraq's rocket production efforts.)

(U) The DOD rocket engineers told Committee staff they had been approached by CIA analysts in January 2003 and were asked for their opinion on how the tubes Iraq was attempting to procure compared with tubes in the U.S. military. The engineers noted that the CIA provided them with the specifications for the wall thickness, straightness, and surface finish of the tubes to help make their assessment. The engineers told Committee staff they informed the CIA that tubes were more accurately made than those for the U.S. systems, but said that they were perfectly usable for rockets. One engineer said he told the CIA analysts, "There was nothing that would have prevented them from being used as rockets, that they were excessively tightly toleranced for the application, but that didn't preclude them from being used. They were just an expensive tube that could be incorporated into a rocket motor." One of the engineers also told Committee staff that he recommended that the CIA contact the foreign government service to get information on their rockets, because the tube diameter appeared similar to that of an Italian rocket system. The engineer said the CIA analysts told him that was not an option. A second engineer told Committee staff he had initially expected that the CIA was coming to them for an objective opinion but believed the CIA analyst "had an agenda" and was trying "to bias us, to encourage us to come up with [the] answer," that the tubes were not intended to be used for a rocket program.

(U) The WINPAC centrifuge analyst told Committee staff that he did not provide the DOD engineers with the wall thickness specification because it was classified at a level higher than that for which the engineers were cleared. He also said the engineers did not suggest he speak with the foreign government service. He told Committee staff that he had in fact already tried to contact the foreign government service twice through [redacted] but was not given any information on the Medusa rocket.

(U) IAEA inspections in early 2003, prior to the war with Iraq, supported the assessments of both the DOE and DOD engineers that Iraq may have over specified the tubes because of inexperience. The IAEA interviewed an engineer who worked on the Nasser rocket program and explained that the tight tolerances were the result of an Iraqi Ministry-level requirement to improve the rockets, without making significant changes to the rocket's original design. Because Iraq already had all of the other needed rocket parts, the tolerances were the one area in which the engineer said he could make improvements. All changes to the rockets had to be approved all the way up to the Minister in charge of the rocket's production, and the IAEA was able to follow the paper trail to document the approval process for the changes made to the tolerances. The

[redacted]

[redacted]

IAEA said they were able to match the paper trail of requested changes to Iraq's procurement requests showing that each time a request to change tolerances went to the Ministry, a corresponding procurement request was sent to potential suppliers.

([redacted]) [redacted]. The State Department disseminated an unclassified report on March 7, 2003 which provided text of IAEA Director General Mohammed El-Baradei's report to the UN Security Council. El-Baradei said "Extensive field investigation and document analysis have failed to uncover any evidence that Iraq intended to use these 81 mm tubes for any project other than the reverse engineering of rockets." The cable added that the IAEA had developed "a coherent picture of attempted purchases and intended usage of the 81 mm aluminum tubes, as well as the rationale behind the changes in the tolerances."

([redacted]) In addition, the DOE and the IAEA told Committee staff that the tolerances of the Iraqi tubes were not as tight as those Iraq [redacted] as typically desired for high-speed rotating equipment. The IAEA told Committee staff that the specifications of diameter of Iraq's pre-Gulf War centrifuge drawings were [redacted] while the tubes Iraq had tried to procure had tolerances of only [redacted]. The IAEA said the difference between [redacted] is a substantial difference for a centrifuge. The DOE noted that even Iraq's requirement for [redacted] tolerance for eccentricity is lower than expected for high-speed rotating equipment such as a centrifuge. The DOE said they would expect to see tolerances in the 0.01 mm range if tubes are to be used as delivered. Even a [redacted] would lead to significant balancing problems – especially with a thick walled rotor like the Iraqi tubes. [redacted]

([redacted]) Finally, the NIE cited Iraq's request that the tubes' inner surface be free of all defects as a superfluous specification and inconsistent with use in rocket applications. The NGIC said

[redacted]

[redacted]

that in manufacturing rockets either a layer of insulating material is painted to the interior wall and the case is then filled with solid propellent, or a precast grain of solid propellant is loaded inside the tube cavity using thin metal spacers to separate the grain from the tube wall. In either case, minor surface imperfections would have no effect on the performance of the rocket. According to the IAEA, the finish of the Iraqi tubes that were intercepted [redacted] was worse than the finish on the older tubes Iraq declared in 1996. In addition, any machining Iraq had to perform to change the wall thickness of the tubes would also change the interior surface of the tubes, making a request for a smooth finish unnecessary if the tubes were intended to be used in a thin walled centrifuge.

([redacted]) (3) Iraqi Agents Agreed to Pay up to U.S. $17.50 Each for the 7075-T6 Aluminum Tube. Their Willingness to Pay Such Costs Suggests the Tubes Are Intended for a Special Project of National Interest

([redacted]) A [redacted] intelligence report does indicate, as the NIE notes, that Iraq may have agreed to a price of about U.S. $17.50 per tube in an attempt to procure aluminum tubes. Most reports showed, however, that Iraq had negotiated lower prices for the tubes, typically U.S. $15 to U.S. $16 per tube, and as low as U.S. $10 per tube [redacted]. The DOE told Committee staff that according to the IAEA [redacted] Iraq paid between [redacted] for each aluminum tube acquired in the 1980s. If inflation is taken into account, Iraq would be paying less today than in the 1980s for the same tubes. A DOE analyst also contacted a U.S. aluminum tube manufacturer to request a price quote for 7075-T6 aluminum tubes with similar dimensions to the Iraqi tubes. The analyst did not request specific tolerances which could have raised the price of the tubes. The U.S. manufacturer quoted a price of $19.27 per tube, higher than the price Iraq was able to negotiate.

(U) Furthermore, the NIE assessment about the cost of the tubes referenced the fact that Iraq was using 7075-T6 aluminum, which the NIE noted "is considerably more expensive than other, more readily available material." As noted previously, DOD rocket engineers told Committee staff that 7075-T6 aluminum is not more expensive that other suitable materials, suggesting that the use of 7075-T6 aluminum did not increase the cost of the tubes.

[redacted]

[redacted]

(U) (4) Iraq Has Insisted That the Tubes Be Shipped Through Such Intermediary Countries [redacted] in an Attempt to Conceal the Ultimate End User; Such Activity Is Consistent with Iraq's Prewar Nuclear Procurement Strategy but Are More Robust than Post-war D&D Efforts

(U) Several intelligence reports show clearly that Iraq did try to conceal itself as the ultimate end user of the aluminum tubes. Intelligence reporting on Iraqi procurement efforts shows, however, that Iraq has tried for years to conceal its identity as the end user for a range of materials that monitoring countries may suspect are for WMD programs. The DOE noted in the NIE that "Iraq's use of procurement agents and front companies to acquire the tubes is consistent with high-priority conventional military applications that would be subject to interdiction efforts." Certainly for items such as the high-strength aluminum tubes – materials that Iraq is prohibited from importing under Annex III of United Nations Security Council Resolution (UNSCR) 687 and 707 – Iraq would have to conceal itself as the end user if it hoped to ever obtain a shipment of the tubes. CIA analysts who followed Iraq's compliance with the Oil For Food Program told Committee staff that Iraq used intermediaries or front companies for the procurement of many every day items that it was legally entitled to procure through legitimate channels, suggesting that Iraq's use of front companies provides little, if any, indication of the potential end use for the product being procured.

(5) Procurement Agents Have Shown Unusual Persistence in Seeking Numerous Foreign Sources for Tubes, Often Breaking with Iraq's Traditionally Cautious Approach to Potential Vendors

(U) The Committee was not provided with intelligence to show that Iraq's persistence in seeking aluminum tubes from numerous foreign sources was unusual. [redacted] This approach is consistent with how Iraq attempted to procure the aluminum tubes. The approach, however, [redacted].

[redacted]

[redacted]

([redacted]) [redacted], no intelligence reporting showed that Iraq was trying to acquire the thousands of other components needed for a centrifuge. For example, if Iraq were attempting to use 64,000 tubes to make 32,000 centrifuge rotors, Iraq would also need 64,000 end caps (two for each rotor), 32,000 lower bearings, 32,000 upper bearings, and thousands of other parts. No reporting was provided to the Committee which showed attempts to procure these items.

([redacted]) (6) An Aluminum Tube Built to the Iraqi Specifications for the Tubes Seized [redacted] Was Successfully Spun in a Laboratory Setting to 60,000 revolutions per minute (Rpm) (1000hz). This Test Was Performed Without Balancing the Tube – a Critical Step Required for Full Speed Operation – but Still Provided a Rough Indication That the Tube Is Suitable as a Centrifuge Rotor

([redacted]) Subsequent to publication of the statement in the NIE that a tube was successfully spun to 60,000 rpm, a CIA [redacted] continued testing of the aluminum tubes. The CIA reported [redacted] in January that their testing had found that, after balancing, the Iraqi tubes were "successfully spun to 90,000 rpm."

([redacted]) The original report, published January 28, 2003, describing the CIA [redacted] spin tests of the Iraqi tubes described only five tests. Of the five tests described, four of the tests failed or were stopped due to unexplained "imbalance conditions" or problems with the test equipment. One test was said to have successfully spun a tube section at 90,000 rpm for two hours.

(U) Partly based on questions and comments from DOE analysts, the CIA issued a corrected version of the spin test report on May 5, 2003. In addition to correcting some information from the first report, the second report provided additional data, including the fact that 31 spin tests were performed on the Iraqi tubes. The corrected report showed that of the 31 tests only one tube sample was spun to 90,000 rpm with no apparent deformation, and the report was changed to show that the tube was spun for only 65 minutes, not two hours as originally indicated. Three more of the tests were run to speeds between 95,000 and 100,100 rpm, but excessive vibration caused deformities in the tube samples. The report said the spin tests confirmed that the tubes "have sufficient strength to be used to speeds of 90,000 revolutions per minute (RPM)." 90,000 rpm is consistent with the operating speed of the Zippe centrifuge for tubes with a 74.2 mm inner diameter.

[redacted]

[redacted]

(U) All intelligence agencies and the IAEA agreed, based on basic engineering calculations, that properly manufactured tubes of 7075-T6 aluminum could be used as a centrifuge rotor at speeds adequate for uranium separation. Consequently, DOE analysts initially believed that spin testing the tubes was unnecessary. DOE analysts told Committee staff, however, that the results of the CIA spin tests showed that the Iraqi tubes deformed at stresses considerably lower than expected. The DOE told Committee staff that ordinarily, spin tests are performed until the tube fails, not to the target speed of the tube. According to the DOE, in the case of CIA's spin tests, only a few of the tubes were appropriately run to failure and the failure speeds ranged from 96,000 rpm to 100,100 rpm. The DOE noted that the failure speed was just above the speed the tubes were expected to be run in an operating centrifuge – 90,000 rpm – which provides an indication that the tubes were not strong enough to run consistently at that speed. The DOE told Committee staff that to ensure that the tubes would have sufficient strength to run in a centrifuge at 90,000 rpm, they would have to reach a speed of about 20 percent above 90,000 rpm before they failed. This is because the tubes in a centrifuge cascade would have to run at 90,000 rpm constantly, all day, every day for years to produce enough highly enriched uranium for a weapon, not a few hours. As an example, a DOE analyst told Committee staff that "Running your car up to 6,500 rpm briefly does not prove that you can run your car at 6,500 rpm cross country. It just doesn't. Your car's not going to make it."

([redacted]) The DOE wrote in an analysis of the CIA spin tests in May 2003 (TIN000127) that the CIA tests showed that "These specific tubes had structural imperfections that would have precluded their use in a centrifuge." The DOE said that "A centrifuge fabricated from this material, allowing the accepted standard 60 percent margin of safety, would have a top operating speed of only [redacted], which is too slow to make a centrifuge capable of use in a centrifuge facility."

([redacted]) The DOE has not had direct access to [redacted] who conducted the spin tests and has had to rely on the CIA's released data for their analysis. The CIA did not ask for assistance or input from any other IC agency in conducting these spin tests and only asked the DOE [redacted] for their assessment and assistance in the spring of 2003. The DOE analysts did not know the extent of CIA's spin test work until the CIA disseminated cables on the test results. When asked by Committee staff why the CIA did not consult with the DOE, the IC's nuclear experts, the WINPAC centrifuge analyst said, "Because we funded it. It was our testing. We were trying to prove some things that we wanted to prove with the testing. It wasn't a joint effort."

[redacted]

[redacted]

([redacted]) (7) The Dimensions of the Tubes Seized [redacted] Are Similar to Those Used in the Zippe and Beams-type Gas Centrifuge. The Inner Diameter of the Seized Tubes [redacted] Nearly Matches the Tube Size Used by Zippe and Is Described in Detail in His Unclassified Report on Centrifuge Development. The Length and Wall Thickness of the Seized Tubes Are Similar to Iraq's Prewar Beams Design

([redacted]) Although the information in the NIE suggested that the Iraqi tubes have similar measurements to some dimensions of both the Zippe and Beams centrifuge designs, the measurements of the tubes Iraq was seeking do not precisely match either design. The chart below is similar to one initially prepared by the WINPAC centrifuge analyst for use in CIA presentations and the CIA's September 2002 intelligence assessment on the aluminum tubes. This version was published in the October 2002 NIE.

	Iraq's Oil Centrifuge Rotor	[redacted]	[redacted]	**Beams Centrifuge Rotor**	**Zippe Centrifuge Rotor**
Length	651 mm	[redacted]	[redacted]	about 900 mm	279.4 - 381 mm
Inside Diameter	84 mm	[redacted]	[redacted]	69.85 mm	68.6 - 76.3 mm
Outside Diameter	96 mm	[redacted]	[redacted]	76.2 mm	74.2 - 81.9 mm
Wall Thickness	6 mm	[redacted]	[redacted]	3.175 mm	2.8 mm*

* The Zippe unclassified report discusses several centrifuge rotor designs but does not explicitly state the wall thickness of any of the rotors. Based on the limited documentation, we can infer that Zippe used rotors with wall thicknesses that range from 1 mm to approximately 2.8 mm. We know that more advanced Zippe designs used rotors with 1 mm thick walls. We do not know to what exact wall thickness was used in the early Zippe designs. The rotor wall thickness for the Beams centrifuge has also been specified as 6.35 mm.

[redacted]

[redacted]

([redacted]) This chart is misleading in several respects. First, the chart does not show the dimensions of Iraq's version of the Zippe design, which had very different dimensions than the Zippe dimensions shown in the CIA chart. Iraq had worked on this design prior to the Gulf War, obtained substantial foreign assistance on this design, and had a full set of designs and drawings for this centrifuge. Second, according to DOE analysts and the IAEA, Zippe's centrifuge designs had wall thicknesses of 1 mm, not 2.8 mm as indicated in the chart. A DOE analyst told Committee staff that this was explained to the [redacted], in July 2001 [redacted] and was pointed out several more times by DOE analysts throughout the next year. In addition, DOE analysts contacted Gernot Zippe, the designer of the Zippe centrifuge, directly and he confirmed that the wall thickness of his centrifuge designs were not more than 1 mm. Finally, the CIA chart did not include the dimensions of the tubes Iraq had declared in 1996 as part of its Nasser 81 mm rocket program and did not include materials of the rotors for any of the tubes listed. The following chart would have provided a more accurate representation of known information at the time of the NIE.

	[redacted]	**Tubes Iraq Declared in 1996 for Use in Rockets**	**Iraq's Oil Centrifuge Rotor**	**Iraq's Zippe Centrifuge Rotor**	**Beams Centrifuge Rotor**	**Zippe Centrifuge Rotor (Design that most closely matches Iraqi tubes)**
Length	[redacted]	900 mm	651 mm	<600 mm	about 900 mm	332 mm
Inside Diameter	[redacted]	74.4 mm	84 mm	NA	69.85	74.2 mm
Outside Diameter	[redacted]	81 mm	96 mm	[redacted]	76.2 mm	76.2 mm
Wall Thickness	[redacted]	3.3 mm	6 mm	[redacted]	3.175 mm	1 mm
Material	[redacted]	7075-T6 aluminum	Duraluminum	Maraging steel and carbon fiber	Duraluminum	2000 series aluminum with T6 hardening

[redacted]

[redacted]

([redacted]) As can be seen from the chart above, none of the specifications of the tubes seized [redacted] match or are consistent with previous Iraqi centrifuge designs. The specifications appear similar to the Beams centrifuge rotors and the diameter specifications are similar to those of the Zippe design. Neither the CIA analysts nor the [redacted] contractors could tell Committee staff, however, which design they believed Iraq would pursue, only that the tubes' specifications had similarities to both designs. One of [redacted] contractors told Committee staff they did not have enough information to judge which design they might have intended the tubes to be used for, only that the specifications, tolerances and the packaging requirements indicated that they were suitable for both designs.

(U) The DOE analysts told Committee staff that they asked CIA analysts to explain which design they believed Iraq would pursue at the NIE coordination meeting, but the CIA WINPAC analyst suggested that the Iraqis are "tricky" and that they could not speculate on which design they might use.

(U) The DOE's analysis of which design the Iraqis were likely to pursue was based on analysis of Iraq's pre-Gulf War centrifuge work. According to the DOE, Iraq began its uranium centrifuge enrichment program in the late 1980s when they began to work, by themselves, on an oil type centrifuge, a derivative of a machine that was developed by Jesse Beams in the U.S. during the Manhattan Project. This centrifuge design is supported by oil bearings, rather than magnets. The Iraqis were able to make a rotor, but it had severe problems with vibrations and leaking seals, consumed excessive amounts of power and never operated close to its target operating speed. According to the DOE, neither the Iraqis nor anyone else, including the U.S., who has ever attempted to build a Beams centrifuge, has ever put these into a centrifuge cascade for uranium enrichment.

(U) The Iraqis abandoned the Beams design and in 1989 obtained assistance from German engineers who helped the Iraqis obtain Zippe type magnetic suspension centrifuge components and designs. The Iraqis attempted two versions of this centrifuge design, a maraging steel rotor and a carbon fiber rotor. Iraq was able to produce about 60 maraging steel rotors indigenously, only four of which passed dimensional inspection, but they never ran a centrifuge machine using these rotors. Because they were having problems making the maraging steel rotors, the German "consultants" recommended that the Iraqis try a carbon fiber rotor. Iraq covertly imported 30 pre-made carbon fiber rotors. Iraq built two machines with the carbon fiber rotors. One machine failed during the run-up, but the other machine operated. Iraq was continuing to work with the Germans to optimize that machine until the program was halted because of the Gulf War.

[redacted]

[redacted]

(U) The DOE analysts assessed that if Iraq were going to rebuild a centrifuge program, they would be most likely to pursue the carbon fiber rotor design because the Iraqis had the full set of diagrams outlining how to build the components and the machine, they had experience with this design, and it was industrially-proven. When Iraq began attempting to procure the aluminum tubes made of a material and with specifications that did not match the dimensions of Iraq's known design, however, DOE analysts examined the specifications of the tubes to determine how Iraq might be able to use them in another design.

([redacted]) The DOE noted that no successful centrifuge cascade has ever been built using rotor tubes of the size and material Iraq was attempting to procure and that Iraq would encounter several problems attempting to design a centrifuge, from scratch, using these tubes because the walls were too thick and the diameter was too small. The DOE assessed that Iraq could modify the tubes for use in an uranium enrichment gas centrifuge, but doing so would require significant additional research and development. One analyst told Committee staff you could also "turn your new Yugo into a Cadillac, given enough time and energy and effort as well." In TIN000084 in December 2001, *Iraq: Seeking Additional Aluminum Tubes,* the DOE explained some of the problems Iraq would encounter using the tubes for a centrifuge cascade:

> The wall thickness is three times greater than that for metal rotor designs used in high-speed centrifuges. This would increase the weight and the energy of the spinning rotor by a factor of three. A significant R&D effort would be required to compensate for the suspension problems introduced by the heavier rotor.
>
> The design which the Iraqi tubes most resemble – that for a tube used by centrifuge pioneer Gernot Zippe for laboratory experiments in 1960 – has never been tested at production levels. Because the centrifuge described by Zippe operated as only a single unit for a very short period of time, its use in a cascade with thousands of centrifuges would require a significant development effort. And again, the specifications of the Iraqi and Zippe tubes differ in some important ways: while the inner diameter [redacted] of the Iraqi tubes is similar to the inner diameter (74.1) of Zippe's, the tube used by Zippe had only a 1 mm wall thickness and was only 332 mm long. Zippe noted that the low efficiency of his laboratory machine would prevent its practical use. If Iraq attempts to use these tubes in a Zippe centrifuge, the efficiency could be further reduced due to complications with the damping and suspensions systems as a result of thicker walled tubes.

[redacted]

[redacted]

(U) The DOE also noted that the inefficiency of centrifuge machines using these tubes is such that Iraq would need more than 12,000-16,000 centrifuges to produce 25 kg of highly enriched uranium (HEU) annually, enough for one weapon per year. The DOE said,

> As a result, we judge it would take much longer than five to seven years[18] to fabricate even a small functional cascade capable of producing gram quantities of HEU. Beyond fabrication challenges, operating a series of cascades with this many centrifuges would require significant operational experience. To date, the only entities known to operate more than 10,000 centrifuges are Russia and the European enrichment consortium, Urenco. Maintaining such a plant with first generation machines would be extremely difficult. Additionally, this centrifuge and the Zippe centrifuge have extremely low stage separation efficiencies that would lead to a very large number of centrifuge stages with a corresponding increase in cascade piping and complexity. In short, we judge it unlikely that anyone could deploy an enrichment facility capable of producing weapons significant quantities of HEU based on these tubes.

([redacted]) The DOE was so pessimistic about Iraq's ability to successfully use these tubes in a centrifuge, one analyst told Committee staff, that his initial assessment was that if Iraq was really trying to make centrifuges out of these tubes that "we should just give them the tubes." [redacted]

(8) Iraq Performed Internal Pressure Tests to Induce a Hoop-stress Level Similar to That Obtained by an Operating Rotor

([redacted]) The NIE stated that the pressure tests Iraq conducted on the tubes performed to a stress level similar to that obtained by an operating rotor. Other than in the DOE's alternative view text box, the NIE did not indicate that pressure testing is not a known method for testing centrifuge rotors. The CIA's [redacted] contractors suggested in their report that although pressure tests are not a typical test for centrifuge components, they can substitute for other tests. The contractors believed the tests were too high for rocket motors.

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[18] Five to seven years was the estimate of the time it would take Iraq to make a nuclear weapon if it produced the highly enriched uranium itself.

[redacted]

[redacted]

([redacted]) DOE analysts told Committee staff that the CIA [redacted] contractors had not been provided with pertinent data on rocket systems that would have shown that the pressure inside rocket motor bodies is very high and these tests were not too high for rocket motors. The DOE also noted that materials intended for use in high-speed rotational equipment, such as centrifuges, are typically subjected to a battery of tests, such as spin testing, to determine ultimate tensile strength, yield strength, metallurgical flaws, and balance, but are not typically subjected to pressure tests. Solid-fuel rocket motors develop stresses from internal pressure and hydrostatic testing is typical for rocket motor cases.

([redacted]) (9) [redacted]

([redacted]) [redacted].

([redacted]) [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]. A CIA report from 2000 [redacted] on al Raya indicated that Iraq had consolidated the most important materials science elements of the former Iraqi nuclear weapons program in al Raya and that the center "would likely play a very key role in a restarted nuclear weapons program." The IAEA told Committee staff [redacted], however, that there was never any suspicion from the UN that al-Raya contained nuclear facilities or was engaged in prohibited activities, although the IAEA and UN did inspect the facility because of equipment used and stored there and because former nuclear officials worked there.

b. Other Assessments of the Tubes

([redacted]) In its text box dissenting from the IC's position in the NIE, the DOE assessed that the anodized coating on the aluminum tubes and the quantity of tubes requested were inconsistent with their use for centrifuges.

(1) Anodized Coating

([redacted]) Iraq's aluminum tube procurement requests included a requirement that the tubes be anodized. Although the NIE assessment on the tubes did not include a discussion of the anodized coating, the CIA's September 2002 intelligence assessment did address this issue. [redacted]. The

[redacted]

[redacted]

assessment added that "Iraq's prewar centrifuge effort used anodized molecular pumps indicating the Iraqis understand [redacted]" CIA and DIA analysts told Committee staff that while anodization is not necessary for an aluminum centrifuge, intelligence reporting suggested that Iraqi officials thought it was necessary [redacted]. The CIA provided the Committee with a HUMINT report distributed in November 2002, after the publication of the NIE, which indicated that Iraq may have believed they needed to anodize aluminum rotor tubes.

([redacted]) The DOE alternative view text box in the NIE said that anodization is not necessary and can be problematic for centrifuges. "It is well established in open sources that bare aluminum is resistant to UF6 and anodization is unnecessary for corrosion resistance, either for the aluminum rotors or for the thousands of feet of aluminum piping in a centrifuge facility. Instead, anodization would likely introduce uncertainties into the design that would need to be resolved before a centrifuge could be operated." Some of these uncertainties are described in a [redacted]

([redacted]) [redacted]. DOE analysts told Committee staff that the CIA's claims about U.S. and European centrifuge programs using anodized surface coatings is misleading [redacted] The DOE analysts said that they asked Gernot Zippe personally if his rotor was anodized and he said, "no."

([redacted]) The DOE also provided Committee staff with an assessment of the November 2002 CIA HUMINT report. The DOE assessment, and comments from DOE analysts, noted that the HUMINT report that Iraq anodized aluminum rotor tubes used in its early Beams-type centrifuge design is inconsistent with Iraqi disclosures to the IAEA and post-Gulf

[redacted]

[redacted]

war reporting from this source which said Iraq used anodization in a gaseous diffusion nuclear program, not its centrifuge program.

([redacted]) When Committee staff interviewed the [redacted] contracted by the CIA, [redacted] In a second interview with the DOE, analysts told Committee staff that the model was anodized in order to protect it from corrosion, but the actual rotors used in Zippe's centrifuge design were not anodized.

([redacted]) [redacted], the DOE noted in the NIE that anodization is a standard practice in missile construction for environmental protection. In a written response to questions from Committee staff, the NGIC agreed that anodizing "provides components of military weapon systems with maximum corrosion resistance. The coating also provides a surface having better paint adhesion than uncoated aluminum." The IAEA told Committee staff that Iraq was anodizing the tubes because they were being stored outdoors and, therefore, required the coating as environmental protection. According to the IAEA, Iraq lost thousands of the tubes it procured in the early and mid-1990s due to the corrosive effects of being stored outdoors. The Iraqis believed an anodized coating would better protect the new tubes they were attempting to procure.

(2) Quantity of Tubes

([redacted]) The DOE assessed that the quantity of tubes Iraq was trying to procure is inconsistent with the needs of a centrifuge program. Iraq was consistently seeking 60,000 tubes and in some cases over 100,000 tubes. The DOE assessed that ten to twenty thousand tubes would be sufficient to build enough centrifuge machines to produce sufficient highly enriched uranium for two nuclear weapons annually. The fabrication of 60,000 centrifuges would take Iraq well over a decade even if it were able to produce 20 acceptable centrifuges per day, a large number considering Iraq's industrial capabilities.

([redacted]) The CIA assessed that over-purchasing is typical of Iraqi buying habits and likely reflects Iraq's attempts at quality control, to ensure that at least 10,000 to 20,000 tubes were of sufficient quality for use in a centrifuge program. The CIA's [redacted] contractors and CIA analysts also relied on the NGIC's assessment that 60,000 tubes were too few for Iraq's Nasser

[redacted]

[redacted]

81 MRL system. The NGIC assessed if Iraq were to use the Nasser 81 MRL in a conflict, they could expend 60,000 rockets in less than a week, meaning that Iraq would need many more tubes for an effective weapon system.

([redacted]) The NGIC analyst told Committee staff, however, that he was unaware of other intelligence reports which showed that Iraq had attempted to procure over 100,000 tubes in some cases. The NGIC analyst was also unaware that Iraq had procured 160,000 tubes for the Nasser 81 program in 1989, and still had 66,000 tubes available in 1996, suggesting that it would take Iraq a long time to use even 60,000 tubes. The NGIC analyst also could not provide Committee staff with an assessment or estimate of Iraq's Nasser 81 rocket production rate. [redacted], Iraq's rocket production rate was about 50 rockets per day, or about 10,000 a year. This would mean that it would take Iraq six years to produce rockets from all 60,000 tubes.

(3) IAEA Investigation of Tubes

(U) After publication of the NIE but before the war had begun in Iraq, the IAEA was able to investigate Iraq's claims that the aluminum tubes were intended for its Nasser 81 rocket program. The IAEA told Committee staff that, primarily because of U.S. concerns about the tubes, investigating the tubes became one of the key lines of work during inspections in Iraq.

(U) The IAEA was able to verify that Iraq was engaged in rocket production at the Nasser 81 facility, making propellant and warheads and painting the rockets. A random spot check showed that the Iraqis had 13,000 completed rockets in their inventory. These rockets were being produced from the older 7075-T6 aluminum tubes at Nasser. Many of the older tubes had corroded because they had been stored outside and the Iraqis told the IAEA that they were trying to procure more tubes because they were going to run out of unspoiled tubes in about twelve to eighteen months. The older Nasser tubes had not been anodized, and the Iraqis told the IAEA the new anodization requirement was intended to protect the new tubes from spoiling in the elements.

(U) The bottom line assessment of the IAEA was that the tubes Iraq was trying to procure were capable of being adapted for use in a uranium centrifuge, but that it would require significant research and development and technical skills which would require years of work, even for people who knew what they were doing. The IAEA officials said they could not totally disregard the scenario that the tubes could be used in a centrifuge, but there were many

[redacted]

[redacted]

inconsistencies with that scenario, while the theory that the tubes were being used for rockets was completely consistent with the evidence in Iraq.

([redacted]) [redacted]. The CIA [redacted] produced intelligence assessments which rejected the IAEA's conclusions, [redacted]. Most of these assessments were distributed in limited channels, only to senior policymakers.

2. Procurement Attempts for Magnets, High-Speed Balancing Machines and Machine Tools

(U) Intelligence information provided to the Committee shows that Iraq was trying to procure magnets, balancing machines, and machine tools, all materials that have potential applications in a nuclear program. These materials, however, are all dual use and none of the intelligence provided said that the materials were intended for a nuclear end user.

([redacted]) According to the NIE, the manager of one of the Iraqi companies negotiating the magnet procurement, along with a large number of personnel for the new production facility, worked in Iraq's pre-Gulf War centrifuge program. [redacted] information indicated the magnets to be produced at the facility were intended for the al Rashid directorate, which was coordinating the Ababil-100 missile project and was directly responsible for the missile's solid propellant engine.

([redacted]) The Committee was not provided with any information to show that a large number of personnel for the new magnet production facility worked in Iraq's pre-Gulf War centrifuge program as stated in the NIE. According to the intelligence provided to the Committee, [redacted] 40-50 percent of the PhDs and senior engineers there worked in Iraqi's pre-Gulf War nuclear program, but in the electromagnetic isotope separation (EMIS) program, not the centrifuge program. The Committee

[redacted]

[redacted]

found it reasonable to assess that these individuals worked in al-Tahadi because of their experience with magnets.

(U) In an interview, the NIO for Strategic and Nuclear Programs and CIA analysts told Committee staff the reference to the centrifuge officials working at al-Tahadi was a mistake and it was, in fact, former EMIS officials. The NIO and the CIA analysts agreed that the officials were probably working at al-Tahadi because of their magnet expertise and agreed that there was no direct connection to an Iraqi centrifuge program, although they noted that Iraq potentially could use the magnets in support of a renewed centrifuge effort.

([redacted]) The NIE also assessed that a front company, trying to procure high-speed balancing machines that can be used in centrifuge balancing work, was involved in trying to procure 7075-T6 aluminum tubes. [redacted] When questioned by Committee staff, CIA analysts noted that procurement companies are often involved in a variety of unrelated procurement efforts and the procurement efforts [redacted] to obtain balancing machines and [redacted] to obtain aluminum tubes, may be totally unrelated.

(U) The Committee was not provided with any other information to show that equipment procurements were related to a nuclear program.

3. Iraq's Efforts to Re-Establish and Enhance Its Cadre of Weapons Personnel as well as Activities at Several Suspect Nuclear Sites

(U) The following points were offered in the NIE in support of the key judgment that Iraq's efforts to re-establish and enhance its cadre of weapons personnel and activity at several suspect nuclear sites further indicated that nuclear reconstitution was underway.

a. The IAEC is expanding the infrastructure: research laboratories, production facilities, and procurement networks, to produce nuclear weapons.

b. Many of Iraq's nuclear scientists recently have been reassigned to the IAEC.

[redacted]

[redacted]

c. Renewed regular contact between Saddam and the IAEC, as well as enhanced security, suggests the IAEC is again the focal point of Saddam's nuclear program.

d. Activity at several suspect nuclear sites.

a. The Iraqi Atomic Energy Commission is Expanding the Infrastructure – Research Laboratories, Production Facilities, and Procurement Networks – to Produce Nuclear Weapons

([redacted]) A [redacted] HUMINT report provided to the Committee showed that in April 2002 Iraq completed construction of a new building for the IAEC. The report said the building was an alternative to the existing IAEC offices and was built for the "operation room" of the IAEC. The report noted also that the IAEC planned to open a new high-level polytechnic school that would offer PhDs in all branches of nuclear energy at another location. The Committee was not provided with any other intelligence to show that research laboratories, production facilities, and procurement networks were expanded.

(U) In an interview with the NIO and CIA analysts, Committee staff asked if there was any additional information to support such an assessment. The CIA analyst said there was nothing additional to show that Iraq was expanding research laboratories, production facilities, or procurement networks.

b. Many of Iraq's Nuclear Scientists Recently Have Been Reassigned to the IAEC

([redacted]) The information provided to the Committee shows that nuclear scientists worked for the IAEC, but does not show that these scientists were recently reassigned to the IAEC as stated in the NIE. According to the intelligence provided, [redacted] several personnel changes in the IAEC indicated the changes were the result of a decision from the President's office to replace government managers who had been in their positions for five years. This suggests that many of these individuals had been located within the IAEC since at least 1996, five years before the reported personnel changes and, also suggests that transfers within the IAEC were not related to specific interest in that program, but were due to a government wide directive to change management. The Committee requested additional

[redacted]

[redacted]

intelligence to support the assessment that many scientists had recently been reassigned to the IAEC, but the additional documents provided did not show recent reassignments.

([redacted]) Some of the reports provided by the IC that were intended to show that scientists had been reassigned to the IAEC, actually suggested that no work was being done on the nuclear program. In one report from September 2001, an IAEC employee complained that the Iraqi nuclear program had been stalled since the Gulf War. [redacted].

([redacted]) Reporting from a foreign government service indicated that "As of late 1999, several groups from Iraq's nuclear establishment remained intact, although the majority of key nuclear scientists, but not engineers or technicians, either had retired, died, or left Iraq." The report also noted that "As of late 1999, it was unlikely that any nuclear weapons work was taking place." Other reporting indicated that employees of Iraq's pre-Gulf War program maintained a loose professional alliance through their work in engineering and design centers within Iraq's Military Industrialization Commission, [redacted].

(U) In an interview with the NIO and CIA analysts, Committee staff asked if there was any additional information to support the assessment that "Many of Iraq's nuclear scientists recently have been reassigned to the IAEC." The CIA analyst told Committee staff that he could not find any additional information to support the assessment that scientists had recently been reassigned to the IAEC.

c. Renewed Regular Contact Between Saddam and the IAEC, as Well as Enhanced Security, Suggests the IAEC is Again the Focal Point of Saddam's Nuclear Program

([redacted]) Several open source and other intelligence reports show that Saddam Hussein did meet with IAEC officials and praised their work. Saddam met and praised the work of other military, industry and private sector personnel at some of these meetings as well, however. It is also unclear whether the IAEC officials who Saddam praised were actually engaged in nuclear work.

([redacted]) One report shows that, in a televised speech, the Iraqi leader praised engineers from the Atomic Energy Agency, Ministry of Industry and Minerals, Oil Ministry and the private sector who were engaged in pharmaceutical research. Saddam Hussein praised the work of the

[redacted]

[redacted]

creative mujahidin in the pharmaceutical industry and their work on producing medicines. It is this report which the NIE references in saying that "Saddam told the IAEC its responsibilities have been doubled because they "owe" it to their past relationship with him." This report does not, however, reference nuclear work and does not say that Saddam told the IAEC its responsibilities have been doubled. The translation of Saddam's speech said,

> The Atomic Energy Agency should come up with two things or two items at a time when others come up with one thing. This is because its personnel are basically Iraqis and because they owe this to me, at least between me and them. Although you are all Iraqis and we cannot discriminate between you, but because of the old relationship between me and them, your responsibility is doubled.

([redacted]) Because of the difficulty in determining what Saddam Hussein meant in this speech, the Committee asked for a re-translation. The CIA was unable to provide a new translation [redacted].

([redacted]) A second report provided to the Committee dated September 2001 on this subject shows that Saddam Hussein did promise to present new plans to facilitate the IAEC's work, as described in the NIE. [redacted]

([redacted]) Several intelligence reports also point to increased security efforts at the IAEC. [redacted] The report mentioned that Iraqi intelligence officials would travel with any IAEC official who traveled abroad. The report also indicated that the IAEC had launched an operation to evacuate files, computers, and other materials because of a "crisis" with the UN. The information in this report dated from February to May 1998, when UN inspections were ongoing in Iraq.

([redacted]) [redacted]

[redacted]

[redacted] suggesting that at the time of the report in April 2001, Iraq's atomic energy personnel had not begun reconstituting the nuclear program.

d. Activity at Several Suspect Nuclear Sites

(U) Several intelligence reports support the conclusion in the NIE that scientists had been consolidated into establishments previously associated with the nuclear program and that these facilities retained equipment that could be used in reconstituting a nuclear program at some point. The reports show, however, that the consolidation took place before 1998. This appears to be continuing activity indicative of plans to reconstitute Iraq's nuclear program at some point, but not new activity that would indicate recent or impending nuclear reconstitution.

(U) In addition to the scientific activity, intelligence reports support the conclusion that there was construction activity at al-Tahadi, a research and engineering facility engaged in a variety of high-voltage and magnetics work, but it is unclear that al-Tahadi was linked to nuclear work. Intelligence reports showed that several former scientists from Iraq's pre-Gulf War EMIS uranium enrichment program were working at al-Tahadi. There is no information to suggest they were currently engaged in nuclear work, however.

([redacted]) The IC provided the Committee with two intelligence reports indicating that Iraq was trying to procure a permanent magnet production line during the mid-1999 to March 2001 time frame. [redacted] that construction of a high-bay building was completed at al-Tahadi by November 2000 which could have been intended to house permanent magnet production facility. Reporting, however, indicated that the magnet procurements were likely affiliated with Iraq's missile program and one report specifically mentioned that the magnets were intended for the al Rashid directorate, which is involved in solid-propellent missile design and production. [redacted] There was no intelligence provided to the Committee to suggest that Iraq had obtained the permanent magnet production capability.

(U) In an interview with the NIO and CIA analysts, Committee staff asked if there was any additional information to support the assessment that "There was activity at suspect nuclear sites." The CIA analyst told Committee staff that the only activity was continuing work of personnel at these suspect facilities, but no new activity was taking place.

[redacted]

[redacted]

C. Niger

(U) Although not listed as a reason the IC believed Iraq was reconstituting its nuclear program, the NIE did discuss Iraqi attempts to acquire uranium from Africa. The NIE said:

> Iraq has about 550 metric tons of yellowcake and low-enriched uranium at Tuwaitha, which is inspected annually by the IAEA. Iraq also began vigorously trying to procure uranium ore and yellowcake; acquiring either would shorten the time Baghdad needs to produce nuclear weapons.
>
> - A foreign government service reported that as of early 2001, Niger planned to send several tons of "pure uranium" (probably yellowcake) to Iraq. As of early 2001, Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement.
>
> - Reports indicate Iraq has also sought uranium ore from Somalia and possibly the Democratic Republic of the Congo.
>
> We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources.

([redacted]) The Committee has examined the Niger uranium issue in depth and reported the information and findings on the issue in a separate section of this report. The Committee notes, however, that there were a number of intelligence reports which indicated Iraq was attempting to procure uranium from several countries in Africa, including Niger, the Democratic Republic of the Congo, and Somalia. At the time the NIE was written the forged foreign language documents were not available to the IC, but there was intelligence reporting that indicated Iraq may have approached Niger either to procure uranium or for another unidentified purpose. The Committee did not find that the information showed Iraq was "vigorously trying to procure uranium" as indicated in the NIE, but it did indicate that Iraq may have been trying to acquire uranium. See the Niger section of this report for a detailed explanation of the treatment of the Niger uranium information by the IC prior to, during, and after the NIE process.

[redacted]

[redacted]

D. Explaining Uncertainties

(U) The NIE provided a "tone box" that listed the IC's "confidence levels for selected key judgements in this estimate." The NIE's key judgements were broken down into three categories of high, moderate and low confidence. Assessments related to Iraq's nuclear capabilities listed under the "High Confidence" heading were:

- "Iraq is continuing, and in some areas expanding, its chemical, biological, nuclear and missile programs contrary to UN resolutions."
- "We are not detecting portions of these weapons programs."

(U) The only key judgment noted under the "Moderate Confidence" heading related to Iraq's nuclear capabilities said:

- "Iraq does not have a nuclear weapon or sufficient material to make one but is likely to have a weapon by 2007 to 2009. (See INR alternative view, page 84)"

(U) There were no assessments of Iraq's nuclear capabilities listed under the "Low Confidence" heading.

E. Intelligence Agencies' Analysis on Reconstitution Prior to Publication of the NIE

(U) The assessment that Iraq had begun reconstituting its nuclear program was a new Community assessment in 2002, but individual IC agencies began to change their assessments about the nuclear program more gradually, beginning in 2001, as new intelligence reports began to come into the IC.

([redacted]) As mentioned previously, the CIA began assessing that the aluminum tubes "have little use other than for a uranium enrichment program" as early as April 10, 2001 (SEIB - 1-083CHX) – almost immediately after the detailed intelligence reports on Iraq's attempts to procure 60,000 aluminum tubes started coming to the IC. The April 2001 assessment also suggested that the tubes, and purchases of other dual use items, such as magnets and specialized balancing equipment, could revive Iraq's nuclear program. The CIA produced about a dozen more assessments of the aluminum tubes and their applicability in Iraq's nuclear program over the course of the next year.

[redacted]

[redacted]

(U) It is clear from the CIA's finished intelligence that the procurement of aluminum tubes and other dual use equipment was key to the CIA shifting its position on reconstitution of Iraq's nuclear program. The CIA wrote in January 2002, that "Procurement activities detected in the past year are consistent with Iraq attempting to jump-start a clandestine uranium enrichment program to produce fissile material needed to make a nuclear weapon, potentially by late this decade." (SPWR011102-02) On March 12, 2002, the CIA published a Senior Executive Memorandum which assessed that "Iraq currently may be trying to reconstitute its gas centrifuge enrichment program" and on the same day the CIA said "Iraq could develop enough fissile material for a nuclear weapon by mid-to-late decade." (SPWR031202-07) In August 2002, the CIA published a paper titled *Iraq: Expanding WMD Capabilities Pose Growing Threat* in which it assessed that "Iraq's procurement of nuclear-related equipment and materials indicates it has begun reconstituting its uranium enrichment gas centrifuge program to produce fissile material for a nuclear device, a process that could be completed by late this decade." The same paper later noted, "Iraq's persistent interest in high-strength aluminum tubes indicates Baghdad has renewed an indigenous centrifuge uranium enrichment program." The CIA's nuclear analysts also told Committee staff that the aluminum tube procurement was the principal part of the agency's assessment that Iraq was reconstituting its nuclear program.

(U) On April 11, 2001, almost immediately after the reports on Iraq's procurement efforts came to the IC, the DOE assessed that the aluminum tubes were likely not intended for Iraq's nuclear program. The DOE noted that "While the gas centrifuge application cannot be ruled out, we assess that the procurement activity more likely supports a different application, such as conventional ordnance production." The DOE continued to assess that the tubes were intended for the Nasser 81 rocket program in numerous assessments throughout the next year.

(U) Despite the DOE's assessment that the tubes were not intended for Iraq's nuclear program, DOE analysts did note other intelligence in their assessments that led them to believe Iraq may be reconstituting its nuclear program. On August 17, 2001, in an intelligence paper (TIN000064) the DOE assessed that "Iraq is engaged in activities, such as establishing a permanent magnet production capability, that could be preliminary steps intended, at least in part to support a gas centrifuge program restart. However, we cannot determine from information now available whether or when Iraq may have begun program reconstitution in earnest or if it intends to do so in the immediate future." On July 22, 2002, the DOE assessed that Iraq's efforts to procure magnets, Saddam's meetings with Iraq's nuclear scientists, and possible Iraqi attempts to acquire uranium from Niger suggest "that Saddam Hussein is seeking to reconstitute Iraq's nuclear weapons program."

[redacted]

[redacted]

(U) The DIA first assessed that the aluminum tubes could be part of Iraq's nuclear program on August 2, 2001. The background paper outlined the CIA's assessment that the tubes were suitable for an uranium enrichment program and also explained the DOE's assessment that the tube's thickness, length, and anodized finish made it more likely they were for other uses. The paper indicated that "DIA analysts found the CIA presentation to be very compelling." The DIA wrote little else on the procurements of aluminum tubes or other dual use items until it published a large defense intelligence assessment on "Iraq's Reemerging Nuclear Weapon Program" in September 2002. This assessment became the basis for most of the nuclear section of the October 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction.*[19] The DIA paper used the term "revitalized" rather than "reconstituted" to refer to Iraq's nuclear efforts saying "Iraq revitalized its nuclear weapon efforts after the departure of UNSCOM and IAEA inspectors in December 1998."

(U) INR did not publish intelligence papers on Iraq's procurement of aluminum tubes or papers indicating its position on nuclear reconstitution until after publication of the NIE. A draft of an in-depth analysis paper on the aluminum tubes issue was provided to the NIC staff prior to the NIE, so the NIC would be aware of INR's position. The finished paper was published on October 9, 2002.

F. Analysis of Iraq's Currently Accurate, Full and Complete Disclosure

(U) On December 17, 2002, CIA analysts produced a review of Iraq's WMD declaration to the UN titled, *U.S. Analysis of Iraq's Declaration, 7 December 2002.* On December 30, 2002, the points from the paper were worked into talking points for the National Intelligence Officer for Science and Technology titled, *Talking Points on US Analysis of Iraq's Declaration.* The two assessments reviewed Iraq's "Currently Accurate, Full and Complete Disclosure" to the UN of its WMD programs and made only two points regarding the nuclear program. The assessments said the declaration, "fails to acknowledge or explain procurement of high specification aluminum tubes we believe suitable for use in a gas centrifuge uranium effort. Fails to acknowledge efforts to procure uranium from Niger, as noted in the U.K. Dossier." The titles of both of these assessments said, "U.S. analysis," suggesting that they represented more than just CIA's position. Yet, known dissenting views from INR and the DOE regarding the purpose

[19] The aluminum tube section of the NIE was taken from a September 2002 CIA assessment, *Iraq's Hunt for Aluminum Tubes: Evidence of a Renewed Uranium Enrichment Program.*

[redacted]

[redacted]

of the aluminum tubes were not included in the assessments. INR's view that the Niger reporting was "highly dubious" also was not included in the assessments.

(U) Information provided to the Committee indicates that the December 17, 2002 assessment was passed to the President without INR or the DOE having an opportunity to review or comment on the draft. An INR analyst sent an e-mail to CIA asking, "Do you happen to know offhand if INR will get to review and clear the draft 'detailed analysis' of the declaration before it's issued in its capacity as a 'U.S.' position? We were not invited to review or clear on the draft preliminary 'U.S.' assessment, which subsequently went to POTUS, et al." A CIA analyst responded to the INR analyst that all agencies had been invited to participate in the analysis. The INR sent another e-mail noting that INR and DOE analysts had been able to review the declaration and make comments, but had left CIA prior to the preparation of the talking points for the NSC. He said INR and DOE analysts did not even know that such points were being prepared or provided to the NSC, but said the CIA was well aware of their positions and should have included them in the points. Although the INR analyst's concerns were passed to the CIA on December 23, 2002, their alternative views also were not included in the December 30, 2002 talking points.

(U) The INR analyst forwarded his e-mail comments to a DOE analyst who responded that "It is most disturbing that WINPAC is essentially directing foreign policy in this matter. There are some very strong points to be made in respect to Iraq's arrogant non-compliance with UN sanctions. However, when individuals attempt to convert those 'strong statements' into the 'knock out' punch, the Administration will ultimately look foolish – i.e. the tubes and Niger!"

G. Nuclear Conclusions

(U) Conclusion 27. After reviewing all of the intelligence provided by the Intelligence Community and additional information requested by the Committee, the Committee believes that the judgment in the National Intelligence Estimate (NIE), that Iraq was reconstituting its nuclear program, was not supported by the intelligence. The Committee agrees with the State Department's Bureau of Intelligence and Research (INR) alternative view that the available intelligence "does not add up to a compelling case for reconstitution."

([redacted])

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 28. The assessments in the National Intelligence Estimate (NIE) regarding the timing of when Iraq had begun reconstituting its nuclear program are unclear and confusing.

[redacted]

[redacted]

[redacted]

(U) Conclusion 29. Numerous intelligence reports provided to the Committee showed that Iraq was trying to procure high-strength aluminum tubes. The Committee believes that the information available to the Intelligence Community indicated that these tubes were intended to be used for an Iraqi conventional rocket program and not a nuclear program.

[redacted]

(U) Conclusion 30. The Central Intelligence Agency's (CIA) intelligence assessment on July 2, 2001 that the dimensions of the aluminum tubes "match those of a publicly available gas centrifuge design from the 1950s, known as the Zippe centrifuge" is incorrect. Similar information was repeated by the CIA in its assessments, including its input to the National Intelligence Estimate (NIE), and by the Defense Intelligence Agency (DIA) over the next year and a half.

[redacted]

[redacted]

[redacted]

(U) **Conclusion 31. The Intelligence Community's position in the National Intelligence Estimate (NIE) that the composition and dimensions of the aluminum tubes exceeded the requirements for non nuclear applications, is incorrect.**

[redacted]

(U) **Conclusion 32. The [redacted] intelligence report on Saddam Hussein's personal interest in the aluminum tubes, if credible, did suggest that the tube procurement was a high priority, but it did not necessarily suggest that the high priority was Iraq's nuclear program.**

[redacted]

[redacted]

[redacted]

(U) **Conclusion 33. The suggestion in the National Intelligence Estimate (NIE) that Iraq was paying excessively high costs for the aluminum tubes is incorrect. In addition, 7075-T6 aluminum is not considerably more expensive than other more readily available materials for rockets as alleged in the NIE.**

[redacted]

(U) **Conclusion 34. The National Ground Intelligence Center's (NGIC) analysis that the material composition of the tubes was unusual for rocket motor cases was incorrect, contradicted information the NGIC later provided to the Committee, and represented a serious lapse for the agency with primary responsibility for conventional ground forces intelligence analysis.**

[redacted]

[redacted]

[redacted]

([redacted]) Conclusion 35. Information obtained by the Committee shows that the tubes were [redacted] to be manufactured to tolerances tighter than typically requested for rocket systems. The request for tight tolerances had several equally likely explanations other than that the tubes were intended for a centrifuge program, however.

([redacted])

([redacted])

([redacted])

[redacted]

[redacted]

[redacted]

(U) Conclusion 36. Iraq's attempts to procure the tubes through intermediary countries did appear intended to conceal Iraq as the ultimate end user of the tubes, as suggested in the National Intelligence Estimate (NIE). Because Iraq was prohibited from importing any military items, it would have had to conceal itself as the end user whether the tubes were intended for a nuclear program or a conventional weapons program, however.

([redacted]) [redacted]

([redacted]) Conclusion 37. Iraq's persistence in seeking numerous foreign sources for the aluminum tubes was not "inconsistent" with procurement practices as alleged in the National Intelligence Estimate (NIE). Furthermore, such persistence [redacted] was more indicative of procurement for a conventional weapons program than a covert nuclear program.

([redacted]) [redacted]

[redacted]

[redacted]

([redacted]) [redacted]

(U) Conclusion 38. The Central Intelligence Agency's (CIA) initial reporting on its aluminum tube spin tests was, at a minimum, misleading and, in some cases, incorrect. The fact that these tests were not coordinated with other Intelligence Community agencies is an example of continuing problems with information sharing within the Intelligence Community.

([redacted]) [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) [redacted]

(U) Conclusion 39. Iraq's performance of hydrostatic pressure tests on the tubes was more indicative of their likely use for a rocket program than a centrifuge program.

([redacted]) [redacted]

([redacted]) Conclusion 40. Intelligence reports which showed [redacted] were portrayed in the National Intelligence Estimate as more definitive than the reporting showed.

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) [redacted]

([redacted]) **Conclusion 41.** [redacted] **in that it was only presented with analysis that supported the CIA's conclusions. The team did not discuss the issues with Department of Energy officials and performed its work in only one day.**

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 42. The Director of Central Intelligence was not aware of the views of all intelligence agencies on the aluminum tubes prior to September 2002 and, as a result, could only have passed the Central Intelligence Agency's view along to the President until that time.

[redacted]

(U) Conclusion 43. Intelligence provided to the Committee did show that Iraq was trying to procure magnets, high-speed balancing machines and machine tools, but this intelligence did not suggest that the materials were intended to be used in a nuclear program.

[redacted]

[redacted]

[redacted]

(U) **Conclusion 44. The statement in the National Intelligence Estimate that "a large number of personnel for the new [magnet] production facility, worked in Iraq's pre-Gulf War centrifuge program," was incorrect.**

[redacted]

(U) **Conclusion 45. The statement in the National Intelligence Estimate that the Iraqi Atomic Energy Commission was "expanding the infrastructure - research laboratories, production facilities, and procurement networks - to produce nuclear weapons," is not supported by the intelligence provided to the Committee.**

[redacted]

[redacted]

[redacted]

(U) Conclusion 46. The intelligence provided to the Committee which showed that Iraq had kept its cadre of nuclear weapons personnel trained and in positions that could keep their skills intact for eventual use in a reconstituted nuclear program was compelling, but this intelligence did not show that there was a recent increase in activity that would have been indicated of recent or impending reconstitution of Iraq's nuclear program as was suggested in the National Intelligence Estimate.

[redacted]

(U) Conclusion 47. Intelligence information provided to the Committee did show that Saddam Hussein met with Iraqi Atomic Energy Commission personnel and that some security improvements were taking place, but none of the reporting indicated the IAEC was engaged in nuclear weapons related work.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

IV. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S BIOLOGICAL WEAPONS PROGRAM

A. Background

(U) Prior to the October 2002 National Intelligence Estimate (NIE) on *Iraq's Continuing Programs of Weapons of Mass Destruction*, the Intelligence Community (IC) prepared several coordinated papers that contained assessments of Iraq's biological weapons (BW) program. Prior to the departure of inspectors in 1998, IC assessments focused largely on the United Nations Special Commission's (UNSCOM) findings in Iraq, outstanding compliance issues, and the IC's assessment of the difficulties UNSCOM would face as it attempted to gain full Iraqi compliance with United Nations Security Council (UNSC) resolutions requiring its disarmament.

(U) In February 1999, the Intelligence Community reported in *Iraq: WMD and Delivery Capabilities After Operation Desert Fox*, that Iraq probably retained the personnel, documentation, and much of the critical equipment necessary to continue and advance its weapons of mass destruction (WMD) and delivery programs. Iraq possessed biological agent[20] stockpiles that could be, or already were, weaponized and ready for use, but the paper did not state definitively that Iraq had biological weapons. The size of those agent stockpiles was said to be uncertain and subject to debate, and the location, nature, and condition of the stockpiles was also unknown. Iraq's production of biological weapons was assessed to be largely dormant, but the IC observed that Iraq could begin BW agent production within days of a decision to do so.

([redacted]) A July 1999 National Intelligence Council (NIC) Memorandum titled *Iraq: Post-Desert Fox Activities and Estimated Status of WMD Programs* noted that in the wake of Operation Desert Fox, the "loss of United Nations (UN) inspectors on the ground and of airborne imagery from the UNSCOM U-2 flights make it difficult to determine whether activity detected at known dual-use[21] sites is related to WMD production." It went on to note that Iraq may have already resumed some BW production but the IC had no reliable intelligence to indicate this, and assessed that in the absence of UN inspectors Iraq would expand its BW activities. A month

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[20]BW agent is a dangerous biological pathogen. The agent must still be disseminated or distributed effectively in a weapon or some other type of delivery mechanism to effect the intended target.

[21]The term dual-use, in a BW context, refers to technology that is useful both for biological warfare and legitimate biotechnical, agricultural and public health needs. An example would be a fermenter that is useful for both making vaccines and biological warfare agents.

[redacted]

[redacted]

later, the IC expanded this judgment in the August 1999 NIE, *Worldwide BW program: Trends and Prospects* (NIE 2000-12HCX), which stated that Iraq's "BW program has continued since the Gulf War, and we judge it is being revitalized now that the United Nations Special Commission (UNSCOM) monitoring and inspection activities are suspended." This NIE was updated in December 2000 (*Worldwide BW Programs: Trends and Prospects Update* (NIE 99-05CX/D)), when the IC adjusted upward its assessment of the BW threat posed by Iraq, citing new intelligence acquired in 2000. The IC's concern about Iraq's BW program began to grow in early 2000 when the Defense Human Intelligence Service (DHS) began reporting the [redacted] debriefings of an Iraqi engineer, the human intelligence (HUMINT) source code named CURVE BALL, who claimed to have worked on a project in Iraq to construct seven mobile biological production units. The December 2000 Worldwide BW NIE stated in its key judgements that:

> **(U)** Despite a decade-long international effort to disarm Iraq, new information suggests that Baghdad has continued and expanded its offensive BW program by establishing a large-scale, redundant, and concealed BW agent production capability. We judge that Iraq maintains the capability to produce previously declared agents and probably is pursuing development of additional bacterial and toxin agents. Moreover, we judge that Iraq has BW delivery systems available that could be used to threaten US and Allied forces in the Persian Gulf region.

([redacted]) In December 2000, at the request of the National Security Council, the IC also produced an Intelligence Community Assessment (ICA) on Iraq's WMD programs that included an assessment of the state of Iraq's BW program. The paper assessed that Iraq had largely rebuilt declared facilities damaged during Operation Desert Fox and expanded WMD-capable infrastructure. Specific to BW, the paper assessed:

- We cannot confirm whether Iraq has produced . . . biological agents, although in the case of biological weapons, credible reporting from a single source suggests it has done so on a large scale and had developed a clandestine production capability.

- Our main judgment about what remains of Iraq's original WMD programs, agents stockpiles, and delivery systems have changed little: Iraq retains stockpiles of chemical and biological agents and munitions.

- IC analysts are increasingly concerned that Saddam has acquired a clandestine BW production capability which has the potential to turn out several hundred tons of unconcentrated BW agent per year.

[redacted]

[redacted]

- According to [redacted] reporting from a single source, Iraq has constructed seven transportable – via trucks and rail cars – plants, some of which have produced BW agents. Although the information is unconfirmed, it tracks with UNSCOM evidence acquired in the mid-1990's that Iraq was considering such a program.

- Recent [redacted] analysis suggests that Iraq has built and is operating a new castor oil plant. Castor oil has various civilian applications, but leftover bean pulp could easily be used to make the BW agent ricin.

- New construction at a few dual-use facilities formerly associated with the BW program has raised our concern about Iraqi intentions. Nevertheless, we are unable to determine – because of the lack of intelligence information or observable signatures – whether Iraq is diverting these or other of its many pharmaceutical, vaccine, or pesticide plants to produce BW agents.

- According to multiple [redacted] sources, Iraq is bolstering its BW research and development, [redacted] that in 1999 that such research & development (R&D) was being carried out while UNSCOM was active in Iraq. Iraq could easily have intensified and expanded this work over the last two years.

- A limited body of reporting suggests that Iraq is seeking through its extensive procurement network dual-use equipment and other materials for BW research.

(U) The 2000 ICA also discussed at length the significant uncertainties associated with Iraq's failure to satisfy UN inspectors that it had destroyed all of its biological weapons, agent and growth media.

(U) The IC published, *The BW Threat to the Global and US Agricultural Sectors* (ICB 2001-09) in March 2001, and *Smallpox: How Extensive a Threat?* (ICB 2001-34HC) in December 2001, which stated for the first time that "we think chances are even that smallpox is part of Baghdad's offensive BW program, although credible evidence is limited." A chart included in the December 2001 assessment indicated the likelihood that smallpox is part of Iraq's "current offensive BW program" was medium, which was defined on the chart as "40-60%." The chart also indicated that the "quality of information" to support this assessment was "poor."

[redacted]

[redacted]

(U) While the Intelligence Community had adjusted upward its assessments of the BW threat posed by Iraq beginning with the 2000 Worldwide BW National Intelligence Estimate (NIE), the October 2002 NIE represented a shift in the IC's judgments about Iraq's biological weapons program. Many of the uncertainties that were expressed in all previous IC assessments about what was known about the BW program were not contained in the NIE's text. The starkest shift was the judgment that "Baghdad has . . . biological weapons." All previous assessments had stated that Iraq *could* have biological weapons. The other significant change was the assessment that all key aspects -- R&D, production, and weaponization[22] – of Iraq's offensive BW program were active and that most elements were now larger and more advanced than they had been before the Gulf War. Given this shift in the IC's assessments, Committee staff focused their work on the analysis of Iraq's biological warfare program in the 2002 NIE.

(U) The Committee examined each of the IC's assessments outlined in the NIE and the available intelligence that supported those assessments. Committee staff also interviewed analysts and officials from the National Intelligence Council (NIC) and every intelligence agency involved in the biological section of the NIE including the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Imagery and Mapping Agency[23] (NIMA), and the State Department's Bureau of Intelligence and Research (INR). The Committee also interviewed IC personnel responsible for intelligence collection regarding Iraq's BW capabilities and former UN inspectors.

(U) The Deputy National Intelligence Officer (NIO) for Science and Technology assembled the biological warfare section of the NIE from a compilation of previous IC publications concerning Iraq's BW program. The material in the BW section was drawn from the Iraqi BW section of a draft update to the December 2000 Worldwide BW NIE that was titled, *Worldwide BW Programs: Trends and Prospects Update*, a September 12, 2002 CIA paper that was provided in support of the Director of Central Intelligence (DCI) testimony before the Senate Select Committee on Intelligence, the Iraqi BW section from the draft NIE, *Nontraditional Threats to the US Homeland Through 2007*, and the September 17, 2002 testimony and background material produced for the DCI for use with the Senate Select Committee on Intelligence and the Senate Armed Services Committee.

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[22]Weaponization refers to taking biological warfare agent and placing it in an effective delivery system, such as a spray tank system or artillery shell.

[23]NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA)

[redacted]

[redacted]

(U) The DIA analyst, who was a key player in producing the Iraqi section of the draft update to the December 2000 Worldwide Biological Weapons NIE, told Committee staff that the draft was revised in three successive rounds of electronic mail (e-mail) coordination with his IC counterparts. The DIA analyst told Committee staff that the comments he received from his IC counterparts in this e-mail coordination process did not significantly change any of the overall assessments, and only offered more detail and "refined our assessments." The DCI refused to provide the Committee with copies of draft revisions of the BW section of the October 2002 NIE. NIC officials and IC analysts told Committee staff that there was no significant dissent from any IC agencies concerning the October 2002 NIE's BW assessments.

([redacted]) As the title of the October 2002 NIE's BW section, "Biological Warfare Program – Larger Than Before," indicates, the primary assessment of the BW section of the NIE was that, not only had Iraq continued its BW program since 1991 in defiance of international efforts to disarm Iraq, but the program had advanced beyond what it had achieved prior to the 1991 Gulf War. This overall assessment is stated clearly in both the key judgments and the first sentence of the body of the BW section: "we assess 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." An important component of this overall assessment is a statement found in the second sentence of the NIE's key judgments section, "Baghdad has chemical and biological weapons . . . ." This statement was not repeated in the body of the NIE's BW section. The [redacted] CIA BW analyst [redacted] noted during an interview with Committee staff that in retrospect, [redacted] believes that the sentence should have carried the caveat that *we assess* that Baghdad has biological weapons, to better reflect the uncertainties associated with this judgment.

(U) To support the assessment that Iraq's offensive BW program was larger and more advanced than it was before the Gulf War, and that Iraq had biological weapons, the NIE makes the following assessments:

- Baghdad has transportable facilities for producing bacterial and toxin BW agents.

- Baghdad has been able to renovate and expand its fixed dual-use BW agent production facilities.

- We assess that Iraq has some BW agents and maintains the capability to produce a variety of BW agents.

[redacted]

[redacted]

- In the absence of UN inspectors, Iraq probably has intensified and expanded research and development in support of Iraq's BW program. Baghdad probably has developed genetically engineered BW agents.

- We assess that Baghdad also has increased the effectiveness of its BW arsenal by mastering the ability to produce dried agent.

- Iraq's capability to manufacture equipment and materials . . . and to procure other necessary, dual-use materials . . . makes large-scale BW agent production easily attainable.

- The nature and amounts of Iraq's stored BW material remain unresolved by UNSCOM accounting.

- We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts.

(U) The following sections outline the Committee's examination of the intelligence supporting the arguments behind the NIE's assessment that Iraq's offensive BW program was larger and more advanced than before the 1991 Gulf war.

B. Baghdad Has Transportable Facilities for Producing Bacterial and Toxin BW Agents

([redacted]) The NIE stated that "Baghdad has transportable facilities for producing bacterial and toxin BW agents and may have other mobile units for researching and filling agent into munitions or containers, according to multiple [redacted] sources. Iraq has pursued mobile BW production options, largely to protect its BW capability from detection, according to a credible source."

([redacted]) A large part of the NIE's discussion of the alleged mobile BW production units was based on information provided by a source described in the NIE as "a credible source" and "an Iraqi defector deemed credible by the IC." The source was an Iraqi defector who had been the subject of debriefings [redacted] since 2000. He was believed by the IC to have been a project engineer involved in the design and production of [redacted] biological production facilities in Iraq. [redacted]. The source is hereafter

[redacted]

[redacted]

referred to by the codename he was given [redacted], "CURVE BALL".

([redacted]) The Committee was provided with 112 reports from the [redacted] debriefings of CURVE BALL. CIA, DIA and INR BW analysts all told Committee staff that CURVE BALL provided the majority of the specific detail in the IC's assessments concerning the mobile BW production units. An INR BW analyst told Committee staff that if the reporting from CURVE BALL was removed from consideration it would have reduced his confidence in the assessment that Iraq had mobile BW production units. The INR BW analyst noted that without CURVE BALL ". . . you probably could only honestly say that Iraq would be motivated to have a mobile BW program and that it was attempting to procure components that would support that."

([redacted]) Additional reporting from CURVE BALL, and additional human intelligence (HUMINT) sources that analysts believed corroborated his reporting, was instrumental in the IC shifting its characterization of Iraq's mobile BW production program from an assessment in December 2000 that stated, "according to credible US military reporting [redacted], Baghdad now can produce biological agents in transportable plants" to the 2002 NIE's assessment that "Baghdad *has* transportable facilities for producing bacterial and toxin BW agents and may have other mobile units for researching and filling agent into munitions or containers, according to multiple [redacted] sources" (emphasis added). A CIA BW analyst told Committee staff that, "The big factor changing assessments that we had since the Gulf War was this body of reporting we got on the mobile BW program."

([redacted]) The NIE stated that CURVE BALL reported that, ". . . seven mobile BW production units were constructed and that one began production as early as 1997." The NIE also said that, according to CURVE BALL, the seven units were produced [redacted] Reports from CURVE BALL provided to the Committee described the production of seven mobile BW production units. One report [redacted], suggesting that production was underway in 1997. One of the reports also described the [redacted] "construction of each of the new mobile biological weapons (BW) agent production units."

([redacted]) The NIE stated that "the reported locations of these plants have been identified in imagery, but Iraq has most likely dispersed these units since the source defected." Several reports from CURVE BALL described the locations of the seven mobile production units.

[redacted]

[redacted]

Imagery analysts used this information to identify what they assessed to be the locations in Iraq described by CURVE BALL. In interviews with Committee staff, IC analysts indicated that they viewed the identification of the sites on imagery, and the fact that buildings were [redacted] to accommodate the mobile production plants as described by CURVE BALL, as corroboration of CURVE BALL's reporting. A CIA BW analyst told Committee staff that "we were able to identify the sites he had named to be agricultural sites housing these mobile plants. Stuff like that looked like more corroboration to us at the time." The CIA BW analyst also noted that while the IC was confident that it had identified the seven sites that CURVE BALL was discussing, "when we reviewed the imagery we couldn't find any evidence of the [mobile BW production] plants being there. [redacted]

([redacted]) The NIE's discussion of the mobile biological production units concluded with the estimate that if all seven units were operational, Iraq would take ". . . approximately 14 to 26 weeks to produce the amount UNSCOM assessed was actually produced prior [to] the Gulf War." [redacted]

1. Other Sources

([redacted]) The NIE stated that the information concerning Iraq's efforts to build mobile BW production facilities ". . . tracks with [redacted] evidence that Iraq in the mid-1990s was considering a mobile fermentation capability, [redacted]" The [redacted] evidence is described in a December 1996 HUMINT report that provided a translation of two Iraqi handwritten notes [redacted]. The report described how the undated notes were written on Iraqi Military Industrial Corporation letterhead found in late 1995 and provided a summary of their contents:

– [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) The NIE also noted that another source provided information to the IC on mobile biological research laboratories. The NIE said, "in mid-1996 Iraq decided to establish mobile laboratories for BW agent research to evade UNSCOM inspections, according to [redacted], an Iraqi defector associated with the Iraqi National Congress (INC)." [redacted] is hereafter referred to as the INC source. The information provided by the INC source is detailed in a March 2002 Defense HUMINT Service (DHS) intelligence report. The report discussed a project involving several Iraqi ministries, including the Iraqi Intelligence Service, to procure labs that would allow Iraq to conceal "biological research operations" from UNSCOM inspectors. The report noted that the source was "unaware of the exact nature of the research conducted in the labs." This report, which does not discuss mobile BW production, was the only report concerning mobile BW units from this source. In addition to the INC source, the IC provided the Committee seven other reports concerning Iraqi mobile biological laboratories. None of these reports discussed mobile BW production units. [redacted]

[redacted]

[redacted]

[redacted]

([redacted]) Although he was not specifically referenced in the text of the NIE, the IC also provided the Committee with an intelligence report from the debriefing of another Iraqi Asylum seeker [redacted]. A report from June 2001, which was the only report from this source provided to the Committee, said that Iraq had transportable facilities for the production of biological weapons mounted on trailers at a special armaments factory in Iraq, and that there were other Iraqi sites where biological weapons were produced. The report noted that protective gear had to be worn in these transportable facilities, which were housed in partially underground buildings that were surrounded by a fence. The report also stated that "anyone with open sores was strictly forbidden access to these facilities," and that "warheads with biological agents were stockpiled at this site."

([redacted]) Committee staff found several areas of concern regarding the HUMINT sources upon which the IC relied to build its assessments concerning Iraq's mobile BW production program. Those sources were CURVE BALL, [redacted], the INC source, and [redacted].

2. CURVE BALL

([redacted]) [redacted]. A CIA BW analyst told Committee staff that the translation process used to debrief CURVE BALL led to some misunderstandings. CURVE BALL spoke in English and Arabic, which was translated into a Western European language. [redacted] DHS officers [redacted] translated the reports back into English before transmitting them to the [redacted] Intelligence Community. [redacted]

[redacted]

[redacted]

(a) [redacted]

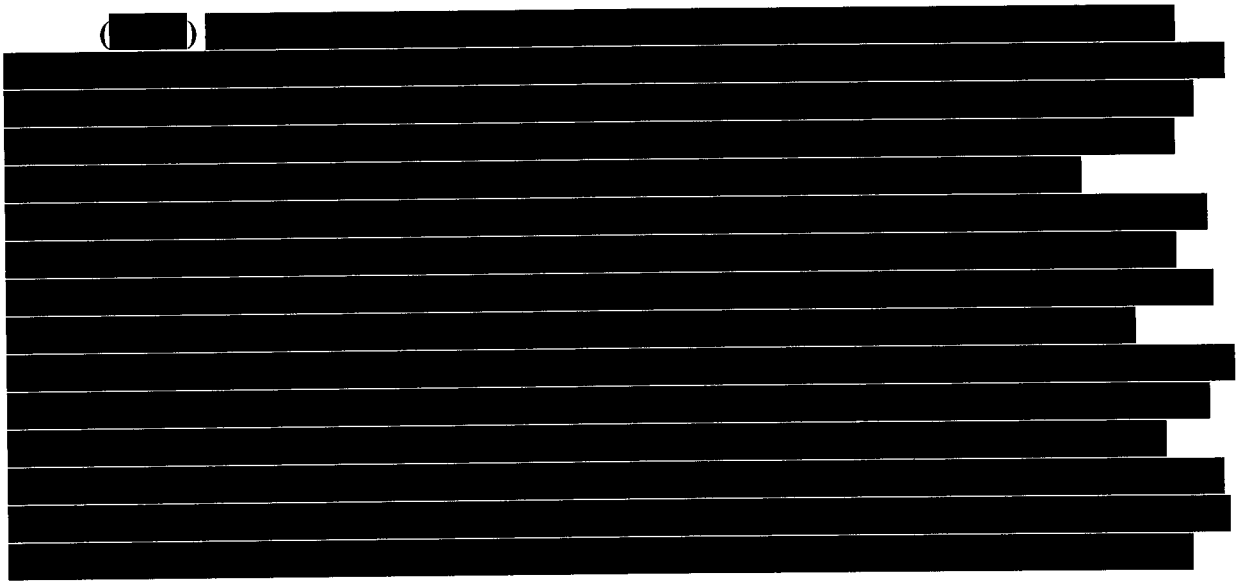
(b) [redacted]

(c) [redacted]

[redacted]

[redacted]

([redacted]) [redacted]



([redacted]) The IC provided the Committee with a copy of an evaluation of the intelligence reporting from CURVE BALL that was submitted by [redacted] DIA BW analysts. The evaluation stated that "overall, the fact that the source may be valuable and the reporting appears to be of major significance are presently compromised by reporting inconsistencies as noted in the guidance below." [redacted] The DHS intelligence officer responsible for collecting and reporting the intelligence from CURVE BALL was unable to tell Committee staff whether these concerns had been raised [redacted]. The DHS intelligence officer did not recall the particular evaluation provided by the DIA BW analysts, or if [redacted] provided any information in response.

([redacted]) A CIA BW analyst told Committee staff that a Department of Defense (DOD) detailee who provided technical advice on CURVE BALL ". . . thought that the guy might be an alcoholic and that bothered him a lot." The detailee who provided technical advice to the CIA Directorate of Operations (DO) on BW matters, met CURVE BALL in May 2000 in order to administer [redacted]. The detailee is the only American intelligence official to have met CURVE BALL before Operation Iraqi Freedom.

[redacted]

[redacted]

([redacted]) The DOD detailee raised several concerns about CURVE BALL's reliability in an electronic mail (e-mail) he wrote to the Deputy Chief of the CIA's [redacted] Iraqi WMD Task Force after reading a draft of Secretary Powell's speech to the U.N. The detailee noted that "I believe I am still the only [United States Government] USG person to have had direct access to him. There are a few issues associated with that contact that warrant further explanation, in my opinion, before using him as the backbone for the Iraqi mobile program." The detailee explained,

> I do have a concern with the validity of the information based on "CURVE BALL" having a terrible hangover the morning [redacted]. I agree, it was only a one time interaction, however, he knew he was to have a [redacted] on that particular morning but tied one on anyway. What underlying issues could this be a problem with and how in depth has he been [redacted]?

The DOD detailee also expressed concern in his e-mail that,

> During the [redacted] meeting a couple of months ago when I was allowed to request [redacted] that "we/USG" wanted direct access to CURVE BALL, [redacted] replied that in fact that was not possible, [redacted] were having major handling issues with him and were attempting to determine, if in fact, CURVE BALL was who he said he was. These issues, in my opinion, warrant further inquiry, before we use the information as the backbone of one of our major findings of the existence of a continuing Iraqi BW program!

([redacted]) The detailee's e-mail was sent to the Deputy Chief of the [redacted] Iraqi WMD Task Force on February 4, one day before Secretary Powell delivered his speech. The detailee told Committee staff that prior to receiving a draft copy of Secretary Powell's speech he had "had many discussions with the analysts about my concerns with CURVE BALL as this whole thing was building up and taking on a life of its own. I was becoming frustrated, and when asked to go over Colin Powell's speech . . . and I went through the speech, and I thought, my gosh, we have got – I have got to go on record and make my concerns known. . . ."

([redacted]) The detailee also told Committee staff that during his [redacted] of CURVE BALL, he had several opportunities to speak with the [redacted] who had [redacted] responsibility for debriefing CURVE BALL. The detailee observed that ". . . this is an opinion of mine and I really have nothing else to base it

[redacted]

[redacted]

on, but it was obvious to me that his case officer, for lack of better words, had fallen in love with his asset and the asset could do no wrong. I mean, the story was 100 percent correct as far as [redacted] was concerned."

([redacted]) [redacted] The INR BW analyst also told Committee staff that he was not aware that the detailee had concerns that CURVE BALL might have a drinking problem.

([redacted]) Because of Committee staff's concerns about the IC's reliance on a single source and questions about CURVE BALL's reporting, the Committee requested an IC assessment of CURVE BALL and his reliability. The DHS provided the Committee with an information paper on December 17, 2003 that stated ". . . the Iraqi design engineer [CURVE BALL] is not a biological weapons expert nor is he a life science expert. Source simply designed [redacted] production facilities. He never claimed that the project he was involved in was used to produce biological agents." The DHS assessment also noted that "the source's reporting demonstrates a knowledge of and access to personalities, organizations, procurement, and technology related to Iraq's BW program." Concerned that the assessment had said the primary source behind the IC's assessments of the Iraqi mobile BW production program had "never claimed that the project he was involved in was used to produce biological agents," Committee staff asked DHS to clarify what appeared to be a serious discrepancy. The DHS was unable to respond to the request for several weeks, noting to Committee staff that the matter was being handled by the DCI's staff. The DHS then issued a correction to the Committee on January 15, 2003 that stated the information in the December 17, 2003 paper contained several errors and [redacted] . . . ." The DHS correction also stated that

[redacted]

[redacted]

"by virtue of his position, and as reflected in the published Intelligence Information Reports, the source demonstrated extensive knowledge of Iraq's BW program. As the project manager, he had intimate details of the mobile BW program." The author of the December 2003 DHS paper which stated that CURVE BALL "never claimed that the project he was involved in was used to produce biological agents" was the DHS intelligence officer who had primary responsibility [redacted] for collecting and reporting the intelligence from CURVE BALL's debriefings. In an interview with Committee staff, the DHS officer stated that in his haste to provide an assessment of the source to the Committee, he had misread some of the intelligence reports from the source.

([redacted]) **3.** [redacted]

([redacted])

([redacted])

([redacted])

[redacted]

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

[redacted]

([redacted]) [redacted]

([redacted]) Committee staff asked a U.S. Department of Defense (DoD) polygraph expert with 29 years of experience with polygraph examinations about the possibility of a "false negative" resulting from a polygraph examination. A false negative is when a subject who is telling the truth is judged to be deceptive on a polygraph. The DoD polygraph expert told Committee staff that in regard to polygraph examinations, "anything could always be a false positive or a false negative. The polygraph is not 100 percent accurate and will never be 100

[redacted]

[redacted]

percent accurate, because we're dealing with the psychology and the physiology of the individual." [redacted].

([redacted]) [redacted]

[redacted]

4. INC Source

([redacted]) As previously discussed, a March 2002 report from the INC source, [redacted] stated that in mid-1996 Iraq decided to establish mobile laboratories for BW agent research to evade UNSCOM inspections. The NIE described the source by name and noted that he was an "Iraqi defector associated with the Iraqi National Congress." He had defected from Iraq in late 2001, and was brought to the attention of the DIA by Washington-based representatives of the INC in February 2002. After several meetings with the INC source, a DIA debriefer assessed that some of the information he provided ". . . seemed accurate, but much of it appeared embellished." The DIA debriefer believed that ". . . the source had been coached on what information to provide." The DIA's report from the INC source, however, described him as a "first time reporter who is considered reliable" and does not note the debriefer's concerns that he had been coached or that he had embellished information. The report also stated that the "source passed a DHS-administered polygraph regarding information included in this report."

([redacted]) [redacted].

[redacted]

[redacted]

([redacted]) In April 2002, the CIA published an assessment of the INC source that stated that DHS had terminated contact with him after four meetings because of suspicions he was a fabricator. In May 2002, DIA issued a "fabrication notice" which said that the information the INC source provided was "assessed as unreliable and, in some instances, pure fabrication." A DIA investigation of this source that resulted in the fabrication notice, questioned the source's truthfulness and noted that the ". . . information is now considered suspect." Although the source passed "an issue-specific DIA administered polygraph examination, DIA's discussions with the examiner indicate that some areas were not fully explored, which could account for the potential fabrication." In July 2002, the National Intelligence Officer for Near East and South Asia provided the Assistant Secretary of State for Near Eastern Affairs with an assessment of Iraqi defectors who had been brought to the attention of the IC by the INC and noted the concerns the DIA and the [redacted] had about the source's reliability. Despite the April 2002 CIA assessment, the May 2002 fabrication notice and the July 2002 assessment suggesting the source may have fabricated information, the source was highlighted in the October 2002 NIE, and he was one of the four HUMINT sources specifically referred to in the part of Secretary Powell's February 2003 speech before the UN Security Council that discussed the mobile BW production units.

([redacted]) 5. [redacted]

([redacted]) Although he was not specifically referenced in the text of the NIE, the IC also provided the Committee with an intelligence report from the debriefing of another Iraqi asylum seeker [redacted] The June 2001 report, which is the only report from this source that discussed mobile BW units, stated that there were transportable facilities for the production of biological weapons mounted on trailers at a special armaments factory in Iraq, and that there were other Iraqi sites where biological weapons were produced. The detailee also expressed concern about this source in his e-mail concerning Secretary Powell's UN speech. He noted that the source was "[redacted], but one whose reliability nor reporting has been evaluated," and said the reporting had inconsistencies that needed further checking. The detailee added, "we sure didn't give much credence to this report when it came out. Why now?" The detailee's e-mail was written four months after the NIE was published.

6. Intelligence Community Mind Set Concerning Mobile BW Programs

([redacted]) An INR BW analyst told Committee staff that ". . . as a community the U.S. BW analysts generally think that BW programs historically have shifted from large-scale fixed

[redacted]

[redacted]

facilities producing large quantities of BW agents being stockpiled to smaller dual-use facilities that can be mobilized. [redacted] So it's very appealing to the analysts to learn about a mobile BW program. It fits with what we think the state of the BW program worldwide are heading toward. It's kind of like a built-in bias."

([redacted]) A CIA Directorate of Operations (CIA/DO) officer told the Committee that when he began serving as the Deputy Chief of the CIA Iraq WMD Task Force in the summer of 2002, the Iraqi BW program was not the focus of the Iraq WMD Task Force's efforts because, while many questions existed about other issues such as Iraq's nuclear weapons program, analysts felt fairly certain that they knew what the BW program looked like and believed the issue was largely "wrapped up." He noted that although there was always a lot of ambiguity with these sources, the CIA's lead analyst on Iraq's BW program was adamant about the existence of the Iraqi mobile BW platforms. He noted that [redacted] was "a bull dog with these sources." The CIA/DO officer told Committee staff that the CIA BW analyst and the Department of Defense detailee who was assigned to CIA/DO had "locked horns" over the reliability of the mobile BW HUMINT sources. The CIA/DO officer noted that he had several conversations with the CIA BW analyst about the detailee's concerns over the reliability of the mobile BW HUMINT sources. In one of these conversations, the CIA BW analyst discounted the detailee's concerns by stating that the Weapons Intelligence, Nonproliferation, and Arms Control Center (WINPAC) had multiple sources reporting on the program, and that the detailee was not aware of all of this reporting.

C. Baghdad Has Been Able to Renovate and Expand its Fixed Dual-Use BW Agent Production Facilities

([redacted]) The introduction of the BW section of the NIE said that, "Baghdad has been able to renovate and expand its fixed dual-use BW agent production facilities . . . ." Later in the NIE, however, the reference to renovation of fixed facilities said, "we are increasingly concerned that Baghdad's renovation and expansion of its fixed, dual-use facilities that served as Iraq's BW agent production capability prior to the Gulf War are part of an effort to increase significantly Iraq's BW agent holdings." The second version of this assessment makes it more clear that the dual-use facilities were not known to be BW agent facilities, but that the IC had concerns about their potential use as BW facilities because they had been used for BW agent production prior to the Gulf War. To support this assessment, the NIE discussed renovation and

[redacted]

[redacted]

expansion activity at three fixed, dual-use facilities: the Amiriyah Serum and Vaccine Institute, the Habbaniyah I Castor Oil Plant, and the Dawrah Foot and Mouth Disease Vaccine Production Plant.

1. Amiriyah Serum and Vaccine Institute

([redacted]) The NIE noted that increased activity and construction at Iraq's Amiriyah Serum and Vaccine Institute has been observed [redacted] since at least 2000 "suggesting more than pharmaceutical production or distribution is taking place." [redacted]

([redacted]) The IC provided the Committee a National Imagery and Mapping Agency (NIMA)[24] report that described [redacted] of Amiriyah from April 1999 to November 2001, which stated that the facility remained active during this period and may have increased its level of operations. [redacted] The report said that these changes may represent changes in the facility's operations.

([redacted]) The NIE's discussion of Amiriyah also states that "Iraqi scientists reportedly conducted quality testing at this site on BW agents produced in the mobile production units, [redacted] A HUMINT report from [redacted] CURVE BALL, who provided the majority of the intelligence reporting concerning the mobile BW program, [redacted]

([redacted]) In discussions with Committee staff, both CIA and DIA BW analysts said they assessed that the changes [redacted] at the facility suggested Amiriyah was active, but said the

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[24]NIMA has recently been renamed the National Geospatial- Intelligence Agency (NGA).

[redacted]

[redacted]

activity could have been consistent with legitimate pubic health related activity. A CIA Iraq analyst [redacted] also told Committee staff that in the late 1990's and in the 2000 to 2002 period Iraq did have "some huge vaccination campaigns," particularly against polio and foot and mouth disease (FMD). A CIA BW analyst also told Committee staff that she was not aware of any effort in the IC to analyze the impact of those mass vaccination campaigns on dual-use facilities like the Amiriyah Serum and Vaccine Institute.

([redacted]) [redacted].

2. Habbaniyah I Castor Oil Plant

([redacted]) The NIE noted that the Habbaniyah I Castor Oil Plant, which was damaged during Operation Desert Fox in 1998 because it was assessed to be involved in the production of the biotoxin ricin, was rebuilt by early 2000. The NIE said, "The facility continues to extract oil from the castor beans, allegedly for use in brake fluid production. [redacted] The NIE stated that while the extraction of castor oil is a legitimate activity, the bean mash that is left over contains the BW agent ricin. The IC assessed that ricin was probably not being extracted at the castor oil plant but said concurrent activity at the nearby main production building, "suggests that toxin extraction may be taking place in the main production building."

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

[redacted]

3. Dawrah Foot and Mouth Disease Vaccine Production Plant

([redacted]) The NIE also pointed to [redacted] of the Dawrah Foot and Mouth Disease Vaccine Production Plant in support of the assessment that Iraq may be rebuilding dual-use fixed facilities for BW production. Iraq used Dawrah to produce BW agent before UNSCOM rendered the facility useless for BW work in 1996 by filling ductwork with a cement and foam mixture and destroying equipment used for BW agent production. Other research and production equipment at Dawrah deemed by UNSCOM to be legitimate was left in place. The NIE noted that Iraq probably renovated the facility after UNSCOM's work, but said "We are unable to determine whether BW agent research or production has resumed." Iraq claimed in 1999 that the facility was going to be renovated to produce foot and mouth disease vaccine.

([redacted]) In a September 2001 report, [redacted] assessed that the facility had been renovated beginning in 1999 [redacted]

[redacted]

[redacted]

[redacted] As noted in the NIE, the [redacted] report said it was unclear whether the possible restart of the plant was related to Iraq's BW program or was for legitimate vaccine production.

([redacted]) A CIA Iraq analyst [redacted] told Committee staff that Iraq may have had a legitimate need for foot and mouth disease (FMD) vaccine because for years the U.S. had vetoed Iraqi requests under the UN Oil for Food program for FMD vaccines based on suspicion that these materials were intended for BW purposes. The U.S. Government (USG) and IC later learned that Iraq had in fact had an FMD outbreak, prompting the USG to start approving Iraqi imports of FMD vaccinations in 1999. The USG, as a member of the UN Iraq Sanctions Committee, rejected a proposal from the Iraqis and the UN Food and Agriculture Organization to rehabilitate Dawrah because the USG believed that was able to import as many FMD vaccines as it needed.

([redacted]) [redacted] The information that Iraq may have had legitimate public heath reasons to restart the Darwah plant was not included in the NIE.

D. We Assess That Iraq Has Some BW Agent and Maintains the Capability to Produce a Variety of BW Agents

(U) The NIE stated that "we assess that Iraq has some BW agent and maintains the capability to produce B. anthracis, botulinim toxin, aflatoxin, Clostridium perfringerns (gas gangrene) and ricin toxin." The NIE also noted that Iraq "may be able to produce a number of other incapacitating and lethal agents that it has researched over the years" and assessed that "Chances are even that smallpox is part of Baghdad's offensive BW program."

1. Smallpox

([redacted]) The 2002 NIE stated in the key judgments that "Chances are even that smallpox is part of Iraq's offensive BW program." The body of the 2002 NIE expanded on this assessment:

[redacted]

[redacted]

"Various intelligence reports and [redacted] indicate that Iraq probably has retained unauthorized stocks of Variola major virus, the causative agent of smallpox. Baghdad reportedly kept smallpox virus samples from its 1971-1972 outbreak, [redacted]. We assess that the chances are even that smallpox is part of Baghdad's offensive BW program, although credible evidence is limited."

(U) The NIO and Deputy NIO for Science and Technology (S&T) told Committee staff that the statement "although credible evidence is limited" was not included in the key judgments because the issue was adequately addressed in the body of the NIE, and because of space limitations in the key judgments, they decided not to reiterate the point. The Deputy NIO added that she expected the readers of the NIE to read both the key judgments as well as the body of the document. When asked by Committee staff if a policymaker who read only the NIE 's smallpox key judgment, and not the body of the NIE's BW section, would have been misled about the uncertainties behind that assessment, an INR BW analyst responded, "Absolutely, particularly on such a sensitive topic as smallpox. And it's important to remember that people who were reading this at the time when we were having a national debate on whether people should be immunized and what the threat was from al-Qa'ida on smallpox, it was a much more charged atmosphere than the one we are in right now."

([redacted]) The assessment "Chances are even that smallpox is part of Baghdad's offensive BW program" was based primarily on intelligence [redacted] that Iraq probably had retained unauthorized stocks of Variola major virus, the causative agent of smallpox. The assessment was also based on reporting that kept smallpox virus samples from a 1971-1972 outbreak, as well as reporting that suggested Iraq had the capability to work with the virus and fragmentary reports that were looking into such work. [redacted], who said Iraq had saved samples from a smallpox outbreak in the 1970s. [redacted] also said that Iraq had "the capability of producing several biological agents – among them . . . smallpox." The report indicated that at the time of the conversation in May 2002, [redacted]. The report does not indicate that any of Iraq's work on smallpox was applied to an offensive biological program.

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) [redacted]

([redacted]) [redacted]

. The former UN BW inspector noted that he believed

[redacted]

[redacted]

that the quantity of dry agent the machine could produce was too small to be very useful in a biological weapons program and stated that "I don't think that machine was designed to dry smallpox to make weapons material. That would be a hard way of doing it." CIA BW analysts told Committee staff that they believed any quantity of dry agent would be useful in a biological weapons program.

([redacted]) Another HUMINT report from February 2000 discussed reported research conducted at a facility run by the Iraqi Intelligence Service in Abu Ghurayb, near Baghdad, involving a number of agents including smallpox. [redacted] No mention is made in the report about whether the reported efforts at Abu Ghurayb were successful in creating a delivery method for smallpox.

([redacted]) The IC provided the Committee with [redacted] additional HUMINT reports. One of the reports said an Iraqi scientist had "published on pox viruses [redacted] described Iraqi work on "a poxvirus such as monkey pox." A third report said Iraq worked on camel pox virus. None of the reports referenced smallpox.

([redacted]) One report provided to the Committee suggested that, at least as of 1991, smallpox was not a part of Iraq's offensive BW program. [redacted] report from 1995 detailed [redacted]. CIA BW analysts also told Committee staff that they believed that work on camelpox would give Iraq the capability to work on smallpox if they had it.

(U) In a written response to a question from Committee staff, the CIA said "We have no evidence that Iraq ever weaponized smallpox." The NIE's assessment that, "Chances are even

[redacted]

[redacted]

that smallpox is part of Iraq's offensive BW program," was based on the intelligence indicating that it was likely within Iraq's ability to produce smallpox agent.

2. Other Agents

(U) The NIE also noted that "Iraq has some BW agent and maintains the capability to produce B. anthracis, botulinim toxin, aflatoxin, Clostridium perfringerns (gas gangrene) and ricin toxin" and that Iraq "may be able to produce a number of other incapacitating and lethal agents that it has researched over the years." To show which agents Iraq has researched, the NIE included a table titled "BW Agents that Iraq has Researched." The table listed twenty one biological agents that Iraq had researched. While some of the agents listed on the chart are highly lethal agents that Iraq had confirmed it weaponized prior to 1991, others do not appear to have been researched for weapons purposes, while others have little or no utility in a BW program.

(U) BW Agents that Iraq has Researched

Bacillus anthracis (anthrax)	Enterovirus 70 (acute hermorrhagic conjunctivitis)
Botulinum toxin (botulism)	Camelpox virus
Ricin	Rotavirus
Clostridium perfringens (gas gangrene)	Vibrio cholerae (cholera)
Yersinia pestis (plague)	*Clostridium tetani* (tetanus)
Brucella melitensis (brucellosis)	Hemorrhagic fever viruses
Variola major virus (smallpox)	Staphylococcal enterotoxins
Burkholderia mallei (glanders)	*Rickettsia prowazekii* (typhus)
Aflatoxin	*Francisella tularensis* (tularemia)
Mycotoxins	*Shigella dysenteriae* (dysentery)
Tilletia species (wheat covered smut)	

[redacted]

[redacted]

(U) Of the 21 agents listed on the chart, only one is an effective and lethal battlefield BW agent that Iraq had declared to the UN that was researched, produced and weaponized prior to 1991: anthrax.

([redacted]) Three of the agents on the chart are agents that Iraq declared to the UN that it had weaponized prior to 1991, but have differing and debatable utility as a battlefield BW weapon: aflatoxin, ricin and botulinum toxin (botulism). Aflatoxin, a type of mycotoxin, may cause cancer and liver damage, but only years after exposure. IC analysts told Committee staff that there are indications in the scientific literature that aflatoxin can suppress the immune system, which may increase the effectiveness of other BW agents, but there are no indications that Iraq had weaponized aflatoxin for this purpose. A HUMINT report relating information [redacted] noted that Iraqi scientists admitted to some level of research on other mycotoxins for BW purposes sometime prior to 1991. Although aflatoxin is a mycotoxin, the category "mycotoxins" is listed separately on the NIE's chart. A former senior UN BW inspector told Committee staff that the Iraqis had admitted to producing about ten grams of a mycotoxin that could serve as an effective BW agent prior to 1991 ". . .for special purposes for the intelligence service."

(U) Another agent on the chart, Tilletia species (wheat cover smut), also known as wheat bunt and wheat rust, is a fungus that can significantly reduce crop yields. Iraq declared to the UN that it weaponized tilletia species as an antiagricultural BW agent prior to 1991.

([redacted]) Four of the agents, enterovirus 70, camelpox virus, clostrinum perfringens (gas gangrene) and rotavirus, are incapacitating agents on which Iraq admitted to have conducted BW-related research and development work prior to 1991. These are agents that would result in symptoms such as muscle pain, blurred vision, vomiting, and diarrhea, that could have incapacitating effects. One report provided to the Committee indicated that [redacted] also considered the possibility that Iraq's camelpox work was intended to cause economic damage to Saudi Arabia by attacking their camel herds.

([redacted]) The IC also provided the Committee with intelligence reports that suggested Iraq had conducted BW research on seven of the agents listed on the NIE's chart: brucella, tularemia, plague, tetanus, hemorrhagic fever viruses, cholera, and smallpox. A HUMINT report describing [redacted] the former Iraqi BW facility at Salman Pak revealed that Iraq had samples of four of these eight BW agents: brucella, tularemia, clostrinum perfringens (gas

[redacted]

[redacted]

gangrene), and tetanus. [redacted]

A 1999 HUMINT report describes an order given by Hussein Kamal [redacted] in 1994 to conduct research on, among other topics, tetanus. When [redacted] asked why the military was interested in "public and animal health issues" Kamal told them that the work was for "Iraq's biological warfare program."

([redacted]) [redacted]

([redacted]) [redacted]

(U) As noted in the preceding discussion concerning smallpox, the last of the eight BW agents, the only report provided to the Committee which provided a Iraqi BW link to this agent was a February 2000 HUMINT report which discussed reported research conducted at Abu Ghurayb, near Baghdad, involving a number of agents including smallpox. The report that said experiments had reached an advanced stage and were moving into the "production phase" and noted that in 1995 one of the researchers commented that tests at the facility focused on how to introduce materials into soft drinks and "other mediums." One of the specific projects undertaken was to produce lethal pills. No mention is made in the report about whether the reported efforts at Abu Ghurayb were successful in creating a delivery method for smallpox.

([redacted]) Two reports provided to the Committee discussed glanders, an agent listed on the NIE's chart. [redacted]

[redacted]

[redacted]

[redacted] A former senior UNSCOM BW inspector told Committee staff that glanders is an effective BW agent that had been weaponized by the Soviet Union. He noted, however, that he was not aware of any evidence that Iraq had worked with glanders in a BW program. The U.S. Centers for Disease Control's internet web page notes that glanders is ". . . still commonly seen among domestic animals in. . .the Middle East. . . ."

([redacted]) A 1999 HUMINT report was provided to the Committee that discussed Iraqi research on *shigella dysenteriae,* the causative agent for dysentery. The report states that staff [redacted] researched "shigella", among other pathogens, but notes that the report's source did not recall what strains of shigella were held at the facility. The report also notes that the facility had been inspected by UNSCOM more than once, and prior to each inspection the head of the department forbade his staff from discussing their work with inspectors. The head of the department also instructed his staff to keep the pathogens at home until after the UNSCOM inspections had finished.

([redacted]) None of the intelligence provided to the Committee showed a BW link to two of the agents listed on the NIE's chart. One of those agents, Staphylococcal enterotoxins, [redacted] No other intelligence was provided to the Committee that would indicate a BW connection to Iraqi research conducted on this agent. [redacted]

[redacted]

[redacted]

[redacted]

(U) A chart in a CIA paper published one month after the NIE that was titled, *Iraq: Biological Warfare Agents Pose Growing Threat to US Interests,* presented another depiction of Iraq's biological agent research. The chart titled, "Status of Possible Iraqi BW Agents" showed three levels of research activity – research and development (R&D), production, and weaponization – and provided three different levels of confidence of the IC's knowledge of Iraq's work – confirmed, probable and suspected. This chart presented a more accurate depiction of the certainty and uncertainty behind the assessments of Iraq's biological agent research and made clear which agents were researched for weapons purposes. The title of the chart in the NIE, "BW Agents that Iraq has Researched" suggested that all of the agents were researched for weapons purposes, while the CIA publication more clearly indicated that the agents were "possible" BW agents.

(U) Status of Possible Iraqi BW Agents
Note: Agents are not listed in any particular order. Assessments reflect past Iraqi declarations to the UN plus intelligence assessments of Iraq's current biological weapons capabilities.

C=Confirmed
P=Probable
S=Suspected

BW Agent (Disease)	R&D	Production	Weaponization
Bacillus anthracis (anthrax)[a]	C	C	C
Aflatoxins[a]	C	C	C
Botulinum toxins[a]	C	C	C
Ricin toxin[a]	C	C	C
Clostridium perfringens (gas gangrene)[a]	C	C	
Tilletia species (wheat cover smut)[a]	C	C	
Yersinia pestis (plague)	P	P	
Variola major virus (smallpox)	P		
Burkholderia mallei (glanders)	P		
Rickettsia prowazekii (typhus)	S		

[redacted]

[redacted]

BW Agent (Disease)	R&D	Production	Weaponization
Enterovirus 70 (acute hemorragic conjunctivitus)[a]	C		
Rotavirus[a]	C		
Staphylococcal enterotoxins	P		
Trichothecene mycotoxins[a]	C		
Brucella melitensis (brucellosis)	P		
Clostridium tetani (tetanus)	P		
Camelpox virus[a]	C		
Vibrio cholerae (cholera)	P		
Hemorrhagic fever viruses	S		
Shigella dysenteriae (dysentery)	S		
Francisella tularensis (tularemia)	S		

[a] Iraq declared to UNSCOM that it worked with this BW agent.

E. In the Absence of UN Inspectors, Iraq Probably Has Intensified and Expanded Research and Development in Support of Iraq's BW Program. Baghdad Probably Has Developed Genetically Engineered BW Agents

([redacted]) The NIE assessed that in the absence UN inspectors, Iraq probably had intensified and expanded research and development efforts in support of Iraq's BW program. The NIE noted that "Military reporting and [redacted] intelligence indicates that Iraq's BW research and development efforts have benefitted from professional contacts between its scientists and engineers and their foreign counterparts, exploiting conferences and scientific exchanges to acquire technical knowledge and supplies." The NIE's key judgments stated that "Baghdad probably has developed genetically engineered BW agents." The NIE's discussion of this research and development focuses on research activity [redacted], and reported BW testing near Iraq's Qadisiyah Reservoir.

[redacted]

[redacted]

([redacted]) 1. Research Activity [redacted]

([redacted]) The NIE stated that "[redacted] in 1999 that R&D in support of Iraq's offensive BW program was continuing [redacted]. In the absence of UN inspectors, Iraq probably has intensified and expanded these efforts." The NIE stated in the key judgments that "Baghdad probably has developed genetically engineered BW agents." The text of the NIE, however, said only that foreign government service reporting indicated that "biological research facilities are actively engaged in genetic engineering and biotechnology research and development," and noted that some of the facilities were suspected of involvement in Iraq's BW research and development program.

([redacted]) [redacted] However, UNSCOM's final report, which was submitted to the UN Security Council in 1999, stated that "Iraq has a broad based research community in Universities, Medical and Agricultural Institutes, covering microbiology, biological processing, materials science, genetic engineering, pathology, biological production, munitions and weapons." [redacted]

([redacted]) The IC also provided the Committee with eight intelligence reports to support the assessment that Iraq was engaged in genetic engineering and biotechnology research. The first was a 2002 HUMINT report that discussed information [redacted] The report provided no additional information. The NIE noted that IPA is the parent organization for a center that was engaged in BW related work prior to the Gulf War. A second HUMINT report stated that two scientists were conducting "secret research" in the microbiology laboratory at the Saddam College of Medicine. The report said the scientists were working to genetically alter anthrax and plague to increase the bacteria's resistance to "antibiotics and environmental factors." While the work was described as "secret," the report did not draw any link to BW work. The CIA told Committee staff that, while the report did not connect this research to BW work, the CIA believes that there is no legitimate application to this work outside of a BW program. A DIA BW analyst told Committee staff that there were legitimate non-BW reasons for conducting such research. He noted, however, that such research was suspicious in a country like Iraq. CIA BW analysts told Committee staff that this research was particularly suspicious because it was "secret."

[redacted]

[redacted]

(U) A third report was from a 1997 DIA HUMINT source who said that an Iraqi post-graduate microbiology student, who the source alleged was an officer in the Iraqi Special Security Organization (SSO), was conducting research to genetically manipulate the cholera toxin. The source believed the goal was to produce an offensive BW weapon. Another report provided a research paper from the same student published in 1997 which discussed transferring the gene encoding tetanus toxin from *clostridium tetani* to *e. coli* and *bacillus subtilis* "in order to research the antibiotic resistant qualities of the *clostridium tetani* strains." The only connection between this research and BW is the source's allegation that the post-graduate microbiology student is an SSO officer. A DIA BW analyst told Committee staff, while such research could be useful to a BW program, it also has a legitimate public health application in determining what antibiotics are most effective in treating particular strains of the pathogen.

([redacted]) Additional HUMINT reporting described a microbiology research paper written by [redacted] on a variety of toxins including cholera and the work of an unnamed researcher [redacted] working on a project to discover a cholera strain immune to antibiotics. The source of the report said that the researcher was rumored to have close ties to Iraq's intelligence service and to be a member of the Ba'th party.

([redacted]) [redacted]

2. Reported BW Testing Near Qadisiyah Reservoir

([redacted]) The NIE also stated that "Iraq may have tested BW agents at a facility near the Qadisiyah Reservoir in western Iraq, according to [redacted] reporting," and that "an [redacted]

[redacted]

[redacted]

([redacted]) A 1996 HUMINT report from a former officer of the Iraqi Directorate of General Security said that 1,600 death row prisoners from Baghdad prisons were delivered to "unit 2100", near al-Haditha, which conducted chemical and biological warfare experiments on human subjects. [redacted] into Iraqi prison records revealed that prisoner transfer files at a prison believed to be involved in the alleged incident during the time in question were missing. [redacted] that prisoner transfer files "were in order and well maintained before and after this time frame."

([redacted]) The NIE assessed that the reported testing location described in the HUMINT report as an "unknown location near al-Haditha" was probably a facility near the Qadisiyah reservoir. [redacted]

([redacted]) A DIA BW analyst noted to Committee staff that there was "really very little" to suggest a BW role [redacted] at Qadisiyah, and noted that "Perhaps we were stretching that just a little bit." A [redacted] analyst responsible for the [redacted] analysis of this facility told Committee staff "You have to remember that this was only considered a suspect facility. That's as far as we went with it. The information linking this to BW was so incredibly sketchy that this is sort of our best guess [redacted]"

F. We Assess That Baghdad Also Has Increased the Effectiveness of its BW Arsenal by Mastering the Ability to Produce Dried Agent

([redacted]) The NIE assessed that Iraq had increased the effectiveness of its BW arsenal by "mastering the ability to produce dried agent." The IC assessed that Iraq had both liquid and dry BW agents. As the NIE pointed out, the ability to produce dry BW agents is significant because it allows the agent to be disseminated over a much wider area than wet agent. IC analysts also told Committee staff that dry agent is much easier to handle than liquid agent and has a longer shelf life. The NIE stated that "Iraq had the capability to dry organisms in a respirable particle size prior to the Gulf War but declared that all weapons systems deployed

[redacted]

[redacted]

during the Gulf war were filled with liquid agent." The NIE went on to note that, ". . . reporting on the procurement of dual-use drying and milling equipment suggest (sic) continued interest by Iraq in the capability to dry and size at least some of the agents in its arsenal."

([redacted]) The IC provided the Committee with 14 HUMINT and [redacted] reports to support the assessment that Iraq had the capability to dry BW agent. Six of the reports described existing Iraqi dual-use drying and milling equipment, while the other eight reports described Iraqi attempts to acquire such equipment. Nothing provided to the Committee indicated whether or not the Iraqis were successful in obtaining the equipment in any of these eight cases. Only one of the 14 reports described drying and milling equipment that is clearly linked to a BW effort. The report came from the HUMINT source codenamed CURVE BALL who reported on Iraq's alleged mobile BW program. The report stated that the alleged mobile BW trailers contained spray drying equipment. The other 13 reports described dual-use drying and milling equipment that would be useful in a BW program, but none of these reports showed any links to a BW program.

([redacted]) Iraq declared to UNSCOM that prior to 1991 it produced only liquid biological weapons agents and dried only a small amount of anthrax for use in aerosol tests on animals. [redacted] Intelligence Community analysts told Committee staff that technology and expertise to dry *Bacillus thuringiensis* is directly applicable to drying and milling anthrax.

G. Iraq's Capability to Manufacture Equipment and Materials . . . and to Procure Other Necessary, Dual-use Materials . . . Makes Large-scale BW Agent Production Easily Attainable

1. Foreign Procurement

([redacted]) The NIE stated that "Iraq continues to circumvent and undermine UN sanctions to enhance its biotechnical self-sufficiency, while advancing its BW program when possible." The NIE listed several examples of Iraqi attempts to procure dual-use biotechnology equipment abroad. The IC provided the Committee with 19 [redacted] reports showing Iraqi attempts to procure dual-use biotechnology equipment abroad. While all of this equipment would be useful in a BW program, only one of these reports showed a BW-related end user in Iraq, and only one report indicated that Iraq had received the dual-use equipment as a result of its efforts.

[redacted]

[redacted]

([redacted]) The NIE also described Iraqi efforts to obtain a "jet mill" capable of grinding hundreds of kilograms of biological material per hour to one to ten microns "the ideal particle size range for BW agents." Although it is not discussed in the NIE, IC BW analysts told Committee staff that the one to ten micron particle range is also the ideal particle size for some legitimate pharmaceutical applications such as inhalers.

([redacted]) The NIE described the travel in 1999 of three Iraqi intelligence officers [redacted] to obtain materials ". . . for use in the manufacture of biological weapons. . . ." A 2000 HUMINT report stated that three Iraqi Intelligence Service officers traveled [redacted] ". . . coordinate the acquisition of quantities of materials for use in developing Iraq's chemical and biological weapons capability. Their plan was to obtain materials in [redacted] for use in the manufacture of biological weapons."

([redacted]) The NIE also described, "a robust network of intermediary firms [redacted] and elsewhere that assist with the procurement of dual-use and support equipment for Iraq's offensive BW program." The NIE stated that "Since the embargo was imposed in 1990, [redacted]" A CIA Iraq analyst [redacted] told Committee staff that after 1991 Iraq used front companies to import a wide range of goods, including consumer goods. None of the intelligence provided to the Committee showed that Iraq used front companies as a denial and deception technique to procure equipment for a BW program.

([redacted]) The last example of BW-related procurement cited by the NIE is an Iraqi order for the antibiotic [redacted]. The NIE stated that the order was placed by "the same Iraqi company that recently procured CW nerve agent antidotes." The Iraqi company, [redacted] which purchased the CW nerve agent antidotes is also responsible for acquiring a wide variety of goods associated with Iraq's legitimate public health needs. [redacted] This suggests that the [redacted], which is widely used to treat a variety of infections, was intended for legitimate public health needs in Iraq.

([redacted]) The CIA noted in a written response to a question from Committee staff that "A majority of the dual-use equipment sought probably was for legitimate research because of the dual-use nature of the equipment and the much larger needs of Iraq's industrial infrastructure over its [BW] program. [redacted]

[redacted]

[redacted]

[redacted]" CIA and DIA BW analysts interviewed by Committee staff all agreed that in every case cited by the NIE of Iraqi attempts to obtain dual-use biotechnical equipment abroad, the Iraqis could have been seeking equipment for their legitimate needs. As a CIA BW analyst noted "There was nothing that was uniquely BW. . . ." A CIA BW analyst stated that none of the equipment and materials required for a BW program were exclusively BW in nature, and said that the IC did not have a specific case where it could provide intelligence that showed that a piece of dual-use biological equipment or material sought by Iraq was clearly intended to go to an Iraqi BW-related end user. The Deputy Director for Analysis at the DCI's Center for Weapons Intelligence, Nonproliferation, and Arms Control told Committee staff that ". . . if you look at every individual dual-use procurement, if your question is, are there any of these procurements that we saw that can't be explained by a potential legitimate application . . . I think the answer to that probably is no."

2. Indigenous Iraqi Efforts

([redacted]) The final part of the NIE's section concerning Iraq's ability to obtain dual-use biological equipment and production capabilities stated that "We assess that Iraq also maintains the capability to manufacture some BW-related equipment and materials indigenously." The IC provided the Committee with several [redacted] reports and an abstract of a paper published in a European science journal that showed dual-use biotechnical capabilities inherent in Iraqi industry that could potentially be converted for use in an offensive BW program.

(U) While all of the examples in the NIE have potential application to the Iraqi BW program, and while some of the organizations involved were connected to the pre-1991 Iraqi BW program, only one of the reports has a clear link to a post-1991 BW program. The report came from the HUMINT source codenamed CURVE BALL who reported on Iraq's alleged mobile BW program. According to this report, CURVE BALL stated that fermenters and tanks in the mobile production units had been made in Iraq.

(U) When asked by Committee staff whether the 2002 NIE did a good job of explaining the possibility that some, most or all of the examples cited in the NIE of dual use biological research and procurement could have been intended for legitimate, non-BW uses, a senior INR analyst stated, "I think, to answer your question, someone who is not an expert in weapons of mass destruction, if I were coming to the issue and they said here, read this Estimate on Iraq's weapons of mass destruction program, even if you have a discussion of dual-use applicability I think that I would come to the conclusion that, well, it must be really for WMD stuff because it's

[redacted]

[redacted]

in this Estimate that talks about Iraq's WMD. So even if it has a legitimate application in civilian industry, the presumption that I would come to the document with as a lay reader in what was then the environment, I assume, of policymakers or Hill policymakers, my assumption would be that I would think it was for [chemical-biological weapons] use."

H. The Nature and Amounts of Iraq's Stored BW Material Remain Unresolved by UNSCOM Accounting

(U) The NIE stated that "The nature and amounts of Iraq's stored BW material remain unresolved by UNSCOM accounting." The NIE went on to state that "From the end of the Gulf war to mid-1995, Iraq denied that it had an offensive BW program, claiming that it had conducted only 'defensive research.' Only after UNSCOM confronted Baghdad with irrefutable evidence of excessive growth media procurement did Iraq admit that it had an offensive BW program and had made 30,000 liters of concentrated biological weapons agents. Even then, UNSCOM estimates that Iraq's production of anthrax spores and botulinum toxin could have been two to four times higher than claimed by Baghdad."

(U) UNSCOM's final report noted that Iraq "categorically denied" it had a BW program from 1991 to 1995 and took "active steps to conceal the program" from UNSCOM. "In 1995, when Iraq was confronted with evidence collected by the Commission of imports of bacterial growth media in quantities that had no civilian utility with Iraq's limited biotechnology industry, it eventually, on 1 July 1995, acknowledged that it used this growth media to produce two BW agents in bulk, botulinum toxin and Bacillus anthracis. . . ."

(U) The NIE described Iraq's inability to substantiate claims that a large amount of growth media was lost in failed production runs or stolen from the high security BW facility at Al-Hakam and other sites. UNSCOM's final report listed the growth media as an unresolved accounting issue, and IC analysts told Committee staff that they did not believe that it is possible that growth media could have been stolen from a facility like Al-Hakam. A former UN inspector told Committee staff, however, that he found it believable in light of the chaos and looting that followed immediately after the defeat of the Iraqi army in 1991. He noted that Iraqi guards abandoned their posts at many Iraqi government facilities. When asked why an Iraqi would want to steal growth media, he noted that there was not necessarily any logic to looting.

(U) The NIE also described Iraq's failure to provide adequate proof that it destroyed 157 aerial bombs it had filled with BW agent. The UNSCOM final report stated that inspectors were unable to verify both how many aerial bombs existed and how many were actually destroyed.

[redacted]

[redacted]

The NIE noted that "Iraq claimed that it produced four aerosol spray tanks by modifying a Mirage F-1 fuel drop tank. We have no evidence that the Iraqis destroyed these tanks, [redacted]" While the UNSCOM report noted that inspectors were not satisfied that the prototype drop-tank was destroyed, "The remains of the other three drop-tanks were inspected by the Commission." The UNSCOM final report also noted that "There is no evidence to corroborate that only four were produced. Interviews indicate that 12 tanks were to be modified."

(U) The NIE stated that UNSCOM's final report indicated that ". . . about 20 mobile double-jacketed storage tanks, which we judge may contain previously produced agent, remain unaccounted for." UNSCOM's final report states that "20+ tanks remain unaccounted for." The report noted that these tanks "were used to transfer agent between production and filling or deployment site and for storage of agent. Owing to their properties, they can be used for long-term storage of agent under controlled conditions. . . ."

I. We Judge That We Are Seeing Only a Portion of Iraq's WMD Efforts, Owing to Baghdad's Vigorous Denial and Deception Efforts

(U) One of the NIE's key judgments stated, "We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts." The NIE's BW section contained a text box titled "Iraq's Denial and Deception (D&D) Program for Biological Weapons." The first sentence of the box stated that "Iraq has a national-level BW D&D program."

([redacted]) [redacted] the intelligence provided to the Committee does not provide a clear link after 1991 between offensive BW related work and the dual-use research [redacted]

([redacted]) The NIE also states that "Iraq uses codewords to compartmentalize BW program elements, conceal acquisition of BW-related equipment, and impair Western attempts to monitor Iraqi technology acquisition." The NIE cited the use of the codeword "project 600" for BW activity at Iraq's Abu Ghurayb facility, which was in use before the 1991 Gulf War. The Committee was provided with six HUMINT reports concerning the use of codes:

[redacted]

[redacted]

- A 1993 HUMINT report describing the use of the code word "project 600" for BW activity at Iraq's Abu Ghurayb facility before the 1991 Gulf War.

- A 1997 HUMINT report described the use of the codename "313" with the Djerf al Nadaf facility. While Djerf al Nadaf may have a BW connection, the use of a code for this facility is not necessarily specific to BW.

- A report from the HUMINT source code named CURVE BALL who provided most of the IC's understanding of the mobile production capability states that letters were used to describe agents produced in mobile plants.

- [redacted]

- A 2000 HUMINT report described the use of letter-number codes to refer to BW agents. UNSCOM's final report notes that Iraq referred to BW agents with letter code designation in its declarations to the U.N.

- A 2000 HUMINT report that discussed research allegedly underway as of 1997 at a facility run by the Iraqi Intelligence Service in Abu Ghurayb, near Baghdad, focused on how to introduce a number of BW agents into soft drinks and "other mediums." The report stated that the facility's reports referred to BW agents by letter-number codes.

(U) The intelligence provided to the Committee describes the use of codewords to "compartmentalize BW program elements" but no intelligence reports were provided that described the use of codewords to "conceal acquisition of BW-related equipment, and impair Western attempts to monitor Iraqi technology acquisition." While code words are a denial and deception measure, no intelligence was provided to the Committee that showed an Iraqi "national-level BW D&D program" existed in 2002, as stated in the NIE.

J. Explaining Uncertainties

(U) The NIE provided a "tone box" that listed the IC's "confidence levels for selected key judgments in this estimate." The NIE's key judgments are broken down into three categories of high, moderate and low confidence. Assessments related to Iraq's BW capabilities listed under the "High Confidence" heading are:

[redacted]

[redacted]

- "Iraq is continuing, and in some areas expanding, its chemical, biological, nuclear and missile programs contrary to UN resolutions."
- "We are not detecting portions of these weapons programs."
- "Iraq possesses proscribed chemical and biological weapons and missiles."

(U) There were no assessments of Iraq's BW capabilities listed under the "Moderate Confidence" or "Low Confidence" headings. Nowhere in this section, or anywhere else in the NIE, is the possibility explicitly raised that the majority or all of the dual-use biotechnology issues discussed in the NIE's BW section could represent legitimate public health activity.

K. Intelligence Agencies' Analysis of Iraq's Biological Weapons Program Prior to Publication of the NIE

(U) Analysis from individual intelligence agencies on Iraq's biological weapons program was consistent between agencies and largely consistent with the NIE and other IC products discussed earlier in this report. The following are examples of assessments from the DIA and the CIA. INR told the Committee that it did not publish any specific intelligence papers on Iraq's BW program.

(U) In October 1997, the DIA published a Defense Intelligence Assessment, *Iraq's Weapons of Mass Destruction Programs: Progress, Problems, and Potential Vulnerabilities* which stated that "Iraq may have successfully concealed some biological agents. It retains much of its biotechnical infrastructure and is positioned to weaponize biological warfare (BW) agents at pre-Gulf War levels in 2 years or less after sanctions are lifted." The paper noted that Iraq's ". . . dual-use-type facilities give Iraq the capability to produce biological agents and plausible deniability of a biological weapons program," but "no active BW facilities are currently identified. . . ."

(U) In January 2002, the DIA published a Defense Intelligence Assessment, *Iraq's Weapons of Mass Destruction and Theater Ballistic Missile Programs: Post-11 September*, which stated "Some aspects of Iraq's biological warfare (BW) program are active, and most elements are probably larger and more advanced than they were in the pre-Gulf War program. Iraq is capable of producing and weaponizing a moderate spectrum of BW agents for a moderate range of delivery systems. UN sanctions imposed after the Gulf War did little to prevent Saddam from equipping and operating the program." The paper also notes "Iraq has gone to great lengths

[redacted]

[redacted]

to conceal its BW production, reportedly using mobile trailers" and that "several BW-associated facilities have recently undergone renovation and construction. These facilities may have provided additional capabilities and support to the BW infrastructure."

([redacted]) DIA published a Defense Contingency Product, *Iraq - Key WMD Facilities An Operational Support Study* in September 2002 which said, referring to bulk biological agent-filled munitions that Iraq claimed to have destroyed in 1991, ". . . Iraq never provided credible evidence to support this claim. The location, nature, and condition of this [BW] stockpile, and the seed stocks and growth media for biological agent production are unknown." The paper stated that [redacted] The paper also noted that "Iraq is assessed to possess biological agent stockpiles that may be weaponized and ready for use. The size of those stockpiles is uncertain and is subject to debate. The nature, size and condition of those stockpiles are also unknown."

(U) A September 2002 DIA Information Paper with the subject line, *Iraqi Interest in Smallpox as a Biological Warfare (BW) Agent*, states that the "DIA assesses it is possible that Iraq possesses samples of the smallpox virus. However, whether Iraq is actually producing smallpox agent in quantities or where it could be produced is unknown."

(U) The CIA published a paper in August 1996 titled *Iraq's Remaining WMD Capabilities,* stated "Baghdad has provided no compelling evidence to buttress its claim that all its BW agents and munitions were destroyed in the spring of 1991. Even if Iraq's claims were true, its BW expertise could enable it to rapidly resurrect a small-scale BW program."

(U) In October 2002, CIA published a paper titled *Saddam's Timelines for Using WMD*, which stated that "Based on Iraqi declarations and a variety of intelligence reporting, we judge Iraq has some lethal and incapacitating biological agents and is currently using fixed facilities to quickly produce and weaponize a variety of such agents, including Bacillus anthracis (anthrax), botulinum toxin, alflatoxin, Clostridium perfringens (gas gangrene), and ricin toxin. Iraq could also use its mobile facilities to produce some bacterial agents."

[redacted]

[redacted]

L. Biological Conclusions

(U) Conclusion 48. The assessment in the October 2002 National Intelligence Estimate that, "[W]e judge that all key aspects – research & development, production, and weaponization – of Iraq's offensive biological weapons program are active and that most elements are larger and more advanced than they were before the Gulf War" is not supported by the intelligence provided to the Committee.

([redacted])

[redacted]

([redacted])

[redacted]

([redacted])

[redacted]

[redacted]

[redacted]

(U) Conclusion 49. The statement in the key judgments of the October 2002 National Intelligence Estimate (NIE) that "Baghdad has biological weapons" overstated what was known about Iraq's biological weapons holdings. The NIE did not explain the uncertainties underlying this statement.

[redacted]

(U) Conclusion 50. The statement in the National Intelligence Estimate that "Baghdad has mobile transportable facilities for producing bacterial and toxin biological weapons agents," overstated what the intelligence reporting suggested about an Iraqi mobile biological weapons effort and did not accurately convey to readers the uncertainties behind the source reporting.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) Conclusion 51. The Central Intelligence Agency withheld important information concerning both CURVE BALL's reliability and [redacted] reporting from many Intelligence Community analysts with a need to know the information.

([redacted]) [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) **Conclusion 52. The Defense Human Intelligence Service, which had primary responsibility for handling the Intelligence Community's interaction with CURVE BALL's [redacted] debriefers, demonstrated serious lapses in handling such an important source.**

([redacted]) [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

(U) **Conclusion 53. The statement in the key judgments of the National Intelligence Estimate that "Chances are even that smallpox is part of Iraq's offensive biological weapons program" is not supported by the intelligence provided to the Committee.**

([redacted]) [redacted]

([redacted]) [redacted]

(U) **Conclusion 54. The assessments in the National Intelligence Estimate concerning Iraq's capability to produce and weaponize biological weapons agents are, for the most part, supported by the intelligence provided to the Committee, but the NIE did not explain that the research discussed could have been very limited in nature, been abandoned years ago, or represented legitimate activity.**

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 55. The National Intelligence Estimate misrepresented the United Nations Special Commission's (UNSCOM) 1999 assessment concerning Iraq's biological research capability.

[redacted]

[redacted]

[redacted]

(U) Conclusion 56. The statement in the key judgments of the National Intelligence Estimate that "Baghdad probably has developed genetically engineered biological weapons agents," overstated both the intelligence reporting and analysts' assessments of Iraq's development of genetically engineered biological agents.

[redacted]

(U) Conclusion 57. The assessment in the National Intelligence Estimate that "Iraq has . . . dry biological weapons (BW) agents in its arsenal" is not supported by the intelligence information provided to the Committee.

[redacted]

[redacted]

[redacted]

V. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S CHEMICAL WEAPONS (CW) PROGRAM

A. Background

(U) The October 2002 National Intelligence Estimate (NIE) on *Iraq's Continuing Programs for Weapons of Mass Destruction* (WMD) provided the most comprehensive Intelligence Community (IC) assessment of Iraq's chemical weapons (CW) programs since United Nations Special Commission (UNSCOM) weapons inspectors departed Iraq in 1998. Prior to the departure of inspectors, IC assessments focused largely on UNSCOM's findings in Iraq, outstanding compliance issues, and the IC's assessment of the difficulties UNSCOM would face as it attempted to gain full Iraqi compliance with United Nations Security Council (UNSC) resolutions requiring its disarmament.

(U) For example, The National Intelligence Council (NIC) produced a NIC memorandum, *Iraq: Outstanding WMD and Missile Issues* in September 1998 and produced a follow-on memorandum of the same title in November 1998 which comprehensively addressed UNSCOM's assessments of Iraq's outstanding compliance issues. The papers noted that the Intelligence Community generally agrees with the assessments made by UNSCOM and the International Atomic Energy Agency (IAEA) about Iraq's remaining WMD efforts and capabilities. Regarding CW, the IC assessed that:

- Gaps and inconsistencies in Iraqi declarations to UNSCOM strongly suggest that Iraq retains stockpiles of chemical munitions and agents.

- Iraq also had the residual technical expertise, facilities, and production equipment to quickly restart production at declared sites if UNSCOM is again barred from conducting inspections and on-site monitoring.

(U) In February 1999, soon after UNSCOM inspectors departed Iraq, several intelligence agencies, including the Central Intelligence Agency (CIA), the National Imagery and Mapping Agency (NIMA),[25] the Defense Intelligence Agency (DIA) and the U.S. Central Command produced a joint intelligence report, *Iraq: WMD and Delivery Capabilities After Operation Desert Fox.* This assessment focused on the effectiveness of air strikes during Operation Desert

[25] NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA)

[redacted]

[redacted]

Fox in destroying Iraq's WMD facilities and programs, but was not a comprehensive assessment of Iraq's WMD capabilities. The report noted:

- During Operation Desert Fox, few of Iraq's chemical warfare facilities were targeted or damaged and the operation probably had very little impact on Iraq's ability to reconstitute its chemical warfare programs.

- We believe that Iraq possesses chemical agent stockpiles that can be, or already are, weaponized and ready for use. The size, location, nature and condition of those stockpiles is unknown.

- We assess Iraq's production of chemical weapons to be largely dormant: however, Baghdad has the infrastructure necessary to support offensive programs. Without an effective monitoring presence, Iraq could probably resume its CW program immediately, if it has not already done so.

([redacted]) In December 2000, the IC published an Intelligence Community Assessment (ICA), *Iraq: Steadily Pursuing WMD Capabilities* (ICA 2000-007HCX). The ICA was prepared at the request of the National Security Council (NSC) for a broad update on Iraqi efforts to rebuild WMD and delivery system programs, as well as a review of what remained of the WMD arsenal and of outstanding disarmament issues that were the focus of UNSCOM. This assessment was the first comprehensive IC product on all aspects of Iraq's WMD capabilities since United Nations (UN) inspectors departed Iraq. Regarding Iraq's CW programs the assessment stated:

- We judge that Iraq's expansion of its chemical industry is intended to support CW production.

- We have seen no indication since the Gulf War that Iraq has engaged in large-scale production of CW agents, but we cannot rule out that small-scale production has occurred.

- Iraq has increased procurement of sensitive equipment and chemicals, some of which we believe will be used to reconstitute a CW production capability.

- We believe that Iraq has chemical agent and stable intermediaries in bulk storage, production equipment, and filled munitions that are still militarily useful.

[redacted]

[redacted]

- We assess the size of the CW agent stockpile to be 100 tons or less. We are uncertain about the extent and condition of Iraq's stockpile, although we believe mustard agent – and to a lesser degree G-agents Sarin and VX – and related munitions probably are key components.

- [redacted] a range of intelligence reports, suggests that a small portion of Iraq's prewar stockpile of filled munitions remains. Iraq also retains the capability to produce many types of weapons that could be filled with chemical agents.

- The issue of shelf life is critical to assessments of the current stockpile of Iraqi chemical agents. Mustard is the only agent that would have survived for a significant period after the Gulf War.

- Our main judgments about what remains of Iraq's original WMD programs, agents stockpiles, and delivery systems have changed little: Iraq retains stockpiles of chemical agents and munitions.

(U) In December 2001, the IC produced an NIE on *Foreign Missile Developments and the Ballistic Missile Threat Through 2015.* A section of the estimate on Iraq's missile payload options noted that Iraq had, "tested chemical warheads for Scud-variant missiles before the Gulf war," and assessed that "Iraq is rebuilding a CW production capability, probably focusing on mustard, sarin, GF, and VX." The NIE added, "We estimate Iraq holds up to 100 metric tons of chemical agent, although the nature and condition of the agent is unknown. Reporting suggests Iraq might retain at least six Scud-variant missiles equipped with chemical warheads." These assessments were generally consistent with previous IC assessments of Iraq's chemical weapon capabilities.

(U) The IC next addressed the issue of Iraq's WMD in the October 2002 NIE, *Iraq's Continuing Programs for Weapons of Mass Destruction.* The judgments in the estimate pertaining to Iraq's CW program were consistent with the 2000 ICA in assessing that:

- Iraq's expansion of its civilian chemical infrastructure was intended to support CW production.

- Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited CW production hidden within Iraq's legitimate chemical industry.

[redacted]

[redacted]

- Iraq had experience in manufacturing CW bombs, artillery rockets, and projectiles.

- Iraq probably had a chemical weapons stockpile and CW bulk fills.

(U) In the 2002 NIE, however, the IC made new statements about Iraq's CW program, shifting some judgments in significant respects and eliminating some of the uncertainties regarding Iraq's chemical programs that had been expressed in previous assessments. The 2002 NIE said that, "Baghdad has chemical . . . weapons" and "we assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX." As in previous assessments, the IC continued to note that there was little specific information on Iraq's CW stockpile, but it increased its assessment of its size, noting that, "Although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons and possibly as much as 500 metric tons of CW agents – much of it added in the last year."

(U) Because the 2002 NIE encompassed all of the intelligence in the previous assessments and because of the notable shifts in assessment between that estimate and all previous assessments of Iraq's CW programs, the Committee focused its review on the intelligence supporting the NIE and the assessments that led the IC to conclude that Iraq had chemical weapons. The Committee examined all of the intelligence provided by the IC underlying each of the assessments made in the NIE and focused particular attention on those assessments which changed between the 2000 ICA and 2002 NIE. Committee staff interviewed analysts from each all-source analysis agency involved in the chemical section of the NIE including CIA, DIA, and the State Department's Bureau of Intelligence and Research (INR) to hear each agency's views of Iraq's chemical program and to understand how and why each analyst's assessments of the intelligence evolved over time.

(U) All intelligence agencies agreed with the assessments in the CW section of the NIE and there were no dissents or footnotes in this section. The discussion below outlines the intelligence supporting the assessments in the CW section of the NIE. Those assessments included:

- Baghdad has chemical weapons.

- We judge that Iraq is expanding its chemical industry primarily to support chemical weapons production.

[redacted]

[redacted]

- We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX.

- Although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons and possibly as much as 500 metric tons of chemical warfare agents – much of it added in the last year.

- The Iraqis have experience in manufacturing chemical bombs, artillery rockets, and projectiles.

- Baghdad probably is hiding small-scale agent production within legitimate research laboratories.

- Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited CW production hidden within Iraq's legitimate chemical industry.

B. Baghdad Has Chemical Weapons

(U) The statement that, "Baghdad has chemical . . . weapons," was made only in the key judgments of the NIE and not in the main text of the document. The National Intelligence Officer (NIO) for Conventional Military Issues who was responsible for the chemical weapons section of the NIE, told Committee staff that the statement was intended to be a summation of assessments in the main text. The statement is broader than previous IC assessments provided to the Committee which used less definitive language in describing Iraq's CW capabilities. For example, the 2000 ICA said, "We believe that Iraq has chemical agent and stable intermediaries in bulk storage, production equipment, and filled munitions that are still militarily useful." The elimination of "we believe" from the 2002 NIE key judgments removed the indication that this was an assessment rather than a fact. Analysts from several intelligence agencies told Committee staff that in retrospect they believe that the statement, "We judge that Baghdad has chemical weapons," would have been a more accurate reflection of their views in the 2002 NIE.

(U) Because the judgment that Iraq had CW was not specifically described in the body of the NIE, no intelligence reporting was provided by the IC directly in support of that assessment. IC analysts told Committee staff, however, that the assessment was based in part on Iraq's inability to fully account for the destruction of pre-Gulf War CW and precursors, suggesting that Iraq may have retained some of those chemicals. Information from UNSCOM reports provided

[redacted]

[redacted]

to the Committee shows that Iraq's total production and holdings of CW agents could not be verified, and that Iraq could not account for over 1,500 metric tons of chemical precursors and over 550 artillery shells that had been filled with mustard CW agent. According to UNSCOM, in 1998, the mustard agent was still of the highest quality and was still militarily viable. The CIA estimated in 1998, based on UN reports of precursor chemicals for which Iraq had not been able to account, that Iraq could have had up to 200 metric tons of mustard agent.

([redacted]) The assessment was also based on [redacted] reporting from the spring and summer of 2002 which suggested that Iraq was possibly moving chemical munitions. The IC provided several [redacted] reports to the Committee to support their assessment that Iraq had transported chemical munitions in 2002. The first report showed that a tanker truck, identified as a [redacted] decontamination vehicle was present at a small, secured ammunition storage area at the al Musayyib Barracks, a Republican Guard facility. According to the [redacted] report, this vehicle had been associated with CW storage and transshipment prior to the Gulf War. The report also noted that during UN inspections at the al Musayyib Barracks in 1997, Iraqi officials attempted to stall the inspectors, which raised the IC's suspicions that sensitive materials were being stored at the facility. According to the [redacted] report, in [redacted] 2002, [redacted] cargo trucks arrived at the al Musayyib barracks' main depot and small storage area where the [redacted] decontamination vehicle was located and appeared to come and go [redacted]. Additional [redacted] showed that the activity ceased by mid-[redacted] 2002 and the ground in and around the storage facility had been graded. The report noted that grading is a common fire abatement measure at ammunition depots, but also could hide evidence of CW [redacted]. A final [redacted] report provided on this facility showed that the [redacted] vehicle had departed the facility by [redacted] 2002.

([redacted]) [redacted]

[redacted]

[redacted]

([redacted]) [redacted] of a second facility from [redacted] 2002 also showed that possible transshipment activity had occurred at the [redacted] Ammunition Depot. This activity was also assessed to be possible CW transshipment because a tanker truck, which could have served as a decontamination vehicle, was present at the facility while a [redacted] truck was engaged in probable transshipment activities.

([redacted]) Additional [redacted] showed that Iraq had conducted munitions transshipment activity at [redacted] ammunition depots and storage sites around Iraq in the spring and summer of 2002. Most of this activity was assessed to be related to conventional munitions.

([redacted]) While the presence of the [redacted] decontamination vehicle was assessed to be an indicator of the presence of CW, a July [redacted], 2002 NIMA assessment noted that because of the similarities of the [redacted] decontamination vehicles to a [redacted] The report concluded that the [redacted] vehicle could not be discounted "as a tipoff when assessing possible CW activity," suggesting that it may be present during non-CW activity as well.

([redacted]) Intelligence analysts also told Committee staff that the tanker trucks and [redacted] vehicles were an indication of possible CW transshipment activity, but could also have been associated with other activities. An analyst from the DIA told Committee staff that, "Today, we don't know whether this vehicle is still associated with the CW program, but it is a specific vehicle that the chemical program used in its former program before 1991." An analyst from INR said, "The [redacted] decon vehicle is used for multiple purposes, and [redacted], it can also be used as for fire safety as a water truck." [redacted] Some of the same hazards exist with conventional munitions as they do for CW munitions, so you need a fire safety truck."

([redacted]) The Committee was not provided with any corroborating intelligence reporting prior to publication of the NIE that indicated the transshipment activity at any of the facilities mentioned in [redacted] reports was related to movement of CW.

[redacted]

[redacted]

C. We Judge That Iraq Is Expanding its Chemical Industry Primarily to Support Chemical Weapons (CW) Production

(U) The judgment in the NIE that Iraq was expanding its chemical industry primarily to support CW production was based on intelligence reports which showed construction and other activity at suspect Iraqi CW facilities, particularly the Fallujah II chlorine and phenol plants. Iraq's Fallujah II chlorine and phenol plants were designed and built as dedicated CW precursor production plants in the 1980s, but were heavily damaged during the first Gulf War. Iraq told inspectors in the 1990s that it was rebuilding the plants for civilian chlorine and phenol production. Both chlorine and phenol have CW applications, but also have legitimate civilian uses such as water treatment or pesticide and resin production. The IC judged that Iraq's civilian needs for chlorine were already adequately met through UN-authorized imports and three other chlorine plants in the country. The IC also noted in the NIE that Iraq modified the phenol plant after the departure of UN inspectors in 1998, which they assessed suggested that it was modified for illicit use.

([redacted]) At least [redacted] imagery reports provided to the Committee did show that the Fallujah II chlorine and phenol plants had been operational since March 2000 and that both plants had been modified after the departure of UN inspectors. [redacted] showed [redacted] support elements at both facilities.

([redacted]) To show how the IC determined that Iraq's chlorine needs were adequately met without the Fallujah II chlorine plant, the IC provided the Committee with a [redacted] chlorine stockpiles at Iraq's water treatment plants. [redacted]. The IC also said that Iraq had three other chlorine production plants in the country that were continuing to produce chlorine. At the end of 2000, just one of the plants was producing 25 tons of chlorine per day. According to the CIA analysts, this was [redacted] more than the [redacted] Iraq needed for water treatment each day.

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

([redacted]) The NIE also noted that personnel at the facility had engaged in [redacted] burial of equipment, [redacted] In a written response to a question from Committee staff, the CIA said that [redacted] burial indicates that Iraq was, "hiding equipment so that it could be dug up easily later," and said that even if the equipment was damaged, other reporting showed that Iraq had repaired such equipment in the past for use at this facility. [redacted]

([redacted]) The NIE also said that Iraq was using its procurement network to try to acquire precursors for chemical agents it had made in the past. The IC provided at least thirty [redacted] intelligence [redacted] reports to the Committee which indicated that Iraq was trying to procure chemicals and equipment with both CW and legitimate civilian applications. Some of the reports noted specifically that the chemicals were probably for legitimate purposes. [redacted] None of the remaining reports showed that Iraq had ultimately obtained any of these chemicals or that the chemicals were intended for a weapons program. [redacted]

([redacted]) Finally, the NIE noted that the management of the facility included individuals identified as personnel from Iraq's pre-Gulf War CW program. [redacted] reports provided to the Committee indicated that in 2000 and 2001 several individuals who worked in Iraq's CW program were working at the Fallujah II facility. One of the reports noted, however, that there

[redacted]

[redacted]

was no indication that these individuals were conducting chemical warfare research at the facility.

(U) None of the intelligence reporting provided to the Committee showed that Iraq was expanding its chemical infrastructure "primarily" to support CW production. Although the word "primarily" was in the draft NIE which all analysts had the opportunity to review and coordinate, IC analysts told Committee staff during interviews that they do not believe the assessment that the expansion was "primarily" intended to support a CW program accurately represented their views. When asked whether in retrospect there was anything analysts regretted including in the NIE, a CIA analyst told Committee staff "There's a line in there about how Iraq's chemical industry was rebuilt primarily to support the CW program, and we don't think it was 'primarily.' We think that the program was benefitting from it, but we don't think that's why they were rebuilding the industry." In a written response to a question from Committee staff, the DIA said that it had proposed deleting the word "primarily" from the NIE text at the NIE coordination meeting because "It was difficult to distinguish how much of the chemical industry was supporting CW programs versus various non-chemical warfare programs." Non-chemical warfare programs include both civilian chemical programs and conventional weapons programs. The DIA told the Committee that the disagreement on whether to exclude the word "primarily" was not of sufficient importance to warrant a footnote to the NIE. An INR analyst told Committee staff that he had "no specific recollection" from the NIE coordination meeting about this specific passage, but noted that "In general, INR judged that Iraq could use elements of its dual-use infrastructure to support a CW capability, but that we had little specific intelligence to judge that Iraq was producing chemical warfare agents in 2002."

D. We Assess That Baghdad Has Begun Renewed Production of Mustard, Sarin, GF (Cyclosarin), and VX

(U) The IC provided the Committee with seven intelligence reports which said Iraq had renewed production of chemical agents. [redacted] according to an IC response to a question from Committee staff "Analysts in 2002 evaluating these reports did not consider them highly reliable." There were no [redacted] reports to corroborate the [redacted] reporting that CW production had begun. Intelligence analysts told Committee staff that their assessment that Iraq, "had begun renewed production of mustard, sarin, GF and VX," was not based on this reporting, but was an analytical judgment based largely on [redacted] reports of transshipment activity at al Musayyib [redacted], discussed previously in this report. A CIA analyst told Committee staff that prior to [redacted] reports, the IC assessed that Iraq was capable of producing CW, but could

[redacted]

[redacted]

not determine whether Iraq had produced such weapons. The analyst said that the IC assessed that if Iraq had been moving chemical munitions, it must have produced the agents with which to fill those munitions. The specific references to the chemical agents mustard, sarin, GF and VX were based on information about which agents Iraq had produced in the past and an analytical judgment about which agents Iraq was still capable of producing.

E. Although We Have Little Specific Information on Iraq's CW Stockpile, Saddam Probably Has Stocked at Least 100 Metric Tons and Possibly as Much as 500 Metric Tons of CW Agents – Much of it Added in the Last Year

(U) The NIE assessment of Iraq's stocks of CW was outlined in a footnote in the report. It said,

> Conservative estimates of Iraqi CW precursor stocks and production capacity, combined with Iraqi motivations and military requirements, suggest the stockpile is composed of at least 100 tons. We believe the Iraqis are capable of producing significantly larger quantities of CW agent in some scenarios; the 500-ton upper-end estimate takes into account practical bounds, such as Iraq's limited delivery options, and approximates Iraq's stocks at the time of Operation Desert Storm.

([redacted]) The IC did not provide the Committee with any intelligence documentation which showed that Iraq had stockpiled between 100 and 500 metric tons of chemical agents, other than [redacted] reports which showed that Iraq did not adequately account for its pre-Gulf War stocks of chemical precursors and stocks. Previous intelligence assessments said that Iraq had a probable stockpile of 100 metric tons or less, based on estimates of CW and precursors for which Iraq had not been able to adequately account.

([redacted]) An intelligence analyst from the CIA told Committee staff that CIA analysts had estimated 500 metric tons as the upper end of the range for the CW stockpile [redacted] The IC increased the stockpile estimate and assessed that much of that 500 metric ton stockpile had been "added in the last year" largely because of the discovery of the suspected CW transshipment activity at al Musayyib [redacted] in the spring of 2002 discussed previously in this report. The IC assessed that if Iraq had been moving chemical weapons in the spring of 2002, it must have recently produced those weapons, causing the

[redacted]

[redacted]

Community to raise the stockpile estimate. There was no direct intelligence reporting of an increase in weapons stocks that caused the IC to raise the stockpile estimate.

(U) An INR CW analyst told Committee staff that he believed the 500 metric tons upper assessment was calculated "very poorly." He said he was dubious of the stockpile estimates, but said he did not footnote the NIE because the 100 metric tons lower estimate was a reasonable and longstanding IC assessment based on Iraq's accounting discrepancies and because the 500 metric tons upper limit was discussed in the NIE as "up to" 500 tons which he believed was plausible. The DIA concurred with the language in the NIE regarding the size of Iraq's CW stockpile because it believed the language, "was sufficiently caveated to indicate DIA's uncertainty in the size of the stockpile."

(U) The fact that the IC lacked specific information about Iraq's CW stockpile was noted in the body of the NIE, and the IC explained in a footnote how it arrived at the assessment that Iraq had stocked "possibly as much as 500 MT of CW agent." The key judgments of the NIE did not alert the reader to these explanatory notes.

F. Iraq Had Experience in Manufacturing CW Bombs, Artillery Rockets, and Projectiles

([redacted]) The IC provided the Committee with [redacted] which noted that Iraq had produced CW bombs, artillery rockets, and projectiles prior to the Gulf War. [redacted] The report noted that Iraq had produced over [redacted] 500-gauge aerial bombs, [redacted] 250-gauge aerial bombs, [redacted] 130-mm artillery shells, almost [redacted] DB2 aerial bombs, [redacted] al-Hussein (Scud-variant) warheads, [redacted] R-400 aerial bombs and [redacted] warheads for 122-mm artillery rockets. In addition, Iraq declared that it expended thousands of these munitions in the 1980s.

G. Baghdad Probably Is Hiding Small-Scale Agent Production Within Legitimate Research Laboratories

([redacted]) The IC noted in the NIE that its knowledge of Iraq's small-scale agent production hidden within legitimate research laboratories rested on "limited intelligence reporting on suspicious activity at only a few research centers." The NIE said one of the facilities, the al-Basel Research Center which Iraq had declared as part of its pre-Gulf War CW program, "may be collaborating on CW-related tasks" with a suspected chemical facility, Habbaniyah II (another name for Fallujah II).

[redacted]

[redacted]

([redacted]) Intelligence reporting provided to the Committee did show that these facilities "may" have been collaborating on a sensitive project to produce nerve agent. [redacted] A separate [redacted] report showed that the deputy director of the Tareq State Establishment, which operates Habbaniyah II, was planning to purchase [redacted] equipment through the UN's Oil For Food Program in May 2002, but there was [redacted]

H. Baghdad Has Procured Covertly the Types and Quantities of Chemicals and Equipment Sufficient to Allow Limited CW Production Hidden Within Iraq's Legitimate Chemical Industry

([redacted]) The IC assessed in the NIE that Iraq's procurement of CW precursors, technology, and specialized equipment cannot be definitely linked to Iraq's CW program, but "Iraq's procurements have contributed to the rebuilding of dual-use facilities that probably are adding to Iraq's overall CW agent capability." The IC provided at least seven [redacted] reports to the Committee which showed that Iraq had attempted to procure various chemicals that had potential applications in CW production. These chemicals, however, all had legitimate civilian uses. [redacted]

([redacted]) [redacted] one of the reports, a HUMINT report [redacted] indicated that Iraq had actually "procured" a chemical substance as noted in the NIE. The other reports showed only that Iraq had attempted to procure the chemicals. Although the original draft language of the NIE which all analysts had the opportunity to review and coordinate said "procured," analysts from several intelligence agencies told Committee staff that, in retrospect, "Iraq sought various chemicals . . ." or "Iraq tried to obtain various chemicals . . ." would have been more accurate statements.

[redacted]

[redacted]

I. Chemical Weapons Defensive Posture and Procurements

([redacted]) The NIE also included a discussion of Iraq's attempts to procure nuclear, biological, and chemical (NBC) defensive equipment, including NBC reconnaissance vehicles, chemical detection tubes, a decontamination shower, Geiger counters, and atropine auto-injectors – a nerve agent antidote. The NIE noted that, "Iraqi troops could use NBC equipment defensively against a WMD attack or as a preventative measure during an offensive attack. If Iraq used a nonpersistent agent such as sarin, its troops would need protection in case the agent blew back on them . . ." The reports provided to the Committee did not reference whether the equipment was intended to be used defensively for an anticipated WMD attack on Iraq or during an offensive Iraqi attack using WMD. One of the reports did indicate that Iraq had obtained some of the defensive gear [redacted]

J. Explaining Uncertainties

(U) The NIE provided a "text box" that listed the IC's "confidence levels for selected key judgements in this estimate." The NIE's key judgements were broken down into three categories of high, moderate and low confidence. Assessments related to Iraq's CW capabilities listed under the "High Confidence" heading were:

- "Iraq is continuing, and in some areas expanding, its chemical, biological, nuclear and missile programs contrary to UN resolutions."
- "We are not detecting portions of these weapons programs."
- "Iraq possesses proscribed chemical and biological weapons and missiles."

(U) There were no assessments of Iraq's CW capabilities listed under the "Moderate Confidence" or "Low Confidence" headings.

K. Intelligence Agencies' Analysis of Iraq's Chemical Weapons (CW) Prior to Publication of the NIE

(U) Analysis from individual intelligence agencies on Iraq's CW program was consistent among agencies and largely consistent with the NIE and other IC products discussed earlier in this report. The following are examples of assessments from the DIA, CIA and INR.

[redacted]

[redacted]

(U) In October 1997, the DIA published a defense intelligence assessment, *Iraq's Weapons of Mass Destruction Programs: Progress, Problems, and Potential Vulnerabilities* which stated that, "UNSCOM has had limited success in locating proscribed items and Iraq is assessed to have retained a broad range of CW-related items, including a residual agent and precursor stockpile estimated at 10 to 100 tons." The DIA assessed that Iraq could restart limited agent production quickly, probably within a few weeks of a decision to do so and said "mustard, sarin, and VX are likely to be the focus of the renewed production efforts, although sarin and especially VX will require longer to start up significant production quantities."

(U) On December 14, 2001, the DIA published another document, *Iraq: Chemical Warfare Program Handbook*, which stated that, "Iraq is assessed to hold 100 metric tons of chemical agents or less in bulk storage and filled munitions. The nature and condition of this remaining stockpile are unknown. Mustard agent is the most likely component of the stockpile. We believe that Iraq also holds production equipment and chemical precursors." The assessment noted that the DIA, "cannot confirm whether Iraq is currently producing chemical agents, or whether Baghdad has decided to re-establish a large-scale CW production capability," but noted that, "We cannot dismiss the possibility that small-scale production has taken place. The agents mustard, sarin, cyclosarin (GF) and VX will most likely be the focus of Iraq's reconstitution efforts."

(U) In September 2002, the DIA published a defense contingency product, *Iraq – Key WMD Facilities An Operational Support Study* which said, "There is no reliable information on whether Iraq is producing and stockpiling chemical weapons, or where Iraq has – or will – establish its chemical warfare agent production facilities. Unusual munitions transfer activity in mid-2002 suggests that Iraq is distributing CW munitions in preparation for an anticipated US attack." The assessment said that "Iraq likely has resumed some chemical and biological agent production, but we lack conclusive proof due to Iraq's effective national-level denial and deception (D&D) effort." The assessment added, "Although we lack any direct information, Iraq probably possesses CW agent in chemical munitions, possibly including artillery rockets, artillery shells, aerial bombs, and ballistic missile warheads. Baghdad also probably possesses bulk chemical stockpiles, primarily containing precursors, but that also could consist of some mustard agent or stabilized VX."

(U) As early as August 1996, the CIA published a report which noted that Iraq retained chemical agents and munitions. The CIA intelligence report, *Iraq's Remaining WMD Capabilities*, said that "Iraq is continuing to conceal a small stockpile of chemical agents, munitions, precursors, production material and equipment."

[redacted]

[redacted]

(U) In August 1998, the CIA published an intelligence report, *Iraq's Chemical Warfare Program: Status and Prospects* (NPC 98-10005C), which noted that "Baghdad retains a clandestine stockpile of chemical munitions and agents. Although UNSCOM initiatives have significantly reduced Iraq's CW stockpiles and infrastructure, Iraq will be poised to restart limited CW production after the departure of UNSCOM." The CIA assessed that, "Iraq could begin limited CW agent production within weeks after UN sanctions are lifted and intrusive inspections cease: Baghdad retains key elements of its CW program including personnel, production data, and hidden stocks of production equipment and precursor chemicals."

(U) On January 3, 2002, the CIA produced a Publish When Ready (PWR010302-06) which said, "Baghdad retains the ability to strike opponents in the region with chemical and biological agents, including delivery by missiles."

([redacted]) On April 18, 2002, the CIA published an assessment, *Iraq: Chemical Warfare Program Profiting From Equipment and Chemical Transfers*, which stated, "Over the past three years, Iraq may have obtained chemicals that would allow it to produce chemical warfare (CW) agents – most likely the blister agent sulfur mustard, and the nerve agents sarin and cyclosarin – quickly on a small scale, according to our analysis of [redacted] intelligence [redacted]. Iraq is seeking the equipment and chemicals needed to produce covertly CW precursors and agents within its chemical industry, despite the sanctions and control regimes that are aimed at preventing such transfers. [redacted]

([redacted]) INR published an intelligence brief on November 5, 2001, which said that Iraq appeared to have resumed operations at a production building suspected by the IC of supporting CW precursor production. INR also said in an [redacted] 2002, assessment that Iraq may have conducted CW-filling activity at the al Musayyib site, a suspect CW storage site. [redacted] INR

[redacted]

[redacted]

said, nonetheless, it believed that the activity may have involved suspect CBW-related munitions transshipment.

(U) None of the pre-NIE assessments provided to the Committee by any of the intelligence agencies said that Iraq "*has* begun renewed production of mustard, sarin, GF (cyclosarin), and VX." Most of the assessments were published prior to the IC obtaining the intelligence on the spring and summer 2002 transshipment activity that the IC assessed was related to chemical weapons and was a major factor in their judgment that Iraq had chemical weapons.

L. Chemical Conclusions

(U) Conclusion 58. The statement in the key judgments of the October 2002 Iraq Weapons of Mass Destruction National Intelligence Estimate that "Baghdad has . . . chemical weapons" overstated both what was known about Iraq's chemical weapons holdings and what intelligence analysts judged about Iraq's chemical weapons holdings.

([redacted])

[redacted]

(U) Conclusion 59. The judgment in the October 2002 Iraq Weapons of Mass Destruction National Intelligence Estimate that Iraq was expanding its chemical industry primarily to support chemical weapons production overstated both what was known about expansion of Iraq's chemical industry and what intelligence analysts judged about expansion of Iraq's chemical industry.

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) [redacted]

([redacted]) **Conclusion 60. It was not clearly explained in the National Intelligence Estimate that the basis for several of the Intelligence Community's assessments about Iraq's chemical weapons capabilities and activities were not based directly on intelligence reporting of those capabilities and activities, but were based on layers of analysis regarding [redacted] intelligence reporting.**

([redacted]) [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

(U) Conclusion 61. The Intelligence Community's assessment that "Saddam probably has stocked at least 100 metric tons and possibly as much as 500 metric tons of chemical weapons agents -- much of it added in the last year," was an analytical judgment and not based on intelligence reporting that indicated the existence of an Iraqi chemical weapons stockpile of this size.

([redacted])

([redacted])

[redacted]

[redacted]

(U) Conclusion 62. The Intelligence Community's assessment that Iraq had experience in manufacturing chemical weapons bombs, artillery rockets and projectiles was reasonable based on intelligence derived from Iraqi declarations.

[redacted]

(U) Conclusion 63. The National Intelligence Estimate assessment that "Baghdad has procured covertly the types and quantities of chemicals and equipment sufficient to allow limited chemical weapons production hidden within Iraq's legitimate chemical industry" was not substantiated by the intelligence provided to the Committee.

[redacted]

(U) Conclusion 64. The National Intelligence Estimate accurately represented information known about Iraq's procurement of defensive equipment.

[redacted]

[redacted]

[redacted]

VI. INTELLIGENCE COMMUNITY ANALYSIS OF IRAQ'S DELIVERY SYSTEMS

A. Background

(U) In addition to the October 2002 National Intelligence Estimate (NIE) on *Iraq's Continuing Programs for Weapons of Mass Destruction*, the Intelligence Community (IC) produced several intelligence assessments which addressed Iraq's weapons of mass destruction (WMD) programs and, more specifically, Iraq's delivery systems, including missiles and unmanned aerial vehicles (UAVs). In December 2000, the National Intelligence Council (NIC) produced an Intelligence Community Assessment (ICA), *Iraq: Steadily Pursuing WMD Capabilities.* The assessment was prepared at the request of the National Security Council (NSC) for a broad update on Iraqi efforts to rebuild WMD and delivery programs in the absence of weapons inspectors, as well as a review of what remained of the WMD arsenal and outstanding disarmament issues that were the focus of the United Nations Special Commission (UNSCOM). In July 1998, the NIC produced an ICA, *The Foreign Biological and Chemical Weapons Threat to the United States*, which discussed Iraq's development of unmanned aerial vehicles (UAV) for possible biological weapons (BW) delivery.

(U) In March 1998, September 1999, July 2000, and December 2001, the NIC produced NIEs on *Foreign Missile Developments and the Ballistic Missile Threat Through 2015.*[26] These annual reports were requested by the Senate Select Committee on Intelligence (SSCI) to provide Congress with the latest intelligence on worldwide ballistic missile developments and threats. All of these NIEs provided an assessment of Iraq's ballistic missile capabilities.

(U) These IC products regarding Iraq's delivery programs were consistent in assessing that:

- Gaps in Iraqi declarations and Baghdad's failure to fully account for destruction of prohibited missiles, suggest that Iraq retained a small force of Scud-type ballistic missiles.

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[26] The March 1998 report went through the same coordination and approval process as a National Intelligence Estimate (NIE) but was called an annual report to Congress rather than an NIE. The July 2000 NIE was titled *Foreign Responses to US National Missile Defense Deployment.* This NIE described the IC's assessments of both the foreign response to U.S. missile defense and the foreign ballistic missile threat through 2015.

[redacted]

[redacted]

- Technical analysis indicated that Iraq's short-range al Samoud missile was capable of exceeding the 150-km range limit imposed by United Nations (UN) sanctions.

- Baghdad is using the development of shorter-range missiles, allowed under sanctions, to prepare to reconstitute a longer-range missile effort.

(U) In its 2000, 2001, and 2002 intelligence products, the IC updated its assessments and asserted that Iraq had made steady progress in developing its missile programs and was continuing to develop UAVs. The IC assessed that:

- Iraq was in the final stages of development of the al Samoud missile (2000), may be preparing to deploy the al Samoud (2001), and was deploying the al Samoud and Ababil-100 short-range ballistic missiles (SRBMs), both which exceed the 150-km UN range limit (2002).

- Construction and testing activity showed a clear intent to resume longer-range missile production (2000), Iraq was in the early stages of developing longer range ballistic missiles (2001), and Iraq was developing medium-range ballistic missile (MRBM) capabilities (2002).

- Baghdad was continuing to develop UAVs which probably were intended as delivery platforms for biological weapons (BW). The UAVs posed a threat to Iraq's neighbors and U.S. forces in the Persian Gulf (2000, 2002).

(U) In the 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction* the key judgments noted that Iraq was developing a UAV, probably intended as a biological weapons (BW) delivery platform. The body of the NIE made it clear that this developmental program was for small and medium UAVs. Previous intelligence assessments had focused on Iraq's development of larger UAVs for possible BW delivery, which Iraq had crafted from modified jet aircraft. The 2002 NIE also raised the possibility, for the first time, that Iraq's UAVs could threaten the U.S. homeland, if they were brought in or close to, the U.S. The NIE added that Iraq was attempting to procure mapping software of the U.S. for its UAVs which "strongly suggested that Iraq was investigating the use of these UAVs for missions targeting the U.S."

[redacted]

[redacted]

(U) The Committee examined each of the assessments of Iraq's delivery capabilities outlined above, and all of the available intelligence provided by the IC in support of these assessments. Committee staff also interviewed analysts from each all-source intelligence agency with a role in drafting or coordinating on the delivery section of the NIE including analysts from the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the Department of State's Bureau of Intelligence and Research (INR) and the U.S. Air Force's (USAF), National Air Intelligence Center (NAIC,)[27] to hear each agency's reasons for their assessments.

(U) All intelligence agencies agreed with the IC's assessments in the 2002 NIE regarding Iraq's missiles, and there were no footnotes or dissents in this section. USAF intelligence, however, disagreed on several aspects of the NIE regarding Iraq's UAV programs, including the assessment that Iraq's UAVs were probably intended to deliver BW. The USAF assessed that the UAVs were intended primarily for reconnaissance and not BW delivery. The discussion below outlines the intelligence supporting the IC's assessments and discusses any disagreement or alternate judgments about those assessments.

B. Scud-Type Missiles

(U) The IC assessed that gaps in Iraqi declarations and Baghdad's failure to fully account for destruction of prohibited missiles strongly suggested that Iraq retained a small force of Scud-type ballistic missiles. The NIE said that the covert force may contain "up to a few dozen" Scud-variant short range ballistic missiles (SRBMs). UNSCOM data and reports provided to the Committee showed that the UN had been unable to account for two of 819 Scud missiles Iraq acquired from the Soviet Union, seven indigenously produced al Husayn Scud-type missiles, 50 conventional Scud warheads and over 500 tons of proscribed Scud propellants Iraq claimed to have destroyed unilaterally.

([redacted]) In addition to these accounting discrepancies, more than twenty intelligence reports from at least ten different human intelligence (HUMINT) sources of varying reliability provided to the Committee suggested that Iraq retained prohibited Scud missiles, [redacted] trucks to carry and conceal them and hid the missiles, launchers, and missile components at various sites in Iraq. Some of these reports indicated that the information [redacted] who "may have provided it to influence as well as inform," but others were provided by independent sources. For example, in 1998 a source with indirect access,

[27] NAIC has recently been renamed the National Air and Space Intelligence Center (NASIC).

[redacted]

[redacted]

reported that components of Iraqi Scud missiles had been kept in Iraqi military installations and that other missile parts were hidden on large trucks that moved continuously in Iraq. [redacted] A report [redacted] said that an Iraqi general who defected wrote [redacted] that Iraq retained prohibited Scud-type missiles, and a report [redacted] said that Iraq was hiding about five to eight Scud missiles [redacted].

([redacted]) [redacted]

([redacted]) Other information provided to the Committee suggested that Iraq destroyed its Scud missiles in the years after the Gulf War. Intelligence reports describing [redacted] debriefs of Hussein Kamel (Saddam Hussein's son in law who defected from Iraq in 1995) show that Kamel told interviewers that Iraq had destroyed all of its Scud missiles. This information was not mentioned in the NIE.

(U) Finally, it is unclear exactly how the IC established the estimate that Iraq may have retained "up to a few dozen" Scuds. Analysts told Committee staff that the number was estimated based on Scud missiles and components for which the UN could not adequately account, but the IC had no estimate of the number of components that may have been withheld from inspectors.

C. Iraq Was in the Final Stages of Development of the Al Samoud Missile (2000), May Be Preparing to Deploy the Al Samoud (2001), and Was Deploying the Al Samoud and Ababil-100 Short Range Ballistic Missiles, Both Which Exceed the 150-km UN Range Limit (2002)

(U) The IC's assessments about Iraq's al Samoud and Ababil-100 missiles changed progressively in 2000, 2001, and 2002 as intelligence reporting showed that Iraq was continuing to advance in its development of these missile systems.

(U) Since at least 1998, the IC had assessed that the al Samoud had a range greater than the 150-km allowed by the UN. This assessment was based on information extrapolated from Iraq's UN declarations in which Iraq provided details of the missile and engine parameters. The

[redacted]

[redacted]

system had been flight tested nine times, with five failures, at the time of the 2000 NIE, leading the IC to assess that the system was in the final stages of development.

([redacted]) Intelligence provided to the Committee showed that by 2001, Iraq was progressing with development of the al Samoud, but still had not deployed the missiles. By 2002, however, [redacted] Iraq had extracted the engines for 30 to 50 al Samoud missiles between mid-2000 and late 2001. Intelligence also showed that Iraq had conducted at least 25 al Samoud flight tests since 2000, the majority of which had been successful. A report from [redacted] provided to the Committee assessed that in August 2002 two al Samoud missiles flew to ranges [redacted] above the UN permitted range. Additional [redacted] an indication that the missile had been deployed. The deployment was confirmed by Iraq's declaration to the UN in December 2002 that it had fielded the al Samoud II.

([redacted]) The NIE also judged that Iraq was developing an extended-range variant of the al Samoud missile with an assessed range of up to 300 km, and said that on [redacted] 2002, the missile was flight tested beyond the 150-km range limit "perhaps as far as 300 km." [redacted] The IC assessed that [redacted] was probably the result of an Iraqi effort to enlarge the al Samoud airframe to accommodate more propellant, which could extend its range to 300 km.

([redacted]) When Iraq provided its Currently Accurate, Full and Complete Disclosure to the UN in December 2002, Iraq admitted to developing an al Samoud II variant, but said the range of this variant was also 150 km. Iraq admitted that the missile had flown beyond 150 km during 13 of 23 flight tests, but only by at most 33 km. The data provided by Iraq in the declaration caused the IC to change its assessment of the possible range of the al Samoud II, which it corrected in a February 2003 NIE, *Foreign Missile Developments and the Ballistic Missile Threat Through 2015.* The NIE said that Iraq's declaration indicated that the al Samoud II has a larger diameter, which was the cause of [redacted] noted by the IC during the January 2002 flight test. The NIE said, "The al Samoud data provides an alternate explanation for the [redacted] the [redacted] flight test last year." Iraq reported that the missile flew 171 km, and the new NIE judged, based on modeling of the new al Samoud II data, that 171 km was near the expected range.

[redacted]

[redacted]

([redacted]) [redacted] provided to the Committee from [redacted] 2002 also indicated that the Ababil-100 had been flight tested 18 to 20 times since [redacted] 2000, and [redacted] that in [redacted] 2002 a probable Ababil-100 [redacted] had arrived at a tactical surface to surface missile facility. In late May 2002, Ababil-100 launch boxes were [redacted] at a tactical missile and support facility and Ababil-100 missile launchers were [redacted] at a barracks and training facility, [redacted]. The deployment was not assessed to be complete, however.

D. Development of Medium-Range Missile Capabilities

(U) In addition to the assessment that both the al Samoud and Ababil-100 missiles had ranges which exceeded the UN permitted limit of 150-km, the IC assessed in the 2002 NIE that Iraq was developing medium-range missile capabilities.

([redacted]) [redacted] intelligence provided to the Committee [redacted] that Iraq was nearing completion of an engine test stand that could support testing of larger liquid engines than the al Samoud. [redacted]

([redacted]) [redacted]

([redacted]) Finally, [redacted] intelligence [redacted] indicated that Iraq had been trying to purchase North Korea's Nodong MRBM. The report said that an Iraqi delegation had visited North Korea in [redacted] 2001 where they discussed and reached agreement to purchase the Nodong missile. [redacted]

[redacted]

[redacted]

[redacted] There is no way to determine the reliability of the [redacted] however, separate [redacted] provided to the Committee showed that an Iraqi delegation, [redacted] did visit North Korea in [redacted] 2001, lending credibility to the [redacted]. In addition, a May 2002 CIA HUMINT report of a foreign government service [redacted] also indicated that while meeting at a North Korean [redacted] to discuss missile cooperation, a Syrian missile development team met three unidentified Iraqi military officers there. [redacted]

E. Unmanned Aerial Vehicles (UAV)

(U) The IC assessed since at least 2000 that Baghdad was developing UAVs which were probably intended to deliver biological warfare agents, and that the UAVs posed a threat to Iraq's neighbors and U.S. forces in the Persian Gulf. In the 2002 NIE, the IC assessed that Iraq was developing a UAV, "probably intended to deliver biological warfare agents," which could threaten the U.S. homeland if brought close to or into the U.S. The statement that the UAV was *probably* intended to deliver biological agents was made in the key judgments, and not in the main body of the delivery section of the NIE. The USAF disagreed with this assessment and added a footnote to the NIE which noted that it "does not agree that Iraq is developing UAVs primarily intended to be delivery platforms for chemical and biological warfare (CBW) agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW delivery is an inherent capability." Of note, the text of the biological warfare section of the NIE was similar to the USAF footnote in stating that "although we have no information linking the current UAV development with BW delivery, this new airframe may represent another future method of BW delivery."

([redacted]) The NIE assessment that Iraq was developing UAVs probably intended for BW delivery was based in part on information from UN inspections and Iraqi declarations. [redacted] showed that in 1995 Iraq declared that it had a pre-Gulf War project to convert MIG-21 aircraft to pilotless aircraft with a drop tank that would deliver biological agent. Iraq conducted one experiment with this aircraft in 1991, but Iraq said it dropped the project because of the war. [redacted] prior to the Gulf War, Iraq had been working on a program to modify drop tanks for use on an F-1 Mirage fighter for chemical and biological weapons (CBW) dispersal, and had tested the aircraft using an anthrax simulant. Although this was a manned aircraft, IC analysts assessed that the drop tank work could have had applications for use with UAVs. [redacted] also noted that Iraq had modified commercial crop sprayers for BW delivery at the Salman Pak

[redacted]

[redacted]

facility that were assessed to be suitable for the dissemination of BW agents from helicopters or slow moving fixed wing aircraft. Iraq tested this aerosol generator on a helicopter with an anthrax simulant in 1988. [redacted] Finally, IC analysts pointed to [redacted] that in 1991 inspectors discovered eleven drones at the Salman Pak BW research, production, and storage facility. Iraqi declarations said that these drones were intended to be used as aerial targets for anti-aircraft artillery training and reconnaissance, not for BW delivery.

(U) IC analysts told Committee staff that when Iraq began to convert 1960s Czech-built L-29 jet trainers into UAVs in 1995, they assessed that Iraq may have intended to use the L-29s for CBW delivery instead of the MIG-21s they had worked on prior to the Gulf War. The IC provided the Committee with the five reports to support the assessment that the L-29s were intended for CBW delivery, only one of which said explicitly that the L-29 UAVs were intended to deliver unconventional weapons.

([redacted]) The IC provided the Committee with [redacted] HUMINT [redacted] which said that in February 1999, Iraq was working to increase the L-29s' payload and arm them with "special bombs." The report said the L-29s would be flown at low altitudes to targets outside Iraq, but provided no additional information.

([redacted]) The IC also provided the Committee with three CIA HUMINT reports, all from the same source, [redacted][28] The three reports all describe an L-29 deployment to Tallil, Iraq airbase in November 1997. When the L-29 unit arrived at the base, the commander of the air defense command informed the unit that their mission was to lure U.S. aircraft into a surface-to-air missile (SAM) trap. The unit's detachment commander later told the team that their "real" mission was to penetrate Kuwait and use the L-29s to "hit and scare" the Kuwaitis and Saudi Arabians. [redacted]

[28] ([redacted]) [redacted]

[redacted]

[redacted] The mission never took place. [redacted]

([redacted]) A final report, [redacted] said the L-29s were being developed as CBW delivery vehicles to attack Kuwait as revenge if the U.S. attacked Iraq. The method of attack was unspecified. [redacted]

(U) The NIE also pointed to the involvement of the organization managing the L-29 program as being heavily involved in aerial spray technology and other technologies which could easily be applied to BW dissemination. A Department of Defense (DoD) HUMINT report provided to the Committee said the organization managing the UAV program was the Iraqi Air Force's main engineering and procurement entity and was involved in many aerial activities, including an agricultural spraying program. While spray technology has potential CBW dispersal applications, it also has civilian agricultural applications. It is unclear from the information provided to the Committee whether the spray technology program was linked to the UAV program or whether the engineering company was simply engaged in several aerial research and development programs.

([redacted]) At the time of the NIE, the IC assessed that the status of the L-29 program was unknown because, after an L-29 crash in October 2000, no flight tests had been observed by intelligence. The IC then began to focus on Iraq's development of small UAVs, assessing that Iraq may have shifted its work to the small UAVs as a replacement for the L-29s. The IC provided the Committee with more than twenty intelligence reports from a variety of sources which showed that Iraq was developing small UAVs, [redacted] None of these reports, however, suggested that the small UAVs were probably intended for biological agent delivery as assessed in the 2002 NIE key judgments.

[redacted]

[redacted]

([redacted]) The main body of the NIE text said that the IC was concerned about Iraq's development of small UAVs because "Iraq in the past has configured small UAVs to deliver BW agent, according to [redacted] reporting, and UNSCOM discovered eleven small UAVs at the Iraqi BW research and development (R&D), production, and storage facility at Salman Pak." The IC provided the Committee with one CIA HUMINT report in which [redacted] that during the Gulf War Iraq had stored about ten drones, designed and produced to deliver biological agents, at the Nasir State Establishment. An [redacted] report provided to the Committee showed that inspectors discovered eleven drones at a separate facility in 1991, but the report did not note the intended purpose of the drones. Iraq's 1996 Full, Final, and Complete Disclosure said the drones were intended for reconnaissance and aerial targeting, not for BW delivery. Additional information from Iraq's declaration [redacted]

([redacted]) Because only one of these reports suggested that Iraq had developed small UAVs to deliver BW and because the reports all discussed Iraq's pre-Gulf War UAVs, the Committee requested that the IC provide any additional intelligence reports that demonstrated a direct link between the new small UAVs and a BW delivery role. In a written response to the Committee, the CIA said, "a large volume of reporting from multiple [redacted] strongly suggested BW delivery as one of the goals for Iraq's small UAV program." The intelligence provided to the Committee with that response, however, did not provide any reports, dated prior to publication of the NIE, that suggested Iraq's post-Gulf War small UAV program was being developed to deliver BW. The IC provided three additional reports dated after the publication of the NIE from a foreign government service. The first report, dated October 26, 2002, said that an Iraqi Ministry of Defense official [redacted] that some of Iraq's UAVs were loaded with "chemical materials." The second report [redacted], dated February 27, 2003, said that Iraq intended to use UAVs to monitor, and, if necessary, attack U.S. forces and said the UAVs could be fitted with conventional or CBW warheads. [redacted] The third report indicated [redacted] Iraq's UAVs were designed to be fitted with CBW, "if necessary." [redacted]

[redacted]

[redacted]

F. Other Possible Missions for the UAVs

(U) The majority IC position in the NIE did not discuss any possible missions for Iraq's UAVs, other than CBW delivery. The United States Air Force (USAF), however, assessed that the UAVs were not being developed to deliver BW and their footnote outlined another possible purpose. The USAF said,

> Iraq is developing UAVs primarily for reconnaissance rather than delivery platforms for CBW agents. The capabilities and missions of Iraq's new UAV remains undetermined, but in this view its small size strongly suggests a primary role of reconnaissance. CBW delivery is an inherent capability of UAVs but probably is not the impetus for Iraq's recent UAV programs.

([redacted]) The USAF based this assessment on technical analysis that the small UAVs were too small to be effective CBW delivery vehicles, [redacted] USAF and the National Air Intelligence Center (NAIC) analysts also told Committee staff that they did not believe the intelligence reporting demonstrated any link between the small UAVs and a BW delivery mission, but did show other possible missions for the UAVs.

(U) At least eleven HUMINT reports provided to the Committee suggested that both the L-29s and the small UAVs had missions that were unrelated to BW delivery. Three reports suggested that the UAVs were intended to attack U.S. ships in the Persian Gulf, but did not mention how attacks would have been conducted. Four reports suggested the UAVs were intended to be used as cruise missiles to replace Iraq's prohibited surface to surface missiles and two reports indicated that the purpose of the UAVs was reconnaissance. One report suggested that UAVs were being produced for air defense training and another report suggested that the UAVs were being used for both surveillance and air defense training.

([redacted]) The IC also provided at least eight reports which showed that Iraq was trying to procure [redacted] and technical equipment. One HUMINT report mentioned that Iraq had not decided on a supplier for [redacted] for the UAV, and [redacted] reports discussed Iraqi attempts to procure several items including equipment that could be used in an airborne surveillance system. The USAF told Committee staff that Iraq's interest in acquiring this equipment suggested that the UAVs were intended to be used for reconnaissance, but the CIA told Committee staff that

[redacted]

[redacted]

technical equipment could also be used for targeting purposes in UAVs intended for BW delivery.

(U) While the USAF was the only agency to discuss a potential mission for the UAVs other than CBW delivery, analysts from other agencies told Committee staff that they also believed Iraq's UAVs were being developed for missions other than CBW. The State Department's Bureau of Intelligence and Research (INR) Iraq UAV analyst told Committee staff that he agreed with the USAF's footnote that the small UAVs could be used for BW delivery, but were primarily intended for other missions. When asked why he did not join the footnote, the analyst said, "its probably an example of the speed of the [NIE] process. . . And [the Air Force] had footnoted it. So it was out there."

(U) DIA analysts told Committee staff that they believed Iraq's UAVs had missions other than CBW delivery and agreed with the USAF that the small UAVs were primarily being developed for reconnaissance. The DIA, however, told Committee staff that they did not join the USAF footnote in the NIE because the body of the NIE never said that the small UAVs were intended primarily to deliver BW. The body of the NIE said only that the IC was concerned about Iraq's development of UAVs because Iraq had "configured small UAVs" in the past for biological agent delivery. The DIA agreed with the statements in the body of the NIE and, therefore, believed a footnote would have been unnecessary.

(U) CIA analysts told Committee staff they also believed that the UAVs had missions other than CBW delivery. One CIA UAV analyst told Committee staff that, "some of Iraq's UAVs were in fact developed for reconnaissance and as aerial targets," and another analyst said, "our position was not that every single UAV the Iraqis were producing was for CBW delivery." In line with this position, a 2001 intelligence assessment from the Director of Central Intelligence's (DCI) Weapons Intelligence, Nonproliferation and Arms Control Center (WINPAC) titled *Iraq's L-29: A Biological and Chemical Warfare Challenge to US Forces* did include discussion of other possible missions for the L-29 to include conventional weapons delivery, operation as an electronic intelligence (ELINT) platform, and reconnaissance missions. CIA analysts told Committee staff that "in retrospect" they did not believe that CIA's assessments about the UAVs were accurately represented because the NIE did not address the reconnaissance mission.

(U) In a written response to a question from the Committee about the IC's analysis of Iraq's UAVs, the CIA told the Committee that, "the role of UAVs as CBW delivery systems was emphasized over their role as reconnaissance vehicles and aerial targets in the NIE assessment, as

[redacted]

[redacted]

the focus of the NIE was WMD delivery systems and not the Iraqi UAV program as a whole. We assessed that most Iraqi UAVs were designed as aerial targets and for reconnaissance missions, but those roles fell outside the scope of the Iraq WMD NIE."

([redacted]) Of note, in November 2002, the NIC produced an NIE on *Nontraditional Threats to the U.S. Homeland Through 2007*, which did discuss other possible missions for the UAVs, although Iraqi UAVs also were not the primary focus of this intelligence assessment. The NIE said that Iraq may be modifying UAVs to deliver CBW agents, but said "[technical equipment] and other equipment being sought for this program will enable the UAVs to be employed for reconnaissance and, if the UAV is to be used as a CBW delivery vehicle, for targeting." The USAF also included a footnote in this NIE, and this time was joined by the DIA, because the body of this NIE assessed that the UAVs may be being modified for CBW delivery. The footnote said the DIA, the USAF and the Army agreed that

> "BW delivery is an inherent capability of most UAVs and that Iraq may choose to exploit this capability, but they note that the evidence is unconfirmed and is not sufficiently compelling to indicate the Iraqis have done so. There is information, however, on procurements that indicate a reconnaissance mission for the UAV program is more likely."

G. Using UAVs to Target the U.S.

([redacted]) The assessment that Iraq's UAVs could threaten the U.S. homeland if brought close to, or into, the U.S., was an analytical judgment, [redacted] that Iraq's small UAV had a capability to fly more than 500 km, and could be launched from the back of a truck, which made bringing a small UAV into or close to the U.S. homeland possible. Another intelligence report indicated that Iraq might launch small UAVs from [redacted] boats, raising the IC's concern that Iraq could bring a small UAV close to the U.S. homeland. The only intelligence reporting that demonstrated any possibility that Iraq may have intended to use the UAV's to attack targets within the U.S. was reporting that Iraq was trying to procure U.S. mapping software for its small UAVs. The NIE said the procurement effort, "strongly suggests that Iraq is investigating the use of these UAVs for missions targeting the United States."

([redacted]) The IC first learned that Iraq was interested in procuring the mapping software [redacted] in the summer of 2001. [redacted] Iraq was seeking information on various UAV components [redacted]

[redacted]

[redacted]

including for [redacted] Mapping software. The software provides the user with a route planning capability overlaid on a geographic database, but is only usable for route planning in the U.S. Iraq's interest in the software did not garner significant attention from the IC until May 2002, when [redacted] additional information that [redacted] attempting to purchase the UAV components and the mapping software. [redacted] considered this information to be very sensitive, it did not disseminate an intelligence report to the IC on the procurement attempt, but it did notify CIA analysts about the information. CIA analysts told Committee staff that analysts from other intelligence agencies were not notified.

([redacted]) [redacted] A CIA analyst told Committee staff that in the July to August 2002 time frame, [redacted] The CIA conveyed the information to the other agency analysts on the telephone. The analysts told Committee staff that they had been unaware of the information until they received the CIA's telephone call.

([redacted]) NAIC and USAF analysts told Committee staff that at the time [redacted] they knew enough about the mapping software to know that it is readily available with route planning software. They said they were not very concerned that Iraq was trying to procure the mapping software to target the U.S., because they did not believe that the UAVs were intended for CBW delivery use and, therefore, Iraq would have no need to use the UAVs in the U.S.

([redacted]) In August 2002, the CIA began to obtain additional information through a foreign government service about the Iraqi [redacted] had been attempting to procure autopilots for Iraq's UAVs [redacted] that the mapping software was offered [redacted] with the autopilots [redacted]

[redacted]

[redacted]

([redacted]) [redacted] This information was conveyed to CIA analysts at the time the NIE was being coordinated, but DO did not disseminate the information to other intelligence agencies outlining these issues about the mapping software in an intelligence report until November 18, 2002, almost two months after coordinating the NIE. [redacted]

([redacted]) The CIA analysts told Committee staff that when the NIE was being coordinated, they were confronted with two possible explanations for Iraq's attempt to procure mapping software: 1) that Iraq was attempting to obtain a mapping capability of the U.S., or 2) that it was a mistake [redacted] who did not know what he was buying. Committee staff asked the CIA analysts why they assessed in the NIE that the mapping software procurement attempt "strongly suggests that Iraq is investigating the use of these UAV's for missions targeting the United States," when they knew that this was only one of two possibilities. CIA analysts told Committee staff that on the day of the National Foreign Intelligence Board (NFIB) meeting, one of their analysts suggested to [redacted] supervisor that the word "strongly" be removed from the NIE based on the new information that had come from a foreign government service. The analyst's supervisor passed her comments on to the National Intelligence Officer (NIO) for Strategic and Nuclear Programs, but the NIO did not receive the comments until he returned from the NFIB meeting where the NIE language had been approved. The NIO told Committee staff that he did raise the issue with the Director of Central Intelligence (DCI) and the Deputy Director of Central Intelligence (DDCI) after the meeting, but they decided to keep the language that had been approved believing that a bullet which said, "We are attempting to collect additional information regarding the intent of this procurement effort" addressed the analyst's concerns.

[redacted]

[redacted]

([redacted]) The DCI told Committee staff that the context of this issue had been the subject of his personal attention. [redacted] UAVs recently-produced by the Iraqis could either be used for reconnaissance or to deliver weapons of mass destruction, and [redacted] that Saddam could use UAVs for BW delivery against targets [redacted] The DCI said "[redacted] Not good enough for me after the NFIB is closed and the state of my knowledge and all the things we'd been following with this case." The DCI also noted that [redacted] the NIE text was modified from "at least some of these UAVs are destined for missions targeted against America" to "Iraq is investigating the use of these UAVs for missions targeting the United States."

([redacted]) [redacted]

([redacted]) In January 2003, the NIC disseminated an NIE on *Nontraditional Threats to the U.S. Homeland Through 2007.* The majority IC position was modified in this NIE to say that the software "could support programming of a UAV autopilot for operation in the United States." By this time, agencies other than CIA had access to the intelligence report which said the Iraqi [redacted] may have ordered the U.S. mapping software unintentionally. Based on the new information, the DIA, the USAF, and the Army all chose to include a footnote noting that they interpreted "recent reporting to mean that the purpose of the Iraqi request for route planning software and topographic database was to acquire a generic mapping capability – a goal that is not necessarily indicative of an intent to target the U.S. Homeland."

[redacted]

[redacted]

(U) *H.* [redacted]

[redacted]

[redacted]

I. Explaining Uncertainties

(U) The NIE provided a "text box" that listed the IC's "confidence levels for selected key judgements in this estimate." The NIE's key judgements were broken down into three categories of high, moderate and low confidence. Assessments related to Iraq's delivery capabilities listed under the "High Confidence" heading were:

- "Iraq is continuing, and in some areas expanding, its chemical, biological, nuclear and missile programs contrary to UN resolutions."
- "We are not detecting portions of these weapons programs."
- "Iraq possesses proscribed chemical and biological weapons and missiles."

(U) There were no assessments of Iraq's delivery capabilities listed under the "Moderate Confidence" or "Low Confidence" headings.

[redacted]

[redacted]

J. Intelligence Agencies' Analysis of Delivery Systems Prior to Publication of the NIE

(U) Analysis from individual intelligence agencies on Iraq's missile programs was consistent between agencies and consistent with the Community products discussed earlier in this report. Committee staff, therefore, focused the discussion of individual agencies' analysis on UAVs.

([redacted]) As early as 1998, the CIA began reporting on a possible CBW delivery mission for Iraq's UAVs and the possibility that Iraq was developing some UAVs, specifically the L-29, primarily for the BW delivery mission. In January 1998, the CIA and the National Imagery and Mapping Agency (NIMA)[29] wrote a joint intelligence report, *Possible Iraqi Development of UAV for CBW Delivery*, in which the agencies discussed the possibility of delivery of BW agent from an Iraqi modified L-29 UAV. This report stated, "according to [redacted], Iraq had developed UAVs specifically for the delivery of chemical and biological agents." The report also mentions that Iraq had acquired or developed UAVs since the early to mid-1980s for air defense training, reconnaissance, or decoy missions.

(U) In March 1999, a second joint CIA and NIMA intelligence report, *Iraq: Final Development of Al Bai'aa L-29 UAV as Possible CBW Delivery System,* stated, "intelligence reporting suggests that the (L-29) system may be intended for chemical or biological warfare agent delivery against U.S. military forces." The report did not mention other possible missions for the UAVs. In June 2001, WINPAC published an intelligence assessment, *Iraq's L-29: A Biological and Chemical Warfare Challenge to US Forces,* which also discussed the possible threat posed by L-29s capable of delivering BW. As with the 1998 report, this assessment mentioned other possible missions for the L-29 including reconnaissance, communications monitoring, and conventional weapons delivery, although it judged that those missions were secondary to a CBW delivery role.

(U) Prior to 2002, the DIA's finished intelligence products also discussed possible unconventional missions for Iraq's UAVs. In May 2000, the defense intelligence assessment, *Iraq's Nuclear, Biological, and Chemical Weapons and Missile Programs: Progress, Prospects, and Potential Vulnerabilities*, noted that Iraq had made great progress in converting the L-29s into UAVs "possibly for biological agent delivery." The assessment cautioned that "a definitive link between the L-29 and the Iraqi biological warfare program has yet to be established, but L-

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[29] NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA)

[redacted]

[redacted]

29 aircraft could serve as line-source aerial delivery platforms to disseminate biological agents." The report did not discuss other possible missions for the UAVs.

(U) In a February 2000 Military Intelligence Digest (MID) article, *Iraq: Unmanned Aerial Vehicle Program*, the DIA assessed that "the L-29 program–probably a test bed for more advanced UAVs– has been indirectly associated with Iraq's biological warfare program and could pose a threat to allied forces in the Persian Gulf." The MID also noted that "Baghdad reportedly is considering several other missions for the L-29: electronic countermeasures (using the L-29 to fly electronic jammers or decoys); photographic or signals reconnaissance; communications relay to distant nodes; air defense (using the L-29 to draw Western fighters into areas covered by Iraqi air defense systems.)"

([redacted]) The NAIC's analysts assessed that the L-29 UAV would have been well-suited by range and payload to carry CBW agents; however, they did not believe the Iraqis had successfully completed development of the L-29 for this mission. In a March 1999 Defense Intelligence Reference Document, *Iraq L-29 UAV Conversion*, NAIC wrote, "possible mission applications for the L-29 UAV could include use as an aerial target, reconnaissance UAV, airborne jammer or electronic intelligence (ELINT) collector, conventional explosive delivery vehicle, test bed for development of other UAV flight systems, or as a possible delivery system for chemical or biological agents." In this report, NAIC stated that the immediate objective of Iraq's L-29 program was to develop the technology necessary to produce UAVs that could be used as a threat vehicle.

(U) The NAIC also briefed a slide presentation to DoD officials from August through October 2002. The presentation outlined NAIC's view that Iraq's L-29 UAVs were not operational and that the small UAVs were designed to carry cameras, jammers, and other equipment that suggested the UAVs were intended for battlefield reconnaissance.

(U) INR told the Committee they did not publish any intelligence products specifically on Iraq's UAVs prior to publication of the NIE.

(U) None of the finished intelligence assessments provided to the Committee from any of the intelligence agencies discussed the reporting about Iraq's attempts to acquire mapping software for its UAV program.

[redacted]

[redacted]

K. Delivery Conclusions

(U) Conclusion 65. The Intelligence Community assessment that Iraq retains a small force of Scud-type ballistic missiles was reasonable based on the information provided to the Committee. The estimate that Iraq retained "up to a few dozen Scud-variant missiles," was clearly explained in the body of the National Intelligence Estimate to be an assessment based "on no direct evidence" and was explained in the key judgments to be based on "gaps in Iraqi accounting to the United Nations Special Commission (UNSCOM)."

[redacted]

(U) Conclusion 66. The assessments that Iraq was in the final stages of development of the al Samoud missile, may be preparing to deploy the al Samoud and was deploying the al Samoud and Ababil-100 short-range ballistic missile, both which exceed the 150-km United Nations range limit, evolved in a logical progression over time, had a clear foundation in the intelligence reporting, and were reasonable judgments based on the intelligence available to the Committee.

[redacted]

[redacted]

[redacted]

(U) Conclusion 67. The assessment that Iraq was developing medium-range ballistic missile (MRBM) capabilities was a reasonable judgment based on the intelligence provided to the Committee.

[redacted]

(U) Conclusion 68. The Intelligence Community assessment in the key judgments section of the National Intelligence Estimate that Iraq was developing an unmanned aerial vehicle (UAV) "probably intended to deliver biological warfare agents" overstated both what was known about the mission of Iraq's small UAVs and what intelligence analysts judged about the likely mission of Iraq's small UAVs. The Air Force footnote which indicated that biological weapons (BW) delivery was a possible, though unlikely, mission more accurately reflected the body of intelligence reporting.

[redacted]

[redacted]

[redacted]

(U) Conclusion 69. Other than the Air Force's dissenting footnote, the Intelligence Community failed to discuss possible conventional missions for Iraq's unmanned aerial vehicles (UAV) which were clearly noted in the intelligence reporting and which most analysts believed were the UAV's primary missions.

[redacted]

(U) Conclusion 70. The Intelligence Community's assessment that Iraq's procurement of United States specific mapping software for its unmanned aerial vehicles (UAV) "strongly suggests that Iraq is investigating the use of these UAVs for missions targeting the United States" was not supported by the intelligence provided to the Committee.

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 71. The Central Intelligence Agency's failure to share all of the intelligence reporting regarding Iraq's attempts to acquire United States mapping software with other Intelligence Community agencies left those analysts with an incomplete understanding of the issue. This lack of information sharing may have led some analysts to agree to a position that they otherwise would not have supported.

([redacted])

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

[redacted]

[redacted]

VII. IRAQ WEAPONS OF MASS DESTRUCTION INTELLIGENCE IN SECRETARY POWELL'S UNITED NATIONS SPEECH

(U) On February 5, 2003, Secretary Powell delivered a speech before the United Nations Security Council (UNSC) which outlined Iraq's noncompliance with UNSC Resolutions and provided a detailed presentation of intelligence in each of the areas of Iraq's suspected weapons of mass destruction programs. Secretary Powell told the United Nations (UN) that,

> . . . every statement I make today is backed up by sources, solid sources. These are not assertions. What we're giving you are facts and conclusions based on solid intelligence.

(U) The speech originated in early December 2002, according to Central Intelligence Agency (CIA) analysts and Intelligence Community (IC) officials, when the National Security Council (NSC) tasked the CIA to prepare a presentation in response to Iraq's declaration to the UN. At the time, it was not clear exactly how the information would be used, but the CIA was aware that they were preparing the NSC to respond to the declaration in some public manner. An Iraq analyst from the Director of Central Intelligence's (DCI) Weapons Intelligence, Nonproliferation, and Arms Control Center (WINPAC) prepared an initial presentation on Iraq's noncompliance with UN resolutions regarding weapons of mass destruction (WMD). According to the analyst, CIA analysts and officials worked on this draft for the next several weeks.

(U) On December 28, 2002, the Deputy Director for Central Intelligence (DDCI) and the National Intelligence Officer (NIO) for Strategic and Nuclear Programs presented the information to the NSC. The CIA told Committee staff that the NSC believed that the draft did not provide the same level of detail or evidence of Iraq's WMD programs as had been in the 2002 National Intelligence Estimate on Iraq's WMD programs and asked the DDCI to take the presentation and rework it to include information from the NIE and new intelligence that had been collected since the NIE. That day, the NIO took the CIA input and combined it with additional information. At this point, it had become clear that the NSC intended the information to be presented in a public speech, but it was not clear in what format or by whom the speech would be presented. The NIO wrote the draft as a speech, rather than as an intelligence report. This new draft was circulated for comment within the CIA. Near the end of January, the DDCI provided the revised input back to the NSC. The NIO told Committee staff that the DDCI had advised the NSC that the IC had done all it could do with the presentation and that the NSC speech writers would have to take the input and work it into a policy speech.

[redacted]

[redacted]

([redacted]) In some cases, information in the CIA draft provided information that had not been reported in previously coordinated IC assessments. For example, the draft said that imports of "highly specialized aluminum tubes are costing Iraq between $20 and $35 a piece, whereas *steel* tubes sufficient for the expendable rockets cost as little as $.50 a piece." As previously discussed in the nuclear section of this report, Iraq had not agreed to pay such high prices and had negotiated prices as low as [redacted] per tube. As also noted previously, U.S. Department of Defense rocket experts said that aluminum is one of the cheapest materials from which to make rocket motor cases and said, "everything else is higher cost to manufacture, like steels." The draft also said that the "Iraqi specifications on roundness of these high-strength aluminum tubes is such that the tubes would be rejected as defective if I rolled one under my hand on this table – because the mere pressure of my hand would deform it." Department of Energy (DOE) engineers have told Committee staff that this statement is incorrect. The tubes, made of high-strength aluminum and 3.3 mm thick, will not defect or deform from the specified tolerances from the pressure of one's hand. Neither of these statements about the cost or specifications of the tubes were included in Secretary Powell's final speech.

(U) On January 24, 2003, the NSC requested additional information from the IC. The NIO told Committee staff that the NSC believed the nuclear case was weak and asked for additional information on what Iraq would need for a nuclear weapons program and also asked for additional on Iraq's biological and chemical weapons programs. The same day, the NIO faxed additional information on Iraq's nuclear, biological and chemical weapons programs to the NSC.

(U) The material included a short history of Iraq's nuclear program and a section on what Iraq would need to make a nuclear weapon. This section contained text drawn from the October 2002 National Intelligence Estimate (NIE) which noted that Iraq would need a cadre of scientists, a weapon design, and fissile material. It included the NIE text that Iraq began ". . . vigorously trying to procure uranium ore and yellowcake," and outlined possible uranium acquisition attempts in Niger, Somalia, and possibly the Congo. The NIE text that the IC did not know the status of the Niger arrangement was included. The material also included information on "Iraq's plans to use WMD in a conflict" noting that "Saddam has established redlines for using weapons of mass destruction in a conflict. Why would Saddam establish these redlines if he did not have such a weapon?," and included information on Iraq's biological weapons program, mainly sources on Iraq's mobile biological weapons facilities and information on biological weapons accounting discrepancies documented by the UN.

[redacted]

[redacted]

(U) On January 28, 2003, the NIO learned that a decision had been made at the White House that the speech would be delivered by Secretary of State Powell at the UN. Secretary Powell and State Department officials met with IC officials and CIA and National Imagery and Mapping Agency (NIMA)[30] analysts at CIA headquarters for several days in late January and early February to work on the draft version of the speech that had been modified by NSC speech writers. In the meetings at the CIA and a meeting in New York the day before the Secretary's UN presentation, the NIO said that they worked with Secretary Powell to develop speech language with which the Secretary and the IC were comfortable.

(U) According to a State Department foreign affairs officer in the Bureau of Nonproliferation and the NIO, the general operating principle set by Secretary Powell in preparing his presentation was that any intelligence that was included had to be corroborated. The foreign affairs officer told Committee staff that "single source information did not go in the speech." CIA analysts who participated in these meetings told Committee staff that the Secretary only wanted to use solid intelligence in the speech and wanted the language carefully reviewed by the analysts. One CIA analyst and one official told the Committee they were not aware of any guidance that single source information should not be used in the speech. The NIO for Science and Technology, who also worked on Secretary Powell's speech, told Committee staff that DCI Tenet specifically told him to check the speech for classification issues and to "back [] up the material and mak[e] sure we had good solid stuff to support everything."

(U) The Department of State's Bureau of Intelligence and Research (INR) prepared comments on the speech draft on January 31, 2003 that were forwarded to the Secretary of State. The comments outlined specific ideas for the Secretary to include in the speech and presented a "scorecard" on the draft to address the analytic merits of the arguments in the speech. Of the thirty eight items that INR considered "weak" or "unsubstantiated," twenty eight were either removed from the draft or changed to eliminate the problem INR had with the draft. *(See appendix A for INR's full comments.)* CIA analysts told Committee staff that during the coordination meetings on the speech, information was removed in some instances because Secretary Powell was not comfortable with it and because some information was based on single source raw reporting which the CIA could not corroborate.

(U) On Monday, February 3, 2003, INR prepared more comments on the latest draft of the speech. INR noted that the draft was "vastly improved over Friday's draft, and many or most

[30] NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA).

[redacted]

[redacted]

of the incorrect or dubious claims have been removed." INR's comments described seven of the "most problematic" issues from the previous draft of the speech. Of the seven, the Committee believes three were either removed or modified. INR's remaining concerns were 1) the numerous references to human intelligence (HUMINT) reporting as fact, including use of the phrase "we know that . . .", 2) the report that key files were being driven around in cars to avoid inspectors, which INR said was highly questionable, 3) the report that an Iraqi missile brigade was dispersing rocket launchers and biological weapons warheads, which INR also said was highly questionable, and 4) the claim that the aluminum tubes Iraq was seeking "far exceed US requirements for comparable rockets." The INR comments said that the tube tolerances were similar to those of a U.S. rocket system. *(See appendix B for INR's full comments.)*

(U) The NIO told Committee staff that the CIA concurred with all of the intelligence information that was included in the final draft of the speech and could not think of any intelligence that was used in the speech that the CIA had wanted removed.

(U) Because of the CIA's central role in preparing input for and checking the accuracy of Secretary Powell's speech and because the speech was intended as an explanation of the intelligence the IC had on Iraq's weapons of mass destruction programs, the Committee reviewed the language in the speech and the intelligence that supported the assessments and statements made in the speech.

(U) Almost all of the information in the speech was from intelligence that had previously been described in IC finished intelligence assessments, in particular from the 2002 NIE on *Iraq's Continuing Programs for Weapons of Mass Destruction.* As described previously in this report, Committee staff found that several of the IC judgments in the NIE were not substantiated by intelligence source reporting. Many of those judgments that were included in Secretary Powell's speech, therefore, are also not substantiated by the intelligence source reporting. Those issues are outlined in detail in the sections of this report on Iraq's suspected nuclear, chemical, and biological weapons programs and delivery systems. Rather than reexamine those issues, this section of the report focuses on identifying the statements in Secretary Powell's speech which were new or differed from previous intelligence analysis.

A. Nuclear Program

(U) Secretary Powell's speech included information about Iraq's attempts to procure a magnet production plant for magnets weighing 20-30 grams. He said the magnets were, ". . . the same weight as the magnets used in Iraq's gas centrifuge program before the Gulf War," and that

[redacted]

[redacted]

"This incident along with [Iraq's attempts to procure high-strength aluminum tubes] is another indicator of Iraq's attempts to reconstitute its nuclear weapons program." Previous IC products discussed Iraq's attempts to acquire a magnet procurement plant, but did not say that the magnets were the same as those used in Iraq's pre-Gulf War centrifuge program.

(U) According to the Department of Energy (DOE), Iraq used four magnets in different designs for the upper dampers on its pre-Gulf War carbon fiber centrifuge program. Two of the magnets weighed approximately 24 grams, one weighed 60 grams and the other 90 grams. The Intelligence Community does not know which damper design Iraq used in the two centrifuges it operated prior to the Gulf War. The 24 gram magnets used in two of the damper designs were made of samarium cobalt (SmCo), however. The magnets for which Iraq was seeking a production capability were between 20-30 grams, but were made of aluminum-nickel-cobalt (Alnico), which have a lower strength to weight ratio than SmCo magnets. The Alnico magnets used in Iraq's pre-Gulf War centrifuge damper designs were 60 grams, not 20-30 grams as referenced in Secretary Powell's speech. The DOE told Committee staff that there is no known centrifuge damper design with an Alnico magnet weighing less than 60 grams.

(U) Furthermore, Iraq's pre-Gulf War centrifuge, which used 146 mm carbon fiber tubes, is not a design Iraq could have pursued using the 81 mm aluminum tubes Iraq was trying to procure. Therefore, the weight of the magnets Iraq used in its pre-Gulf War program is irrelevant. Engineers from the DOE judged that an acceptable magnet and damper design for use with the 81 mm aluminum tubes Iraq was trying to procure would have to be made from SmCo, because it has greater magnet strength for its weight than Alnico, and "would weigh much more than 30 grams."

B. Biological Weapons

(U) Secretary Powell's speech referenced intelligence on Iraq's biological weapons program, some of which had been obtained after the IC published the 2002 NIE on Iraq's WMD programs.

([redacted]) Secretary Powell said, ". . . we know from sources that a missile brigade outside Baghdad was disbursing rocket launchers and warheads containing biological warfare agents to various locations in western Iraq. Most of the launchers and warheads have been hidden in large groves of palm trees and were moved every one to four weeks to escape detection." While the speech text referenced "sources," the IC provided the Committee with only one CIA HUMINT report, dated January 11, 2003, to support this statement. [redacted] the report, [redacted]

[redacted]

[redacted] said that an Iraqi missile brigade commander supervised the dispersal of his brigade's al Samoud and Ababil-100 missiles in order to hide them from UN inspectors. The report said that some of the missiles had warheads containing an "unknown biological agent." The report said the missiles were hidden in large palm groves and were generally kept in the same location for one to four weeks. No other sources were provided to the Committee.

(U) Secretary Powell also described an example of an Iraqi effort to conceal prohibited activity from UN inspectors. Showing a satellite image of vehicle activity at Iraq's Amiriyah Serum and Vaccine Institute, he noted that at a "biological weapons related facility, on November 25, just two days before inspections resumed, this truck caravan appeared, something we almost never see at this facility, and we monitor it carefully and regularly."

([redacted])

([redacted])

([redacted])

[redacted]

([redacted]) [redacted]

([redacted]) [redacted]

([redacted]) The analyst told Committee staff that he informally raised his concerns about the imagery analysis to his supervisors, but said "when this first came up, it seemed to be one little difference of opinion or potential misinterpretation within a much larger context . . . ." The analyst said, however, that he was surprised when he heard Secretary Powell's speech and that "a NIMA product had gone forward to the policymakers with incorrect information and had in fact escalated up to where it was being used in the speech." After the speech, the analyst raised the issue within NIMA and discussed his [redacted] analysis with one of the other three analysts responsible for covering Amiriyah. After looking at the [redacted] work, the NIMA analyst responsible for covering Amiriyah performed his own historical review of the imagery and remained convinced that the November 2002 activity was unusual [redacted] The analyst who performed the original [redacted] imagery review told Committee staff that he and several other analysts in his branch of NIMA believed that the activity was routine, but said when analysts cannot resolve an issue at the analytical level ". . . we

[redacted]

[redacted]

don't have a mechanism to have an independent review." NIMA's official assessment remains that the activity was unusual and no other position was presented outside of the agency.

(U) Secretary Powell's speech also discussed intelligence regarding the suspected Iraqi mobile biological weapons (BW) production program and provided detail on the four HUMINT sources which were said to have provided the information on the program. The Committee's findings regarding this intelligence are discussed in detail in the biological weapons section of this report. In short, Committee staff found that details of the reporting and the reliability of some of the sources were not accurately described in Intelligence Community (IC) products on Iraq's suspected BW mobile labs. Because information provided to the Committee shows that some of these problems were discovered by a Department of Defense (DOD) detailee to CIA prior to Secretary Powell delivering his UN speech, the Committee provides the following additional discussion of this issue.

(U) Secretary Powell described the primary mobile BW source and three supporting sources in his speech. He said the first was "an eyewitness, an Iraqi chemical engineer who supervised one of these facilities. He was actually present during biological agent production runs. He was also at the site when an accident occurred in 1998. Twelve technicians died from exposure to biological agents."

([redacted]) This source is known to the IC by the code name CURVE BALL. CURVE BALL is an Iraqi defector who was debriefed [redacted]. The IC provided the Committee with 95 intelligence reports from the [redacted] debriefings which describe CURVE BALL as a project engineer involved [redacted] of [redacted] biological production facilities in Iraq.

([redacted]) The second source, Secretary Powell said, was "an Iraqi civil engineer in a position to know the details of the program, [who] confirmed the existence of transportable facilities moving on trailers." This source was also an Iraqi asylum seeker [redacted]. A June 2001 report from this source stated that there were transportable facilities for the production of biological weapons mounted on trailers [redacted] and that there were other Iraqi sites where biological weapons were produced.

([redacted]) The third source in the speech was said to have been in a position to know that "Iraq had manufactured mobile production systems mounted on road-trailer units and on rail cars." The IC provided the Committee with eight HUMINT reports from this source [redacted], which described Iraqi mobile [redacted] units mounted on road-trailer units and

[redacted]

[redacted]

rail cars. [redacted]

([redacted]) The fourth source was an Iraqi Major who defected and "confirmed that Iraq has mobile biological research laboratories in addition to the production facilities." This source was an Iraqi [redacted] defected from Iraq in late 2001, and was brought to the attention of the Defense Intelligence Agency (DIA) by the Iraqi National Congress (INC) in February 2002. The IC provided the Committee with one intelligence report from this source which described mobile biological research laboratories.

([redacted]) Concerns about this source had been raised in a DIA "fabrication notice" issued in May 2002. *(See the BW section of this report for an extensive discussion of this notice.)* Although a Defense Humint Service (DHS) [redacted] who was aware of the fabrication notice, attended two of the Powell speech coordination meetings on February 2 and 3, 2003, he told Committee staff that he was unaware that the source mentioned in the speech was the same source about whom the fabrication notice had been issued and, therefore, he did not raise any concerns about the source. He told Committee staff that he had not seen the speech until he arrived at the meeting, that the source was not specifically discussed, and that the speech did not indicate that the source was a DHS source. [redacted]

([redacted]) Before Secretary Powell delivered his speech to the UN, a DoD employee detailed to CIA raised concerns within the CIA about each of the BW trailers sources cited in the speech. The detailee, who provides technical advice to the CIA Directorate of Operations (DO) on BW matters, met CURVE BALL in May 2000 in order to conduct [redacted] and is the only American intelligence official to have met CURVE BALL before Operation Iraqi Freedom.

([redacted]) The chief of the DO's Counterproliferation Division (CPD) reports office had provided the detailee with a draft of the BW section of Secretary Powell's UN speech on February 2 or 3, 2003, according to the CIA. After reading the speech, the detailee wrote an electronic mail (e-mail) to the Deputy Chief of the [redacted] Iraqi Task Force to express his concerns about the use of the four HUMINT sources cited in the speech. Regarding the source CURVE BALL the detailee said, "I believe I am still the only United States Government (USG) person to

[redacted]

[redacted]

have had direct access to him. There are a few issues associated with that contact that warrant further explanation, in my opinion, before using him as the backbone for the Iraqi mobile program." The detailee explained,

> I do have a concern with the validity of the information based on "CURVE BALL" having a terrible hangover the morning [redacted] I agree, it was only a one time interaction, however, he knew he was to have [redacted] on that particular morning but tied one on anyway. What underlying issues could this be a problem with and how in depth has he been vetted [redacted]?

The detailee also expressed concern that,

> [redacted] were having major handling issues with him and were attempting to determine, if in fact, CURVE BALL was who he said he was. These issues, in my opinion, warrant further inquiry, before we use the information as the backbone of one of our major findings of the existence of a continuing Iraqi BW program!

([redacted]) The detailee also expressed concern about the second HUMINT source cited in the Powell speech, [redacted]. He noted that the source was [redacted] and said the reporting had inconsistencies that needed further checking. The detailee added, "we sure didn't give much credence to this report when it came out. Why now?"

([redacted]) [redacted]

He sure didn't corroborate "curve ball's" information. [redacted]

([redacted]) On the fourth source, the Iraqi Major, the detailee noted that "This is the *Vanity Fair* source - who was deemed a fabricator. Need I say more?"

[redacted]

[redacted]

([redacted]) The detailee's email was sent to the Deputy Chief of the CIA's Iraqi Task Force on February 4, 2003, one day before Secretary Powell delivered his speech. The detailee told Committee staff that prior to receiving a draft copy of Secretary Powell's speech he had "had many discussions with the analysts about my concerns with CURVE BALL as this whole thing was building up and taking on a life of its own. I was becoming frustrated, and when asked to go over Colin Powell's speech . . . and I went through the speech, and I thought, my gosh, we have got – I have got to go on record and make my concerns known. . . ."

([redacted]) The Deputy Chief told Committee staff that he did not believe that the detailee's e-mail contained any new information that had not already been raised previously by the detailee many times, but said he sent the detailee an e-mail inviting him to discuss his concerns. The e-mail, which was provided to the Committee, said,

> Greetings. Come on over (or I'll come over there) and we can hash this out. As I said last night, let's keep in mind the fact that this war's going to happen regardless of what Curve Ball said or didn't say, and that the Powers That Be probably aren't terribly interested in whether Curve Ball knows what he's talking about. However, in the interest of Truth, we owe somebody a sentence of two of warning, if you honestly have reservations.

(U) In describing the intent of his e-mail, the Deputy Chief told Committee staff that he had the sense that war was inevitable from reading the newspaper and that he had not had any interactions with government officials in the CIA or with any policymakers that led him to this conclusion. He said,

> I was reading the same newspapers you were. It was inevitable, it seemed to me at the time, and to most of us, that war was coming. I was not privy to any particular information indicating war plans or anything. My level was too low for that. . . . My source of information was the Washington Post.

([redacted]) The Deputy Chief added,

> Keep in mind [detailee's name redacted] is a personal friend of mine, and what I was probably trying to do was to calm him down a little bit, say, look [detailee's name redacted,] again we all know your objections to this. The war is not going to hinge on what [detailee's name redacted] thinks about CURVE BALL. That probably would have been my intent.

[redacted]

[redacted]

(U) When asked by Committee staff if he was aware of any pressure on IC personnel to change their assessments on Iraq, the Deputy Chief responded "No, absolutely not. Again, I can't speak for the analytical community. I can only speak for the collectors. We were never pressured, no. Quite the opposite, we were given as free a rein as we possibly wanted, as much money as we needed, as much resources as we could bring to bear to find out was there a WMD program and, if so, where are the facilities." The Deputy Chief told Committee staff that there was pressure to answer questions such as "Is there a WMD program or isn't there? Where are the facilities?" And that "underlying it all was what kinds of weapons might the Iraqis bring to bear against our troops, and there was a lot of pressure for that – a lot of it, frankly, self-imposed pressure."

([redacted]) According to both the detailee and the Deputy Chief, the two met later that evening to discuss the detailee's e-mail. The detailee told Committee staff that the Deputy Chief of the Iraqi Task Force told him that he understood the detailee's concerns but said the speech was too far along to bring them up at that time.

([redacted]) The Deputy Chief said that after meeting with the detailee and hearing his concerns, he believes he did not take any further action because he thought the CIA BW analysts and his superiors were already well aware of the detailee's concerns. He said he may have passed the detailee's concerns on to the Chief of the Iraqi Task Force, but he could not recall doing so and did not have any e-mail or other records to indicate that he did. The Deputy Chief told Committee staff that the Chief of the Iraq WMD Task Force said he was broadly aware at the time of the detailee's concerns about the BW HUMINT sources, but he did not recall the Deputy Chief raising the detailee's specific concerns about the use of the BW sources in Secretary Powell's speech.

([redacted]) The Deputy Chief said that he may have told the detailee that "it was too far along" to raise concerns about the use of the BW sources in Secretary Powell's speech, but could not remember whether he did. He stated, however, that if he did make this comment, it was with the intention of not hurting the detailee's feelings by telling him there was nothing new to his concerns. He said that he believed that the detailee's warning in the e-mail that the fourth source, the Iraqi Major, "was deemed a fabricator" was hyperbole and did not believe that this indicated that a fabrication notice had actually been issued. He said if a fabrication notice had been issued "WINPAC must have been aware" of it. The Deputy Chief told Committee staff that he believed that the CIA's BW analysts would not have gone forward with the information concerning Iraq's mobile BW program in the Powell speech if they had not already resolved the detailee's concerns.

[redacted]

[redacted]

([redacted]) Committee staff asked the Deputy Chief if he was aware of any evidence or had any reason to believe that IC management would not have been interested in listening to the detailee's concerns if the Deputy Chief had judged them to be valid. The Deputy Chief said, "they would listen to valid concerns. They had heard [the detailee's] concerns, was our contention, and they had heard it and heard it and heard it and were not interested in hearing it again."

([redacted]) The Deputy Chief told Committee staff that despite not acting on his concerns, he regarded the detailee as a "useful skeptic" in that he was an independent thinker whose point of view was often different from the CIA's BW analysts. He also told Committee staff that, in retrospect, in light of the controversy over the BW HUMINT sources, he wishes that he had taken action on the detailee's concerns, for "reasons of bureaucratic self-preservation. Even today, looking at [the detailee's] e-mail, there is simply nothing new in it that would have been worth bringing to WINPAC's attention."

([redacted]) In an interview with the DCI, when asked by Committee staff whether Secretary Powell should have been made aware of the detailee's concerns, the DCI said, "If there were issues and concerns, they should have been raised through our process so that it could be presented to the Secretary, certainly. I don't know how they would have been adjudicated at the time, but it should have been up on the table. There could have been a healthy debate about it. But it did not come to the table."

C. Chemical Weapons

([redacted]) Secretary Powell's speech referenced intelligence on Iraq's chemical weapons which had been obtained after the IC published the 2002 NIE on Iraq's WMD programs. Secretary Powell noted in his speech that " . . . we have sources who tell us that [Saddam Hussein] recently has authorized his field commanders to use [chemical weapons]." The IC provided three HUMINT reports which substantiated this statement. The first, dated January [redacted] 2003, from a CIA [redacted] said [redacted] that the Iraqi government had informed [redacted] that it would launch missiles armed with chemical and biological agents against northern Iraq, Kuwait and Israel within the first two hours of the initiation of air strikes by U.S. and coalition forces. The [redacted] reported [redacted] that the entire Army I Corps had begun to issue atropine injectors and protective masks to soldiers and informed them they were intended to protect them against a U.S. chemical and biological weapons (CBW) attack. [redacted]

[redacted]

[redacted]

[redacted]

([redacted]) A second CIA HUMINT report [redacted] said that Saddam Hussein had authorized four field commanders to use "prohibited" weapons if U.S. forces crossed the "red line," a box around Baghdad. Another report, dated September 2002, from a foreign government service, did not say that commanders had been authorized to use chemical weapons, but noted that Saddam had ordered that all resources, including chemical and biological weapons, be used to defend the regime from attack. The foreign government service report said that the SSO, under the direction of Qusay Hussein, was in charge of all of Iraq's CBW and that it took an average of 20 minutes to move CBW munitions into place for attack and that the maximum response time was 45 minutes. Both of the reports that noted Saddam Hussein had authorized field commanders to use CBW were obtained by the IC after publication of the NIE on Iraq's WMD programs.

([redacted]) Secretary Powell's discussion of the intelligence reporting also differed in some respects from previous IC assessments of Iraq's chemical weapons capability in several respects. First, Secretary Powell said that the al-Musayyib site, a suspect chemical munitions storage site, had been used for "at least three years to transship chemical weapons from production facilities out to the field." The CIA told Committee staff that State Department speech writers crafted this statement from CIA input that "evidence of movement activity at this site went back as early as 1999." Intelligence provided to the Committee showed only that *possible* chemical transshipment activity had occurred at the facility and only in the spring of 2002. There were indicators – a [redacted] vehicle in 1998 and construction of [redacted] in late 2000 – which suggested that the facility may have been involved in suspicious activity, but imagery did not show transshipment or movement activity [redacted] the spring of 2002.

([redacted]) Second, Secretary Powell said that a HUMINT source corroborated the movement of chemical weapons at al-Musayyib at the same time that imagery had shown the suspicious activity. Referring to the imagery of the transshipment activity, Secretary Powell said, "What makes this picture significant is that we have a human source who has corroborated that movement of chemical weapons occurred at this site at that time." The Committee was provided with a single report from a CIA HUMINT [redacted] which said that in early August to early November 2002, Iraq had moved possible chemical weapons materials between the al Musayyib site and another site. The report showed that a HUMINT source confirmed the movement of possible chemical munitions at al-Musayyib, as Secretary Powell said, but the

[redacted]

[redacted]

report did not show that the movement took place at the same time as shown in the imagery reporting.

([redacted]) Finally, Secretary Powell discussed an imagery report, which said that the ground in and around the al Musayyib storage area had been graded after the transshipment activity had been completed. Secretary Powell said the grading "literally removed the crust of the earth from large portions of this site in order to conceal chemical weapons evidence that would be there from years of chemical weapons activity." The imagery report provided to the Committee said that this type of grading is "a common fire abatement measure in ammunition deports, but could also hide evidence of [redacted] CW [redacted]," noting only the possibility that the purpose of the grading was to conceal chemical weapons activity.

D. Delivery Systems

(U) The information in Secretary Powell's UN speech regarding Iraq's delivery systems was largely consistent with intelligence that had previously been described in other classified and unclassified Intelligence Community products, in particular the classified October 2002 NIE and the unclassified White Paper.

E. WMD Powell Conclusions

(U) Conclusion 72. Much of the information provided or cleared by the Central Intelligence Agency (CIA) for inclusion in Secretary Powell's speech was overstated, misleading, or incorrect.

([redacted])

([redacted])

[redacted]

[redacted]

[redacted]

([redacted])

[redacted]

(U) Conclusion 73. Some of the information supplied by the Central Intelligence Agency (CIA), but not used in Secretary Powell's speech, was incorrect. This information should never have been provided for use in a public speech.

([redacted])

[redacted]

[redacted]

[redacted]

(U) Conclusion 74. The Central Intelligence Agency (CIA) should have alerted Secretary Powell to the problems with the biological weapons-related sources cited in the speech concerning Iraq's alleged mobile biological weapons program.

([redacted])

([redacted])

[redacted]

[redacted]

(U) **Conclusion 75. The National Imagery and Mapping Agency (NIMA)[31] should have alerted Secretary Powell to the fact that there was an analytical disagreement within the NIMA concerning the meaning of [redacted] activity observed at Iraq's Amiriyah Serum and Vaccine Institute in November 2002. Moreover, agencies like the NIMA should have mechanisms in place for evaluating such analytical disagreements.**

[redacted]

[redacted]

(U) **Conclusion 76. Human intelligence (HUMINT) gathered after the production of the National Intelligence Estimate (NIE), did indicate that Iraqi commanders had been authorized to use chemical weapons as noted in Secretary Powell's speech.**

[redacted]

[31] NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA).

[redacted]

[redacted]

[redacted]

[redacted]

VIII. INTELLIGENCE COMMUNITY COLLECTION ACTIVITIES AGAINST IRAQ'S WEAPONS OF MASS DESTRUCTION

(U) The Senate Select Committee on Intelligence focused its work in reviewing U.S. intelligence on the quality and quantity of intelligence analysis, the objectivity and reasonableness of the Intelligence Community's (IC) judgments, and whether any influence was brought to bear to shape that analysis to support policy objectives. The Committee also examined the role of intelligence collectors in providing the fundamental information upon which the intelligence analysts based their assessments of Iraq's weapons of mass destruction (WMD) capabilities. To understand how intelligence collectors worked to obtain information on Iraq's WMD capabilities, what the IC's collection efforts entailed, and whether those efforts produced tangible results, Committee staff interviewed the Assistant Director of Central Intelligence for Collection (ADCI/C) and various members of the National Intelligence Collection Board (NICB)[32]. Committee staff also interviewed Iraqi collection officers in the Central Intelligence Agency's (CIA) Directorate for Operations and National Security Agency (NSA) Iraqi signals intelligence analysts to gain further insight into the IC's post-Gulf War human and signals intelligence collection strategies for Iraq. Committee staff also reviewed the National Human Intelligence (HUMINT) Collection Directives on Iraq, which are intended to prioritize and guide collection, to determine where IC collectors were requested to focus their collection efforts.

(U) The NICB told Committee staff that prior to the Gulf War there had been a robust, U.S., all-source intelligence collection program against Iraq and its WMD programs. After the Gulf War, however, most of the IC's knowledge of Iraqi WMD programs was obtained from, in conjunction with, and in support of the United Nations Special Commission (UNSCOM) inspections. NICB members and IC analysts told Committee staff that information from UNSCOM provided a significant portion of the information the IC had on Iraq's WMD programs and capabilities. One NICB representative told Committee staff, "it's very difficult to overstate the degree to which we were focused on and using the output from the U.N. inspectors."

([redacted]) While inspectors were in Iraq from 1991 through 1998, the IC was not aggressively pursuing collection against the WMD target and most of the assets tasked for Iraqi

[32]The NICB comprises the most senior collection managers from each intelligence discipline (human intelligence [HUMINT], signals intelligence [SIGINT], imagery intelligence [IMINT], and measurement and signature intelligence [MASINT]).

[redacted]

[redacted]

collection were focused on satisfying support-to-military operations requirements, support to UNSCOM inspections, and to indications and warning. Due to competing collection priorities globally: [redacted] and regionally: Operations Northern and Southern Watch, and the emphasis on current, rather than strategic or national, intelligence, there was no focused, collaborative collection effort on the Iraqi WMD target.

([redacted]) When United Nations (UN) inspectors left Iraq in December 1998, the IC was left with a limited unilateral collection capability against Iraq's WMD. A report from intelligence collectors in 2001[33] noted, "with the end of UNSCOM activity inside Iraq, . . . the IC's collection capability on Iraqi WMD programs diminished significantly. . . . [redacted]

(U) In 1998, a new ADCI/C led a major effort to examine worldwide end-to-end collection.[34] To undertake this effort, the Director of Central Intelligence (DCI) established the Collection Management Task Force. Led by the ADCI for Collection, the Collection Management Task Force identified both the successes and challenges of the IC's collection activities and made several recommendations to improve collection, including bringing "the collection disciplines together in a more synergistic way," looking for "innovative ways that improve collaboration and innovation across the Community," and establishing a center to examine the IC's most intractable intelligence problems and develop new ways to improve collection. In 2000, the Collection Concepts Development Center (CCDC) was created to achieve these goals and took on Iraq's WMD capabilities for its first study.

([redacted]) In the CCDC study, collectors and analysts within the IC worked together to identify collection gaps and develop new, unilateral collection strategies designed specifically to target Iraq's WMD programs. The study looked at all four aspects of WMD (nuclear, biological, chemical and delivery) and recommended ways to address the collection gaps. The CCDC released its report, titled, *Iraqi Weapons of Mass Destruction: Recommendations for*

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[33]*Iraqi Weapons of Mass Destruction: Recommendations for Improvements in Collection.* The Collection Concepts Development Center, June 2000.

[34]End-to-end collection refers to the collection cycle which entails the development of collection requirements, allocating tasks to specific collection assets, collecting, processing, exploiting, and then disseminating the information that is collected.

[redacted]

[redacted]

Improvements in Collection, in June 2000. Immediately after the report was released, the IC began to implement the CCDC's recommendations to improve intelligence collection in all disciplines (human intelligence [HUMINT], signals intelligence [SIGINT], imagery intelligence [IMINT], open source intelligence [OSINT] and measurement and signature intelligence [MASINT]) against Iraq's [redacted]. The NICB briefed Committee staff on the how these recommendations were implemented and how intelligence collection improved as a result of these efforts.

A. Human Intelligence (HUMINT)

([redacted]) In order to more fully understand why the CCDC recommended certain changes to the Intelligence Community's (IC) HUMINT collection activities, Committee staff interviewed HUMINT collection officers in the CIA's Directorate of Operations, including collection officers in the Near East (NE) Division and the Counterproliferation Division (CPD). These officers briefed Committee staff on the IC's HUMINT collection posture against Iraq from the end of the Gulf War until the beginning of Operation Iraqi Freedom (OIF). CIA officers told staff that the IC's HUMINT collection efforts throughout this period were dedicated to [redacted] the IC obtained human intelligence on a variety of issues. Most of this information obtained through CIA's sources was related to political and military issues, not WMD, however. The CIA had no dedicated WMD sources on the ground in Iraq until the late nineties. [redacted]. The CIA [redacted] did not have any WMD sources in Iraq after 1998. When asked about the lack of sources with access to WMD, the Deputy Chief of CPD told Committee staff that "despite an intense, vigorous recruitment campaign against Iraq WMD targets . . . we were never able to gain direct access to Iraq's WMD programs."

([redacted]) A CIA officer from NE told staff that when he came to his position in 2001, the CIA had four Iraqi sources reporting on non-WMD topics. [redacted]

[redacted]

[redacted]

([redacted]) The recommendations in the CCDC study responded to these deficiencies in HUMINT WMD collection. The CCDC study found that HUMINT operations against Iraq WMD were extremely limited. HUMINT was heavily dependent on liaison sources and although, by 2001, there were [redacted] sources inside the country and [redacted] outside the country, HUMINT collection against the Iraq WMD target was still negligible. [redacted] When Committee staff asked why there had not been an aggressive HUMINT strategy developed to target Iraq's WMD prior to the CCDC study, the NICB said that budgetary constraints prevented them [redacted]

([redacted]) The NICB told Committee staff that getting people on the ground was difficult and said that Iraq was a "tough [redacted] problem." the CCDC recommended instead that the IC focus its HUMINT strategy [redacted]. The CCDC study team recommended the [redacted]:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

[redacted]

- [redacted]

- [redacted]

([redacted]) The NICB told Committee staff that even before the CCDC study was finalized, the IC began implementing many of these recommendations and aggressively pursued HUMINT collection. The NICB said both the CIA and the DIA developed well organized efforts [redacted] These operations failed to provide any usable intelligence. The NICB told Committee staff that the negative results were reported in intelligence reports.

([redacted]) In September, 2001, the DCI established a Joint Task Force within CIA's Counterproliferation Division (CPD) of the Directorate of Operations (DO). According to the Deputy Director of CPD, "there was a full complement of UNSCOM inspectors inside Iraq from '91 until December '98, so the focus wasn't as intense as it was after that in recruiting sources on WMD." The DCI's Iraqi WMD issue manager for the clandestine service told staff that "before the Task Force was set up, there were fewer than half a dozen at some times, individuals working on Iraq. [redacted] There were very few assets [redacted] at all reporting on Iraq's WMD efforts." After the Task Force was established, the CIA recruited [redacted] sources, [redacted] whose information resulted in the production and dissemination of over 400 intelligence reports. This was an increase from only 90 reports in 2000.

([redacted]) Some other examples of how the IC tried to improve HUMINT collection against Iraq's WMD programs included:

- [redacted]

[redacted]

[redacted]

- [redacted]

- [redacted]

([redacted]) After this push to improve HUMINT collection, the CIA made contact, through other sources, [redacted]

([redacted]) From late summer 2002 until the start of OIF in March 2003, the CIA "dramatically picked up the pace" of HUMINT collection according to a CIA collector. [redacted] CIA officials told Committee staff this resulted in [redacted] or more sources reporting [redacted] by March 2003. Just prior to the start of OIF, [redacted] None of these sources provided information on Iraq's biological, chemical or nuclear weapons programs.

([redacted]) [redacted]. Committee staff asked why the 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's very hard to sustain . . . it takes a rare officer who can go in and [redacted] survive scrutiny [redacted] for a long time."

[redacted]

[redacted]

B. Signals Intelligence (SIGINT)

([redacted])

[redacted]

([redacted])

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

([redacted])

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) [redacted]

C. Imagery Intelligence (IMINT)

([redacted]) As with the other intelligence disciplines, there was a coordinated effort within the IC to improve imagery collection against the WMD target. The CCDC study found that [redacted] that imagery assets were in high demand for the Iraq WMD target and for support to military operations. This required imagery assets to be tasked more efficiently and effectively.

([redacted]) The CCDC study made several recommendations aimed at overcoming the challenges of competing priorities [redacted]. The recommendations included:

- [redacted] airborne missions [redacted] over the entire Northern and Southern no-fly zones;
- [redacted]

[redacted]

[redacted]

- [redacted]

- **(U)** Increase the use of commercial imagery to supplement imagery from U.S. intelligence collection satellites;

- [redacted]

([redacted]) [redacted]

D. Measurement and Signatures Intelligence (MASINT)

([redacted]) The IC also developed MASINT collection strategies to target Iraq's WMD program. The CCDC study found that there was negligible use of MASINT sensors against Iraqi WMD, [redacted] The study recommended that MASINT assets be used more effectively [redacted]. The CCDC study also recommended that MASINT sensors be increasingly used [redacted]

([redacted]) The NICB said that the IC implemented several recommendations to improve MASINT collection, [redacted]

[redacted]

[redacted] The NICB told Committee staff that from June 2000 to January 2003 these collection efforts resulted in over 200 chemical-related reports, over 60 biological reports, and over 800 nuclear-related reports, which, the NICB said contained both positive and negative information on activity related to WMD. When asked by Committee staff which of these reports contained positive hits, the vice deputy director for MASINT and Technical Collection at DIA said that were [redacted] A NICB representative said that all of the reports were available to analysts via INTELINK.

E. Impact of Increased Collection on Analysis

([redacted]) Representatives from each collection discipline reported to Committee staff that collection increased significantly in their areas after the recommendations of the CCDC were implemented. Committee staff asked the collectors how they work with the all-source analysts to make sure that when they see a large increase in collection, that they understand that the increase is a result of an increase in collection, not necessarily an increase in activity by the Iraqis. An analyst who worked on the Iraq WMD CCDC study told Committee staff that WMD analysts regularly participated in NICB meetings on all WMD collection issues. This analyst noted that "there was a constant feedback mechanism available throughout this period from certainly 2001 through the present that enabled [analysts] to get a gauge of whether this was a collection bias or if it was new collection or if it was a scale-up in activities." This same analyst also noted that "in some places, [the IC] was collecting [redacted] . . . in other cases [the IC] was collecting for the [redacted] that had been under way for quite some time . . . and frequently the reporting would show that."

([redacted]) Comments from analysts to Committee staff, however, suggest that some Iraq WMD analysts did not believe that collection had increased significantly as a result of the improved effort against Iraq's WMD. A CIA BW analyst told Committee staff, "we increased our collection efforts, but that did not necessarily equate to increased collection. We tried very hard to focus them to collect on areas we thought were most important, but it did not necessarily translate into us getting more collection." Two analysts from CIA's office of Near East and South Asia Analysis (NESA), [redacted], told Committee staff that they did not notice an increase in collection as a result of the CCDC.

[redacted]

[redacted]

([redacted]) While some analysts did not believe that collection had increased, several analysts pointed to intelligence reporting obtained by the IC after late 2000 (and after the IC began implementing the CCDC study recommendations) as having played a significant role in their assessments that Iraq had increased its WMD activities. [redacted] Imagery reports from 2002 on [redacted] were key to chemical analysts assessments that Iraq had and was producing chemical weapons (CW). In addition, intelligence assessments on all of Iraq's suspect WMD programs – nuclear, chemical, biological, and delivery programs, pointed to increased procurement activity after 2000 as part of the judgment that Iraq had increased WMD activity.

F. Collection Directives

([redacted]) Committee staff reviewed the IC's national HUMINT collection directives (NHCDs) covering Iraq's WMD programs published in the years preceding Operation Iraqi Freedom. The NHCD's are the IC's primary guidance to its HUMINT collectors around the world on how to prioritize and guide HUMINT collection efforts. The NHCDs provide lists of questions and information requirements, categorized by subject, to be explored with sources that have the appropriate knowledge and access to information. The NHCD's are reviewed by appropriate analysts in the IC to ensure that their analytic questions and requirements are being met. All of the questions and requirements in the NHCDs on Iraq's WMD programs were written with the clear presumption that Iraq had active WMD programs, and focused on collecting information about issues such as the extent of Iraq's WMD activities, [redacted] None of the NHCDs reviewed by Committee staff contained any questions or requirements that suggested that collection be focused on determining *whether* Iraq had weapons of mass destruction or active WMD programs.

G. CIA HUMINT Compartmentation

(U) IC officials provided Committee staff with reporting from a number of sensitive CIA HUMINT sources who reported on Iraq's WMD programs before Operation Iraqi Freedom. The reporting from these sources was restricted to a limited list of recipients within the IC, or was handled in special access programs (SAP). SAPs limit distribution to a small group of IC personnel who have been formally granted access to the intelligence based on their need to know the information being reported. When the IC provided these reports to the Committee, they told

[redacted]

[redacted]

Committee staff that they could not be sure that they were providing all of the limited distribution and special access reporting on Iraq's weapons programs, because of the difficulty of searching for reports across the different special access compartments.

H. Weapons of Mass Destruction (WMD) Collection Conclusions

([redacted]) **Conclusion 77. The Intelligence Community relied too heavily on United Nations (UN) [redacted] information about Iraq's programs and did not develop a sufficient unilateral collection effort targeting Iraq's weapons of mass destruction programs and related activities to supplement UN-collected information and to take its place upon the departure of the UN inspectors.**

([redacted]) [redacted]

(U) Conclusion 78. The Intelligence Community depended too heavily on defectors and foreign government services to obtain human intelligence (HUMINT) information on Iraq's weapons of mass destruction activities. Because the Intelligence Community did not have direct access to many of these sources, it was exceedingly difficult to determine source credibility.

([redacted]) [redacted]

[redacted]

[redacted]

(U) Conclusion 79. The Intelligence Community waited too long after inspectors departed Iraq to increase collection against Iraq's weapons of mass destruction programs.

([redacted])

(U) Conclusion 80. Even after the departure of United Nations (UN) inspectors, placement of human intelligence (HUMINT) agents and development of unilateral sources inside Iraq were not top priorities for the Intelligence Community.

([redacted])

([redacted])

([redacted])

[redacted]

[redacted]

(U) **Conclusion 81. The Central Intelligence Agency (CIA) continues to excessively compartment sensitive human intelligence (HUMINT) reporting and fails to share important information about HUMINT reporting and sources with Intelligence Community analysts who have a need to know.**

([redacted]) [redacted]

([redacted]) [redacted]

([redacted]) **Conclusion 82.** [redacted]**. The lack of in-country human intelligence (HUMINT) collection assets contributed to this collection gap.**

([redacted]) [redacted]

[redacted]

[redacted]

IX. PRESSURE ON INTELLIGENCE COMMUNITY ANALYSTS REGARDING IRAQ'S WEAPONS OF MASS DESTRUCTION (WMD) CAPABILITIES

(U) An essential component of the Senate Select Committee on Intelligence's review of the intelligence on Iraq's weapons of mass destruction (WMD) capabilities has been examining the objectivity and independence of the judgments reached by the Intelligence Community (IC) and whether any influence was brought to bear on IC analysts to shape their assessments to support policy objectives.

(U) On June 11, 2003, Senator Pat Roberts, Chairman of the Senate Select Committee on Intelligence (SSCI), held a press conference with Senator John Warner, Chairman of the Senate Armed Services Committee (SASC), and Representative Porter Goss, Chairman of the House Permanent Select Committee on Intelligence (HPSCI). Chairman Roberts announced that the SSCI had been conducting a thorough and bipartisan review of intelligence on Iraq's weapons of mass destruction (WMD) programs and ties to terrorists, and made a public call for officials to come forward and contact the Committee if they had information about intelligence analysts having been pressured to alter their assessments. Following the press conference, Chairman Roberts reissued this call in a press release which said,

> I am concerned by the number of anonymous officials that have been speaking to the press alleging that they were pressured by Administration officials to skew their analysis, a most serious charge and allegation that must be cleared up. I can tell you the Committee has yet to hear from any intelligence official expressing such concerns. If any officials believe, however, that they have been pressured to alter their assessment, they have an obligation and I encourage them to contact the Committee for confidential discussions.

(U) Chairman Roberts issued this call a third time at a closed Committee hearing on June 19, 2003, at which senior representatives of the IC and many of the primary analysts involved in drafting and coordinating the October 2002 National Intelligence Estimate (NIE) on *Iraq's Continuing Weapons of Mass Destruction Programs* were present. Chairman Roberts asked,

> Did any of you ever feel pressure or influence to make your judgment in the 2002 National Intelligence Estimate or any other intelligence product conform to the policies of this or previous Administrations? The second part of that is, has any

[redacted]

[redacted]

analyst come to you or expressed to you that he or she felt pressure to alter any assessment of intelligence? And finally, if you did feel pressure or were informed that someone else felt pressure, were any intelligence assessments changed as a result of that pressure?

(U) Chairman Roberts issued the same call for analysts or officials to come forward to the Committee at least six more times in the summer of 2003.

(U) In addition to these calls, throughout the Committee's review, Committee staff asked whether any analysts had been pressured to change their analysis or assessments and about how they had developed their assessments. Committee staff also made efforts to contact individuals mentioned in press articles or who, through other means, had come to the Committee's attention as possibly having information about analysts who had been pressured.

(U) The Committee did not find any evidence that intelligence analysts changed their judgments as a result of political pressure, altered or produced intelligence products to conform with Administration policy, or that anyone even attempted to coerce, influence or pressure analysts to do so. When asked whether analysts were pressured in any way to alter their assessments or make their judgments conform with Administration policies on Iraq's WMD programs, not a single analyst answered "yes." Most analysts simply answered, "no" or "never," but some provided more extensive responses. Some of their responses are below:

- A Central Intelligence Agency (CIA) biological weapons (BW) analyst said, "No, never. Never. Matter of fact, the assessments we make have always tried to – we always tried to be as accurate and always as truthful as we can, and it might be that our assessments suited what they needed. But we were never pressured to make an assessment a certain way or anything."

- The National Intelligence Officer (NIO) for Science and Technology said, "my answer to all of those is there was no pressure on me throughout that entire period. I did not have any analysts come to me with any information about the fact that they were feeling pressure to change their judgments. And I was certainly not aware of any, whether I heard it or not. So there were really no – as far as I'm concerned, there were no such things happening."

- A CIA chemical weapons (CW) analyst said, "there was no pressure at all. They didn't tell us what to say or anything like that."

[redacted]

[redacted]

- Another CIA CW analyst said, "I did not feel any pressure, nor would I have done anything if they tried to pressure me."

- A Department of Energy (DOE) nuclear analyst said, " . . . no one influenced me. I think the NIE as it stands, although it was a rushed process like we talked about, but as it stands our position is adequately represented in there."

- A National Ground Intelligence Center (NGIC) analyst said, "my assessment was based purely on, as I've said and I keep saying, on my research and what I was able to find out and then thinking about it and writing and giving out the information."

- A Department of State Bureau of Intelligence and Research (INR) WMD senior analyst said, "Not at all. . . . INR has a pretty solid track record of stating its views, whether they are in sync with the prevailing winds of policymakers, but we have never shied away from stating our view where it diverges . . ."

- A Defense Intelligence Agency (DIA) nuclear programs division chief said, "We had absolutely no contact with Administration or policy folks while we were preparing our work. We had no internal or external influences on what [the analysts'] judgments were."

(U) Committee staff also had an extensive discussion with the CIA's Deputy Director for Intelligence (DDI) about whether CIA analysts had been pressured. She told Committee staff that,

> There clearly was hard questioning on a lot of what we did. There was regular interaction with policymakers coming back to certain points or issues repeatedly, which I think, if an analyst wanted to view that, might be able to say or might think of that as some sort of if not pressure then some sort of a reluctance to accept the answer they were given. On the other hand, it can also be new developments and oftentimes what these repeated going back to the same subject matters would be is, a new report would come in on something and the policymaker would then say what do you make of this. And I think that's kind of what you expect in an environment where you've got the kind of relevancy that the intelligence community has with this Administration.

[redacted]

[redacted]

(U) The DDI added that no analysts had ever said that they did take this kind of questioning as pressure, nor did she believe that analysts ever changed their assessments as a result of this questioning. She told Committee staff that the examples of repeated questioning were related to terrorism issues, and not about Iraq's WMD capabilities.

(U) Committee staff also interviewed Richard Kerr – who had been tasked by the Director of Central Intelligence (DCI) in February 2003 to review national intelligence on Iraq – and two members of Kerr's team. Kerr's team did not conduct any interviews during the review, but told Committee staff that some individuals did approach them informally to say they believed extensive questioning was a form of pressure on analysts. Kerr's team also reviewed questions from policymakers that had been posed to intelligence analysts. Based on his review of these questions, Mr. Kerr an the team believed that there were "a lot" of questions regarding both Iraq's WMD capabilities and connections to terrorists and in some instances were repetitive. He said some individuals complained to the team members informally that this was a form of pressure on analysts, but he was unable to tell Committee staff specifically whether analysts or managers of Iraq WMD capabilities had complained of this type of pressure. One of the team members said that no one complained to her regarding this type of questioning on WMD. None of the team members said they believed extensive or repeated questioning was improper. Mr. Kerr told Committee staff he believed the questioning was not unusual and said, "it is not at all unusual for analysts to feel they are being pushed by one group or another." Mr. Kerr and the team concluded that even if the repeated questioning was an attempt to pressure analysts, "there was never anybody who changed a judgment as a result of that." None of the team members would provide to the Committee the names of the individuals who had approached them.

(U) Committee staff asked some CIA analysts covering Iraq's WMD programs specifically about visits from the Vice President to question analysts. These analysts said they believed the visits were intended to gather information, not to pressure analysts to come to particular judgments. For example, the Deputy Director of Analysis at the DCI's Weapons Intelligence, Nonproliferation and Arms Control Center (WINPAC) told Committee staff that he was involved in several of the meetings and said,

> I think I've mentioned before, with the Vice President and I think that there's no question they had a point of view, but there was no attempt to get us to hew to a particular point of view ourselves or to come to a certain conclusion. It was trying to figure out why do we come to this conclusion, what was the evidence, a lot of questions asked, probing questions, but no pressure to get us to come to a particular point of view.

[redacted]

[redacted]

(U) The DDI told Committee staff that the Vice President had visited CIA about five to eight times total between September 2001 and February 2003 and that she had participated in most, if not all, of the sessions. She said usually a group of analysts and their collection counterparts would brief the Vice President on key findings on a particular issue. She said "he was usually in receive mode during the presentation and then asked questions afterwards." She said "they were really good exchanges. I think the analysts felt that he was listening. Like I said, he was in a receive mode during their presentations. It wasn't interrupting from the start with let me give a different point of view or don't you think this or anything along those lines."

(U) One of the CIA delivery analysts told Committee staff that he thought the purpose of the visits was "factfinding." He said,

> They wanted to know what our analysis was. They listened and that was it. There was no pressure back on us to change it or to manipulate it in any way. They just wanted to know what our analysis was, and we told them and that was it.

(U) A CIA nuclear analyst said he had been in a meeting with the Vice President about Iraq-Libya issues and said that the Vice President asks a lot of questions, but said he never had the feeling that the Vice President was trying to lead any of the analysts down a certain path. The analyst said he believed the Vice President was interested in learning what the analysts knew and what they did not know.

(U) Committee staff also asked the former Assistant Secretary of State for INR about concerns that State Department leadership did not listen to INR analysis or had used CIA's analysis in speeches, rather than INR's analysis. The assistant secretary told Committee staff that,

> Clearly, as I tell analysts, if [Secretary Powell] doesn't buy what we've told him, it's our fault, not his. We didn't do it well enough. We didn't provide him enough evidence. We weren't persuasive enough. So there's a certain responsibility we have to convince the policymaker to believe us, not somebody else.

The assistant secretary added,

> That he doesn't always accept what we say I think is to his credit. If he believed everything that the Intelligence Community told him, including what INR tells

[redacted]

[redacted]

him, he'd be a fool. You should know better than anybody that a lot of the stuff [the IC turns] out is crap, and that a policymaker who sticks to that intelligence I don't want to even be in the same room with. They've got to know that the stuff isn't that good. So the notion that they sometimes disagree with us I find fine.

A. Allegations of Influence

(U) Committee staff did interview five individuals who had come to the Committee's attention as possibly having information that intelligence analysts' assessments had been influenced by policymakers. None of these individuals provided any information to the Committee which showed that policymakers had attempted to coerce, influence or pressure analysts to change their analysis or that any intelligence analysts changed their intelligence judgments as a result of political pressure. There was also no information provided to the Committee which showed that analysts had conformed their assessments to known Administration policies because they believed those assessments would be more widely read or accepted. The following describes information garnered from those interviews.

B. INR Analyst

(U) When Chairman Roberts asked whether analysts had been pressured to change their assessments at a Committee hearing on June 19, 2003, one analyst stood up and said that he had "some encounters involving some pressure" but noted that he had not changed his assessments as a result of that pressure. The analyst agreed to meet with Committee staff following the hearing to discuss the issue.

(U) The analyst told Committee staff that his concerns about being pressured were not related to Iraq, but rather to an incident that had occurred with the Under Secretary of State for Arms Control and International Security concerning Cuba's BW program. The analyst had received a routine request to declassify language concerning Cuba's BW program for a speech that the Under Secretary intended to give in an open forum. The analyst told Committee staff that the text of the Under Secretary's speech contained a sentence which said that the U.S. believes Cuba has a developmental, offensive biological warfare program and is providing assistance to other rogue state programs. The text also called for international observers of Cuba's biological facilities. The analyst said the portion of the speech he was given contained top secret codeword information.

[redacted]

[redacted]

(U) The analyst said he e-mailed the text to the demarche coordinator at the CIA who handles interagency reviews of declassification requests, with a note stating that INR "did NOT" concur with the Under Secretary's text. The analyst proposed alternative language in the e-mail which said, "Cuba has demonstrated that it is committed to developing a highly advanced biotechnology infrastructure and to arranging foreign collaboration with rogue states that could involve proliferation of dual-use technologies to countries assessed to have BW programs." The analyst said that he removed the text calling for international observers of Cuba's biological facilities.

(U) The analyst said he made most of the changes to the speech because he was attempting to make the speech unclassified, not because he believed it was factually incorrect. He said that the only portion of the original speech language relating to Cuba's BW program that differed from IC judgments was the use of the word "program" in the sentence, "Cuba has a developmental, offensive biological warfare program." The analyst said the IC used the term "effort" rather than "program." The analyst also said, however, that he removed the sentence calling for observers at Cuba's biological facilities because ". . . in general we had real concerns about inspections or other people doing inspections of facilities, giving them a clean bill of health when we knew that it would be quite easy to hide illicit activity, so that the inspection methodology is problematic." He also said that the text mentioned a specific facility which he believed would have exposed sources and methods.

(U) The analyst said that the Under Secretary had obtained a copy of his e-mail to the CIA and called him in to the Under Secretary's office. The analyst said the Under Secretary "berated him," accused him of countermanding an Under Secretary and of trying to rewrite the Under Secretary's speech. The analyst said that six months after the incident, when his new office director met with the Under Secretary, the Under Secretary asked to have the analyst removed from his current worldwide chemical and biological weapons portfolio. The analyst said he was not removed from his portfolio and did not suffer any negative effects professionally, however, he was instructed by his supervisors to limit his contact with the Under Secretary's office.

(U) The analyst also told Committee staff that he believed there was "a hostile climate between [INR's] judgments and what the [office of the Under Secretary for Arms Control and International Security] wanted to say." He said INR, "was not being listened to," but the office was listening to CIA instead.

[redacted]

[redacted]

(U) State Department e-mails provided to the Committee indicate that the analyst's supervisor contacted the Under Secretary's office following this incident to explain that the analyst should not have offered alternative language in his e-mail for clearance from the IC without discussing the matter with the Under Secretary. One of the supervisors noted that the analyst's "choice of the phrase 'does not concur' was entirely inappropriate." The supervisor's e-mail said that the INR interest is in ensuring that sources and methods are protected and that "policymakers know whether we think what they propose to say is clearly supported, unsupported, or pushing the evidence as evaluated by IC analysts." He indicated that the analysts was trying to flag where he believed the draft went beyond IC consensus. As mentioned previously, however, the analyst told Committee staff that the changes he had suggested were not because he believed the text deviated from the IC's judgment. He said the only difference between the speech text and the IC judgments was that the speech referenced a biological "program" while the IC used the term "effort." The text as rewritten by the analyst made more changes than replacing "program" with "effort."

(U) Ultimately, the IC cleared language for use in the speech which said, "The United States believes that Cuba has at least a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support BW programs in those states. We call on Cuba to cease all BW-applicable cooperation with rogue states and to fully comply with all of its obligations under the Biological Weapons Convention."

C. Former INR Office Director

(U) Committee staff contacted a retired Office Director in INR who had made comments in the press suggesting that analysts may have been pressured to change their analysis. At a press conference at the Arms Control Association on July 9, 2003 he said, "this administration has had a faith-based intelligence attitude, its top-down use of intelligence: 'we know the answers; give us the intelligence to support those answers.'" The Office Director had retired from INR in September, prior to publication of the National Intelligence Estimate (NIE), and said he had not been present in the office for two months prior to his departure. He had no direct knowledge of the drafting or coordination of the October 2002 NIE on Iraq's weapons of mass destruction (WMD) programs.

(U) The Office Director said that during his tenure at INR he did not feel pressure from the Secretary, Deputy Secretary, or Director of INR on Iraq WMD issues. He said that INR felt protected from politics and was allowed to "call it like they saw it." He told Committee staff that

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there had been an incident with an INR analyst and the Under Secretary regarding a Cuba BW issue, but said that the Under Secretary's office was not a problem in the case of Iraq. He also mentioned that the Arms Control and International Security Bureau did not like INR and preferred to work with the CIA directly. The Office Director did not present any information suggesting that analysts had been pressured or influenced to alter their assessments or views on Iraq, or that the Administration was only interested in receiving intelligence information which supported pre-conceived ideas.

D. Defense Intelligence Agency (DIA) Senior Intelligence Analyst

(U) Committee staff contacted a DIA senior intelligence analyst who, in a previous assignment, had supported the Office of the Deputy Under Secretary of Defense for Special Plans and Near East/South Asia (NESA). The senior analyst's name had been provided to the Senate Select Committee on Intelligence Vice Chairman's staff by a former DIA intelligence analyst who believed the senior analyst had experienced pressure to change his analysis from the Office of the Secretary of Defense (OSD), specifically the Deputy Under Secretary of Defense for Special Plans and NESA. The senior analyst's name also came to the Committee's attention when he was mentioned in an October 22, 2003, *Washington Post* article as having sharply disagreed with the Deputy Under Secretary about "the imminence of the threat posed by Saddam Hussein's Iraq."

(U) The senior analyst told Committee staff that the *Washington Post* article was incorrect because he "never discussed the imminence of the Iraqi threat" with the Deputy Under Secretary. When asked whether he felt any pressure himself, or was aware of any analysts within the DIA who believed they were pressured by anyone in the Administration, particularly by any Department of Defense officials, to change their assessments on Iraq's WMD programs or links to terrorism, the senior analyst said, "no," but said he thought that, ". . . generally it was understood how receptive OSD civilians were to our assessments and what kind of assessments they would not be receptive to." When asked to provide some examples of how this affected analysis, the senior analyst said he was not able to provide any examples related to Iraq. The senior analyst added that, regarding his briefings on the probable Iraqi military reaction to a U.S. operation, "I don't think [the Deputy Under Secretary] had a lot of disagreement with that."

(U) The senior analyst did provide an example of a brief on Israel that he said had not been well received in which he said that the Israeli Defense Forces had "assassinated" terrorist leadership. He said the Deputy Under Secretary told him that the word "assassinated" was very sensitive and said he should not use it. The senior analyst then told the Deputy Under Secretary

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that he was only using a word that the Israeli press uses and said the Deputy Under Secretary then asked him if the *Jerusalem Post* used the term "assassinations." The senior analyst told him that three Hebrew journals used the term and he later brought copies of those articles, with highlighted examples of the word "assassinated" to the Deputy Under Secretary. He said that, nevertheless, he never again used the word "assassinated."

(U) The senior analyst also said that he believed the Deputy Under Secretary had been "abusive." When asked for an example of how the Deputy Under Secretary had been abusive, the senior analyst said he was briefing on the number of casualties on each side of the Israel-Palestinian conflict and the Deputy Under Secretary, "raised his voice and waved his hand and said, 'I don't want to hear about that. Tell me what's happening on the ground in Afghanistan.' " The senior analyst said that was the only instance of "abuse," and said that this prompted him to stop briefing the Deputy Under Secretary and to send his subordinates to conduct the briefings instead.

(U) The senior analyst said these briefings prompted him and the Deputy Under Secretary to "mutually back [ ] away" from dealing with each other. The senior analyst said that after this, he was excluded from several bilateral military coordination meetings with foreign governments which the Deputy Under Secretary had attended. He said that he was excluded by the Under Secretary of Defense for Policy. When asked why he believed he was excluded from the meetings, the senior analyst said that, "I think personalities are involved." When asked later whether he was excluded from the meetings because of personality differences or because the Deputy Under Secretary disagreed with his analysis, the senior analyst said, "I think it was a combination of both," but he could not provide any examples, other than the Israeli Defense Force issue, of when the Deputy Under Secretary disagreed with his briefs.

(U) The senior analyst also said that the Assistant Secretary of Defense for International Security Affairs began to present a separate policy brief on the potential connection and danger of WMD and terrorists, rather than use a DIA briefing, in the bilateral military coordination meetings. He said the brief was "highly selective," but said that he did not believe the assistant secretary misrepresented the evidence and said although he believed this was unusual, he did not think there was anything improper about it. He said that he and other analysts in DIA had the opportunity to review and make comments on the brief and said that the Assistant Secretary of Defense was receptive to his comments.

(U) When asked if the senior analyst could explain how his belief that OSD civilians were only receptive to certain assessments may have impacted analysis, the senior analyst could

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not provide any examples of an effect on DIA assessments or analysis. The analyst said he believed, "analysts were free to make assessments they ordinarily wanted to make, subject to quality control in our agency," and said, "that has never been an explicit sense or understanding," that analysts were making their assessments more in line with what people wanted to hear rather than what the intelligence said. When asked whether analysts refrained from writing assessments that they wanted to write because they believed no one was receptive to the analysis, he said, "I can't say that specifically." He said that he believed, ". . . that is the sort of thing that would have influence on analysts," but again could provide no examples that it did happen. In fact, when staff pointed out that the senior analyst had earlier said the DIA terrorism analysts did not change their assessment on Iraq's links to al Qaeda, even though they were aware that OSD would have liked the analysts to outline more conclusive links, he said, "No, they didn't. I don't think anybody changed their assessments." When asked if preexisting opinions within OSD had any effect on the work that was done at DIA, the senior analyst said, "I can't specifically point to any. I cannot."

E. Defense Intelligence Agency (DIA) Senior Intelligence Officer

(U) Committee staff also contacted a DIA senior intelligence officer (SIO) whose name had been provided to the Vice Chairman's staff by a former DIA intelligence analyst who believed the SIO had information about the OSD pressuring analysts.

(U) The SIO told Committee staff that he worked with the Deputy Under Secretary of Defense for Special Plans and NESA regularly and said that he did not have any information that the Deputy Under Secretary had pressured analysts or coerced them to alter their assessments. The SIO said that the Deputy Under Secretary had very strong views and sometimes did not agree with the SIO's analysis, but said the SIO was always encouraged to brief on whatever information he had to provide. The SIO said that the Deputy Under Secretary asked tough questions and pressured analysts to have the intelligence to back up what they were saying, but never pressured them to come up with judgments to match preconceived notions.

F. Former Office of the Secretary of Defense (OSD) Desk Officer

(U) Committee staff contacted a former desk officer in the Office of the Deputy Under Secretary of Defense for Special Plans and NESA who had come to the Committee's attention through press accounts of the desk officer's experiences.

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(U) The desk officer told Committee staff that she never worked the Iraq issue and had no direct knowledge of any attempts to pressure or coerce intelligence analysts. She obtained the information that she provided to Committee staff based on looking at the secret level intranet in the Pentagon and through discussions with colleagues.

(U) The desk officer told Committee staff that a DIA senior intelligence analyst had told her that he had been pressured by the Deputy Under Secretary to change a briefing he was giving on Iraq and that he refused to change the briefing because the intelligence did not support the Deputy Under Secretary's conclusion. She said that after this incident the senior analyst was excluded from bilateral exchange visits. Committee staff interviewed the DIA senior intelligence analyst (See page 280) who said that he had not been asked to change any briefings on Iraq, but said he was asked not to use the word "assassinations" when giving a brief on the Israeli Defense Force. He provided no information to show that he had been excluded from the bilateral visits because of his analysis.

(U) The desk officer told Committee staff that she believed there was a hostile environment between the Office of Special Plans and the DIA, but could not provide any examples of a hostile climate between anyone at the Office of Special Plans and the DIA, other than the senior analyst mentioned previously. She said that she believed talking points used by the Office of Special Plans exaggerated intelligence assessments, but she could not provide any examples of instances where the points differed from analysis at the time they were used.

(U) When asked whether she had any evidence of the Office of Special Plans attempting to pressure CIA analysts she said that she had heard the Deputy Under Secretary make negative comments about the CIA's analysis but said she could not say that the office pressured CIA. The desk officer also made several accusations that Administration policy speeches included information that was not supported by intelligence, specifically on issues such as the threat of Iraq's unmanned aerial vehicles (UAVs), alleged attempts to acquire uranium from Niger, and attempts to acquire aluminum tubes for use in a centrifuge enrichment program, but she was unaware that publicly released intelligence showed that the IC had in fact published finished intelligence products making each one of these assessments. She had no direct knowledge to support any claims that intelligence analysts were pressured and much of what she said is contradicted by information from other interviews and intelligence reporting.

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G. Weapons of Mass Destruction (WMD) Pressure Conclusions

(U) Conclusion 83. The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.

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(U) Conclusion 84. The Committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated in the briefings on Iraq's weapons of mass destruction programs, or did pressure analysts to change their assessments.

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X. WHITE PAPER ON IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS

(U) On October 4, 2002, three days after the National Intelligence Council (NIC) published its classified National Intelligence Estimate (NIE) on *Iraq's Continuing Programs for Weapons of Mass Destruction*, the Director of Central Intelligence (DCI) published an unclassified paper, *Iraq's Weapons of Mass Destruction Programs*. The paper was drafted and ultimately released as a white paper on Iraq's weapons of mass destruction (WMD) programs, but the Intelligence Community (IC) intended the paper to also meet requests from Congress for an unclassified version of the classified NIE.

(U) The unclassified paper was substantively similar to, although not nearly as detailed as, the classified NIE. The key judgments were almost identical in layout and substance in both papers. The key judgments of the unclassified paper were missing many of the caveats and some references to alternative agency views that were used in the classified NIE, however. Removing caveats such as "we judge" or "we assess" changed many sentences in the unclassified paper to statements of fact rather than assessments. For example, the classified NIE said,

> We judge that all key aspects – research & development (R&D), production, and weaponization – of Iraq's offensive biological weapons (BW) program are active and that most elements are larger and more advanced than they were before the Gulf War,

while the unclassified paper said,

> All key aspects – research & development (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.

(U) Because so many of these caveats were removed and because the unclassified paper was presented to the American public as the IC's case that Iraq had WMD programs, Senate Select Committee on Intelligence (SSCI) staff examined the IC's decision to produce an unclassified paper, the paper's evolution, and how it differed from the classified NIE, particularly why most of the caveats were removed from the paper's key judgments.

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(U) The IC started production of the white paper in May 2002, months before the classified NIE was requested by Members of the SSCI. On May 8, 2002, an assistant to the Deputy Director of Central Intelligence (DDCI) sent an electronic mail (e-mail) to the National Intelligence Officer (NIO) for Near East and South Asia (NESA) asking him to prepare a white paper on Iraq's WMD programs. The NIO told Committee staff that the DDCI had recently attended a meeting at the White House, and the DDCI wanted the paper as a follow-up to the meeting discussions. The Deputy Director for Central Intelligence testified at a March 4, 2004 Committee hearing that the paper was requested by the National Security Council (NSC) Deputies Committee.[35]

(U) The NIO tasked an Iraq military analyst in the Central Intelligence Agency's (CIA) Office of Near East and South Asia (NESA) to prepare a draft. The NESA analyst completed an early draft by May 22, 2002, but because the DDCI did not provide a due date for the paper when it was originally tasked, the analyst and NIO staff worked intermittently on the draft for the next several months. During that time, the NIO said he and his staff came to the conclusion that the summary of the draft paper was somewhat weak, because it did not adequately summarize all of the important assessments on Iraq's WMD programs. The NIO told Committee staff that by the time he and his staff decided that the paper needed a "full-blown" key judgments section, the classified NIE was already underway. The NIO said that because his staff had not yet drafted an unclassified key judgments the National Intelligence Council (NIC) staff decided to declassify the NIE key judgments to use as the key judgments of the white paper and to make the paper the unclassified equivalent of the NIE. The NIC staff believed that this would also ensure that the two papers were as consistent as possible. The NIO told Committee staff that his deputy was charged with taking the classified NIE key judgments and, working with the staff of the NIO for Strategic and Nuclear Programs who managed production of the classified NIE, extracting the judgments that could be used in the unclassified paper.

(U) Committee staff asked the NIO why the caveats, such as "we judge" and "we assess" were removed from the key judgments when they were declassified for use in the unclassified paper. The NIO told Committee staff that he directed the NESA analyst and his deputy to avoid

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[35] The National Security Council (NSC) Deputies Committee serves as the sub-Cabinet interagency forum for consideration of policy issues affecting national security. Members include the Deputy Assistant to the President for National Security Affairs, the Under Secretary of Defense for Policy, the Under Secretary of State for Political Affairs, the Deputy Director of Central Intelligence, and, as needed, the Vice Chairman of the Joint Chiefs of Staff, the Assistant to the Vice President for National Security Affairs, and the Deputy Assistant to the President for Economic Policy.

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using "we" in the paper because he was unsure about whether the paper would be released as an IC product or a white paper without any specific agency or government entity identified as the author. The NIO thought that if the paper was released as a white paper and did not have a designated author other than the U.S. government, "we" would not be an appropriate term to use because "we" would not refer to anyone. The NIO read to Committee staff a note that he had written to the NESA analyst in May which said, "Nice draft. One non-substantive suggestion as you revise it is to avoid the first person as in 'we believe,' 'we have information,' etcetera, that we customarily use in intelligence pubs. I am getting clarification from the DDCI's office as to exactly what guise this will be coming out under, but it would probably be best to avoid any formulations that would leave it to be figured out exactly who the 'we' are." The NIO said that he recommended this change purely for stylistic reasons. He also said that he thought that because the whole section was titled "key judgments" that it was clear to the reader all of the contents were assessments.

(U) The IC provided an unclassified white paper from February 1998 to the Committee, *Iraqi Weapons of Mass Destruction Programs*, which contained only one use of the word "we," but, the 1998 white paper contained other words which expressed the uncertainty behind the IC judgments without using the word "we." For example, the white paper referred to the world's experts saying "they believe" and "[the United Nations Special Commission] UNSCOM believes" and used phrases such as "the evidence strongly suggests" and "Iraq could," "Iraq has apparently," and "Iraq probably." Because the Committee's request to review other white papers has not been answered by the IC, the Committee cannot determine whether eliminating the use of the word "we" from such papers was standard IC practice.

(U) The NIO for NESA also told Committee staff that some parts of the classified NIE were not included in the unclassified paper because they were outside of the scope of the tasking for the unclassified paper. The unclassified paper had been tasked in May 2002 at the request of the Deputies Committee and the classified NIE was tasked in September 2002 at the request of Senate Select Committee on Intelligence Members. The papers' scopes were determined by those taskings. For example, the classified NIE had a section on Iraq's doctrine and WMD use in response to a specific question from Senator Carl Levin on the IC's assessment of the likelihood that Iraq would use WMD. The NIO said the unclassified paper was only supposed to address Iraq's possession of WMD, so he did not include a section on doctrine and use. The NIO for Strategic and Nuclear Programs told Committee staff that he considered including the section on use and doctrine when crafting the unclassified key judgments from the classified NIE's key judgments, but because the IC had low confidence in those judgments and thought their inclusion

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would be "basically telling Saddam what we think he is thinking, and that just didn't seem smart at that point in the process, it was decided that we wouldn't do that."

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A. Differences Between the Classified NIE and Unclassified White Paper

1. Nuclear Weapons

(U) There were only two notable differences between the classified NIE and unclassified white paper regarding Iraq's nuclear program. The first, was that the classified NIE included a reference to State Department's Bureau of Intelligence and Research alternative view on whether Iraq would have a nuclear weapon this decade, which was not included in the white paper. The second centered on the discussion of analysts' assessments of the aluminum tubes. The classified NIE said,

> Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors – as well as Iraq's attempts to acquire magnets, high-speed balancing machines, and machine tools – provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for Baghdad's nuclear weapons program. (The Department of Energy (DOE) agrees that reconstitution of the nuclear program is underway but assesses that the tubes probably are not part of the program.)

The unclassified paper said,

> Iraq's aggressive attempts to obtain proscribed high-strength aluminum tubes are of significant concern. All intelligence experts agree that Iraq is seeking nuclear weapons and that these tubes could be used in a centrifuge enrichment program. Most intelligence specialists assess this to be the intended use, but some believe that these tubes are probably intended for conventional weapons programs.

(U) When the classified NIE referred to "most agencies" it was referring to the analytic agencies, CIA and Defense Intelligence Agency (DIA), and the collection agencies, the National Security Agency (NSA) and the National Imagery and Mapping Agency (NIMA)[36]. Although NSA and NIMA did agree with the analysis that the aluminum tubes were intended for Iraq's nuclear program, the agencies do not conduct all source analysis. The all-source analysis agencies were evenly split on the issue of the aluminum tubes; the CIA and DIA assessed the tubes were intended for a nuclear program and the DOE and State Department's Bureau of

[36] NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA)

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Intelligence and Research (INR) assessed they were probably not. The all-source agencies were split three to one on the issue of nuclear reconstitution – the CIA, DIA and DOE assessed that Iraq was reconstituting its nuclear program, while INR assessed that Iraq's activities did not add up to a compelling case that Iraq was currently pursuing an "integrated and comprehensive approach to acquire nuclear weapons." The unclassified paper did not include the explanation that the DOE, the IC's nuclear experts, specifically disagreed with the assessment that the aluminum tubes were intended for Iraq's nuclear program.

(U) The Vice Chairman of the NIC and the NIOs who drafted the classified NIE told Committee staff that the statement in the unclassified white paper – "most intelligence specialists assess" the tubes are intended for a nuclear program – was used because the NIC does not refer to disagreements between intelligence agencies in unclassified documents out of concern that the country being discussed would be tipped off to a potential cover story. For example, by publishing in an unclassified paper that a U.S. intelligence agency believed the tubes were intended for a rocket program, Iraq could learn that such a use was believable and could plausibly argue to the international community that the tubes were intended for rockets, even if they were really intended for a nuclear program.

2. Biological Weapons

(U) The main differences between the biological sections of the classified NIE and the unclassified white paper centered on the removal of the words "we judge" from two of the assessments included in the key judgments of both papers. The classified NIE contained the following two assessments:

- 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.

- We judge that Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives.

In the unclassified paper the words "we judge" were removed from both sentences which changed the assessments to statements of fact.

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(U) In addition, following the statement that "Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives" the unclassified white paper included the phrase "potentially against the U.S. Homeland." This phrase had not been included in the BW key judgments of the classified NIE. Text referencing Iraq's potential to use biological weapons against the U.S. was included in a section of the key judgments regarding when Iraq would use WMD, but the text stated that Iraq would attempt such attacks "if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge" and said that such attacks would probably be carried out by special forces or intelligence operatives.

3. Chemical Weapons

(U) The chemical sections of the classified NIE and the unclassified white paper differed in two respects. Again, the caveats or explanations of the IC's uncertainty regarding the WMD programs were removed for the unclassified version. First, the words "we assess" were removed from the sentence in the classified NIE,

> We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX . . . .

The unclassified white paper said,

> Baghdad had begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX.

(U) Second, the words "we have little specific information on Iraq's Chemical weapons (CW) stockpile" were removed from the classified NIE sentence,

> Although we have little specific information on Iraq's chemical weapons stockpile, Saddam probably has stocked at least 100 metric tons (MT) and possibly as much as 500 MT of CW agents – much of it added in the last year.

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The unclassified white paper said,

> Saddam probably has stocked a few hundred metric tons of CW agents.

(U) In both cases, eliminating these words from the chemical section of the unclassified paper portrayed the IC as far more certain of Iraq's chemical weapons program and chemical stocks than it actually was.

4. Delivery Systems

(U) The classified and unclassified versions of the delivery sections of the NIE differed only in the assessment regarding unmanned aerial vehicles (UAVs). The classified NIE assessed that Iraq was developing a UAV "probably intended to deliver biological warfare agents, but included a footnote which noted,

> The Director, Intelligence, Surveillance, and Reconnaissance, U.S. Air Force, does not agree that Iraq is developing UAVs *primarily* intended to be delivery platforms for chemical and biological warfare (CBW) agents. The small size of Iraq's new UAV strongly suggests a primary role of reconnaissance, although CBW delivery is an inherent capability.

The unclassified paper eliminated the footnote and changed the assessment to say,

> Iraq maintains . . . several development programs, including for a UAV most analysts believe probably is intended to deliver biological warfare agents.

(U) In eliminating the U.S. Air Force (USAF) footnote, the unclassified paper is missing an alternative explanation for the mission of the UAV and is missing the fact that USAF intelligence, the IC agency with primary responsibility for technical analysis on UAV programs, did not agree with the assessment that the UAVs were probably intended for unconventional weapons delivery, as asserted in the key judgments of the classified NIE.

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B. Primary Differences in the Key Judgments of the Classified National Intelligence Estimate (NIE) and Unclassified White Paper

Classified NIE	White Paper
We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of United Nations (UN) resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade. (See INR alternative view at the end of these key judgments.)	Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade.
We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts.	Baghdad hides large portions of Iraq's WMD efforts.
In the view of most agencies, Baghdad is reconstituting its nuclear weapons program.	Most analysts assess Iraq is reconstituting its nuclear weapons program.
Most analysts believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors . . . provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for Baghdad's nuclear weapons program. (DOE agrees that reconstitution of the nuclear program is underway but assess that the tubes probably are not part of the program.)	Iraq's aggressive attempts to obtain proscribed high-strength aluminum tubes are of significant concern. All intelligence experts agree that Iraq is seeking nuclear weapons and that these tubes could be used in a centrifuge enrichment program. Most intelligence specialists assess this to be the intended use, but some believe that these tubes are probably intended for conventional weapons programs.
We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX.	Baghdad has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX.
Although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons (MT) and possibly as much as 500 MT of CW agents – much of it added in the last year.	Saddam probably has stocked a few hundred metric tons of CW agent.
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.	All key aspects – R&D, production, and weaponization – of Iraq''s offensive BW program are active and most elements are larger and more advanced than they were before the Gulf War.
We judge that Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives.	Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, missiles, aerial sprayers, and covert operatives, including potentially against the U.S. Homeland.
Iraq maintains a small missile force and several developmental programs, including for a UAV probably intended to deliver biological warfare agents.	Iraq maintains a small missile force and several developmental programs, including for a UAV that most analysts assess probably is intended to deliver biological warfare agents.

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C. White Paper Conclusions

(U) Conclusion 85. The Intelligence Community's elimination of the caveats from the unclassified White Paper misrepresented their judgments to the public which did not have access to the classified National Intelligence Estimate containing the more carefully worded assessments.

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(U) Conclusion 86. The names of agencies which had dissenting opinions in the classified National Intelligence Estimate were not included in the unclassified white paper and in the case of the unmanned aerial vehicles (UAVs), the dissenting opinion was excluded completely. In both cases in which there were dissenting opinions, the dissenting agencies were widely regarded as the primary subject matter experts on the issues in question. Excluding the names of the agencies provided readers with an incomplete picture of the nature and extent of the debate within the Intelligence Community regarding these issues.

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(U) **Conclusion 87. The key judgment in the unclassified October 2002 White Paper on Iraq's potential to deliver biological agents conveyed a level of threat to the United States homeland inconsistent with the classified National Intelligence Estimate.**

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(a) [redacted]

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(b) [redacted]

(c) [redacted]

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XI. THE RAPID PRODUCTION OF THE OCTOBER 2002 NATIONAL INTELLIGENCE ESTIMATE ON *IRAQ'S CONTINUING PROGRAMS FOR WEAPONS OF MASS DESTRUCTION*

(U) In September 2002, in the midst of a debate about taking military action against Iraq, Congress, specifically several Members of the Senate Select Committee on Intelligence (SSCI), requested that the Intelligence Community (IC) produce an National Intelligence Estimate (NIE) on Iraq's weapons of mass destruction (WMD) programs. The IC had not produced an in-depth, comprehensive, coordinated IC assessment of Iraq's WMD programs since the production of the December 2000 Intelligence Community (IC)Assessment, *Iraq: Steadily Pursuing WMD Capabilities* and had never produced an NIE devoted to Iraq's WMD programs.

(U) In an unclassified letter dated September 9, 2002, Senator Richard Durbin wrote to Director of Central Intelligence (DCI) Tenet, expressing concern that the IC had not drafted an NIE on the status of Iraq's WMD program, and requested that the DCI "direct the production" of such an NIE – expressing the belief that "policymakers in both the executive branch and the Congress will benefit from the production of a coordinated, consensus document produced by all relevant components of the Intelligence Community" on this topic. Senator Durbin also requested that the DCI "produce an unclassified summary of this NIE" so "the American public can better understand this important issue."

(U) On September 10, 2002, then Committee Chairman Bob Graham sent a second letter to DCI Tenet requesting the production of an NIE, "on the status of Iraq's programs to develop weapons of mass destruction and delivery systems; the status of the Iraqi military forces, including their readiness and willingness to fight; the effects a U.S.-led attack on Iraq would have on its neighbors; and Saddam Hussein's likely response to a U.S. military campaign designed to effect regime change in Iraq."

(U) On September 13, 2002, Senator Diane Feinstein wrote to President Bush to request his assistance in ensuring that the DCI prepare, on an immediate basis, an NIE "assessing the nature, magnitude and immediacy of the threat posed to the United States by Iraq." Senator Feinstein added that "there has not been a formal rigorous Intelligence Community assessment, such as a National Intelligence Estimate, addressing the issues relating to Iraq, and I deeply believe that such an estimate is vital to Congressional decision making, and most specifically, any resolution which may come before the Senate."

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(U) On September 17, 2002, Senator Carl Levin, SSCI Member and Chairman of the Senate Armed Services Committee, wrote to DCI Tenet stating that it was "imperative" for the IC to prepare an NIE on Iraq, "including the central question of the current state of Iraq's weapons of mass destruction programs." Senator Levin asked that the NIE address a number of issues including Iraq's WMD holdings, development facilities, acquisition activities, denial and deception activities, deployment, doctrine for employment, means of delivery; the likelihood that Saddam Hussein would use WMD against the U.S., our allies, or our interests; the likelihood that Iraq would comply with UN resolutions; and Iraq's terrorist activities.

(U) During a September 17, 2002 SSCI Committee hearing, Senator Richard Lugar noted that an NIE had not been produced on Iraq and said that the President, therefore, did not have the benefit of such an Estimate. The DCI responded that the IC had written several NIEs on the world wide missile threat which each included discussions of Iraq's WMD programs and said, "I see the President every morning, six days a week. He gets the intelligence I provide . . ."

(U) Nevertheless, the National Intelligence Officer (NIO) for Strategic and Nuclear Programs, testified at an October 2, 2002 SSCI hearing that the DCI did direct him to prepare an NIE and he had begun to work on it as soon as he became aware of Senator Graham's request. The NIO testified that the NIE had been completed in just three weeks, noting, "normally, Estimates take months to put together. To put one together in a matter of weeks, especially one with the depth this has, is fast-paced." The Vice Chairman of the National Intelligence Council (NIC) told Committee staff that a due date of October 1, 2002 had been worked out between the Central Intelligence Agency's (CIA) Office of Congressional Affairs and the Committee. Neither CIA's Office of Congressional Affairs nor the Committee have documentation to show that such a deadline was established.

(U) During the course of the Committee's review of the intelligence assessments on Iraq's WMD programs, several analysts involved with the production of the October 2002 NIE, including analysts from the Central Intelligence Agency, Department of Energy (DOE), Defense Intelligence Agency (DIA) and the Department of State's Bureau of Intelligence and Research (INR), commented on the unusually rapid time frame for completion of this document. Many of these analysts believed that the rapid time period in which the NIE was produced negatively impacted the quality of the final document. Several indicated that, if they had more time, they would have been able to more carefully consider how the language in the document portrayed their analysis, but many also said that they believed their "bottom line" judgments would have remained the same. The analysts' comments about the fast pace of the NIE's production follow below.

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- An INR chemical and biological weapons (CBW) analyst told Committee staff, "there's no question in my mind that the process was rushed and I've never participated in an NIE that was coordinated in the manner in which this was." The analysts said that more time would have allowed, "the key judgments to better reflect what was in the back of the book . . . we failed in adequately coordinating the key judgments." He noted that this is a particular concern because many readers do not read more than the key judgments.

- A DOE analyst told Committee staff that "if we would have been allowed more time . . . possibly some of the issues that are being sifted through during these discussions here would have been hashed out more at the working level throughout the Intelligence Community. Some of the pieces of evidence that we have found that contradict others' assertions may have been able to be laid out better on the table and we would have had a better understanding, maybe, of others' views through written product."

- A CIA nuclear analyst said that "the comments in regards to vigorously pursuing uranium from Africa without caveat are ones that I would look back and say that I wish that we had bothered to caveat that statement. Just from a trade craft perspective, we usually don't say things with absolute certainty unless we have absolute proof." He said that the fast pace of the NIE "contributed to, I think, to what should have been a caveated statement and not catching that at the time."

- A DOE analyst said, "people were coming to the table in the process that normally takes four to six months to work its way through, with several meetings and a little bit of blood on the floor, and lots of good scientific debate did not occur."

- A CIA chemical weapons (CW) analyst stated that the amount of time given the analysts to complete the NIE was "extremely unusual," and that while she would have liked to have seen some "word smithing" changes to the document, she noted that "none of the bottom lines we would have changed." She added that "mainly we would have liked to have had time to look over the draft again after we provided all of our changes and the other agencies had provided their changes."

- A CIA biological weapons (BW) analyst told Committee staff, "we had enough time to comment, and analytically I didn't have any problems with it, but we made some errors." She noted that the statement in the key judgments of the NIE that Baghdad had chemical and biological weapons, "does not as accurately reflect the body of the text as it could."

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She said, "you can extrapolate that we assessed Baghdad did have biological and chemical weapons, but it would have been more accurate if one of the caveats which you see in the text had been included in that sentence." She said it would have been more accurate to say "we assess that Baghdad has chemical and biological weapons."

- A CIA CW analyst also told Committee staff that "we would have felt more comfortable with 'we judge that' Iraq has chemical and biological weapons," rather than "Iraq had chemical and biological weapons" as stated in the key judgments of the NIE. She also pointed out that the key judgments said, "Iraq's chemical industry was rebuilt primarily to support the CW program," but said, "we don't think it was 'primarily.' We think that the program was benefitting from it, but we don't think that's why they were rebuilding the industry."

- An INR analyst told Committee staff that although he did not agree with the NIE's key judgments statement that Iraq was developing a "UAV (unmanned aerial vehicle) probably intended to deliver biological warfare agents." When asked why he did not join the Air Force's footnote he said, "it's probably an example of the speed of the process."

- A senior INR analyst said, ". . . you don't really have much time, even in a two-day meeting that covers one country's entire WMD and delivery system capabilities as well as a section on doctrine and a terrorism section, to really get down in the weeds and make sure you feel comfortable in understanding all of the analytic processes and thoughts that went into how the drafting agency put their words together. It just doesn't happen."

(U) Most analysts believed that the errors or inconsistencies that would have been caught were not problems that would have changed their fundamental judgments about Iraq's weapons of mass destruction programs. Some also pointed out that much of the text for the NIE had been pulled from previously written and coordinated IC products, meaning that analysts had previously had the opportunity to comment on the language.

- A CIA delivery system analyst noted that ". . . this was pulled together from pieces of stuff we'd already written, so it wasn't as well polished as we would like. It didn't flow very well. It was pieces pulled together. But we couldn't argue with what was said because this is what we had written in previous publications."

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- A DOE analyst said, "I don't really think [the NIE] suffered, because . . . we got our position in there about the [aluminum] tubes and what we thought. . . . So I did think it turned out fair in the end, in my opinion."

A. Rapid Production of the National Intelligence Estimate Conclusions

(U) Conclusion 88. The Intelligence Community should have been more aggressive in identifying Iraq as an issue that warranted the production of a National Intelligence Estimate (NIE) and should have initiated the production of such an Estimate prior to the request from Members of the Senate Select Committee on Intelligence.

(U) [redacted]

(U) Conclusion 89. While more time may have afforded analysts the opportunity to correct some minor inaccuracies in the National Intelligence Estimate (NIE), the Committee does not believe that any of the fundamental analytical flaws contained in the NIE were the result of the limited time available to the Intelligence Community to complete the Estimate.

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XII. IRAQ'S LINKS TO TERRORISM

A. Intelligence Products Concerning Iraq's Links to Terrorism

(U) The Central Intelligence Agency (CIA) produced five primary finished intelligence products on Iraq's links to terrorism:

- a September 2001 paper;
- an October 2001 paper;
- *Iraq and al-Qaida: Interpreting a Murky Relationship,* June 2002;
- *Iraqi Support for Terrorism,* September 2002 and
- *Iraqi Support for Terrorism,* January 2003.

B. September and October 2001 Papers

(U) Shortly after the September 11, 2001 terrorist attacks, the Director of Central Intelligence's (DCI) Counterterrorism Center (CTC) and the CIA Near East and South Asia office (NESA)[37] collaborated on a paper on Iraqi links to the September 11th attacks. This was the CIA's first attempt to summarize the Iraqi regime's ties to 9/11. The paper was disseminated to President's Daily Brief (PDB) principals on September 21, 2001. The Committee was not informed about the existence of this paper until June 2004. According to the CIA, the paper took a "Q&A" approach to the issue of Iraq's possible links to the September 11th attacks.

(U) Soon afterward, the NESA drafted a paper that broadened the scope of the issue by looking at Iraq's overall ties to terrorism. The Committee requested a copy of this October 2001 document, but representatives of the DCI declined to provide it, stating:

> . . . we are declining to provide a copy of the paper. It was drafted in response to a request from a Presidential Daily Brief (PDB) recipient, and the final paper was

[37]The Near East and South Asia (NESA) is the CIA Directorate of Intelligence (DI) office responsible for analyzing events in the Near East, including Iraq.

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disseminated only to the PDB readership. Accordingly, it is not available for further dissemination.[38]

C. Iraq and al-Qaida: Interpreting a Murky Relationship, June 2002

(U) Following the publication of the October 2001 paper, the CTC began drafting another paper that would eventually become *Iraq and al-Qaida: Interpreting a Murky Relationship*. The paper was drafted based on widely expressed interest on the part of several senior policy makers, according to CIA. Throughout the drafting process (October 2001 to June 2002), the two offices took different approaches to assessing Iraq's links to terrorism as a result of their different missions and perspectives. According to the CIA's Ombudsman for Politicization, the CTC was aggressive in drawing connections to try to produce information that could be used to support counterterrorism operations, while the NESA took a traditional analytic approach, confirming intelligence with multiple sources and making assessments only based on strongly supported reporting. Analysts worked on several drafts over the eight month drafting period, but CTC management found them unsatisfactory and ultimately produced a draft without NESA's coordination.

(U) The Deputy Director for Intelligence (DDI) directed that *Iraq and al-Qaida: Interpreting a Murky Relationship* be published on June 21, 2002, although it did not reflect the NESA's views. CTC's explanation of its approach to this study and the analysts' differing views were contained in the paper's Scope Note, which stated:

> **(U)** This intelligence assessment responds to senior policymaker interest in a comprehensive assessment of Iraqi regime links to al-Qa'ida. Our approach is purposefully aggressive in seeking to draw connections, on the assumption that any indication of a relationship between these two hostile elements could carry great dangers to the United States.

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[38] The President's Daily Brief (PDB) has not been provided to Congress in the past by the executive branch. Committee staff notes, however, that the National Commission on Terrorist Acts Upon the United States (known as the 9-11 Commission) reached an agreement with the White House for access to the PDB and other intelligence items. The declination to provide the October 2001 CIA paper is an expansion of the historic practice to include other documents beyond the PDB. The CIA has provided the Committee items included in the PDB as long as they were also published separately as finished intelligence or in other finished products.

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- (U) We reviewed intelligence reporting over the past decade to determine whether Iraq had a relationship with al-Qa'ida and, if so, the dimensions of the relationship.

- ([redacted]) Our knowledge of Iraqi links to al-Qa'ida still contains many critical gaps [redacted]

(U) Some analysts concur with the assessment that intelligence reporting provides "no conclusive evidence of cooperation on specific terrorist operations," but believe that the available signs support a conclusion that Iraq has had sporadic, wary contacts with al-Qaida since the mid-1990s, rather than a relationship with al-Qaida that has developed over time. These analysts would contend that mistrust and conflicting ideologies and goals probably tempered these contacts and severely limited the opportunities for cooperation. These analysts do not rule out that Baghdad sought and obtained a nonaggression agreement or made limited offers of cooperation, training, or even safehaven (ultimately uncorroborated or withdrawn) in an effort to manipulate, penetrate, or otherwise keep tabs on al-Qaida or selected operatives.

(U) The NESA believed that this edited Scope Note did not adequately capture the differences between the two offices over the weighing and interpretation of the supporting intelligence reports.

(U) The CIA Ombudsman for Politicization received a confidential complaint four days after the paper was published, on June 25, 2002, claiming the CTC paper was misleading, in that it did not make clear that it was an uncoordinated product that did not reflect the NESA's views and assessments. The CIA created the position of Ombudsman for Politicization in 1992 to respond to alleged issues of politicization and analytic distortion. According to the Ombudsman's Charter, the position serves as an "independent, informal, and confidential counselor for those who have complaints about politicization, biased reporting, or the lack of objective analysis." The Ombudsman reports directly to the DCI. The complaint and subsequent inquiry is discussed later in this report under *Pressure on Intelligence Community Analysts*.

(U) The Committee Staff interviewed the Deputy Director for Intelligence on the production of this paper, and asked specifically why the analysts' approach was purposefully aggressive. She explained that:

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What happened with the "murky paper" was I was asking the people who were writing it to lean far forward and do a speculative piece. If you were going to stretch to the maximum the evidence you had, what could you come up with?

D. Alternate Analysis in the Office of the Under Secretary of Defense for Policy

(U) Independent of the IC's reviews of potential Iraqi links to terrorism, the Department of Defense Office of the Under Secretary of Defense for Policy (OUSDP), established a team called the Policy Counterterrorism Evaluation Group (PCTEG) which was responsible for studying ". . . the policy implications of relationships among terrorist groups and their sources of support." Following the September 11th attacks, OUSDP brought on two individuals as consultants. According to the two consultants, their work included looking at intelligence information related to all terrorist groups, the links between them, and the roles of state sponsors.

(U) One of these consultants stated that he was told that the Under Secretary of Defense for Policy and the Secretary of Defense were dissatisfied with the intelligence products they were receiving from the Intelligence Community on terrorism and linkages between terrorist groups worldwide. This individual also stated that he and a colleague had gone to the CTC and to the Defense Intelligence Agency (DIA) to review what work they were doing on link analysis and relationships between terrorist groups and state sponsors. They found that the analysis was not being done, and stated that they believed their requests for assistance were being ignored.

(U) When the consultants departed, in December of 2001 and January 2002, two naval reserve intelligence officers were brought in to replace them. These two officers became the Policy Counterterrorism Evaluation Group (PCTEG). The PCTEG reviewed information more specific to al-Qaida and focused partly on al-Qaida's ties to Iraq, according to one of the PCTEG members who was interviewed by Committee staff. He stated that he believed his work with the Policy Counterterrorrism Evaluation Group was "to look at the network of al-Qaida, and that includes state sponsors, that includes front companies, relations with other terrorist groups. In effect, let's figure out what al-Qaida is. And that's what I was doing." He also stated that he was brought into the Office of the Under Secretary of Defense for Policy to "do analysis of terrorist groups, their linkages" by looking at both raw and finished IC products.

(U) The OUSDP also requested that the DIA Director detail a specific intelligence analyst to assist in a number of intelligence-related activities. That detail began in January 2002. She reviewed the CIA assessment *Iraq and al-Qaida: Interpreting a Murky Relationship* and other

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intelligence reporting. The detailee also provided assessments of the IC's analysis to policymakers in the Office of the Under Secretary of Defense for Policy.

(U) The Under Secretary of Defense for Policy stated in his July 2003 briefing to the Committee, "In the course of reviewing old stuff [the PCTEG] found some things that looked very interesting in the year 2002 that apparently didn't register with people or were not given great prominence either at the time or in the more recent work." The Under Secretary was referring to the work done by the DIA detailee assigned to the OUSDP's Policy Support Staff, not the PCTEG. Documents provided to the Committee by the Under Secretary indicated that the detailee found some intelligence reporting that she did not believe had been adequately incorporated into finished analysis.

(U) During an interview with Committee staff, the DIA detailee recounted that she had begun researching the Iraqi Intelligence Service (IIS) on her own, and discovered intelligence reporting from the mid-1990s that had not been incorporated into more recent finished products. She indicated that she had accumulated this material and had passed it, with her own comments, up the OUSDP chain of command. The detailee also stated that she had taken the intelligence she had discovered to the DIA and asked that it be republished or incorporated into finished products, but that the DIA elements she contacted were not interested in the information.

(U) The detailee also reviewed the CIA's *Iraq and al-Qaida: Interpreting a Murky Relationship* assessment and provided her analysis of the paper. In her analysis of the assessment, the detailee stated that the CIA provided a great deal of evidence in support of a relationship between Iraq and al-Qaida, but stopped short of providing the bottom line. Her analysis stated:

> The ["Murky"] report provides evidence from numerous intelligence sources over a decade on the interactions between Iraq and al-Qaida. In this regard, the report is excellent. Then in its interpretation of this information, CIA attempts to discredit, dismiss, or downgrade much of this reporting, resulting in inconsistent conclusions in many instances. Therefore, the CIA report should be read for content only – and CIA's interpretation ought to be ignored.

(U) The DIA detailee's critique was sent by the Under Secretary of Defense for Policy to both the Deputy Secretary of Defense and the Secretary of Defense.

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(U) On July 22, 2002, the DIA detailee sent an e-mail to a Deputy Under Secretary for Policy recounting a meeting that day with a senior advisor to the Under Secretary. The e-mail reported that the senior advisor had said that the Deputy Secretary had told an assistant that he wanted him ". . . to prepare an intel briefing on Iraq and links to al-Qaida for the SecDef and that he was not to tell anyone about it." The e-mail also referred to "the Iraqi intelligence cell in OUSD(P)." The Under Secretary of Defense for Policy later explained to the Committee that the term "intelligence cell" referred to the PCTEG and other OSD staffers and their study of intelligence reports.

(U) Incorporating the DIA detailee's work and the analysis done by the two naval reserve officers assigned to the PCTEG, a special assistant from the Office of the Deputy Secretary of Defense created a set of briefing slides in the summer of 2002 that outlined the Office of the Secretary of Defense (OSD) views of the relationship between Iraq and al-Qaida and criticized the Intelligence Community (IC) for its approach to the issue.

(U) The briefing slides contained a "Summary of Known Iraq – al-Qaida Contacts, 1990-2002," including an item "2001: Prague IIS Chief al-Ani meets with Mohammed Atta in April." Another slide was entitled "Fundamental Problems with How Intelligence Community is Assessing Information." It faulted the IC for requiring "juridical evidence" for its findings. It also criticized the IC for "consistent underestimation" of efforts by Iraq and al-Qaida to hide their relationship and for an "assumption that secularists and Islamists will not cooperate." A "findings" slide summed up the Iraq – al-Qaida relationship as "More than a decade of numerous contacts," "Multiple areas of cooperation," "Shared interest and pursuit of WMD," and "One indication of Iraq coordination with al-Qaida specifically related to 9/11."

(U) One of the naval reservists from the PCTEG and the Defense Intelligence Agency (DIA) detailee to the Policy Support Staff presented the briefing, which was developed by the special assistant from the Office of the Deputy Secretary of Defense, to the Secretary of Defense in early August 2002.

(U) After the briefing, the Deputy Secretary sent a note to the briefers, the Under Secretary and the Under Secretary's Special Advisor, which included:

> That was an excellent briefing. The Secretary was very impressed. He asked us to think about some possible next steps to see if we can illuminate the differences between us and CIA. The goal is not to produce a consensus product, but rather to scrub one another's arguments.

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One possibility would be to present this briefing to senior CIA people with their Middle East analysts present. Another possibility would be for the Secretary and the DCI to agree on setting up a small group with our people combined with their people to work through those points on which we agree and those points on which we disagree, and then have a session in which each side might make the case for their assessment.

(U) On August 15, 2002, the same OUSDP briefing was presented to the DCI, the Deputy Directors for Intelligence and Operations, and a number of other CIA officials and analytic managers. The Department of Defense delegation included the Under Secretary for Policy, the two briefers, the DIA Director, the Joint Staff Director for Intelligence and the Assistant Secretary of Defense for Intelligence, among others. The briefing did not include the slide criticizing the IC analysis that was included in the briefing presented to the Secretary of Defense. Following the briefing, the DCI requested that the two OUSDP briefers speak with the CTC and the NESA experts on Iraq and terrorism.

(U) In a memorandum to an OUSDP official the following day, one of the PCTEG naval reserve officers wrote, "Our trip to CIA can be characterized as a success in that after our brief DCI Tenet agreed to reconsider the relationship of al-Qaida and Iraq." The reserve officer added that the DCI had agreed to postpone the release of a finished product on that subject until the CIA, DIA and the OUSDP staffers could "attempt to come to some consensus." When asked about his reaction to the briefing, the DCI stated that he "didn't think much of it" and that he "didn't see anything that broke any new ground for me."

(U) As stated in the naval reserve officer's note to his superiors, the DCI agreed to postpone publishing the CIA's more recent assessment of Iraq's links to terrorism, (*Iraqi Support for Terrorism*, September 2002), until analysts from the CTC, NESA, NSA, and DIA could meet with the OUSDP briefers to discuss the issue. The analysts and OUSDP staffers met on August 20, 2002. Although the analysts considered the attendance of OUSDP staffers at the meeting to be unusual, all of the meeting attendees interviewed by Committee Staff (eight of the twelve individuals) agreed that the OUSDP staffers were not given special treatment and their attendance contributed to a frank exchange of opinions.

(U) In a memorandum submitted by the two OUSDP 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." In a subsequent memorandum, the DIA detailee wrote that the participants "asked me several times to prepare footnotes on the issues I disagreed with them. I refused. I said that this was not an NIE and I was an employee in Policy, not wearing an

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intelligence hat. I could only ask why reporting was not included in finished intelligence products and to make recommendations to include it."

(U) The same OUSDP staffers also presented their briefing to the Deputy National Security Advisor and the Vice President's Chief of Staff on September 16, two days prior to the publication of the CIA assessment *Iraqi Support for Terrorism*. This briefing included the slide which criticized the IC's approach to the issue that had been in the original presentation to the Secretary of Defense. In a memorandum to the Deputy Secretary of Defense the following day, the Deputy Assistant Secretary reported, "The briefing went very well and generated further interest from Mr. Hadley and Mr. Libby," who requested a number of items, including a "chronology of Atta's travels." The briefing slides presented at this briefing had been updated to incorporate information that had been included in the draft of Iraqi Support for Terrorism, which the OUSDP staffers were probably not aware of until they reviewed the draft. The slides presented additional information on the alleged meeting in Prague between September 11 hijacker Muhammad Atta and the IIS Chief in Prague, potential common procurement intermediaries shared by Iraq and al-Qaida, and other possible connections outlined in the draft CIA assessment.

(U) Though the Under Secretary of Defense for Policy stated during his July 2003 testimony to the Committee, "I asked a team to study the policy implications of relationships among terrorist groups and their sources of support," the team members interviewed by Committee staff each noted that at some point, and often predominantly, their work involved intelligence analysis. In several interviews, OUSDP staffers indicated that they reviewed both raw and finished intelligence and did undertake their own intelligence analysis after looking at IC products and discovering that what they needed had not been produced by the IC. It was not clear, however, whether the formal tasking system had been used to funnel requests to the Intelligence Community for analysis that would suit OUSDP needs.

(U) Moreover, the Under Secretary of Defense for Policy stated in his briefing to the Committee that the briefing provided to the Secretary of Defense and later the DCI and White House staff was developed by the DIA detailee to OUSDP Policy Support Staff. During interviews with Committee staff, the two individuals who briefed the Secretary of Defense and later other officials, both stated that the briefing slides were developed by a Special Assistant to the Deputy Secretary of Defense.

(U) The Under Secretary of Defense for Policy's Policy Counterterrorism Evaluation Group (PCTEG) and the additional DIA detailee identified in this report relied on their own

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independent evaluations of intelligence reports in preparing their materials. Therefore, the Committee will evaluate the analytic products prepared by the OUSDP staffers on Iraq's potential links to al-Qaida as part of the second phase of this review to determine whether they were objective, reasonable, and accurate.

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E. Iraqi Support for Terrorism, September 2002

(U) *Iraqi Support for Terrorism* was disseminated to 12 senior officials by the CIA Directorate of Intelligence onSeptember 19, 2002; it was not drafted to respond to a specific request. CIA officials decided that new intelligence warranted another look at the issue. The initial drafter of the paper was a senior analyst from the Near East and South Asia Division, who according to his manager, worked closely with the Iraq analysts in the Counter Terrorism Center's (CTC) Office of Terrorism Analysis. The manager also indicated that the paper was later handed over to CTC to carry through the publication process and to update it as it went through that process. The assessment received only selective distribution to twelve senior Administration officials[39] due to the sensitivity of sources and methods identified in the document. A copy of this document was not provided to Congress until October 2003.

(U) Two weeks after publication of *Iraqi Support for Terrorism*, the Intelligence Community published the October 2002 *National Intelligence Estimate on Iraq's Continuing Programs for Weapons of Mass Destruction.*[40] Although the National Intelligence Estimate (NIE) did not focus explicitly on terrorism, the NIE did include key judgments regarding Saddam Hussein's potential for employing terrorist attacks, which began with the judgment, "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States fearing that exposure of Iraqi involvement would provide Washington a stronger case for making war." These judgments were similar to those found in *Iraqi Support for Terrorism.*

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[39]This assessment was shown to the Secretary of Transportation and was left with the Director of the Secret Service, Secretary of State, National Security Advisor, Deputy National Security Advisor, Under Secretary of Defense for Policy, Attorney General, Director of the Federal Bureau of Investigation, Office of the Vice President Chief of Staff, National Security Council Senior Director for Intelligence Programs, Secretary of the Treasury and Deputy Secretary of State.

[40]The NIE was produced at the request of Senator Bob Graham, then-Chairman of the SSCI. The NIE was written by the National Intelligence Council with the input of IC analysts.

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F. Iraqi Support for Terrorism, January 2003

(U) At the request of the Deputy Director of Intelligence (DDI), to broaden dissemination, the CTC edited references to the highly sensitive sources and methods that had necessitated very limited distribution of the September 2002 version. The CTC also updated the paper based on intelligence collected from detainees between September 2002 and January 2003 and coordinated this new version with the NESA. The January 2003 version of *Iraqi Support for Terrorism* was provided to Congress and was the final major terrorism analysis produced prior to commencement of hostilities.

(U) Due to the high level of consistency among the three major CIA terrorism analyses that were provided to the Committee, the January 2003 version served as the basis for the Committee's review of prewar intelligence analysis on terrorism. Any substantial differences among the reports, however, are addressed in this report.

G. CIA Assessments on Iraq's Links to Terrorism

(U) In *Iraqi Support for Terrorism*, the CIA provided the following summary:

> Iraq continues to be a safehaven, transit point, or operational node for groups and individuals who direct violence against the United States, Israel, and other allies. Iraq has a long history of supporting terrorism. During the last four decades, it has altered its targets to reflect changing priorities and goals. It continues to harbor and sustain a number of smaller anti-Israel terrorist groups and to actively encourage violence against Israel. Regarding the Iraq–al-Qaida relationship, reporting from sources of varying reliability points to a number of contacts, incidents of training, and discussions of Iraqi safehaven for Usama bin Ladin and his organization dating from the early 1990s.

(U) To arrive at this summary, the CIA examined intelligence in four main areas:

- Terrorist activities conducted by the Iraqi Intelligence Service (IIS);
- Iraqi support for terrorist activities conducted by regional terrorist groups;
- Iraqi contacts with al-Qaida; and,
- potential Iraqi use of terrorism in the event of a war with the United States.

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(U) The CIA produced several key assessments based on its examination of the available intelligence. The Committee reviewed the assessments, any prior assessments on these topics, and the intelligence reports underlying the assessments. The following sections set forth the "key" assessments, discuss the underlying intelligence, discuss any variance from prior CIA assessments, and examine the accuracy, objectivity, independence, and reasonableness of the assessments found in *Iraqi Support for Terrorism,* January 2003.

H. Terrorist Activities Conducted by the IIS

(U) The CIA assessed that "Saddam Is Most Likely to Use the IIS [Iraqi Intelligence Service] in Any Planned Terrorist Attack."

([redacted]) One of the strongest links identified by the CIA between the Iraqi regime and terrorist activities was the history of IIS involvement in training, planning, and conducting terrorist operations. Beginning before the 1991 Gulf War, intelligence reports and public records documented that Saddam Hussein used IIS operatives to plan and attempt terrorist attacks. The CIA provided 78 reports, from multiple sources, [redacted] documenting instances in which the Iraqi regime either trained operatives for attacks or dispatched them to carry out attacks. Each of the reports provided by the CIA was accurately reflected in *Iraqi Support for Terrorism* and the majority of them were summarized as examples to support the CIA's assessment.

([redacted]) [redacted] This was reflected in *Iraqi Support for Terrorism* as, ". . .Baghdad in late 1990 was training [more than 1000] Iraqis in camps southeast of Baghdad to conduct terrorist attacks on US and other coalition targets." In reporting that could be considered as corroborating these accounts, an IIS operative was killed when a bomb exploded prematurely in Manila near a U.S. facility. A similar explosive device was discovered in the U.S. Ambassador's residence in Jakarta, and two Iraqi males that had been observed casing the residence were reportedly in Indonesia with the assistance of the Iraqi embassy. [redacted]

[redacted]

[redacted] The CIA described this reporting in *Iraqi Support for Terrorism* as "[redacted] report that Baghdad sent [redacted] terrorist teams–[redacted] – to Third World countries where the IIS apparently believed that access to Western targets would be easier." The CIA also described each of the reports regarding the attempts in Manila and Jakarta in detail, [redacted]

([redacted]) Iraq continued to participate in terrorist attacks throughout the 1990s. In late 1992, a foreign government service reported on [redacted] an Iraqi who [redacted] assassinated an Iraqi nuclear-chemical engineer [redacted] at the behest of Iraqi intelligence. In 1994, another foreign government service reported that [redacted] two employees of the Iraqi Embassy who had assassinated an Iraqi dissident [redacted]. The Iraqi regime continued to target dissidents, and in February 1995 the State Department reported in a London cable on the Iraqi's use of thallium to poison oppositionists. These three items were included as examples of IIS violence against Iraqi opposition leaders and defectors abroad in *Iraqi Support for Terrorism*:

- The killing of Mu'ayyid al-Janabi, a refugee Iraqi nuclear scientist seeking asylum in Amman, Jordan, in 1992.
- The assassination of prominent Iraqi dissident Shaykh Talib al-Suhayl in Lebanon in April 1994.
- In 1995, Iraqi agents in northern Iraq used the metallic element thallium to poison several dissidents, and opposition sources say at least two were killed.

The CIA also provided five reports on more recent assassinations in which the Iraqi regime was thought to be responsible, but the evidence was not conclusive.

([redacted]) From 1996 to 2003, the IIS focused its terrorist activities on western interests, particularly against the U.S. and Israel. The CIA summarized nearly 50 intelligence reports as examples, using language directly from the intelligence reports. Ten intelligence reports, [redacted] from multiple sources, indicated IIS "casing" operations against Radio Free Europe and Radio Liberty in Prague began in 1998 and continued into early 2003. The CIA assessed, based on the Prague casings and a variety of other reporting that throughout 2002, the IIS was becoming increasingly aggressive in planning attacks against U.S. interests. The CIA

[redacted]

[redacted]

provided eight reports to support this assessment. As hostilities between the U.S. and Iraq approached in late 2002, reporting indicated increased Iraqi preparations for attacks in the Middle East and Europe. An Appendix to *Iraqi Support for Terrorism* included 43 incidents, backed up by 48 intelligence reports, citing suspicious IIS activity that resembled terrorism planning, including reports of casings, [redacted] the development of target lists, and the transfer of weapons or materiel that could be used to conduct attacks. For example, two reports suggested the IIS was targeting U.S. facilities in Turkey. [redacted] Separately, a State Department cable from Baku indicated that Iraqis were engaged in similar activities there, trying to rent properties near the U.S. Embassy.

([redacted]) Each of the previous examples were in both raw intelligence reports, and summarized in *Iraqi Support for Terrorism*. The CIA's analytic judgments regarding the likelihood of Iraq's use of the IIS to conduct terrorist attacks were also supported by actual IIS activities during OPERATION IRAQI FREEDOM. [redacted] attempted two failed terrorist attacks, one in Bahrain, and one in [redacted]. While Iraq experienced mixed results with the IIS conducting terrorist operations, the regime also supported regional terrorist groups.

I. Support for Regional Terrorist Groups

(U) The CIA assessed that:

> Iraq has a long history of supporting terrorism. . . . It continues to harbor and sustain a number of smaller anti-Israel terrorist groups and to actively encourage violence against Israel.
>
> Baghdad maintains close and overt ties to several secular Palestinian terrorist groups and with the Iraq-based Iranian Mujahedin-e Khalq (MEK).

([redacted]) The intelligence reporting relied on by the CIA in drafting this assessment in *Iraqi Support for Terrorism* indicated that the Iraqi regime had directly supported several Palestinian terrorist groups and permitted many of these groups to operate within Iraq. The CIA provided a total of 53 reports detailing the Iraqi regime's interaction with Palestinian groups. A primary example of the regime's support of Palestinian terrorist attacks against Israel [redacted]

[redacted]

[redacted] saying that Iraq paid a total of $10-15 million to the families of Palestinian suicide bombers.[41] [redacted] Throughout the 1990s, open sources also showed that Saddam Hussein was a vocal advocate of martyrdom operations against Israel. The CIA provided two reports translated by the Foreign Broadcast Information Service as examples of his statements in support of the Palestinians, one of which described speeches in which Saddam urged the Arab nation to rise up against Israel and the U.S., and another which included Palestinian students thanking him for erecting a statue in honor of a Palestinian suicide bomber.

(U) During the Gulf War, Saddam Hussein enlisted the aid of the Palestinian Liberation Front (PLF) to attempt terrorist attacks. The PLF, most famous for the 1985 hijacking of the *Achille Lauro*, and after 1990 when the PLF headquarters was established in Baghdad, relied wholly on Iraq for financial support and training. The PLF failed to carry out successful operations during the Gulf War in 1991 and drew criticism from Iraqi officials at the time. Regardless, the leader of the PLF, Abu 'Abbas remained in close contact with the regime. According to *Iraqi Support for Terrorism*:

[redacted]

The sensitive reporting, which was from a foreign government service, reported on the arrest of an individual who attempted to cross from [redacted] in a car filled with explosives. The service had identified the individual as a member of the PLF, who had purchased the car from an Iraqi intelligence officer.

([redacted]) [redacted] The CIA assessed that the PLF could still be used by the Iraqi regime to conduct attacks, because the PLF had relied wholly on Iraq for financial support and training since 1990. A report [redacted] stated, however, that Abu Abbas would have refused to conduct attacks on behalf of Iraq, and [redacted]

---

[41] [redacted]

[redacted]

[redacted]

reports, [redacted] that PLF members in Iraq were preparing for attacks against U.S. forces in the event of war. The analysts assessed that the PLF could be convinced to conduct attacks against U.S. targets on behalf of Iraq based on foreign government service reporting, and the fact that the PLF relied wholly on Iraq.

([redacted]) *Iraqi Support for Terrorism* also assessed that other Palestinian groups such as the Abu Nidal Organization (ANO), the Arab Liberation Front, and the 15 May Organization, though largely inactive in recent years, could have acted as surrogates to conduct terrorist attacks for the Iraqi regime. The CIA provided ten reports, from multiple sources, including reports from foreign government services, substantiating the Iraqi regime's relationship with the Abu Nidal Organization. While most of the reports, [redacted] provide historical context, [redacted]

([redacted]) With regard to the Arab Liberation Front (ALF) CIA provided six reports on ALF-Iraq ties. These reports from a foreign government service, indicate that Saddam provided approximately $10 million to $15 million to martyrs families, [redacted]

([redacted]) [redacted]

([redacted]) Reports from multiple sources also indicated the regime was attempting to build relationships with other Palestinian and anti-Israel groups, the Popular Front for the Liberation of Palestine – General Command (PFLP-GC), Hamas, Palestinian Islamic Jihad (PIJ), and Hizballah, but was having only marginal success. The CIA provided four reports from multiple sources on the PFLP-GC and links to the Iraqi regime. [redacted]

[redacted]

[redacted]

[redacted]

([redacted]) The CIA provided seven reports on Iraq-Hamas ties. One foreign government service reported that Iraqi officials were meeting with Hamas representatives. The CIA provided two Foreign Broadcast Information Service (FBIS) reports in which Hamas leader Abd-al-Aziz al-Rantisi called upon Iraq to use "martyrdom" operations against the U.S. [redacted] This was reflected in *Iraqi Support for Terrorism* as ". . .Hamas will not cross the 'red line' and target U.S. interests in the event of a war with Iraq."

([redacted]) The CIA provided six reports to suggest that the PIJ had a similar approach to Iraq, but was further removed than Hamas in that it would not accept support from the Iraqi regime because it questioned the regime's motives. [redacted]

([redacted]) The CIA assessed that Hizballah was also standoffish toward Iraq. In *Iraqi Support for Terrorism*, the CIA stated that,

> [redacted] Iraq has made [redacted] overtures seeking increased cooperation with Hizballah. Hizballah has rebuffed the Iraqi offers– [redacted], according to a variety of reporting.

([redacted]) [redacted]

[redacted]

[redacted]

([redacted]) The CIA also provided eight reports from multiple sources on the Iraqi regime's relationship with the Iraq-based Mujahidin e-Khalq. To support its assessments that:

> Iraq provides bases, equipment, training, force protection, and probably funding to the MEK . . . The group is by far the most active of Iraq's terrorist partners . . . The MEK maintains bases in east-central Iraq near the Iranian border and periodically trains with the Iraqi armed forces, according to a variety of reporting . . . MEK forces perform some internal security functions for the Iraqi regime . . . .

The CIA provided [redacted] reports on the MEK's bases in eastern Iraq, [redacted] The [redacted] on MEK cross-border attacks in Iran, and [redacted] indicated that the MEK had been trained in conventional and terrorist tactics by the Iraqi regime, and [redacted]

J. Iraq's Relationship with al-Qaida

(U) The CIA assessed that:

> Regarding the Iraq–al-Qaida relationship, reporting from sources of varying reliability points to a number of contacts, incidents of training, and discussions of Iraqi safehaven for Usama bin Ladin and his organization dating from the early 1990s . . . .

[redacted]

[redacted]

Iraq's interaction with al-Qaida is impelled by mutual antipathy toward the United States and the Saudi royal family and by bin Ladin's interest in unconventional weapons and relocation sites. In contrast to the patron-client pattern between Iraq and its Palestinian surrogates, the relationship between Iraq and al-Qaida appears to more closely resemble that of two independent actors trying to exploit each other – their mutual suspicion suborned by al-Qaida's interest in Iraqi assistance, and Baghdad's interest in al-Qaida's anti-U.S. attacks . . . .

The Intelligence Community has no credible information that Baghdad had foreknowledge of the 11 September attacks or any other al-Qaida strike, but continues to pursue all leads.

(U) In *Iraqi Support for Terrorism*, the CIA acknowledged the poor intelligence collection on both the Iraqi regime and al-Qaida leadership. Further, with respect to the information that was available, the CIA specifically noted that the information was from sources of "varying reliability." To address this issue, the CIA included a great deal of source information describing the varying degrees of reliability among the supporting intelligence reporting. A CTC analyst specified that:

It says this is what we have. In some cases it characterizes the reporting. This is the quality of it. These are the things we don't like about it. But here's what it says. Because we wanted to make sure we included everything.

Due to the limited amount and questionable quality of reporting on the leadership intentions of Saddam Hussein and Usama bin Ladin, the CIA was unable to make conclusive assessments in *Iraqi Support for Terrorism* regarding Iraq's relationship with al-Qaida. The CIA stated in the Scope Note:

Our knowledge of Iraq's ties to terrorism is evolving [redacted] . . . .

This paper's conclusions–especially regarding the difficult and elusive question of the exact nature of Iraq's relations with al-Qaida–are based on currently available information that is at times contradictory and derived from sources with varying degrees of reliability . . . .

[redacted]

[redacted]

While our understanding of Iraq's overall connections to al-Qaida has grown considerably, our appreciation of these links is still emerging.

(U) The CIA relied on intelligence reporting on four additional subjects which they believed would provide circumstantial insight into that relationship. Therefore, Iraq's relationship with al-Qaida is subcategorized in the five following areas:

- Leadership,
- Contacts,
- Training,
- Safehaven, and
- Operational Cooperation.

K. Leadership Reporting

(U) In *Iraqi Support to Terrorism*, the CIA stated that it did not have specific intelligence reports that revealed Saddam Hussein's personal opinion about dealing with al-Qaida. Instead, analysts looked at Saddam Hussein's record for dealing with extremists and assessed in *Iraqi Support for Terrorism* that he generally viewed Islamic extremism, including the school of Islam known as Wahhabism, as a threat to his regime, noting that he had executed extremists from both the Sunni and Shi'a sects to disrupt their organizations. The CIA provided two specific HUMINT reports that support this assessment, both of which indicated that Saddam Hussein's regime arrested and in some cases executed Wahhabists and other Islamic extremists that opposed him. The CIA also provided a HUMINT report [redacted] that indicated the regime sought to prevent Iraqi youth from joining al-Qaida.

(U) Consistent with inadequate intelligence on Saddam Hussein's intentions or views toward al-Qaida, the CIA had limited intelligence reporting on the al-Qaida leadership's decisions regarding a relationship with Iraq. [redacted] the CIA used [redacted] reporting from al-Qaida detainee debriefings, to judge bin Ladin's attitude toward a relationship with Saddam Hussein. The limited reporting available to analysts on al-Qaida's attitude toward cooperating with the Iraqi regime was contradictory. Some reports indicated a desire to seek assistance from Saddam Hussein and others indicated al-Qaida leaders were opposed to any association with the secular Iraqi regime. Information [redacted] noted an internal struggle within al-Qaida over the wisdom of working with the Iraqis. The CIA explained this in *Iraqi Support for Terrorism*, noting:

[redacted]

[redacted]

[redacted]

([redacted]) The most important al-Qaida detainees that commented on interaction with Iraq were [redacted]. Khalid Shaikh Muhammad, who was captured after the January 2003 publication of *Iraqi Support for Terrorism*, also commented on the relationship between Iraq and al-Qaida. His comments tracked with other detainees' comments, and they are included here for additional corroboration.

L. Detainee Debriefings – Comments on the Relationship

1. Abu Zubaydah

([redacted]) The CIA provided four reports detailing the debriefings of Abu Zubaydah, a captured senior coordinator for al-Qaida responsible for training and recruiting. Abu Zubaydah said that he was not aware of a relationship between Iraq and al-Qaida. He also said, however, that any relationship would be highly compartmented and went on to name al-Qaida members who he thought had good contacts with the Iraqis. For instance, Abu Zubaydah indicated that he had heard that an important al-Qaida associate, Abu Mus'ab al-Zarqawi, and others had good relationships with Iraqi Intelligence. [redacted]. During the debriefings, Abu Zubaydah offered his opinion that it would be extremely unlikely for bin Ladin to have agreed to ally with Iraq, due to his desire to keep the organization on track with its mission and maintain its operational independence. In *Iraqi Support for Terrorism*, Abu Zubaydah's information is reflected as:

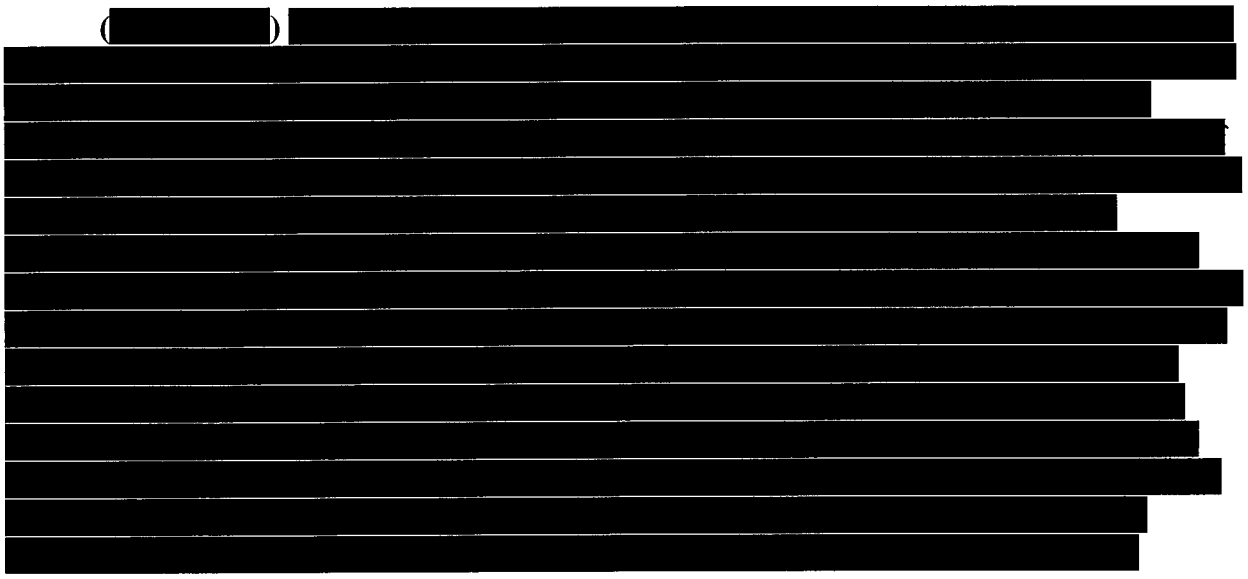
> [redacted] Abu Zubaydah opined that it would have been "extremely unlikely" for bin Laden to have agreed to "ally" with Iraq, but he acknowledged it was possible there were al-Qaida–Iraq communications or emissaries to which he was not privy.

[redacted]

[redacted]

([redacted]) 2. [redacted]

([redacted])



3. Khalid Shaikh Muhammad

(U) For purposes of comparison, Committee staff requested information from the CIA on Khalid Shaikh Muhammad's (KSM) comments on an Iraq–al-Qaida relationship. The CIA provided a one page response to the staff's request that stated that Khalid Shaikh Muhammad, the planner of the September 11, 2001 terrorist attacks against the United States, also maintained that he was unaware of any collaborative relationship between al-Qaida and the former Iraqi regime, citing ideological disagreements as an impediment to closer ties. In addition, he was unable to corroborate reports that al-Qaida associate Abu Mus'ab al-Zarqawi had traveled to Iraq to obtain medical treatment for injuries sustained in Afghanistan.

(U) The CIA assessed that KSM probably is accurately describing his understanding of the relationship. Most reporting indicates that KSM did not join al-Qaida until the late 1990s and did not enter the top echelon of its decision-making leadership until after the September 11, 2001 attacks. Prior to September 2001, he was an important operational planner but had a limited role in the administration of al-Qaida. He therefore may not have been privy to many activities pursued by other parts of the group, which could include contacts with Iraq.

[redacted]

[redacted]

M. Contacts Between the Iraqi Regime and al-Qaida

([redacted]) *Iraqi Support for Terrorism* contained the following summary judgments regarding Iraq's contacts with al-Qaida:

> Saddam Husayn and Usama Bin Ladin are far from being natural partners, yet intelligence reports during the last decade point to various Iraq-al-Qaida contacts through high-level and third-party intermediaries . . . .
>
> We have reporting from reliable clandestine and press sources that [redacted] direct meetings between senior Iraqi representatives and top al-Qaida operatives took place from the early 1990s to the present.

These statements were based on clandestine intelligence and press reporting, which the CIA provided to the Committee. In addition to the [redacted] meetings noted in the assessment, the CIA also provided additional reporting on several other meetings between Iraqi and al-Qaida officials during the same period. The CIA assessed these reports of additional meetings as less credible in *Iraqi Support for Terrorism*.

([redacted]) Contacts between Iraq and al-Qaida were an important factor in determining whether Iraq would have cooperated, assisted, or directed al-Qaida in any terrorist operation against U.S. interests. However, the intelligence reporting used to create the finished papers often came from foreign government services whose reliability was questioned by the CIA. For instance, some of the contacts between the Iraqi regime and al-Qaida were reported to the CIA by foreign government services or [redacted] groups opposed to the Iraqi government. The raw intelligence reporting from the CIA detailed the questionable nature of reporting by countries or groups that clearly opposed the Iraqi regime.

([redacted]) For example, the first three of the [redacted] meetings cited in *Iraqi Support for Terrorism* came from one raw intelligence report and are listed below with the source of the reporting noted in bold and in brackets:

- [redacted]
- [redacted]

[redacted]

[redacted]

(U) The January 2003 version of *Iraqi Support for Terrorism* did not include the sources in the bracketed, bold text. The September 2002 version of *Iraqi Support for Terrorism*, with a limited distribution, did, however, include information about the reporting from a foreign government service. Therefore, the reader of the January 2003 version did not know that the source of this information came from a government that could have been trying to influence the U.S. Government. [redacted]

[redacted][42]

([redacted]) A [redacted] direct meeting is explained in *Iraqi Support for Terrorism* as, "Hijazi joined the IIS chief on a visit to Khartoum in 1995, according to [redacted] reporting." [redacted] The raw report does not include information specifically about a direct meeting, but explains, [redacted]

[42] [redacted]

[redacted]

[redacted]

([redacted]) Information on another direct meeting came from an Italian newspaper article that was translated by the CIA as:

> Saddam Husayn and Usama bin Ladin have sealed a pact. Faruk Hidjazi, the former Director of the Iraqi Secret Services and now the country's Ambassador to Turkey, held a secret meeting with the extremist leader on 21 December.

The article contains direct quotes from Faruk Hijazi, but does not specify the source of the information. *Iraqi Support for Terrorism* stated this information as "[a] press report from 1998 alleges Hijazi [Faruk Hidjazi in the article] visited Sudan to meet bin Ladin as early as June 1994"

([redacted]) Information on two other direct meetings comes from an FBI interrogation of Wali Khan, an al-Qaida associate. [redacted] Abu Hajir, himself, was subsequently taken into custody and *Iraqi Support for Terrorism* stated, "in his debriefings, Abu Hajir has not yet claimed any past or continuing ties to Iraqi intelligence or mentioned returning to Iraq since he left in the late 1980s and repudiated his Iraqi citizenship." When asked about follow-up on this intelligence, the CIA answered, "The only reporting we have linking Abu Hajir to Iraq comes from Wali Khan[redacted]

([redacted]) [redacted] The intelligence cited in *Iraqi Support for Terrorism* of "at least [redacted] direct meetings" was based on [redacted] raw reports from foreign sources, an FBI interview and an Italian news article.

[redacted]

[redacted]

([redacted]) A DIA analyst described collection on contacts as:

([redacted]) [redacted]

The CIA discussed these meetings as possible contacts between the Iraqi regime and al-Qaida and did not draw any further conclusions attempting to characterize the content of the meetings.

N. Training of al-Qaida by Iraq

(U) *Iraqi Support for Terrorism* contained the following summary judgments regarding Iraq's provision of training to al-Qaida:

> Regarding the Iraq–al-Qa'ida relationship, reporting from sources of varying reliability points to . . . incidents of training . . . .
>
> The most disturbing aspect of the relationship is the dozen or so reports of varying reliability mentioning the involvement of Iraq or Iraqi nationals in al-Qa'ida's efforts to obtain CBW training.

([redacted]) As in the case of contacts between Iraq and al-Qaida, the intelligence reporting on training also was of varying reliability and contradictory. Concern over the reliability of sources was also reflected in DCI's September 17, 2002, testimony to the Committee:

> There is evidence that Iraq provided al-Qaida with various kinds of training – combat, bomb-making, and [chemical, biological, radiological and nuclear] CBRN. Although Saddam did not endorse al-Qaida's overall agenda and was suspicious of Islamist movements in general, he was apparently not averse, under certain circumstances, to enhancing bin Ladin's operational capabilities. As with much of the information on the overall relationship, details on training are [redacted] from sources of varying reliability.

(U) The DCI subsequently testified about Iraqi training of al-Qaida in an open hearing before the Committee on February 11, 2003:

[redacted]

[redacted]

Iraq has in the past provided training in document forgery and bomb-making to al-Qaida. It has also provided training in poisons and gases to two al-Qaida associates. One of these associates characterized the relationship he forged with Iraqi officials as successful.

([redacted]) The DCI's unclassified, February 2003 testimony addressed "training in poisons and gases" which "comes to us from credible and reliable sources." The DCI's classified, September 2002 testimony addressed "evidence that Iraq provided al-Qaida with various kinds of training" of which "details on training are [redacted] from sources of varying reliability." The DCI's unclassified testimony did not include source descriptions, which could have led the recipients of that testimony to interpret that the CIA believed the training had definitely occurred.

([redacted]) Due to concern over al-Qaida's interest in WMD, the CIA assessments in *Iraqi Support for Terrorism* concentrated on the intelligence reports regarding possible Iraqi assistance to al-Qaida's chemical and biological weapons (CBW) programs. Reporting on Iraq's potential CBW training of al-Qaida came from three sources:

- Detainee [redacted]
- A dozen additional reports from varying sources, and
- [redacted] reporting about activity at the Salman Pak training facility.

([redacted]) **1.** [redacted]

([redacted]) [redacted]

([redacted]) In the September 2002 limited-distribution version of *Iraqi Support for Terrorism*, the CIA assessed, "The general pattern that emerges is of al-Qa'ida's enduring interest in acquiring chemical, biological, radiological and nuclear (CBRN) expertise from Iraq."

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

2. Additional Reports from Varying Sources

([redacted]) Twelve reports received [redacted] from sources that the CIA described as having varying reliability, cited Iraq or Iraqi national involvement in al-Qaida's CBW efforts. The CIA noted that most of these reports involved discussions of offers or plans for training. The reports did not state whether any of the training initiatives had been implemented. *Iraqi Support for Terrorism* also noted, "in about half of the reports, we cannot determine if the Iraqi nationals mentioned had any relationship with the Baghdad government or were expatriate or free-lance scientists or engineers." Additionally, *Iraqi Support for Terrorism* noted, two of the reports appeared to have been based on hearsay and four of the reports were

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[43] [redacted]

[redacted]

[redacted]

simple declarative accusations with no substance or detail to help corroborate them. The CIA explained these inconsistencies in the discussion of the reporting.

([redacted]) 3. [redacted] Reporting about Activity at Salman Pak

([redacted]) The Salman Pak facility outside Baghdad was an unconventional warfare training facility used by the IIS and Saddam Hussein's Fedayeen troops to train its officers for counterterrorism operations against regime opponents. The facility contained a village mockup for urban combat training and a derelict commercial aircraft. *Iraqi Support for Terrorism* explained that uncorroborated reports since 1999 have alleged "that Baghdad has sponsored a variety of conventional and mostly rudimentary instruction for al-Qa'ida at the Salman Pak Unconventional Warfare Training Facility outside Baghdad." The [redacted] reports came from [redacted] that "training at this camp includes paramilitary exercises, such as running long distances daily and self-defense tactics." *Iraqi Support for Terrorism* also stated, "these reports are part of a larger body of reporting over the past decade that ties Salman Pak to Iraqi surrogate groups." The Committee was not provided with reports that showed that Iraq trained Palestinian extremist groups and other Arabs of various nationalities at the Salman Pak facility for potential surrogate terror operations. However, a senior CIA analysts stated "We had [sources] talking about Salman Pak and training at Salman Pak and funding for Palestinian groups." The CIA did not rule out the possibility that Iraq trained known al-Qaida operatives or could have trained an Arab al-Qaida member without having knowledge that the terrorist was an al-Qaida member.

([redacted]) In *Iraqi Support for Terrorism*, the CIA provided additional explanation of the sources of the information, noting that, "press and [redacted] reporting about al-Qa'ida activity at Salman Pak–[redacted]–surged after 11 September." The CIA determined, "that at least one [redacted] defector, whose story appeared in *Vanity Fair* magazine, had embellished and exaggerated his access." Additionally, [redacted] other sources only repeated information provided by the [redacted] defector, and also lacked first-hand access to the information. Committee staff asked both CIA and DIA analysts whether any al-Qaida operatives or other sources have confirmed Salman Pak training allegations, and the unanimous response was that none have reported knowledge of any training. A DIA analyst told Committee staff, "The Iraqi National Congress (INC) has been pushing information for a long time about Salman Pak and training of al-Qa'ida." [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

O. The Use of Iraq as a Safehaven

(U) *Iraqi Support for Terrorism* contained the following summary statements regarding Iraq's provision of safehaven (The CIA used the term "providing safehaven" to describe both active assistance and passive acquiescence to the presence of al-Qaida in Iraq) to terrorist groups, in general, and al-Qaida specifically:

> Iraq continues to be a safehaven, transit point, or operational node for groups and individuals who direct violence against the United States . . . .
>
> Regarding the Iraq–al-Qaida relationship, reporting from sources of varying reliability points to . . . discussions of Iraqi safehaven for Usama bin Ladin dating from the early 1990s . . . .
>
> We assess that 100 to 200 al-Qaida members and associates have relocated to Kurdish-controlled northeastern Iraq . . . .
>
> A variety of reporting indicates that senior al-Qaida terrorist planner al-Zarqawi was in Baghdad between May-July 2002 under an assumed identity.

(U) The CIA did not assert in any of its assessments that Iraq had committed to a formal arrangement permitting al-Qaida members to transit and live within Iraq. Instead, the CIA considered the intelligence reporting on discussions about safehaven between Iraq and al-Qaida and on the presence of individuals the CIA assessed to be al-Qaida members or associates in Iraq. The CIA assessed that Iraq was "aware of the general nature and scope of the activity taking place there [in Iraq]."

(U) The CIA based its assessment regarding Iraq's provision of safehaven to al-Qaida on the following information and presumptions:

- Intelligence reports on discussions between Iraq and al-Qaida regarding safehaven,
- Iraqi regime's likely knowledge of al-Qaida presence in northeastern Iraq; and
- Presence of al-Qaida associate Abu Mus'ab al-Zarqawi in Baghdad in the summer of 2002, and

[redacted]

[redacted]

1. Discussions of Safehaven

([redacted]) *Iraqi Support for Terrorism* noted generally, "A variety of reporting indicates that senior al-Qaida leaders and Iraqi officials have discussed safehaven in Iraq." The intelligence reporting provided by the CIA in support of this assessment was primarily intelligence reports and press reports on discussions between the two groups. [redacted][44] A CTC operational summary from April 13, 1999, notes four other intelligence reports mentioning Saddam Hussein's standing offer of safehaven to Usama bin Ladin.[45] [redacted][47] The last report included in the CTC summary was a HUMINT report on [redacted] an offer of safehaven from Saddam Hussein [redacted].[48] According to a press report from the Italian Milan Corriere Della Sera dated September 17, 1998, an Iraqi delegation to the Sudan agreed to accept Usama bin Ladin should he no longer be permitted to stay in Afghanistan. Another press report from the Paris Arabic newspaper Al-Watan Al-'Arabi dated January 1, 1999, stated that an Iraqi delegation visited Usama bin Ladin in the summer of 1998 and "bin Ladin tried to feel the Iraqi official's pulse about the possibility of being received in Baghdad" should he be expelled from Afghanistan. According to this press report, however, the Iraqi

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44 [redacted]

45 [redacted]

46 [redacted]

47 [redacted]

48 [redacted]

[redacted]

[redacted]

envoy was not authorized to offer safehaven to bin Ladin and instead returned the discussion to the possibility of cooperation.[49]

2. Iraqi Regime Knowledge of al-Qaida Presence in Northeastern Iraq

([redacted]) In *Iraqi Support for Terrorism,* the CIA noted:

> [redacted] intelligence and [redacted] reporting confirm that al-Qaida fighters began to relocate to Kurdish-controlled northeastern Iraq after the Afghanistan campaign began in the fall of 2001, hosted in an area controlled by a local Kurdish extremist group, Ansar al-Islam.

([redacted]) [redacted] in the Kurdish-controlled regions of northeastern Iraq. [redacted] Additionally, the CIA also cited two HUMINT reports [redacted] which provided the CIA with understanding into al-Qaida activities in the region. [redacted]

([redacted]) Regarding the Iraqi regime's likely knowledge of the al-Qaida presence in northeastern Iraq, in *Iraqi Support to Terrorism,* the CIA noted,

> Baghdad probably has a window into al-Qaida activities [redacted] was identified as an IIS associate by [redacted] detainees [redacted]

---

[49] [redacted].

[redacted]

[redacted]

([redacted]) [redacted] The CIA also stated, "Baghdad reportedly has had contacts with AI, [redacted]" Nevertheless, the CIA judged that, given the various reports which indicated Iraqi intelligence operatives were active in the northeast as well as the rest of the country, "it would be difficult for al-Qaida to maintain an active, long-term presence in Iraq without alerting the authorities or obtaining their acquiescence."

3. Abu Mus'ab al-Zarqawi in Baghdad

([redacted]) In *Iraq Support for Terrorism,* the CIA noted:

> A variety of reporting indicates that senior al-Qaida terrorist planner al-Zarqawi was in Baghdad [redacted]. A foreign government service asserted that the IIS knew where al-Zarqawi was located despite Baghdad's claims that it could not find him.

([redacted]) [redacted] now working closely with al-Qaida, were also in Baghdad in the summer of 2002. The CIA also provided the Committee with a finished analytic product [redacted], which discussed their support of al-Zarqawi's network from Baghdad during that period.

[redacted]

[redacted]

([redacted]) As indicated in *Iraqi Support for Terrorism*, the Iraqi regime was, at a minimum, aware of al-Zarqawi's presence in Baghdad in 2002 because a foreign government service passed [redacted] information regarding his whereabouts to Iraqi authorities in June 2002. Despite Iraq's pervasive security apparatus and its receipt of detailed information about al-Zarqawi's possible location, however, Iraqi Intelligence told the foreign government service it could not locate al-Zarqawi. [redacted].

([redacted]) [redacted] al-Zarqawi and his network were operating both in Baghdad and in the Kurdish-controlled region of Iraq. The HUMINT reporting indicated that the Iraqi regime certainly knew that al-Zarqawi was in Baghdad because a foreign government service gave that information to Iraq. Though the intelligence reports established the presence of al-Zarqawi in Baghdad during 2002 and the activities of his network in other areas of Iraq during 2002 and 2003 [redacted].

P. Operational Cooperation Between Iraq and al-Qaida

(U) *Iraqi Support for Terrorism* contained the following summary regarding operational cooperation between Iraq and al-Qaida:

> We have no credible information that Baghdad had foreknowledge of the 11 September attacks or any other al-Qaida strike, but we continue to pursue all leads. We also are assessing Baghdad's possible role in the current al-Qaida related activity in Iraq.

The CIA expressed concern in its assessments regarding the grave threat posed to U.S. security by operational cooperation between Iraq and al-Qaida. Due to limited reporting on the subject, however, the CIA refrained from asserting that the Iraqi regime and al-Qaida were cooperating on terrorist operations. DCI Tenet, in his testimony before the Committee, summarized the intelligence reporting on Iraqi-al-Qaida operational cooperation stating, "These sources do not describe Iraqi complicity in, control over, or authorization of specific terrorist attacks carried out by al-Qaida."

[redacted]

[redacted]

([redacted]) As the DCI's statement indicated, the CIA did not have credible intelligence reporting which suggested Iraq had operational control over al-Qaida. The CIA had no [redacted] credible reporting on the leadership of either the Iraqi regime or al-Qaida, which would have enabled it to better define a cooperative relationship, if any did in fact exist. As a result, the CIA refrained from asserting that Iraq and al-Qaida had cooperated on terrorist attacks. Instead, in *Iraqi Support for Terrorism*, the CIA judged, "al-Qaida, including Bin Ladin personally, and Saddam were leery of close cooperation," but that the "mutual antipathy of the two would not prevent tactical, limited cooperation."

(U) The CIA did provide assessments on certain instances in which the Iraqi regime and al-Qaida were alleged to have cooperated in terrorist attacks including:

- The 1993 World Trade Center bombing,
- The September 11th attacks, and
- The Foley assassination.

Although there are provocative elements in each instance, the CIA analysts also identified information that cast doubt on operational cooperation between Iraq and al-Qaida in these terrorist attacks.

1. 1993 World Trade Center Bombing

(U) In both *Iraqi Support for Terrorism* and *Iraq and al-Qaida: Interpreting a Murky Relationship,* the CIA reviewed the possible involvement by Iraq in the 1993 World Trade Center bombing. The alleged involvement was based upon three connections to Iraq that surfaced during the investigation of individuals involved in the attack. First, Ramzi Yousef, the leader of the attack, entered the U.S. on a phony Iraqi passport and fled the U.S. with Kuwaiti documentation that Iraq may have been able to provide following its 1990-91 occupation of that country. The CIA found that stolen Iraqi passports were common at this time, however, and there was no indication that Iraq had used Kuwaiti documentation in any other intelligence operation. Second, Abdul Rahman Yasin, a fugitive from the attack, is of Iraqi descent, and in 1993, he fled to Iraq with Iraqi assistance. Iraq held Yasin in custody since that time, explaining that it feared the U.S. would misrepresent Yasin's role in the attack to implicate Iraq. The CIA has not provided any additional information to the Committee regarding Yasin or his involvement in this attack, and his whereabouts currently are unknown by the CIA. Third, convicted bomber Mohammed Salameh, had a maternal uncle who held a post in Palestinian Authority leader Yassir Arafat's Fatah organization while it had offices in Iraq. Iraq allowed

[redacted]

[redacted]

Salameh's Palestinian uncle to emigrate to the West Bank in 1995, however, something the CTC analysts judged the regime would not have been expected to do if he had been involved in the 1993 World Trade Center attacks.

2. The September 11th Attacks

([redacted]) Two alleged Iraqi connections to the September 11, 2001, attacks were reviewed in all the analytical products concerning Iraq's links to terrorism and al-Qaida. The first connection to the attack involved Ahmed Hikmat Shakir, an Iraqi national, who facilitated the travel of one of the September 11 hijackers to Malaysia in January 2000. [redacted] A foreign government service reported that Shakir worked for four months as an airport facilitator in Kuala Lumpur at the end of 1999 and beginning of 2000. Shakir claimed he got this job through Ra'ad al-Mudaris, an Iraqi Embassy employee.[50] [redacted] Another source claimed that al-Mudaris was a former IIS officer.[51] The CIA judged in *Iraqi Support for Terrorism,* however, that al-Mudaris' [redacted] that the circumstances surrounding the hiring of Shakir for this position did not suggest it was done on behalf of the IIS.

(U) The CIA's reluctance to draw a conclusion with regard to Shakir was reasonable based on the limited intelligence available and the analysts' familiarity with the IIS.

([redacted]) The second alleged Iraqi connection to the September 11 attacks was the widely-publicized report from the Czech government to the U.S. that meetings took place between September 11 hijacker Muhammed Atta and the IIS chief in Prague, Ahmed Khalil Ibrahim Samir al-Ani. The CIA judged that other evidence indicated that these meetings likely never occurred. According to *Iraqi Support for Terrorism*, "various reports put Atta in Prague [redacted] between late 1994 and the spring of 2001." [redacted] The CIA has provided the Committee no further information that Atta met with IIS officials [redacted]

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[50] ([redacted])

[51] ([redacted])

[redacted]

[redacted]

([redacted]) [redacted]. Photographs of the alleged October 1999 meeting were initially thought to be of Atta and al-Ani, but subsequent photo analysis by the CIA was inconclusive. Moreover, information [redacted] and press interviews of Atta's family show that he was in Egypt visiting his family during this period in October 1999. [redacted][52] [redacted] Committee staff also interviewed FBI analysts regarding these alleged meetings, and the analysts stated that they agreed with the CIA assessment and had no further information suggesting or disproving that the meetings had taken place.

3. The Foley Assassination

([redacted]) The CIA also looked into the possibility that the Iraqi regime was involved in the al-Zarqawi network murder of USAID official Laurence Foley in Amman, Jordan in December 2002. [redacted] two suspects in the Foley murder, indicated that Iraqi territory may have been used to facilitate travel and the supply weapons to the al-Zarqawi group in Jordan. But, neither of the two suspects provided any information on links between al-Zarqawi and the Iraqi regime. [redacted] one of the two suspects in the Foley murder stated that al-Zarqawi directed and financed the operations of the cell before, during, and after his stint in Baghdad between May and July 2002. The other suspect mentioned that weapons for their operations in Jordan had come from an unspecified place in Iraq. [redacted] an associate of Foley's killer left Jordan to join al-Zarqawi in Iraq after the murder to obtain weapons and explosives for future operations. Both of the suspects [redacted] mentioned that one member of the al-Zarqawi network traveled repeatedly between regime-controlled Iraq and Syria after March 2002.

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[52] [redacted]

[redacted]

[redacted]

([redacted]) The intelligence reporting on the Foley assassination available at the time of the January 2003 publication of *Iraqi Support for Terrorism* does not indicate Iraqi government complicity in this attack. A later intelligence report received on February 11, 2003, from a source [redacted] The CIA has not provided the Committee with any further information on whether the Iraqi regime was directly involved in this assassination.

Q. Iraq's Use of Terrorist Strikes in the Event of War with the United States

(U) The CIA assessed that:

> If Saddam Hussein concludes that a US attack to destroy his regime is inevitable and imminent, he is likely to feel less constrained in his use of terrorism. At that point he could turn to his own intelligence services, Palestinian surrogates, or al-Qa'ida to attack US interests.
>
> The most potentially lethal option would be to couple Iraq's biological weapons capacity with an effort by his intelligence services, his Palestinian surrogates, or perhaps al-Qaida to disseminate agents.

Based upon these assessments, the CIA determined the following possible outcomes:

- Saddam could use any or all of three major terrorist[54] options to strike the United States . . . .
- Saddam is most likely to use the IIS in any planned terrorist attack . . . .
- Saddam could turn to a small number of operatives from his surrogate groups–whether members of established groups or rogue Palestinians–to undertake CBW operations if the IIS [Iraqi Intelligence Service] were to fail or he wanted plausible deniability . . . .
- Saddam might decide that only an organization such as al-Qa'ida–with its worldwide reach, an extensive terrorist infrastructure, and which is already

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[53] [redacted]

[54] The Iraqi Intelligence Service, Palestinian surrogates, or al-Qaida.

[redacted]

[redacted]

> engaged in a life-and-death struggle with America–could meet his requirements for anti-US terrorism.

(U) No specific intelligence reports were provided by the CIA to support these conclusions. Because the CIA had no contemporaneous reporting upon which to base its assessment, analysts relied upon analytical judgement, and the citation the CIA provided was "background & analysis." The CIA provided this explanation for the citation: "[background and analysis] is used as a source description when a specific judgment or analysis is based on a large, varied, and mostly historical body of reporting. It is usually widely known information." A senior CTC collections officer commented during interview that:

> We had one gap that we were struggling with. That was more the broader strategic plans of Saddam Hussein in terms of the use of WMD as a terrorist weapon. We were very concerned about it, but we did not have much reporting . . . . We ended up having to do more reasoned logic in terms of working through the scenarios to make judgements about if he would turn that over to terrorist groups, when he would turn it over to terrorist groups, and then how they might use it.

([redacted]) The CIA included an explanation of the lack of information on Saddam Hussein's intentions in the Scope Note of *Iraqi Support for Terrorism*:

> Our access to Saddam's intelligence services–the organizers of Baghdad's most recent lethal operations–remains hampered [redacted].

To reach these judgments, the CIA took into consideration:

- Saddam Hussein's past use of terrorism,
- The decision-making environment in Iraq, and
- Iraq's weapons capabilities.

1. Saddam Hussein's Past Use of Terrorism

([redacted]) As mentioned earlier in this report, Saddam Hussein had attempted to conduct terrorist attacks during the 1991 Gulf War using his own intelligence operatives and Palestinian

[redacted]

[redacted]

surrogates. In the earlier section of this report entitled *Terrorist Activities Conducted by the IIS*, the Committee staff referred to terrorist attempts in Manila and Jakarta that were conducted by IIS operatives. In the section entitled *Support for Regional Terrorist Groups*, the Committee staff referred to PLF operatives [redacted] in an explosive-filled car who were arrested by a foreign government. Moreover, current intelligence indicated that the IIS continued to case targets for attacks in the event of war. The Deputy Director of the Office of Terrorism Analysis in CTC commented that:

> . . . when we started this we had a backdrop that was pretty solid on saying Saddam is willing to deal with bad guys and has been doing it for a long time. And he has an intelligence service that has targeted us in the past. We had some information about support for Islamist groups connected with the Arab-Israeli conflict. I think this is significant because I do believe there is a worthwhile debate to have on the ideology of Saddam, but I would also say, coming at this from an aggressive terrorist perspective, we did have a baseline to tell us that he had tried to work on relationship with groups we would identify as Islamist . . . .

2. The Decision-Making Environment in Iraq

([redacted]) The CIA also based its assessment on the decision-making environment in Iraq. The CIA judged that Iraq would likely conduct attacks if Saddam Hussein felt war was imminent, and noted that he would refrain from carrying out attacks until he felt his regime's existence was threatened.

3. Iraq's Weapons Capabilities

([redacted]) The CIA analysts contemplated Iraq's weapons capabilities, and determined whether or not any of them could be employed in terrorist strikes. One delivery system in particular, unmanned aerial vehicles (UAVs) appeared to have potential use in terrorist attacks. In *Iraqi Support for Terrorism* the CIA noted Iraq's interest in UAVs, and speculated that they could be used by terrorists to conduct attacks using CBW. The Committee reviewed the supporting intelligence reports which indicated Iraq sought to procure and test UAVs, and that the UAVs may have been intended for use in terrorist attacks. There is no specific information indicating how Iraq planned to use UAVs, or whether the regime had considered using them to conduct terrorist attacks. Nevertheless, CIA analysts pointed out that if Saddam Hussein supplied UAVs to al-Qaida or other terrorists, it would greatly enhance the terrorists'

[redacted]

[redacted]

capabilities. The UAV issue more comprehensively under the WMD section titled: Delivery Systems: Unmanned Aerial Vehicles and Missiles.

R. Iraqi Links to Terrorism Conclusions

(U) Conclusion 90. The Central Intelligence Agency's assessment that Saddam Hussein was most likely to use his own intelligence service operatives to conduct attacks was reasonable, and turned out to be accurate.

[redacted]

(U) Conclusion 91. The Central Intelligence Agency's (CIA) assessment that Iraq had maintained ties to several secular Palestinian terrorist groups and with the Mujahidin e-Khalq was supported by the intelligence. The CIA was also reasonable in judging that Iraq appeared to have been reaching out to more effective terrorist groups, such as Hizballah and Hamas, and might have intended to employ such surrogates in the event of war.

[redacted]

(U) Conclusion 92. The Central Intelligence Agency's examination of contacts, training, safehaven and operational cooperation as indicators of a possible Iraq–al-Qaida relationship was a reasonable and objective approach to the question.

[redacted]

[redacted]

([redacted]) [redacted]

(U) Conclusion 93. The Central Intelligence Agency reasonably assessed that there were likely several instances of contacts between Iraq and al-Qaida throughout the 1990s, but that these contacts did not add up to an established formal relationship.

([redacted]) [redacted]

([redacted]) **Conclusion 94. The Central Intelligence Agency reasonably and objectively assessed in *Iraqi Support for Terrorism* that the most problematic area of contact between Iraq and al-Qaida were the reports of training in the use of non-conventional weapons, specifically chemical and biological weapons.** [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 95. The Central Intelligence Agency's assessment on safehaven – that al-Qaida or associated operatives were present in Baghdad and in northeastern Iraq in an area under Kurdish control – was reasonable.

[redacted]

(U) Conclusion 96. The Central Intelligence Agency's assessment that to date there was no evidence proving Iraqi complicity or assistance in an al-Qaida attack was reasonable and objective. No additional information has emerged to suggest otherwise.

[redacted]

[redacted]

(U) Conclusion 97. The Central Intelligence Agency's judgment that Saddam Hussein, if sufficiently desperate, might employ terrorists with a global reach – al-Qaida – to conduct terrorist attacks in the event of war, was reasonable. No information has emerged thus far to suggest that Saddam did try to employ al-Qaida in conducting terrorist attacks.

[redacted]

(U) Conclusion 98. The Central Intelligence Agency's (CIA) assessments on Iraq's links to terrorism were widely disseminated, though an early version of a key CIA assessment was disseminated only to a limited list of cabinet members and some subcabinet officials in the Administration.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

XIII. INTELLIGENCE COMMUNITY COLLECTION ACTIVITIES AGAINST IRAQ'S LINKS TO TERRORISM

(U) The Committee focused its work in reviewing U.S. intelligence on Iraq's links to terrorism on the quality of intelligence analysis, the objectivity and reasonableness of the Intelligence Community's (IC) judgments, and whether any influence was brought to bear to shape that analysis to support policy objectives. The Committee also examined, however, the role of intelligence collectors in providing the fundamental information upon which the intelligence analysts based their assessments. To understand the collection posture against Iraq's links to terrorism, Committee staff interviewed the Assistant Director of Central Intelligence for Collection (ADCI/C) and various members of the National Intelligence Collection Board (NICB), analysts from the Director of Central Intelligence's (DCI's) Counterterrorist Center (CTC), and analysts from the National Security Agency (NSA).

([redacted]) Notwithstanding four decades of intelligence reporting, IC officials and analysts expressed frustration over the lack of useful intelligence collected on Iraq's involvement in terrorism, particularly on links to al-Qaida. A January 2003 IC assessment of Iraqi support for terrorism explained, "Our knowledge of Iraq's ties to terrorism is evolving and [redacted]." Based on information provided to Committee staff, these gaps had three main causes:

1. a late start collecting against the target,
2. the lack of a U.S. presence in Iraq, and
3. reliance on foreign government services, opposition groups and defectors for current intelligence.

([redacted]) [redacted]. Human intelligence (HUMINT) reports were derived [redacted] from detainees, defectors, opposition groups, as well as foreign government services. Analysts explained that information derived from HUMINT provided insight into historical links, but provided little information on the current environment. Thus, the IC's collection, and subsequent analysis, provided an understanding of the historical context of the Iraqi regime's relationships and contacts, but left many intelligence gaps about the Iraqi regime's intentions. Analysts briefed staff on the IC's [redacted] collection efforts, the [redacted] intelligence [redacted] that yielded the bulk of the information on Iraq's ties to terrorism.

[redacted]

[redacted]

A. Human Intelligence (HUMINT)

([redacted]) IC analysts told Committee staff that there was no robust HUMINT collection capability targeting Iraq's links to terrorism until the Fall of 2002. Prior to 2002, HUMINT collection was heavily dependant on a few foreign government services and there were no [redacted] sources inside Iraq reporting on strictly terrorism issues. Officers from the office of the ADCI/C told Committee staff during interviews that HUMINT capabilities against were limited because there was no official U.S. presence in Iraq. This point had been explained in a report from the Collection Concepts Development Center entitled *Iraqi Weapons of Mass Destruction – Recommendations for Improvement in Collection.* The report said:

> The current clandestine HUMINT capability against the Iraqi weapons of mass destruction (WMD) target is marginal, for a number of reasons. First the U.S. has no official [redacted] presence in Iraq, [redacted] This [redacted] makes recruitment of Iraqis exceptionally difficult. Second, the brutal and pervasively repressive nature of the Iraqi regime makes any contact [redacted] extremely risky. These conditions also make any operations in Iraq [redacted] extremely dangerous.

([redacted]) Analysts told Committee staff that in late 2002, the IC developed what they described as a comprehensive, robust collection program [redacted]. When asked to characterize the collection effort against terrorism and Iraq, an IC analyst said "I don't think that we were really focused on the CT [counterterrorism] side, because we weren't concerned about the IIS going out and pro-actively conducting terrorist attacks. It wasn't until we realized that there was a possibility of going to war that we had to get a handle on that." [redacted].

([redacted]) A senior collections officer from the CTC described a "multi-faceted CIA program to pursue this initiative." [redacted]. The CTC also "built a concerted recruitment program . . . ," [redacted]." The same senior collections officer told

[redacted]

[redacted]

Committee staff that Central Intelligence Agency (CIA) officers "went out and tried to pitch all, or as many as we could [redacted]

([redacted]) [redacted]

([redacted]) The CTC collections officer noted that there was one major gap in collection, he stated:

> We had one gap that we were struggling with. That was the more broader strategic plans of Saddam Hussein in terms of the use of WMD as a terrorist weapon. We were very concerned about it, but we did not have much reporting. What reporting we got [redacted] wasn't very reliable information. We ended up having to do more reasoned logic in terms of working through the scenarios to make judgments about if he would turn that over to terrorist groups, when he would turn it over to terrorist groups, and then how they might use it.

([redacted]) CTC analysts told Committee staff that the CIA also targeted Palestinian surrogates and that the CIA already had considerable collection efforts in place to work with Palestinian groups. CTC noted that they had insights into Baghdad's efforts to reach out to additional Palestinian groups [redacted] foreign government services were also key to the CIA's collection. [redacted] The CTC analysts told Committee staff, "Iraq was a hard target . . . we relied heavily on working with foreign government services and their accesses . . . [redacted]

([redacted]) In terms of obtaining information on the al-Qaida-Zarqawi network, CTC told Committee staff that there had been an ongoing collection effort since 9/11 that had been "aggressively worked." [redacted]

[redacted]

[redacted]

[redacted] *Iraqi Support for Terrorism* described a network of more than a dozen al-Qaida or al-Qaida-associated operatives in Baghdad, and estimated that 100-200 al-Qaida fighters were present in northeastern Iraq in territory under the control of Ansar al-Islam. As a result, collection continued to focus on understanding the historical context of the relationship between Iraq and al-Qaida and trying to understand the nature of contacts between the two. CTC told staff that they relied heavily on foreign government services, and increasingly on detainee debriefs to look into an al-Qaida/Iraq relationship. CTC noted that questions regarding al-Qaida's ties to the Iraqi regime were among the first presented to senior al-Qaida operational planner Khalid Shaikh Muhammad following his capture. When asked if the IC had any unilateral sources that could provide information on the Iraq/al-Qaida relationship, the CTC analysts stated that they were entirely dependent on foreign government services for that information.

B. [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

C. Terrorism Collection Conclusions

(U) Conclusion 99. Despite four decades of intelligence reporting on Iraq, there was little useful intelligence collected that helped analysts determine the Iraqi regime's possible links to al-Qaida.

([redacted]) [redacted]

([redacted]) Conclusion 100. The Central Intelligence Agency (CIA) did not have a focused human intelligence (HUMINT) collection strategy targeting Iraq's links to terrorism until 2002. The CIA had no [redacted] sources on the ground in Iraq reporting specifically on terrorism. The lack of an official [redacted] U.S. presence in the country [redacted] curtailed the Intelligence Community's HUMINT collection capabilities.

([redacted]) [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

([redacted]) [redacted]

([redacted]) **Conclusion 101.** [redacted]

([redacted]) [redacted]

([redacted]) [redacted]

[redacted]

[redacted]

XIV. PRESSURE ON INTELLIGENCE COMMUNITY ANALYSTS REGARDING IRAQ'S LINKS TO TERRORISM

(U) An essential component of the Committee's review of the intelligence on Iraq's weapons of mass destruction (WMD) capabilities has been examining the objectivity and independence of the judgments reached by the Intelligence Community (IC) and whether any influence was brought to bear on IC analysts to shape their assessments to support policy objectives.

(U) On June 11, 2003, Senate Select Committee on Intelligence (SSCI) Chairman Pat Roberts held a press conference with Senator John Warner, Chairman of the Armed Services Committee, and Representative Porter Goss, Chairman of the House Permanent Select Committee on Intelligence. Chairman Roberts announced that the Committee had been conducting a thorough and bipartisan review of intelligence on Iraq's weapons of mass destruction programs and ties to terrorists, and made a public call for officials to come forward and contact the Committee if they had information about intelligence analysts having been pressured to alter their assessments. Following the press conference, Chairman Roberts reissued this call in a press release which said,

> I am concerned by the number of anonymous officials that have been speaking to the press alleging that they were pressured by Administration officials to skew their analysis, a most serious charge and allegation that must be cleared up. I can tell you the Committee has yet to hear from any intelligence official expressing such concerns. If any officials believe, however, that they have been pressured to alter their assessment, they have an obligation and I encourage them to contact the Committee for confidential discussions.

(U) Chairman Roberts issued this call a third time at a closed Committee hearing on June 19, 2003 at which senior representatives of the Intelligence Community were present. Chairman Roberts asked,

> Did any of you ever feel pressure or influence to make your judgment in the 2002 National Intelligence Estimate **or any other intelligence product** conform to the policies of this or previous Administrations? The second part of that is, has any analyst come to you or expressed to you that he or she felt pressure to alter any assessment of intelligence? And finally, if you did feel pressure or were informed

[redacted]

[redacted]

that someone else felt pressure, were any intelligence assessments changed as a result of that pressure? (emphasis added)

(U) Chairman Roberts issued the same call for analysts or officials to come forward to the Committee at least six more times in the summer of 2003.

(U) In addition to these calls, throughout the Committee's review, Committee staff asked whether any analysts had been pressured to change their analysis or assessments and about how they had developed their assessments. Committee staff also made efforts to contact individuals mentioned in press articles or who, through other means, had come to the Committee's attention as possibly having information about analysts who had been pressured.

(U) The Committee was not presented with any evidence that intelligence analysts changed their judgments as a result of political pressure, altered or produced intelligence products to conform with Administration policy, or that anyone even attempted to coerce, influence or pressure analysts to do so. When asked whether analysts were pressured in any way to alter their assessments or make their judgments conform with Administration policies, not a single analyst answered yes. Most analysts simply answered, "no" or "never," but some provided more extensive responses. Some of their responses are below:

- The Deputy Director of the Office of Terrorism Analysis (OTA) in the Director of Central Intelligence's (DCI) Counterterrorist Center (CTC) commented that "I think there was intense pressure in the prewar period, and I felt the pressure was on the trade craft side to ensure we got this one right. We couldn't afford not to get it right. We had questions intensively about this connection, that connection, this report, that report. How does this all work together? And rarely do you work in an intelligence environment, especially in an environment where everything you write has a potential to lead to conflict where American people are killed . . . the pressure was intense. It's as intense as I ever saw it. My sense of that intensity was that we were under pressure to get it right, not to make a mistake, not to miss something, not to mischaracterize something."
- An OTA analyst responsible for Iraq and terrorism stated, " . . . the most pressure I felt was put upon myself to ensure that every single product that I produced could be backed up in a hearing just like this . . . we knew that the stakes were high and that this story would be examined later."
- A Central Intelligence Agency (CIA) analyst responsible for Iraq Political Leadership stated, "I never felt pressure from outside to change my views on Iraq. I think the lion's share of the pressure that I felt – and I'm talking personally as an analyst and as a leader

[redacted]

[redacted]

of a team – had to do with internal analytic disagreements . . . I think it was the pressure of having to wrestle with tough questions and how do you deal with conflicting evidence that we felt."

- A Senior Intelligence Officer from the Defense Intelligence Agency (DIA) stated, "On the issue of support for terrorism, there was a preconceived notion by some within the Office of the Secretary of Defense (OSD) that Saddam was behind World Trade Center bombing one back in the early nineties and also were working with al-Qaida and may even have been behind 9/11. That was a predisposition by some people in OSD. As a result, they did not tell us what they expected us to say. There wasn't pressure in that sense. But you certainly had to make sure that your analysis was on target and that you were very precise in the words that you used. So in many ways they forced us to be better analysts because you couldn't walk in and say something that was not well grounded. That might be interpreted as pressure, but in some ways I thought they actually made us do our jobs better. I had many discussions with some of these folks in OSD about this issue and they thought I was wrong . . . but they never said change your position or don't say this."

A. Allegations of Influence

(U) Committee staff interviewed several individuals in response to allegations of influence.

1. CIA Ombudsman for Politicization

(U) Committee staff received a briefing from and questioned the CIA Ombudsman for Politicization regarding a complaint made by a CIA analyst about an intelligence product, *Iraq and al-Qaida: Interpreting a Murky Relationship.* The CIA created the position of Ombudsman for Politicization in 1992 to respond to alleged issues of politicization and analytic distortion. According to the Ombudsman's Charter, the position serves as an "independent, informal, and confidential counselor for those who have complaints about politicization, biased reporting, or the lack of objective analysis." The Ombudsman reports directly to the Director of Central Intelligence.

(U) The CIA Ombudsman for Politicization received a confidential complaint five days after the publication of *Iraq and al-Qaida: Interpreting a Murky Relationship*, which claimed that the Office of Terrorism Analysis (OTA) product did not reflect the Office of Analysis for the Near East and South Asia's (NESA) views. According to the Ombudsman, the complainant expressed concern that the product was misleading and did not make it clear that it was an

[redacted]

[redacted]

uncoordinated product that did not reflect the NESA's views and assessments. The complaint was made verbally to the Ombudsman and no written report was created. Therefore, Committee staff interviewed the Ombudsman about the incident. Committee staff later interviewed CIA analysts and their managers regarding this product and whether or not the issue in question had been resolved. Committee staff also discussed this product with the Deputy Director for Intelligence (DDI).

(U) In response to the complaint, the Ombudsman launched a formal investigation. In a briefing to Committee staff, the Ombudsman stated that "the operational role maintained by OTA reasonably resulted in a different and less cautious approach than that employed by NESA analysts." Thus, the Ombudsman believed complaints about the document reflected differences inherent in the operational exploitation of intelligence information versus traditional analysis employed by regional intelligence divisions. Following the investigation, the Ombudsman concluded that the OTA analysis was not incorrect or flawed, and that it "did not compromise, politicize, and/or alter intelligence reporting." The NESA has since stated that it agrees with the Ombudsman's assessment noted earlier that complaints about the document reflected differences inherent in the operational exploitation of intelligence information versus traditional analysis employed by regional intelligence analysts.

(U) The Committee questioned the Ombudsman as to whether the analysts he had interviewed during his investigation had indicated that they were pressured to change their analysis. He stated that he spoke with approximately 24 individuals with regard to this issue, and "about half a dozen mentioned 'pressure' from the Administration; several others did not use that word, but spoke in a context that implied it." Furthermore, "Only one or two specified the repeated questions, but [he] believe[d] that was often the general implication."

(U) In responses to questions submitted subsequent to the Ombudsman's first briefing to Committee staff, the Ombudsman stated that several analysts felt that the constant questions and requests to reexamine the issue of Iraq's links to terrorism was unreasonable and took away from their valuable analytic time. Other analysts the Ombudsman spoke with disagreed and believed the questioning was reasonable, especially since the questions led the analysts to find information they had initially missed. The Ombudsman also spoke with policy support staff, who are responsible for delivering the CIA's analysis to policymakers. Several of the policy support staff that were interviewed by the Ombudsman indicated that they thought the questioning was reasonable, and said that the CIA's initial answers to the questions on Iraq's links to al-Qaida seemed "reflexive, pat and inadequate, with little sense of serious digging to examine all aspects of the issue."

[redacted]

[redacted]

(U) The Ombudsman indicated that he tried to ask everyone he interviewed whether they felt pressured to take their analysis to a place they were not comfortable with, and that in every case, the answer was an emphatic negative. The Ombudsman stated that he believed most interpreted his question to mean internal pressure, but that regarding his responsibility, this was the critical question he needed answered.

(U) Committee staff also spoke with the CIA's DDI about her views on the production of *Iraq and al-Qaida: Interpreting a Murky Relationship* and how the Ombudsman handled its investigation. She expanded on the Ombudsman's findings, describing a shift in the office primarily responsible for terrorism analysis as a factor in the complaint. She stated,

> . . . what we had was an office that had traditionally made all of the calls on terrorism, NESA, because there was a very small presence of analysts in CTC prior to 9/11. When I became DDI[,] I thought there was too much back and forth on who was ultimately responsible for making definitive calls. Since we had 240 analysts in the Office of Terrorism Analysis, I thought the primacy on making a call relevant to terrorism was theirs. The differences that developed between the two offices were partially because I was in the process of shifting primacy of the call. It was an issue of not taking a scope note in its totality and hurt feelings that resulted as a result of that – not good issues, regardless, but not politicization.

2. Office of the Under Secretary of Defense for Policy and "Alternative Analysis"

(U) Committee staff also conducted interviews with IC analysts regarding their interaction with staffers from the Office of the Under Secretary of Defense for Policy (OUSDP), particularly in the coordination of the September 2002 version of *Iraqi Support for Terrorism.* Committee staff interviewed two managers from the CIA who were present at a briefing to the DCI by the two OUSDP staffers, and at the coordination meeting the staff participated in 5 days later. Committee staff also interviewed a CIA analyst, two National Security Agency (NSA) analysts and two DIA analysts who participated in the coordination meeting, and submitted written questions to a third DIA analyst.

(U) Independent of the IC review of potential Iraqi links to terrorism, the OUSDP established a team (some of whom were intelligence analysts loaned to OUSDP from DIA) responsible for studying "the policy implications of relationships among terrorist groups and their sources of support." Over the next several months, the team reviewed the CTC's *Iraq and al-Qaida: Interpreting a Murky Relationship* and other intelligence reporting. As the Under

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Secretary of Defense for Policy stated, "in the course of reviewing old stuff [the team] found some things that looked very interesting in the year 2002 that apparently didn't register with people or were not given great prominence either at the time or in the more recent work." The OUSDP staffers created a set of briefing slides in the summer of 2002 that criticized the IC for missing links between Iraq and al-Qaida. After reviewing the briefing slides, the Committee submitted questions to the Under Secretary of Defense for Policy. In response, OUSDP provided answers to the questions including a list of cited intelligence reports and a list of suggested additions to *Iraqi Support for Terrorism.*

(U) The OUSDP staffers presented their briefing to the Secretary of Defense in early August 2002. The Secretary asked them to provide the same briefing to the DCI. On August 15, 2002, the DCI received the briefing with little discussion. However, the DCI requested that the OUSDP staffers to speak with the CTC and NESA experts on Iraq and terrorism. The OUSDP staffers also presented their briefing to members of the National Security Council and staffers from the Office of the Vice President in October 2002.

(U) To continue ongoing work on a new, broader assessment of Iraq's links to terrorism, analysts from the CTC, NESA, National Security Agency (NSA), and DIA met on August 20, 2002.[55] Based on the DCI's previous invitation the OSD-P staffers also participated in the coordination meeting. While the DCI invited the staffers to speak to his experts, the Director of NESA (who chaired the August 20, 2002 meeting) could not recall who specifically invited the OUSDP staffers to participate in the coordination meeting. Although IC analysts considered the attendance of OUSDP staffers at the meeting unusual, all of the meeting attendees interviewed by the Committee staff (eight of the twelve individuals) agreed that the OUSDP staffers were not given special treatment and their attendance contributed to a frank exchange of opinions. Analysts explained to Committee staff that members of an intelligence consumer organization such as OUSDP normally do not participate in the creation of intelligence products. The Committee asked for a draft of the September 2002 version of Iraqi Support for Terrorism intending to determine what OUSDP changes were incorporated into it. The DCI declined to provide such a draft to the Committee " . . . as we regard such documents as internal working papers." The Committee subsequently submitted a formal request that the CIA explain which items suggested by OUSDP were incorporated into the assessment. CIA personnel explained that

[55]In the Summer of 2002, the CTC and NESA analysts had already begun to draft *Iraqi Support for Terrorism.*

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the meeting was not recorded, and there is no clear record of what was changed and at whose suggestion, so they could not provide the Committee with the information it was seeking.

(U) Each of the analysts interviewed by Committee staff specified that they were aware of the OSD staffers' presence at the August 20 meeting, thought that it was unusual, and that this was the only such coordination meeting they had attended at which policy staffers were present and participated as members of the IC would. The analysts interviewed indicated that most of the OSD staffers' concerns had to do with the use of too many caveats to the reporting, and the "tone" of the document. Each analyst, as well as the meeting's chairman, indicated the OUSDP staffer "played by IC rules" in terms of their participation. In other words, each point that was raised was discussed, debated, and incorporated only if there was agreement around the table.

B. Terrorism Pressure Conclusion

(U) Conclusion 102. The Committee found that none of the analysts or other people interviewed by the Committee said that they were pressured to change their conclusions related to Iraq's links to terrorism. After 9/11, however, analysts were under tremendous pressure to make correct assessments, to avoid missing a credible threat, and to avoid an intelligence failure on the scale of 9/11. As a result, the Intelligence Community's assessments were bold and assertive in pointing out potential terrorist links. For instance, the June 2002 Central Intelligence Agency assessment *Iraq and al-Qaida: Interpreting a Murky Relationship* was, according to its Scope Note, "purposefully aggressive" in drawing connections between Iraq and al-Qaida in an effort to inform policymakers of the potential that such a relationship existed. All of the participants in the August 2002 coordination meeting on the September 2002 version of *Iraqi Support for Terrorism* interviewed by the Committee agreed that while some changes were made to the paper as a result of the participation of two Office of the Under Secretary of Defense for Policy staffers, their presence did not result in changes to their analytical judgments.

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(1) [redacted]

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(3) [redacted]

(4) [redacted]

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XV. POWELL SPEECH – TERRORISM PORTION

(U) On February 5, 2003, Secretary Powell delivered a speech before the United Nations Security Council (UNSC) which outlined Iraq's non compliance with UNSC Resolutions and provided a detailed presentation of intelligence in each of the areas of Iraq's suspected weapons of mass destruction programs. Secretary Powell told the UN that,

> . . . every statement I make today is backed up by sources, solid sources. These are not assertions. What we're giving you are facts and conclusions based on solid intelligence.

(U) The drafting of the terrorism portion of Secretary Powell's speech began in late December 2002 to early January 2003 according to a Central Intelligence Agency (CIA) analyst who worked on the draft. At that time, it was not clear in what form or by whom the presentation would be made. A draft was requested by White House staff following a discussion about how to present the U.S. position on Iraq's links to terrorism. Following the discussion, the White House submitted the request to individuals in the CIA's executive suite, who passed it to the Director of Central Intelligence's (DCI) Counterterrorist Center (CTC). According to a CTC analyst interviewed by Committee staff, dozens of analysts worked on the draft. In his estimate, the group of analysts included CTC drafters as well as analysts from the CTC and other CIA offices who were responsible for "fact checking." These analysts reviewed each piece of raw intelligence that was incorporated into the terrorism portion of the speech and made sure that each item was credible and corroborated and accurately portrayed by the language in the speech.

(U) According to State Department officials, the general operating principle set by Secretary Powell in preparing his presentation was that any intelligence that was included had to be corroborated. The official told Committee staff that, "single source information did not go in the speech." The CTC analyst interviewed by Committee staff indicated that in the final weeks leading up to the February 5 presentation, the CIA analysts responsible for preparing the terrorism portion were heavily engaged with Secretary Powell on " . . . everything from substance to style to Secretary Powell's personal 'I don't like that' . . . ."

(U) To ensure that the speech was supported by solid intelligence, the Secretary and his staff went to the CIA in the final days of January 2003 to work on the speech draft and to check the intelligence information and sources that were cited in the speech. CIA analysts who participated in these meetings also told Committee staff that the Secretary only wanted to use

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solid intelligence in the speech and wanted the language carefully reviewed by the CIA analysts. No other intelligence agencies worked on the speech, although the Department of State's Bureau of Intelligence and Research (INR) said that INR prepared some comments on the speech draft. The INR comments were published by INR as a information memorandum to Secretary Powell dated January 31, 2003 entitled "Making the Case for Iraq's Links to al-Qaida." This information memorandum was not provided to the CIA.

(U) Because of the CIA's central role in preparing input for and checking the accuracy of Secretary Powell's speech and because the speech was intended as an explanation to the world of the evidence the U.S. Intelligence Community (IC) had on Iraq's weapons of mass destruction programs and links to terrorism, the Committee reviewed the language in the speech and the intelligence that supported the assessments and statements made in the speech.

(U) All of the information in the terrorism portion of the speech was from intelligence that had previously been described in IC finished intelligence assessments. Each of the examples of Iraq's links to terrorism cited by Secretary Powell was supported by intelligence reports. Each of the issues covered by Secretary Powell has also been assessed in the section of this report entitled *Iraqi Support for Terrorism.*

(U) The CIA provided 64 intelligence reports to support Secretary Powell's statements on terrorism. The reports supporting the terrorism portion of the speech were from a variety of sources and intelligence disciplines and were broken down as follows:

SIGINT	[redacted]
HUMINT	[redacted]
Foreign Government Service	[redacted]
Detainee Debriefs	[redacted]
NIMA Imagery Intelligence Brief	[redacted]
CIA Operational Cables	[redacted]
Link Analysis Chart	[redacted]
Iraqi Opposition	[redacted]
DIA Finished Intelligence Reports	[redacted]
Press	[redacted]

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(U) There were no significant discrepancies between the assessments and intelligence reporting cited by Secretary Powell and the assessments and intelligence reporting cited by the IC in the finished assessments reviewed by the Committee. The section of this report entitled *Iraqi Support for Terrorism* details the intelligence supporting each assessment that was referred to by Secretary Powell.

A. Powell Speech Conclusions – Terrorism Portion

(U) Conclusion 103. The information provided by the Central Intelligence Agency for the terrorism portion of Secretary Powell's speech was carefully vetted by both terrorism and regional analysts.

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(U) Conclusion 104. None of the portrayals of the intelligence reporting included in Secretary Powell's speech differed in any significant way from earlier assessments published by the Central Intelligence Agency.

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(U) Conclusion 105. Because the Director of Central Intelligence refused to provide all working drafts of the speech, the Committee could not determine whether anything was added to or removed from the speech prior to its delivery.

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XVI. IRAQ'S THREAT TO REGIONAL STABILITY AND SECURITY

A. Background

(U) Prior to Iraq's 1991 defeat in Kuwait, Saddam Hussein's regime had built the largest and most capable conventional military force in the Persian Gulf region. He began a war with Iran that ran through the 1980s and resulted in hundreds of thousands of deaths between the two countries. He used chemical weapons against Iranian forces and then turned them against his own Kurdish population in retribution for their sympathy toward Iran during the war. He again used military force against Kuwait in 1990, and as the war ensued, he authorized the firing of Scud missiles toward Saudi Arabia and Israel. Misjudging the Coalition's determination to eject him from Kuwait, he pushed his military toward destruction.

(U) After 1991, Saddam Hussein brutally repressed the Shia in the south, the Kurds in the north and any source of potential opposition to his regime. He obstructed United Nations (UN) inspection efforts and internationally directed requirements to destroy his weapons of mass destruction (WMD). His military and security forces fired on Coalition aircraft patrolling the no-fly zones, and both harassed and physically attacked inspectors who were implementing the will of the international community. He deployed his military forces in threatening manners in the direction of Kuwait, into Kurdish regions and in the western districts of Iraq toward Jordan, Syria and Israel.

(U) It is against this history of aggression, unpredictability and resistance that Committee staff reviewed thousands of pages of documents covering the full scope of the Iraqi threat in the aftermath of the first Gulf War in 1991 through the period just prior to Operation Iraqi Freedom (OIF) in 2003. Leaving aside the magnitude of the WMD issue, which is being covered in detail in other parts of the Committee's report, the Intelligence Community's (IC) task of tracking and characterizing the Iraqi threat to regional stability and security was immense and complex. For instance, over the 12-year period between the two wars, analysts and intelligence collectors focused their efforts on describing: the dimensions of the threat; what Saddam was doing with his military forces inside Iraq and around the region; Saddam's intentions to use force in the region; and, how regional governments understood and reacted to the Iraqi threat.

(U) At the IC's inter-agency level, the National Intelligence Council (NIC) produced documents that the entire IC considered to represent the most authoritative analyses. These IC-level documents included National Intelligence Estimates (NIE), Intelligence Community

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Assessments (ICA) and Sense of the Community Memoranda (SOCM). Their analytical authority was based on coordination and consultation among IC agencies, resulting in consensus judgments about the particular topic under review in the document. Intelligence consumers had a clear understanding of what the IC judgment was.

(U) The review of intelligence related to regional stability and security was unlike the review of other issues examined in the Committee's full report – such as WMD and international terrorism. In the case of WMD, Committee staff evaluated the quantity and quality of intelligence that described WMD capabilities. In the case of international terrorism, Committee staff evaluated the quantity and quality of intelligence that addressed the Iraqi regime's ties to such terrorism. In the case of regional stability and security, however, the analysis amounted to a characterization of how the IC monitored, understood and described the Iraqi threat in the region over more than a decade. At the agency level, for instance, there was no conflict among analysts that Saddam had attacked his neighbors in the past, that he continued to have the largest conventional force in the region, that he had the capability to conduct another attack if he chose, that he had attacked the Kurds, and that he had taken threatening actions toward Kuwait. At the IC-level, as well, analysts showed the same consensus in their coordinated assessments–such as in NIEs, ICA's and SOCMs – about Iraq's conventional capabilities and its aggressive military actions taken from 1991 - 2003. Because analysis at the agency level and at the IC level did not indicate analytical variance, the Committee focused attention primarily on the most authoritative level of analysis, which was at the IC level (i.e., the NIC).

(U) In the case of Iraq's threat to regional stability and security, the Committee also discovered that there was no single IC-level assessment, which Committee staff could use to evaluate IC analysis and intelligence collection.[56] There was no document that explained in one place how the IC consolidated its assessment of all the aspects related to Iraq's post-1991 performance and what it meant for the overall security and stability of the region. Committee staff were forced to review a broad range of assessments from 1991 - 2003 that touched on the many aspects of the Iraqi threat. In a major assessment of Iraq's conventional forces completed in 1999, analysts agreed on Iraq's conventional capabilities and Saddam's actions in the region.

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[56] **(U)** The National Intelligence Council communicated with Senate Select Committee on Intelligence (SSCI) staff through CIA's Office of Congressional Affairs on 23 January 2004. According to the NIC, the IC did not produce an IC-level assessment (for example, an NIE) that addressed the range of issues comprising Iraq's threat to regional stability and security between 1991 and 2003. The IC produced analysis on individual topics that it monitored over the period. For example, the IC agencies produced assessments of conventional military forces or violations of No-Fly Zones.

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This assessment was based on what analysts described as adequate and reliable technical collection.

(U) Clearly, the issue of Saddam's *intentions* to use force against his neighbors and U.S. and Coalition forces was a high-interest matter, and, unfortunately, the main area where the IC was least confident about its analysis. That left IC analysts in the position of speculating[57] about the range of possible actions Saddam Hussein could have taken at any point in the future. This was a consistent theme among analysts after 1991, and this section will demonstrate that the IC identified lack of human intelligence (HUMINT) as the main reason for the uncertainty.

(U) The task of judging regional neighbors' perceptions about Iraq was equally difficult, and it suffered from an additional problem – the complexity of assessing all the separate considerations any one country or group of countries could have had in conducting their relations with Iraq. For instance, well over ten separate countries in the Persian Gulf region had reason to be concerned about Iraq. The Arab League and the Gulf Cooperation Council both struggled, as well, with the complicated issue of how to interact with Iraq within the parameters of UN sanctions.

(U) Analysts were able, though, to describe the various steps that regional countries had taken toward Iraq. For example, Jordan, Syria and Egypt sought better trade relations. Turkey attempted to reestablish an intelligence liaison relationship and security cooperation in northern Iraq. However, analysts were not able to say with certainty why a country would choose any particular course of action. The array of attitudes, perceptions and actions of regional neighbors amounted to a complex back-drop for analysis of the Iraqi threat in the region.

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[57] **(U)** Speculation – or informed judgment – was common in the body of analysis over the entire period. Analysts were in the position of trying to understand what Saddam had done and then predict his intentions for the future by laying out a series of options from which he would likely choose. For example, after Iraqi forces deployed to southern Iraq in October 1994, analysts debated whether he had planned to attack Kuwait or was conducting a training exercise. They later speculated about his willingness to actually attack Kuwait in the future – given his other concerns that included his efforts to have sanctions dropped and the likelihood of a devastating response from Coalition forces if he attacked. Speculation usually included use of caveats, such as "probably," "might," "could," etc.

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B. IC Analysis on the Iraqi Threat

(U) Assessing the threat level from Iraq was a problem for the IC in the years after 1991. Analysts were certain that Saddam was capable of threatening and destabilizing the region, as he had done when he attacked Iran and invaded Kuwait. They also believed he retained components of his WMD programs. For example, he used chemical weapons against Iran and the Kurds in the late 1980s, and he fired Scuds toward his neighbors when he invaded Kuwait. After 1991, though, analysts believed that Iraq's conventional forces were less capable in all readiness categories–to include logistics, manning and training.[58]

(U) The Committee reviewed approximately 400 analytical documents – spanning 1991 until early 2003 – which focused on various dimensions of Iraq's conventional military threat to the region. There was no controversy among IC analysts concerning the degraded status of Iraq's military forces, concerning the facts surrounding Iraqi actions against internal opposition groups, nor concerning the Iraqi regime's resistance to no-fly/no-drive zone restrictions.

(U) Taken as a complete body of documents, the IC showed that by 2003 it had thoroughly assessed Iraq as a conventional threat to regional stability and security. For example, the IC produced analyses that concentrated on Saddam's efforts to reestablish control of his military and on his steps to stabilize Iraq's internal security environment. Analysts also focused on lingering Iraqi threats to Kuwait, Saddam Hussein's efforts to undermine UN sanctions, his aggression toward the Kurds, and interactions with Iran, Turkey and other neighbors.

([redacted]) Analysis of the Iraqi threat was strongest in the areas of conventional military capabilities (also known as "order of battle") and Iraq's military or security actions inside the country. Both of these issues were measurable, that is susceptible to technical collection methods [redacted]. On the other hand, the IC was not confident about its analysis concerning Saddam's intentions for use of force or about the possible intentions of regional governments in their relations with Iraq. Both of these areas relied heavily on HUMINT, which the IC claimed was not reliable enough or sufficient in quantity for accurate assessments. Over this 12-year period, analysts made a clear distinction

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[58] **(U)** The size and operational capabilities of Iraq's conventional military forces sharply declined after the 1991 defeat, and this trend continued all the way through 2002. Still, by 2003 Iraq's conventional forces were the largest in the region.

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between military capabilities and regime intentions. This distinction will be highlighted in the Committee's review of analysis documents later in this section.

C. Agency Level Papers and Current Intelligence Products

(U) Analysts produced hundreds of documents on the Iraqi threat to regional stability and security both at the agency level and at the IC's inter-agency level. The key agency level producers of analysis used for this review were the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA) and the State Department's Bureau of Intelligence and Research (INR).

([redacted]) Based on the documents provided to the Committee by the IC, analysis of Iraq's threat to regional stability and security at the individual agency level did not show signs of disagreement among analysts about the extent of Saddam Hussein's threat after 1991. The analysis at different agencies, such as the CIA and the DIA, was based heavily on monitoring of the actions and the composition of Iraq's conventional forces. [redacted] When Iraqi forces deployed from their barracks, they were monitored. When they exchanged artillery fire with Iranian forces or fired anti-aircraft missiles at Coalition aircraft in the No-Fly Zones, the IC was able to monitor what happened. The CIA and the DIA's Defense HUMINT Service also received HUMINT reporting that corroborated or added to intelligence monitoring by technical means.

(U) From 1991 through 2003, the majority of all analysis that was concentrated on the Iraqi threat was either in the category of agency level analysis documents or in the category of shorter Defense Department current intelligence reports, which typically focused on breaking events. Overall, there was a significant amount of overlap in the topics that IC agencies analyzed. For example:

(U) The CIA often focused on WMD and the evolving political-military situation inside Iraq and in the region;

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[59] [redacted].

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(U) The DIA often focused on WMD, military capabilities and breaking events, such as violations of the no-fly zones or events related to the Kurds in northern Iraq and the Shia in the south; and,

(U) The INR often focused on the evolving political-military situation and its impact on decision making, for example in resisting (United Nations Special Commission (UNSCOM) inspections and in relations with other regional states.

D. Key Analysis Topics in Agency Level Documents

(U) The topics in the below table represent the major analytical themes that Committee staff summarized from the IC's agency level analysis covering 1991 until 2003.

Topics	Comments
WMD capabilities	This complex topic appeared often in agency level analysis products and was the focus of coordinated IC-level assessments.
History of aggression & use of WMD in the region	These topics received little analytical emphasis over the entire period of 1991 through 2003, but still appeared to be an important consideration in threat assessment for all IC analysts.
Conventional capabilities	This received significant analytical attention and focused on numerous issues, such as the impacts of UN sanctions and Coalition containment actions on military capabilities.
Provocative actions inside Iraq, against regional states and ethnic groups	Analysts focused heavily on issues that included violations of No-Fly/No-Drive Zones, Kurdish infighting and Iraqi & Iranian support for opposition groups.

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Topics	Comments
Provocative actions against regional states	This topic received uneven attention following 1996 and full implementations of Northern & Southern No-Fly and No-Drive zones.
Reaction of neighbors	Analysts periodically assessed attitudes of Iraq's neighbors, indicating their wariness about Iraq and their dependence on U.S. forces as a security guarantor. Analysts also highlighted attempts by neighbors to improve relations with Iraq.

E. Review of IC Level Assessments

(U) As late as 2002, the IC had not produced a coordinated NIE – as it had done with the October 2002 NIE on Iraqi WMD – that summarized the disparate pieces of agency level analysis and made a comprehensive judgment on the level and immediacy of the conventional Iraqi threat. Committee staff had to piece together a picture of how the IC understood the Iraqi threat as depicted in assessments and analyses over the 12-year period.

(U) The IC's understanding of the Iraqi threat to regional stability and security evolved from the end of the first Gulf War in 1991 until early 2003, but the assessments came to the same general conclusions that Saddam Hussein: was unpredictable and aggressive; retained the capability to strike militarily in the region; and, would probably not choose to use force against neighbors as long as U.S. and Coalition forces were in the region. The body of assessments showed that Iraqi military capabilities had steadily degraded following defeat in the first Gulf War in 1991. Analysts also believed those capabilities would continue to erode as long as economic sanctions remained in place.

(U) To illustrate the evolution of thought among IC analysts, Committee staff elected to organize assessments chronologically in an attempt to reconstruct the IC's understanding of the Iraqi threat. Interagency treatment of the Iraqi threat produced approximately 40 coordinated community assessments and NIEs focused narrowly on various topics related to regional stability and security. For example, assessments covered – among many other topics – conventional

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military capabilities, repression of opposition groups and threatening deployments of Iraqi ground forces. Analysts judged that Iraq's conventional military capabilities were significantly diminished after its 1991 expulsion from Kuwait, although they were uncertain about Saddam Hussein's willingness to use his remaining forces against neighbors and Coalition forces.

(U) The Committee grouped IC assessments for organizational convenience and ease of review and reading. But, the grouped documents coincide with significant events related to Iraq. For example:

(U) 1991-1994: This period coincides with the end of the first Gulf War and Saddam Hussein's deployment toward Kuwait in October 1994;

(U) 1995-1998: This period covers Iraq's incursion into Kurdish regions in the north, and the departure of UN weapons inspectors;

(U) 1999-2003: This period includes assessments produced after *Desert Fox* Coalition strike in December 1998 and ends in early 2003 prior to Operation Iraqi Freedom.

(U) To characterize how the IC assessed the broad range of topics related to the Iraqi threat to regional stability and security, the Committee will present key text extracts from a body of IC-level assessments produced from 1991 - 2003.

1. Summary of Assessments 1991 - 1994

(U) This period includes six selected assessments concerning the beginnings of Coalition efforts to contain the defeated Iraq. Analysts believed the critical variables in the assessment of Iraq's threat to the region included the presence of U.S. forces, the capabilities and political will of the Gulf Cooperation Council, the reconstitution of Iraq's military logistics, improvements in the morale and readiness of the Iraqi military, and the absence of economic sanctions. The body of analysis indicates that Iraq would remain effectively constrained as long as measures to control Saddam Hussein remained in place. Analysts also considered scenarios that could confront the U.S. and regional players. They concluded that Iraq would probably attempt to rebuild its military force to prewar levels if allowed.

(U) Analysts also concluded that Iraq's ability to project power was severely diminished by Desert Storm and that UN sanctions impeded Iraq's efforts to reconstitute this capability and prevented him from importing weapons. Analysts assessed that Iraq could conduct only limited

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offensive cross-border operations and that it would have great difficulty supporting forces far from logistic nodes within Iraq. Analysts judged that air defense forces were heavily damaged in Desert Storm and were only slowly recovering. The air force had also lost more than half of its best inventory, and the navy was not capable of conducting operations.[60]

(U) Analysts concluded that Saddam Hussein was unlikely to conduct other offensive operations similar to his invasion of Kuwait because he would have had great difficulty supporting forces far from logistic nodes within Iraq. Analysts assessed that Iraq's military remained one of the largest in the Middle East and retained sufficient capabilities to mount simultaneous operations against the Kurds in the north and Shia in the south. But, the dual impacts of defeat in Kuwait and UN sanctions had impeded Iraq's efforts to reconstitute its conventional capabilities. The IC's confidence in these judgments was tempered by lack of reliable intelligence about Iraqi intentions.

(U) The above summary is based on the following documents. Key text extracts are shown below.

(U) Assessment A – *The Gulf Crisis: Implications of War, A Peaceful Solution, or Stalemate for the Middle East*, Senior National Intelligence Estimate (SNIE) 36/39-91, January 1991.

> **(U)** An Iraq whose military power survives under Saddam Husayn or a successor government would be undeterred from its goal of regional supremacy and would pose a threat to moderate Arab States and to Israel . . . . While the Gulf countries would expand military cooperation among themselves, they would look to the United States as the ultimate guarantor of their security . . . . If Saddam emerged intact from the crisis, his continued political and military clout would be a major concern of moderate regimes.

[60]The IC believed the Iraqi navy retained Seersucker anti-ship missiles that could be used to attack shipping in the Persian Gulf.

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(U) Assessment B – *Iraq's Ground Forces: An Assessment*, (NIC M 91-10003, May 1991).

> **(U)** Iraq's ground forces currently do not constitute a regional threat and are capable only of small-scale offensive operations beyond Iraq's borders. Baghdad's military could pose a threat to Kuwait if all coalition forces and United Nations units were withdrawn . . . . Even after the UN embargoes are lifted, however, the devastation inflicted on the Iraqi economy and the drain of reparations make it unlikely that Baghdad would be able to rebuild its ground forces' combat power to prewar levels until the latter half of the decade at the earliest.

(U) Assessment C – *Iraq: Saddam Husayn's Prospects for Survival Over the Next Year*, (SNIE 36.2-91, September 1991).

> **(U)** Iraq will have only limited capabilities to endanger US interests during the next year. Nonetheless, the United States will be challenged to monitor and, if necessary, contain the actions of Saddam's regime, particularly with respect to weapons of mass destruction and treatment of opponents at home and abroad . . . . If Saddam remains in power, the United States will face challenges to . . . support Saddam's neighbors who participated in Desert Storm . . . at the same time, manage what are likely to be divergent policies as some regional states fear chronic turmoil in Iraq and may take measures to resume contact with Iraq.

(U) Assessment D – *Saddam Husayn: Likely to Hang On*, (NIE 92-7, June 1992).

> **(U)** Pressure to reestablish normal relations with Iraq and to resume economic ties is likely to build the longer Saddam remains in power. A rearming Iran is a further complication, placing Iraq's Gulf neighbors under cross-pressures to decide which state poses more of a threat to their interests: Iran or Iraq.

(U) Assessment E – *Prospects for Iraq: Saddam and Beyond*, (NIE 93-42, December 1993).

> **(U)** Throughout this Estimate, we assume that Saddam Husayn will not alter his basic domestic and foreign policy goals: to maintain his hold on power by any means necessary, to reimpose full control over the country, to rebuild Iraq's

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military might – including weapons of mass destruction programs – and to make Iraq the dominant regional power . . . . Our ability to estimate prospects for Iraq is hindered by the dearth of solid information about the activities and intentions of major players in Iraq.

(U) Assessment F – *Iraqi Military Capabilities through 1999*, (NIE 94-19, July 1994).

(U) Despite an impressive military reconstitution effort under difficult circumstances since Desert Storm, Iraq's armed forces retain critical weaknesses. Baghdad will be unwilling and probably unable to engage in significant military operations outside the country as long as UN sanctions remain in place and working. Iraq's leadership perceives a strong US military capability and commitment to maintaining regional stability; and Iraqi forces are occupied with internal security duties – including countering the Kurds, suppressing the Shia, and protecting Saddam's regime. Nevertheless, Iraq will remain a source of immediate concern and a potential long-term threat to U.S. strategic interest in the Persian Gulf for the rest of this decade. Saddam . . . will hold to the objectives of reasserting Baghdad's authority over all of Iraq, regaining domination of Kuwait, and achieving regional supremacy. A strong military is critical to all these goals.

(U) . . . . It is unlikely that Saddam would order the use of unconventional weapons to attack Iraq's neighbors outside of a general war scenario as long as UN weapons monitoring continued. Such attacks would expose Iraq's noncompliance with UN resolutions and would risk the reimposition of economic sanctions.

2. Summary of Assessments 1995 - 1998

(U) This period included eight selected assessments that collectively focus on Iraqi conventional military capabilities, as well as Saddam Hussein's options and intentions for using them to confront U.S. and Coalition forces.[61] Analysts were also uncertain in their judgments about the possibility of Iraqi conventional military attacks on Kuwait and Saudi Arabia. They considered Saddam Hussein's efforts to increase his influence and leverage among regional

[61] **(U)** The issue of UN sanctions was a key concern in this period, and analysts speculated about Saddam Hussein's maneuvering to force an end to the sanctions.

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neighbors while diminishing the influence of the U.S. against him. Analysts believed that most Arab states in the region favored ending the UN sanctions and improving diplomatic, political and economic ties with Iraq.

(U) The Intelligence Community assessed that Saddam Hussein would create crises over various UN measures. Those crises could have included, for example, suspending the oil-for-goods program, actively encouraging "sanctions-busting" with other countries, withdrawing from the UN or intervening in Northern Iraq to press for a settlement among Kurdish factions.

(U) Analysts believed other actions could have included resisting Coalition forces in the no-fly zones and moving militarily in the south–including moving forces to the Kuwait border or an attack on Israel. But it concluded that Iraq would probably decide that the costs of such actions would outweigh any gains.[62]

(U) The above summary is based on the following documents. Key text extracts are shown below.

(U) Assessment G – *Iraqi Military Capabilities through 1999*, (U/M NIE 94-19, January 1995). This assessment states:

> **(U)** Because Saddam has not altered his fundamental goals, Iraq remains an immediate source of concern and a long-term threat to U.S. strategic interests in the Persian Gulf.

(U) The State Department's INR, though, stated in the same document that:

> **(U)** . . . it is impossible to predict with confidence whether Saddam will choose confrontation or opt for a period of quiescence and cooperation sufficient to obtain an easing of sanctions by the end of 1995.

(U) Later in the same document, military intelligence analysts stated that:

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[62](U) One assessment, in particular, was notable for the range of speculation in the IC about Saddam's intentions related to ending UN sanctions. At the time, the IC was reacting to the late 1994 move of Iraqi forces toward Kuwait and was unwilling to rule out any surprises from Saddam. See Assessment G, infra.

[redacted]

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(U) The military intelligence community believes Iraq has at least some chance of quickly mounting a multi-division attack that could successfully penetrate deep enough into Saudi Arabia to damage oil facilities in the Al JubayalDhahran area .... The force would strike a political and economic blow against the [Gulf Cooperation Council] and the West.

(U) .... Given Saddam's record of unpredictability, no agency is willing to completely rule out his attempting another high-risk military confrontation. On the other hand, no agency disputes the evidence presented in [a previous] NIE and in this Update Memorandum regarding Iraq's severe military shortfalls.

(U) Finally, military intelligence analysts agreed with State Department analysts that Baghdad probably would pursue a more cooperative diplomatic policy in the near term in an effort to get relief from UN sanctions. They pointed out, however, that as the pressure on Saddam continued to mount, he was more likely to resort to confrontation. To add a final caveat to their analysis, the military analysts noted that: "It is important to distinguish between perceptions of Saddam's intentions – about which we are always uncertain – and Iraqi capabilities."

(U) Assessment H – *Iraq: Likelihood of Renewed Confrontation*, (SE 95-8, 27 June 1995).

(U) While confronting the United States directly seems less likely, Saddam's aggressive actions last October underscore his unpredictability and his proclivity for dramatic and rash behavior. Options against the United States include: launching terrorist attacks against US (and UN) personnel in northern Iraq; taking tougher military action against the Kurds in northern Iraq; moving Iraqi troops south of the 32nd parallel; challenging the no-fly zones or trying to shoot down US aircraft, including a U-2 reconnaissance jet.

(U) Assessment I – *A More Confrontational Saddam? – Iraqi Intentions and Options*, (NICM 95-33, 02 November 1995).

(U) The August defections [of Saddam's sons-in-law] and Baghdad's subsequent revelations about its weapons-of-mass-destruction programs have set back Saddam's hopes for sanctions relief, but Iraqi expectations for relief probably will rise again as of January 1996. If Saddam decides he can wait no longer, his

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options range from accepting UNSCR 986 [oil for food/medicine exchange] to creating a crisis by acting against UNSCOM, the Kurds, coalition forces, or Kuwait . . . . Iraq has taken a number of steps to improve military readiness and performance in recent months, but on balance these measures afford no more than marginal improvements in capabilities due to the ongoing deleterious effects of sanctions . . . . We assess that, as long as sanctions remain in force, the capabilities of the Iraqi military will continue to gradually, but steadily, decline. Over the longer term, if sanctions were eased and leadership improvements sustained, Saddam's forces could improve markedly.

(U) . . . Short of a large, standing coalition military presence with significant U.S. participation, there is no guarantee that Saddam Husayn can be deterred from considering or employing military force if he believes it would ultimately be to his benefit.

(U) Assessment J – *Iraq: Refurbished Equipment South of 32 Degrees*, (NICM 95-37, 30 November 1995).

(U) Iraq's recent campaign to repair military equipment, and the movement of some of that equipment south of the 32nd parallel, only marginally improves Iraq's overall military capabilities and its ability to threaten Kuwait . . . based on deployment patterns, the regime appears to be trying to improve its internal security capabilities in the south.

(U) Assessment K – *Iraq: Regime Prospects for 1997*, (ICB 96-3C, 31 December 1996).

(U) Some governments interpret the return of Iraqi oil to the world market as a signal that Iraq is emerging from its isolation and that a crack in sanctions is emerging . . . . Some Arab states, such as Syria and Oman, are beginning to call for Iraq's reintegration into the Arab fold. Baghdad's relations with Ankara have improved considerably, with border traffic at the highest level since 1990 . . . . Baghdad has utilized Resolution 986 contracts to boost influence with Jordan and Turkey, especially useful as Saddam attempts to rebuild relations with Amman following the Husayn Kamil debacle and to secure Ankara's support on northern Iraq.

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(U) . . . Although UN sanctions alone probably are not sufficient to bring down the regime, their maintenance is key to keeping pressure on Saddam and frustrating his ambitions for regional hegemony. For now, all Security Council members agree that sanctions cannot be altered until UNSCOM certifies that Baghdad has eliminated all traces of its WMD programs.

[redacted]

[redacted]

(U) Assessment M – *US Position Eroding Sharply in the Middle East*, (NIC 1783-98, 20 March 1998).

(U) A conviction among Arabs that the threat from Saddam has already been contained and a widespread belief that the United States is responsible for the suffering of the Iraqi populace have made the US show of force especially unwelcome. The pro-Saddam aspect of rioting last month in Jordan and the West Bank, anti-US demonstrations in Egypt, and nearly unanimous Arab refusal to support US military operations against Iraq underscore growing regional opposition to US policies.

(U) Assessment N – *Iraq: Prospects for Confrontation*, (ICB 98-21, 17 July 1998).

(U) We assess that Saddam has three primary, and interrelated, goals: maintaining power, having sanctions lifted as soon as possible, and, over the long term, reasserting Iraq's regional dominance.

[redacted]

[redacted]

(U) . . . He is determined to retain elements of his WMD programs so that he will be able to intimidate Iraq's neighbors and deter potential adversaries, such as Iran, Israel, and the United States . . . . We lack specific intelligence information on many issues pertaining to Baghdad's strategic thinking. Much of our analysis, therefore, is based on past patterns of Iraqi behavior.

3. Summary of Assessments 1999 - 2003

(U) This period included seven selected assessments that focused on the condition of Iraqi conventional military forces and Saddam Hussein's possible calculus for launching a conventional attack against U.S. forces or his neighbors in the region. Additionally, this period includes an assessment of neighboring nations' perceptions of and relations with Iraq. Analysts concluded that Saddam Hussein's conventional forces were in poor condition and continued to degrade under the effects of economic sanctions. They believed that Saddam would not choose to risk a confrontation in the region because of the presence of U.S. forces. Analysts also pointed out their lack of certainty about Saddam's intentions to use force, citing poor HUMINT reporting.

(U) The IC assessed that Saddam's determination to compel an end to sanctions could lead to an attack on Kuwait. It also noted that the condition of all Iraqi military branches was poor. For example, the air force showed dramatic erosion, and analysts believed they detected weaknesses in the air defense forces.[63] Analysts judged that Iraqi naval forces were incapable of defending Iraq, but that they could potentially damage – even sink ships – with a residual Seersucker missile force. Finally, ground forces, though degraded, were the most capable of all branches of the military.

(U) The above summary is based on the following documents. Key text extracts are shown below.

(U) Assessment O – *Iraq: Saddam's Next Moves,* (SOCM 99-4, 2 March 1999).

(U) The risk is increasing that Saddam Husayn will act impulsively to score a victory – at least a symbolic one – against his enemies, to regain initiative and

[63]Coalition aircraft considered Iraqi air defense systems a threat to No-Fly Zone patrols. They frequently took defensive actions against ground fire and attacked Iraqi forces in response.

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attention, and to spur Iraq's supporters to act more forcefully on his behalf . . . . In addition, Iraqi frustration is mounting over unmet demands for lifting UN sanctions and uncertainty over the outcome of UN review panels.

(U) . . . Iraq's actions and various intelligence reports suggest Saddam is contemplating the use of terrorism in and beyond the region, sabotage and subversive activities in Kuwait and/or Saudi Arabia, and limited military strikes against these states and regionally-based US forces.

(U) . . . Baghdad's request that UN Panel Chairman Amorim visit Iraq in his ambassadorial capacity shows that Saddam has not abandoned diplomacy and suggests he will await the UN panel results . . . before he decides whether to temporarily pull back from confrontation or to raise the ante. Saddam's options for escalating the crisis with the United States would invite devastating retaliation, a consideration that in the past has led him to settle for tactical political gains in lieu of a strategic breakthrough on UN sanctions.

([redacted]) Assessment P – *Iraqi Military Capabilities through 2003* (NIE 99-04/II, April 1999).[64] Concerning the quality of intelligence the IC collected and used for its assessments of the Iraqi threat, analysts stated that the value of HUMINT reporting lagged behind technically collected intelligence, [redacted]. For example, the IC assessments were strongest and most credible when focused narrowly on conventional military capabilities. The IC used several [redacted] collection methods to monitor key Iraqi indicators [redacted]

([redacted]) [redacted]

[64](U) According to NIC comments in a document delivered to SSCI staff on January 23 2004, the views in this assessment were "generally held by the IC until well into 2002 with some views carried over into [an NIE entitled *Saddam's Military Preparations for War: Intentions and Capabilities*, NIE 2002-17HC, October 2002]. Committee staff did not include this NIE in its review because the title presupposes regional instability based on potential war with Iraq at some point after October 2002.

[redacted]

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(U) The same report, however, noted that HUMINT reporting was the least reliable source of information on the status and intentions of the Iraqi military. For instance, the IC had assessed in August 1996 that HUMINT reporting was incorrect about Saddam Hussein's intentions prior to his deployment of military forces toward Irbil from their garrisons. Those forces eventually attacked the Kurds. Analysts also concluded that HUMINT reporting concerning the movements of the Republican Guard Forces in southern Iraq or near Kuwait from the mid-to-late 1990s was unreliable.

> **(U)** Reading Saddam's intentions is difficult. He can be impulsive and deceptive; critical factors important in shaping his behavior are largely hidden from us . . . . But there are two fundamental guideposts that drive our calculus of his actions. First, we judge that Saddam would be careful not to place his regime's survival at risk. Second, he probably believes that a re-invasion of Kuwait would provoke a Coalition response that could threaten to destroy his regime.
>
> **(U)** Iraq's military capabilities have deteriorated significantly as a result of UN sanctions and damage inflicted by Coalition and US military operations. Its military forces are even less well prepared for major combat operations than we judged in the National Intelligence Estimate . . . of July 1994 and in an Update Memorandum published in January 1995 . . . . They remain more capable than those of regional Arab states, but could not gain a decisive military advantage over Iran's forces . . . . Iraq's military capabilities will continue a slow and steady decline as long as both economic sanctions and the arms embargo are maintained. Smuggling and other efforts to circumvent the embargo will be inadequate to halt the trend . . . . Saddam probably realizes that a reinvasion of Kuwait is now more likely to provoke a Coalition military response that could destroy his regime.
>
> **(U)** . . . Saddam might conclude that an invasion of Kuwait, however risky, was the only hope of averting disaster. By threatening or actually unleashing a major military attack against Kuwait, most likely accompanied by threats to use weapons of mass destruction, Saddam might believe he could bargain for full sanctions relief in exchange for an Iraqi pullback or an agreement to stand down his forces . . . . We judge that Saddam continues to believe that Iraq needs WMD and long-range missiles to: 1) counter Israeli and Iranian capabilities. . . ; 2) deter military attacks, including by Coalition forces; 3) achieve regional preeminence.

[redacted]

[redacted]

(U) The assessment continues with the statement that since the 1994 NIE:

> **(U)** . . . Saddam's belief is likely to have been reinforced by advances in WMD and missile capabilities by Iran, Pakistan, India and other countries.

(U) Assessment Q – *Stability of the Iraqi Regime: Significant Vulnerabilities Offset by Repression*, (ICA 2002-02HC, April 2002).

> **(U)** We judge that Iraqi military morale and battlefield cohesion are more fragile today than in 1991. Reporting since the 11 September attacks on the United States suggests that Saddam's regime is increasingly concerned about the military's willingness to fight.

([redacted]) Assessment R – *Iraq: Evaluation of Documents Provided by the Iraqi National Congress,* (NIC 1770-02, 09 August 2002). The limitations of the HUMINT available to the IC were addressed again in a 2002 NIC document that evaluated a stream of HUMINT reporting from the Iraqi National Congress (INC). According to the NIC, the IC reviewed the 300 pages of documentation that the INC provided in 2002. The IC believed the INC used a variety of its own members, its clandestine agents and other contacts to prepare the materials for the U.S. However, similar to other cases in which HUMINT from various [redacted] sources was deficient, the INC's HUMINT was also of limited value.

> **(U)** The written material provided to the [IC] by the [INC] contains little of current intelligence value. Overall, the order of battle information throughout the documents was generally accurate–matching existing IC holdings that are based on all-source reporting. In some significant areas that information, although correct, is out of date and no longer useful . . . . The intelligence value of almost all the data provided by the INC is diminished by our inability to assess the origin and authenticity of the documents . . . .
>
> **(U)** . . . The order of battle data provided for the Republican Guard, Iraq's most important military service, is four years out of date. The data provided reflects information prior to a 1998 rotation of units. There are also several errors in the numbered brigades and the documents place several division headquarters in the wrong locations . . . . The documents mis-identify the structure and equipment holdings of key Republican Guard divisions . . . .

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[redacted]

(U) Assessment S – *Regional Consequences of Regime Change in Iraq*, (ICA 2003-03, January 2003). Analysts considered influences at work on Iraq's most important regional neighbors. The report indicated that by early 2003 Saddam had succeeded in reestablishing a web of relationships in the region based on commercial interests and sympathy for the Iraqi people, whom regional states perceived as suffering under economic sanctions. IC analysts believed that Arabs would draw a distinction:

> **(U)** . . . between a reversal of Iraqi aggression against another Arab state and a war initiated by the United States . . . 12 years of sanctions against Iraq have reinforced perceptions that Washington is anti-Arab . . . . Unlike in 1991, when key Arab states including Saudi Arabia, Egypt, and Syria openly supported military action to expel Saddam from Kuwait, none of these states is calling for or willing to directly participate in a U.S.-led attack against Baghdad.

(U) Assessment T – *Principal Challenges in Post-Saddam Iraq*, (ICA 2003-04, January 2003). The IC defined the negative impact on regional stability and security from Iraq under Saddam as "a major cause of regional instability and enmity by twice launching wars of aggression against his neighbors . . . . " Conversely, the removal of Saddam would:

> **(U)** . . . offer the prospect of enhancing and stabilizing Iraq's relations with other states in the region . . . . A [new] government in Baghdad also would attempt to build on the relatively stable modus vivendi that Saddam has achieved with his neighbors over the past 10 years.

(U) Assessment U – *Key Warning Concerns for 2003*, (ICA 2003-05, January 2003).

> **(U)** Saddam probably will not initiate hostilities for fear of providing Washington with justification to invade Iraq. Nevertheless, he might deal the first blow, especially if he perceives that an attack intended to end his regime is imminent.

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F. Iraq's Threat to Regional Stability and Security Conclusions

(U) Conclusion 106. The Intelligence Community (IC) did not take steps to clearly characterize changes in Iraq's threat to regional stability and security, taking account of the fact that its conventional military forces steadily degraded after 1990.

([redacted]) [redacted]

(U) Conclusion 107. The quality and quantity of Human Intelligence (HUMINT) reporting on issues related to regional stability and security, particularly on the subject of regime intentions, was deficient and did not adequately support policymaker requirements.

([redacted]) [redacted]

[redacted]

[redacted]

(U) Conclusion 108. Subject to the limitations described in conclusions 106 and 107, the Intelligence Community (IC) objectively assessed a diverse body of intelligence regarding Saddam Hussein's threat to regional stability and security, producing a wide range of high quality analytical documents on various topics. The IC's judgments about Iraq's military capabilities were reasonable and balanced, based on three factors: the size and capabilities of its military forces in relation to neighboring countries; its history of aggressive behavior prior to the first Gulf War; and, its patterns of behavior between 1991 and 2003.

[redacted]

(U) Conclusion 109. The Intelligence Community should have produced a National Intelligence Estimate-level assessment of the overall threat posed by Iraq in the region prior to the start of Operation Iraqi Freedom. Such a document would have outlined – in one place and in a systematic fashion – the complete range of factors comprising Iraq's threat to regional stability and security.

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XVII. SADDAM HUSSEIN'S HUMAN RIGHTS RECORD

A. Background

(U) The Senate Select Committee on Intelligence (SSCI) reviewed approximately 90 documents from the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the Department of State's Bureau of Intelligence and Research (INR) and the National Intelligence Council (NIC) concerning Saddam Hussein's human rights record. The documents included short, current intelligence articles, formal analysis documents produced at the intelligence agencies, and other assessments written at the Intelligence Community (IC) level. These reports covered a wide range of atrocities and abuses over the 12-year period from the end of the 1991 Gulf War until early 2003 before Operation Iraqi Freedom. Though the quantity of analysis was limited and the IC stressed its inability to judge the veracity of all of the intelligence and other information it received, analysts appeared to agree on the major aspects of human rights abuses in Iraq over this period.

(U) Iraq's long history of human rights abuses under Saddam Hussein's dictatorship is well documented in publicly available records. Intelligence analysis also indicated that Iraq under Saddam Hussein's dictatorship practiced a full range of abuses that included political imprisonment, rape, torture, intimidation, murder and killing on a massive scale.

(U) Prior to Operation Iraqi Freedom, three broad categories of abuses were reported in both the intelligence and public records and defined the nature of human rights abuses under Saddam Hussein:

- Atrocities against the Iraqi Kurdish minority, including the use of chemical weapons.
- Use of chemical weapons against the Iranian military during the Iran-Iraq War.
- Political retribution against the Shia and the marsh Arabs in southern Iraq prior to, and following, the 1991 Gulf War.

[redacted]

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(U) The most comprehensive treatment of human rights abuses in the period between 1991 and 2003 was contained in the State Department's unclassified annual *Country Reports on Human Rights Practices*,[65] providing a running account of abuses inside Iraq. The record included reporting on executions, the use of torture and chemical weapons against political opponents, abuses based on ethnicity and religion, and abuses against women and children. The Intelligence Community (IC) drew on those reports as well as human intelligence (HUMINT) and other technical collection methods to build its body of knowledge about human rights abuses.

(U) The intelligence record, though, did not reflect the depth of reporting in the public record. As far as the Committee was able to determine from review of the analysis and discussions with analysts, lack of detail in intelligence reporting and analysis is attributable to the IC's inability to gain full and regular access to the locations of atrocities on Iraqi territory. [redacted]. By 2003, much of the intelligence record amounted to stories of persecution and oppression that filtered out of Iraq through opposition groups and refugees. The IC eventually developed a monitoring approach that improved its ability to anticipate potential atrocities – or at least to better assess some of the [redacted] information it received. That monitoring approach is discussed later in this report.

B. Highlights of The Intelligence Record

(U) Overall, the IC's intelligence collection and analysis on the human rights situation in Iraq never equaled the efforts involved in monitoring regional security, terrorism or weapons of mass destruction. The IC, though, was able to rely on a body of reporting from public sources that helped analysts and collectors focus on critical human rights events inside Iraq. None of the documents provided to the Committee could be considered a coordinated IC-level assessment of the full range of abuses inside Iraq. But

[65] (U) See also *Human Rights Abuses of Saddam Hussein's Regime 1991-2003* (Congressional Research Service (CRS), July 9, 2003). The CRS report drew on a wide range of publicly available documents.

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the IC did produce periodic reports on a wide range of abuses it was monitoring.[66] The following documents are representative of the issues covered by the IC in the body of its reporting.

([redacted]) In 1993, CIA's office of Near Eastern and South Asian Analysis (NESA) wrote an assessment entitled *Humanitarian Situation in the Marshes* (SIM 006/93, 20 August 1993). According to NESA, the IC took seriously some press accounts about systematic repression of Shia and the Ma'adan or marsh dwellers in Southern Iraq. But the IC could not confirm some of the reports because of lack of access to Iraqi territory. [redacted] The IC assessed that those actions damaged and destroyed roughly 1,300 square kilometers or 40 per cent of two marsh areas. [redacted] the environmental impacts and confirming the corresponding growth of refugee camps outside of the marshes indicated IC analysis was accurate.

(U) According to DIA analysts, writing in *Iraq: Ecological Warfare*, (MID-47-94, 14 March 1994), Baghdad had demonstrated its willingness to use environmental destruction as a weapon during the 1991 Gulf War, setting fire to Kuwaiti oil wells and pumping crude oil into the Persian Gulf. DIA analysts believed Iraq was continuing a pattern of ecological warfare by draining southern marshes. According to DIA, ecological attacks were aimed at eliminating rebel strongholds and generally destroying the habitat and culture of the Marsh Arabs.

(U) According to a late 1994 estimate that drew on information from IC agencies, the United Nations (UN) and non-governmental organizations (NGO), the IC judged that Iraq had created a situation inside the country that could require large-scale emergency humanitarian assistance in 1995. For instance, in the report, *National Intelligence*

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[66] **(U)** The CIA's closest approach to an IC-level assessment was *Iraq: A Sustained Pattern of Civilian Repression*, written in January 2003 by the Office of Near Eastern, and South Asian Analysis (NESA) (NESA IA 2003-20011CX). This document is a broad look at abuses under Saddam Hussein's Ba'ath Party, and is a convenient summary and history of reporting about human rights abuses from both classified and unclassified sources. The NESA document supports the findings in this Senate Select Committee on Intelligence (SSCI) report section. It also includes a rich list of reference materials that would have helped to substantiate and explain the IC's approach to analysis of human rights abuses. However, the CIA only delivered the NESA document to the Committee on June 4, 2004.

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Estimate: Global Humanitarian Emergencies, 1995 Vol. II: Country Estimates, (NIE 94-33/II, December 1994), analysts pointed to UN information that indicated hostile Iraqi actions had put approximately 1.3 million people at risk across Iraq. Approximately 750,000 of them were in Kurdish-controlled northern Iraq and, that number included about 30,000 Iraqi Kurds displaced by fighting and an additional 10,000 Kurds who were fleeing into Turkey to stay clear of fighting inside Iraq.

(U) According to a CIA publication, *Facts on Iraq's Humanitarian Situation* (17 July 1998), the IC believed Iraq's 1988 chemical weapons attack on the Kurdish town of Halabja was still causing serious health problems as late as 1998. Beyond those killed in the raid at the time, the Kurds continued to suffer from infertility, congenital malformations and cancers at a high rate. The IC conceded that it was unable to confirm much of the reporting about the Iraqi chemical attacks, but speculated – based on information from a NGO – that there may have been multiple attacks on villages in 1987 and 1988 in areas close to both the Iranian and Turkish borders. There was virtually no analysis on the possible use of biological and chemical weapons against Iraqi civilians in the years between 1990 and 2003. Where it was mentioned, analysts made clear that they were unable to confirm the intelligence. The lack of intelligence on this unique type of atrocity mirrors the difficulty that the IC had in collecting and verifying intelligence reports from inside Iraq on other atrocities, including the IC's difficulty in confirming the details of known chemical attacks in 1987 - 1988.

(U) In a May 1999 comment in an IC human rights monitoring report called *The Warning Committee's Atrocities Watchlist*, the IC noted that the Iraqi government was repressing large segments of the civilian population as a way of controlling opposition groups and reestablishing territorial control. The report stated that the Iraqi government had attacked Shia clerics to curb their influence, for example in the May 1999 time frame, when the Iraqi government announced it had executed about 12 Shia clerics and seminary students and had deployed military units to Shia-occupied areas. The IC viewed these particular abuses as a matter of immediate concern and believed the situation could lead to a major humanitarian emergency in the course of 2000.

(U) In the October 1999 issue of *The Warning Committee's Atrocities Watchlist*, the IC reported that Baghdad had recently emphasized a policy of collective punishment to coerce tribal leaders into supporting Saddam Hussein's regime. The coercion included threats of destroying the homes, villages and fields of suspected oppositionists.

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According to opposition sources who passed information to the U.S. government, the regime may have carried out mass executions as part of its campaign.

(U) The CIA's Office of Near Eastern, South Asian, and African Affairs published *Iraq: Ethnic Relocation Bolsters Regime Security* in May 2000 (NESAF IR 2000-40115CX), outlining Saddam Hussein's systematic efforts to forcibly relocate ethnic groups. The CIA based its assessments about treatment of Iraqi ethnic groups on what it called episodic and irregular information sources and noted the difficulty of corroborating the reporting. According to the CIA, however, Saddam's objective was to bolster internal security, stabilize Baghdad itself and to undermine potential dissident activities. The CIA believed Saddam's regime had sent about 4,000 Shia and Kurdish families away from Baghdad and other cities in 1999 alone, shifting them to southern and western Iraq in retaliation for causing disturbances in urban areas. The relocations were a decades-old measure used by Saddam's regime to weaken any potential rivals. For example, CIA reported that in 1971, Saddam's government expelled 100,000 Shia Arabs and Shia Kurds to Iran. He repeated that tactic in 1980, expelling about 40,000 Shia to Iran. In 1975, his regime moved more than 250,000 Kurds to southern Iraq and razed Kurdish villages along the Iranian border. Saddam's final action was to repopulate the cleared areas with loyal Sunni Arabs and, at times, with Palestinians.

(U) The IC listed Iraq as one of four countries of greatest humanitarian concern in *Global Humanitarian Emergencies: Trends & Projections 2001- 2002,* (NIC 2001-04, Sep 2001). According to IC analysts, conditions in central and southern Iraq were unlikely to improve as Saddam Hussein's regime continued to manipulate the UN oil-for-food program. The IC believed Saddam Hussein was using the UN program both for political leverage and to gain more control over oil revenues. Despite Iraqi abuse of the oil-for-food program, though, analysts judged that conditions in northern Iraq were likely to improve because UN management of the aid program would help limit the impact of economic and relief disruptions caused by Baghdad.

(U) The IC produced an unclassified document in January 2003 entitled, *Putting Noncombatants at Risk: Saddam's Use of "Human Shields."* Analysts reported that Saddam Hussein had used several variations of a "human shield" tactic since 1988 as a way of blocking military actions against Iraq or to otherwise manipulate public opinion during confrontations. The IC was able to draw on confirmed intelligence from the 1990 Gulf War about abuse of human shields, on testimonies from Americans and other foreign hostages and on imagery evidence to demonstrate the extent of Iraqi abuses. By

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late 2002, the IC had obtained imagery that showed military deployments in civilian areas of Baghdad. The Iraqi military positioned different kinds of weapons among noncombatants and rounded up civilians to use as human shields.

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[redacted]

C. Collection and Analytical Approaches

1. Information Sources

([redacted]) According to comments from IC analysts who spoke to Committee staff, a large part of the information available to the IC concerning human rights abuses was [redacted] from refugees, defectors and opposition groups. [redacted]. The IC also depended on the Foreign Broadcast Information Service (FBIS). In all cases, verification of the reporting on human rights abuses was difficult.

([redacted]) [redacted]

([redacted]) [redacted]. Unfortunately, the immigrant/refugee reporting usually could not be verified on the ground in Iraq.

([redacted]) [redacted].

[redacted]

[redacted]

2. Collection Issues

([redacted]) [redacted].

([redacted]) [redacted]. By early 2003, the IC was satisfied it had adequate intelligence to assess the overall human rights situation inside Iraq.

3. Analysis Processes

(U) Several analysts at the CIA and the DIA had expertise in assessing both military affairs and human rights violations, and they have tended to move from one regional crisis to another beginning in the 1990s. When assessing the human rights situation inside Iraq, they addressed a wide range of factors, and the kind of analysis they produced eventually came to be known as "atrocities intelligence." The CIA, for example, had expanded the definition of human rights violations in the mid-1990s to include a broader range of Iraqi actions, e.g. torture, political imprisonment, rape as a tool of coercion, use of human shields, use of chemical and biological agents on civilians and prisoners, use of national treasure to build palaces and VIP residences at the expense of basic services and intentional ecological damage.

(U) By the mid-1990s, analysts had developed a set of indicators they called a "mosaic" of indicators, and which served as an alarm system about human rights atrocities – either imminent or having already occurred. Experience with atrocities in Bosnia was the basis for the mosaic approach and was the model for tracking and analyzing events in Iraq.

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D. Saddam Hussein's Human Rights Record Conclusions

(U) Conclusion 110. Between 1991 and 2003 analysis of Saddam Hussein's human rights record was limited in volume, but provided an accurate depiction of the scope of abuses under his regime. The limited body of analysis was reasonable, given the difficulty of intelligence collection inside Iraq and the demands on collection resources that were primarily targeted on other priorities. Those competing priorities included weapons of mass destruction, terrorism, regime stability and regional security. There was no indication that the Intelligence Community's (IC) analysis was shaped or manipulated in regards to analysis of human rights abuses.

[redacted]

(U) Conclusion 111. The Intelligence Community's development of a systematic analytical method – the "mosaic approach," which grew out of approaches to "atrocities intelligence" in the Balkans – was an innovation for gaining a better understanding of the human rights situation in Iraq. The environment was a denied and hostile arena that thwarted most intelligence collection by organizations following human rights issues.

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XVIII. THE INTELLIGENCE COMMUNITY'S SHARING OF INTELLIGENCE ON IRAQI SUSPECT WEAPONS OF MASS DESTRUCTION SITES WITH UNITED NATIONS INSPECTORS

A. Background

(U) In November 2002, the President issued National Security Presidential Directive (NSPO)-21 directing the U.S. Intelligence Community (IC) to provide all necessary intelligence and support to United Nations (UN) weapons inspections in Iraq. On January 3, 2003, the Director of Central Intelligence (DCI) issued guidance to senior IC officials emphasizing that priority shall be given to collecting, analyzing, and producing intelligence on Iraqi weapons programs that is immediately shareable with inspection teams or that is necessary to ensure their safety and security.

(U) Starting in December 2002, Senator Carl Levin sent a series of requests to the Central Intelligence Agency (CIA) seeking detailed information on the extent to which the IC was sharing intelligence information on Iraqi suspect weapons of mass destruction sites with UN inspectors.

(U) In mid-February 2003, the DCI testified in open session before both the Senate Select Committee on Intelligence and the Senate Armed Services Committee that the CIA had shared all information of value it possessed on high-, and moderate-priority suspect sites with UN inspectors. Similar assertions were made by the DCI and the National Security Advisor in two March 6, 2003, letters sent to Senator Levin.

(U) At the Committee's April 30, 2003, closed hearing, Senator Levin voiced concerns that the information the CIA had provided to him and the Committee on the subject was unresponsive, incomplete and inconsistent.

(U) Senator Levin's primary concern was that unclassified written and oral statements made by the DCI to the effect that, by mid-February 2003, the U.S. had shared all information of value on high and moderate priority suspect sites with UN inspectors, were not accurate and contrary to a classified body of information obtained from the CIA.

(U) At the hearing, Chairman Pat Roberts and Vice Chairman John D. Rockefeller IV, joined by Senator John Warner, Chairman of the Senate Armed Service Committee,

[redacted]

[redacted]

echoed Senator Levin's concerns. Chairman Roberts directed that the Committee staff, pursuant to the Committee's oversight responsibilities, undertake a more in-depth review of how the CIA carried out its information-sharing responsibilities during the November 2002-March 2003 time frame:

> **Chairman Roberts:** " . . . the numbers don't add up. That's why it's caused great concern on my part and that of Senator Rockefeller and more especially Senator Warner and Senator Levin. If we could get that straightened out – and I'm going to make a suggestion that we have staff, Senator Levin, work with CIA to see if we cannot have a briefing, if not a hearing . . . " (SSCI Hearing, April 30, 2003)

(U) The Committee staff met with representatives of the CIA and the Defense Intelligence Agency (DIA) to discuss how and to what extent the U.S. Intelligence Community shared intelligence information on Iraqi suspect weapons of mass destruction (WMD) sites with UN inspectors. The Committee staff also traveled to the UN in New York City and interviewed Dr. Hans Blix, Executive Chairman of the UN Monitoring, Verification and Inspection Commission (UNMOVIC), and Mr. Jim Corcoran, head of intelligence for UNMOVIC.

B. The Lead-up to Renewed Inspections

(U) The United States Government's relationship with UN inspectors in Iraq goes back to 1991, when the Arms Control Intelligence Staff (ACIS) created an office called the Iraq Sanctions Monitoring Task Force. The task force included representation across the IC but was largely staffed from the CIA. The task force supported the United Nations Special Commission (UNSCOM) inspectors through a routine exchange of information on suspected WMD sites until UN inspections in Iraq ended in 1998. Quarterly briefings between the IC and the UN continued, however, from 1998 to 2001.

(U) In September/October 2002, the DCI's Weapons Intelligence, Nonproliferation, and Arms Control Center (WINPAC) created a United States Government inspections support staff, numbering between 12-18 persons drawn from the CIA, National Security Agency (NSA), DIA and National Imagery and Mapping Agency (NIMA)[67], to support the reconstituted UN inspections efforts in Iraq under UNMOVIC

[67]NIMA has recently been renamed the National Geospatial-Intelligence Agency (NGA).

[redacted]

[redacted]

and the International Atomic Energy Agency (IAEA). UNMOVIC inherited the 1998 UNSCOM files on Iraqi suspect sites.

(U) According to CIA's officials, UNMOVIC's hiring was more diversified among member countries and, as a result, new inspectors faced a significant learning curve vice the corporate knowledge attained by UNSCOM inspectors in the late-1990s. The hiring of the new UNMOVIC inspectors also meant that it took time for the United States Government to establish security procedures and a level of trust with the officials.

(U) In late October 2002, the United States Government brought security and communications network officials to its initial meeting with UN officials in New York City to advise UNMOVIC on security considerations and to get the measure of the organization as a whole. A procedure was established to use State Department officials at the UN to facilitate the passing of information from the United States Government to UNMOVIC. Also at this initial meeting, there was an exchange of programmatic information on what the UN was hoping to accomplish once the inspections in Iraq began.

C. The Sharing of Information – the "Pull" Side of the Exchange

(U) UNMOVIC began requesting information on suspect sites from the United States Government through the State Department office at the UN Mission in November 2002. The UN's "pull" of information was in the form of two requests: 1) a request for in-depth data on 33 sites that the UN considered priority sites for inspection; and 2) a lower priority request for line drawings (i.e., site orientation maps detailing building outlines and locations [redacted]) on 245 sites from the UN's historical files.

(U) The United States Government established a review process in response to the UN requests involving approximately ten to 25 persons depending on the type of site. The focus of the review process was on what information would be shared in response to the request and how it would be communicated to the UN. According to the United States Government officials, the site packages prepared in response to the request were not significantly altered during the clearance process that followed.

(U) The United States Government could only identify the location of 31 of the 33 sites requested by the UN. In-depth, or "full," site packages were provided to the UN on

[redacted]

[redacted]

13 of the 31 sites, with site-specific briefings also provided on five of these 13 packages. Line drawings only were provided on the remaining 18 sites.

(U) Of the 245 site line drawings requested, the United States Government provided 42 before the exchange of information ended in March 2003. According to the United States Government officials, these line drawing packages were being produced at a rate of about one a day. According to UN officials, the United States Government's partial delivery of line drawings did not hinder UNMOVIC inspections.

D. The Sharing of Information – the "Push" Side of the Exchange

(U) Concurrent with its efforts to respond to the UN's request for site information, the CIA began an internal review process in October 2002 to determine what information known about sites considered by the CIA to be top suspect sites should be shared with the UN. This untitled list of sites, set forth in a series of spreadsheets organized by WMD discipline, started small and eventually grew into what would later be called the IC Master Inspection List (IC MIL). Though, as detailed below, there are other IC lists pertaining to suspected Iraqi WMD sites, the IC MIL is the focus of this staff review.

(U) Three documents provided guidance on the Intelligence Community's support for weapons inspections in Iraq: (a) an October 10, 2002, e-mail from the CIA to Intelligence Community officials initiating the inspections support process; (b) National Security Presidential Directive (NSPD)-21: *Support for Inspections in Iraq*, dated November 2002; and (c) the DCI's January 3, 2003, memorandum designating the Director of WINPAC, as the executive agent responsible for coordinating and facilitating all intelligence activities in support of UNMOVIC and the International Atomic Energy Agency (IAEA), and forwarding the December 10, 2002, concept of operations for carrying out NSPD-21 Policy.

(U) The process of prioritizing suspect sites began with Intelligence Community officials representing each discipline area (i.e., biological weapons, chemical weapons, nuclear, etc.) being asked to identify the top ten priority sites for inspection. The IC MIL began with about 50-60 sites and ultimately grew to 148 top suspect sites.

(U) According to the CIA's January 24, 2003, letter to Senator Levin, there were approximately 550 sites on the Intelligence Community's suspect site list. The 148 sites identified on the IC MIL were considered the "top suspect sites for inspection purposes;

[redacted]

[redacted]

that is, inspectors are more likely to find something at those sites than other sites." The 148 top suspect sites were further prioritized in the IC MIL as "high," "medium," and "low" priority: 37 were high priority, 68 were medium priority, and 54 were low priority. (Note: the sum of priority sites is 159 not 148 due to the multiple listing of some sites by type of WMD site. For example, one facility is double counted as both a medium priority biological weapons site and a medium priority chemical weapons site. In addition, according to the information provided by the CIA, nine sites on the IC MIL had no priority designation assigned to them.)

(U) The IC MIL prioritization process was based on which site was the best candidate for finding evidence of proscribed WMD activity, including where the Intelligence Community had recent actionable intelligence.

(U) According to the CIA officials, the UNMOVIC inspectors were overwhelmed quickly after beginning inspections in November 2002, and primarily conducted inventory inspections through December. The CIA officials were concerned about the ability of the UN to handle information from the IC MIL being "pushed" to them. As a result, the CIA timed the release of sensitive information to the UN so the inspectors could quickly inspect and avoid [redacted] a lengthy delay between receipt of the information and subsequent inspection [redacted]. The CIA noted that they had circumstantial evidence [redacted] intelligence that the Iraqis had penetrated the UN inspections process and had received advance warning of some inspections.

(U) According to United States Government officials, the highest priority suspect sites were briefed to the UN first, followed by lower priority sites. However, the chronology of when the United States Government briefed site packages to the UN indicates that the order of briefings did not always follow this IC MIL high-medium-low priority progression. Certain suspect sites designated medium and low priority in the IC MIL were briefed to the UN before some high priority sites. Additionally, as detailed below, some high priority suspect sites were not briefed to the UN at all.

(U) It is important to note that the UN was receiving intelligence information from governments other than the United States. The UN estimates that 60% of all the intelligence information it received came from the United States Government, with the balance coming largely from foreign government services. UN officials told the Committee staff that although U.S. intelligence leads had run dry, the UN had

[redacted]

[redacted]

intelligence leads from other foreign intelligence services that had not been investigated when inspections were stopped.

(U) By the time UN inspections were halted in early March 2003, the United States Government had briefed 52 site packages to the UN inspectors. An additional 15 lower priority site packages, labeled by the United States Government as "low-tier sites," were passed to the UN but not briefed, bringing the total of site packages the United States Government took from its internal prioritized list of 148 sites and "pushed" to the UN to 67. However, as noted below, the 15 "lower tier sites" included a mixture of high, medium and low sites.

(U) These 67 IC MIL site packages were briefed to the UN as follows:

	IC MIL Priority Level & Numbers				
Date	None	Low	Medium	High	Number
December 31, 2002	0	1	1	0	2
January 6, 2003	0	3	8	11	22
January 10, 2003	0	1	3	5	9
February 3, 2003	9	1	6	3	19
February 21, 2003	0	1	3	1	5
March 3, 2003	0	2	1	0	3
March 11, 2003	0	3	3	0	6
No date provided	0	1*	0	0	1

* [redacted]

(U) At some point in February 2003, according to the United States Government officials, UNMOVIC told the United States Government that the UN inspectors in Iraq were overwhelmed and that the United States Government should stop sending site information. The request was made orally by the UNMOVIC head of intelligence, who confirmed this account but could not recall when in February he made the request of United States Government officials. Neither United States Government officials nor the

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[redacted]

UNMOVIC head of intelligence recalled when or if a request was made by UNMOVIC for the information-sharing to be renewed. As noted above, the United States Government forwarded nine site briefing packages to the UN in March in addition to the five it provided in late February.

E. Information Shared Compared to the Intelligence Community's Master Inspection List

(U) A comparison of the 67 site packages against the IC MIL's three priority rankings show that the United States Government shared site packages on:

- 20 of the 37 IC MIL high priority sites;
- 25 of the 68 IC MIL medium priority sites; and
- 13 of the 54 IC MIL low priority sites.
  159
- Nine site packages provided to the UN on Iraqi underground facilities were late additions to the IC MIL and as a result not given a priority designation.

(U) According to United States Government officials, the United States Government shared information with the UN by three means:

- the UN request for site information – the "pull" of information (13 site packages, of which five were briefed to the UN by the United States Government, and 60 line drawing packages);

- the IC MIL site packages – the "push" of information (67 total sites); and

- the oral and written exchange of information during discussions between United States Government and UN officials, much of which preceded the establishment of UNMOVIC in 2002. (CIA officials gave the Committee staff a list of dates when materials were briefed to the UN but did not provide the necessary documentation to allow the staff to verify the substance of the information exchanged by this means.)

[redacted]

[redacted]

(U) Information on the IC MIL sites was shared with the UN as follows:

IC MIL Priority (# sites)	IC MIL Briefing	UN Requested	Information Exchange	No Sharing
High (37)	20	6	7	4
Med. (68)	25	10	16	17
Low (54)	13	13	5	23
Underground Facilities (9)	9			

(Note: the sum of priority sites is 159 not 148 due to the multiple listing of some sites by type of WMD site.)

(U) Of the 44 sites on the 148-site IC MIL where the IC states no information was shared with the UN – four high, 17 medium, and 23 low priority top suspect sites – the IC provided a number of explanations as to why an exchange did not occur. In a May 8, 2003, chart prepared in response to Senator Levin's information requests, the following explanations were provided by the CIA as to why information was not shared with the UN on these 44 priority sites:

# of Priority Sites High	Med.	Low	Total	Reason for not sharing information
2	8	7 =	17	"Historical site[68] well known to UNMOVIC. No new actionable intelligence"/ "No new information to brief."
0	0	4 =	4	"Historical site, the present use of this facility is unknown."
1	2	0 =	3	"New site disclosed by Iraq in 7 December CAFCD [Currently Accurate, Full and Complete Declaration]"
0	0	3 =	3	"Site previously briefed. No new actionable intelligence."
0	0	2 =	2	"No new, actionable intelligence"

[68] Site revisited by UNMOVIC many times over the years.

[redacted]

[redacted]

1	0	0 =	1	"Not briefed due to cultural sensitivities." [This site is a graveyard and the CIA felt the UN inspectors would not want to exhume corpses.]
0	1	0 =	1	"Unlocated facility within large presidential compound."
0	1	0 =	1	"Location not yet identified."
0	1	0 =	1	"IAEA has independent information on site. No new actionable intelligence."
0	1	0 =	1	"UNMOVIC inspected this site before we were able to brief."
0	1	0 =	1	"No activity noted since 2000."
0	1	0 =	1	"Historical supervisory role for aircraft used in early UAV development."
0	1	0 =	1	[No explanation was provided by the CIA on this site.]
0	0	1 =	1	"Site of interest, but no new, actionable intelligence."
0	0	1 =	1	"Full site package on [redacted], now occupying this site, provided to UNMOVIC."
0	0	1 =	1	"Possible chemical site of unknown purpose. Possibly [redacted] visited by IAEA in Dec 02."
0	0	1 =	1	"This is a mining facility, no new actionable intelligence."
0	0	1 =	1	"Subset of [redacted] High Explosive (HE) Test Facility."
0	0	1 =	1	"Historical interest; Test stand is derelict."

[redacted]

[redacted]

0	0	1 =	1	"Purported Garrison for al Fat'h missile unit. No current evidence of missiles."
4	17	23 =	44 total sites	

F. Multiple Intelligence Community Lists

(U) There are no fewer than five Intelligence Community lists dealing with Iraqi sites related to weapons of mass destruction (WMD) activity. Not until early May 2003, over four months after Senator Levin began asking the CIA for detailed information about how and to what extent the Intelligence Community was sharing intelligence information with UN inspectors, did the CIA provide a full and detailed explanation of these multiple lists. The definition and site information contained below was provided to the Committee staff on May 9, 2003:

- (U) **Iraq WMD Program Collection Support Brief (CSB) (527 sites):** A comprehensive reference guide for collectors. The CSB is a field reference for collectors that provides a baseline tool [redacted].

(U) The Committee received the CSB in December 2002. In that version of the CSB, a total of 146 sites were designated "high" (81 sites) or "moderate" (65 sites) [redacted].

- **(U) WMD Master Site List (WMSL) (578 sites as of April 1, 2003):** Developed by the U.S. Central Command to support military operational planning and coordinated within the Intelligence Community, the WMSL identifies the totality of sites that are suspected of having possible associations to nuclear, biological, or chemical warfare and delivery systems. One of the contributing lists for the WMSL was the CSB, so there is significant duplication between these two lists.

(U) Sites on the WMSL are assigned one of five priority designations, defined as follows:

[redacted]

[redacted]

- Priority 1 (55 sites) – "Best candidate sites to locate nuclear, biological, chemical, radiological weapons, agents, related materials, delivery systems, or evidence of their production and/or storage."

- Priority 2 (55 sites) – "Sites likely to be associated with proscribed WMD and ballistic missile activity."

- Priority 3 (132 sites) – "Sites that previously supported WMD/delivery programs or show evidence of ongoing support."

- Priority 4 (179 sites) – "Sites with possible capability to support WMD or delivery system programs, to include dual-use sites."

- Priority 5 (157 sites) – "Historical WMD sites considered inactive or unlikely to currently be assisting WMD or missile programs."

(U) Of the 578 sites on the WMSL, 110 are either Priority 1 or Priority 2 sites. The existence of the WMSL was first disclosed to Senator Levin April 3, 2003, in response to his letter to the DIA about a March 30, 2003, newspaper article referencing the existence of the list. In his April 3, 2003, letter forwarding the WMSL to Senator Levin, DIA Director Vice Admiral Lowell Jacoby stated that the 110 Priority 1 and Priority 2 sites "are considered by the IC to be the primary Iraqi sites with the highest probability of locating evidence of WMD programs and activities."

- **(U) Iraq Master Site List (IMSL) (943 sites):** The IMSL is an omnibus DIA list of Iraqi sites related to WMD programs and delivery systems, counterterrorism targets, prisons or prisoner of war camps, and regime issues (including leadership and archives) to guide detailed sensitive site exploitation during Phase IV (stability operations) of Operation Iraqi Freedom. All WMSL sites were incorporated into the IMSL on April 16, 2003. Priority 1 and Priority 2 WMSL sites were given an overall priority of 1, while lower exploitation priority numbers were increased by one, to conform to the definitions in the IMSL.

- **(U) Intelligence Community Master Inspection List (IC MIL) (148 sites):** The IC MIL is a compilation of WMD sites of concern at which the Intelligence Community considered inspectors would be more likely to find evidence of a proscribed program or activity. These sites were grouped into high, medium and low value sites, depending on the Intelligence Community's assessment of recent

[redacted]

[redacted]

activities suggesting ongoing WMD association or other intelligence information that the sites were worth inspecting. As noted above, the 148 sites were designated as high, medium, or low priority.

(U) While the CIA's January 24, 2003, letter to Senator Levin mentions that the CIA considered 150 sites to be "top suspect sites for inspection purposes," the existence of the IC MIL was not disclosed to Senator Levin until the CIA's April 24, 2003, letter. An actual copy of the list was subsequently provided to Senator Levin and the Committee staff on May 7, 2003.

- **(U)** List of Sites Briefed to UN Inspectors (67 sites): Those sites where the Intelligence Community had information it believed either was not known by UNMOVIC or the IAEA, or would provide the inspectors value-added, actionable intelligence.

(U) Senator Levin requested this list of sites from the CIA on January 13, 2003, and was denied. After numerous appeals, the CIA eventually acquiesced and provided the list to Senator Levin on January 29, 2003, and updated it periodically until the sharing of information with the UN ceased in March.

G. Statements Made by Administration Officials about the Sharing of Information

(U) During the time when the CIA was sharing information on suspected WMD sites with the UN (i.e. December 31, 2002 - March 11, 2003), unclassified written and oral statements were made by DCI Tenet and other Administration officials on the extent to which the Intelligence Community had shared information with inspection officials:

- **(U)** Senate Select Committee on Intelligence Open Hearing – February 11, 2003

  Senator Levin: "My question to you is: When will we be completing the sharing of information with the U.N. inspectors?"

  Director Tenet: "Sir, we have given the U.N. inspectors and UNMOVIC every site that we have that is of high or moderate value, where there is proven intelligence to lead to a potential outcome – every site we have."

  Director Tenet: ". . . All I can tell you is we have given them everything we have and provided every site at our disposal, and we cooperate with our foreign

[redacted]

[redacted]

colleagues to give them – we have held nothing back from sites that we believe, based on credible intelligence, could be fruitful for these inspections."

Senator Levin: "I just must tell you that is news. That is a very different statement than we have received before."

Director Tenet: "Sir, I was briefed last night, and I think we owe you an apology. I don't know that you have gotten the full flavor of this. But in going through this last night, I can tell you with confidence that we have given them every site."

- Senate Armed Services Committee Open Hearing – February 12, 2003

Director Tenet: "We, the American intelligence community, have had an intelligence exchange with the United Nations on Iraq and WMD in sensitive sites for over ten years . . . There is, therefore, a very strong common understanding of sites of potential interest to inspectors, whether they were UNSCOM inspectors or UNMOVIC inspectors or IAEA inspectors."

". . . When the inspections began, we drew up a list of suspect sites which we believe may have a continuing association with Iraq's WMD programs. The list is dynamic. It changes according to available intelligence or other information we receive. Of this set number of suspect sites, we identified a specific number as being highest interest, highest value or moderate value because of recent activities suggesting ongoing WMD association or other intelligence information that we received. As I said yesterday, we have briefed all of these high value and moderate value sites to UNMOVIC and IAEA."

"Of the remaining sites of lower interest on this suspect site list, I had my analysts review all of them last night to see what we had shared with UNSCOM, with UNMOVIC, and with IAEA. We identified a handful, one handful of sites which may not have been known to the UNSCOM inspectors that we will pass to them. Now, the important thing to note is, in addition, we continue to provide additional site information to UNSCOM [sic] either in response to their questions on a daily basis, because they have their own site list."

[redacted]

[redacted]

". . . my direction to our community and our people was that quote, 'flood the zone.' To work with these people on a daily basis to do everything that we can to assist their inspection process . . ."

- Statement for the Record, Letter from DCI Tenet to Senator John Warner – March 6, 2003

"When the current round of inspections began, the Intelligence Community assembled several lists of suspect sites, which we combined into a common list in early January. This list consisted of high, moderate and low value sites, depending on our assessment of recent activities suggesting ongoing WMD association or other intelligence information that the sites were worth inspecting. We have now provided detailed information on all of the high value and moderate value sites to UNMOVIC and the IAEA."

- Letter from Condoleezza Rice, Assistant to the President for National Security Affairs, to Senator Carl Levin – March 6, 2003

"In terms of U.S. intelligence support specifically, it has been substantial. United Nations inspectors have been briefed on every high or medium priority weapons of mass destruction, missile, and UAV-related site the U.S. Intelligence Community has identified. Our bottom line is that, when we believe there is any real probability of finding prohibited material or activity, we provide the relevant information to the U.N. inspectors and offer to assist them in using it."

H. The Intelligence Community's Sharing of Intelligence on Iraqi Suspect Weapons of Mass Destruction Sites with United Nations Inspectors Conclusions

(U) Conclusion 112. The Intelligence Community had limited actionable intelligence on suspect Iraqi weapons of mass destruction sites.

(U) [redacted]

[redacted]

[redacted]

(U) **Conclusion 113. The Central Intelligence Agency fulfilled the intent of the Administration's policy on the sharing of intelligence information.**

[redacted]

(U) **Conclusion 114. Public pronouncements by Administration officials that the Central Intelligence Agency had shared information on all high and moderate priority suspect sites with United Nations inspectors were factually incorrect.**

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 115. The rationale used by the Central Intelligence Agency for deciding what information to share with the United Nations was inherently subjective, inconsistently applied, and not well-documented.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(U) Conclusion 116. The multiple Intelligence Community Weapons of Mass Destruction (WMD) site lists lack coherency.

[redacted]

[redacted]

[redacted]

(U) Conclusion 117. The information the Central Intelligence Agency provided to Senator Levin in reply to his letters on the sharing of intelligence information with the United Nations was, in some cases, unresponsive, incomplete and inconsistent.

[redacted]

[redacted]

[redacted]

[redacted]

(a) [redacted]

(b) [redacted]

[redacted]

[redacted]

APPENDIX A

[redacted]

([redacted]) We provide specific comments below, in the form of a scorecard. We flag the draft's strengths as well as weaknesses. This scorecard is pegged to analytic merit, not persuasive power. On a range from one to five starts (asterisks), five denotes a smoking gun in terms of UNSCR 687-prohibited weapon systems. One star denotes a claim we do not consider strong, but which is plausible. A bifurcated score (e.g., "***/WEAK) indicates that parts of the discussion are strong, other parts weak.

Introduction

-- Page 1-2. ***** Discussion of historical, outstanding issues and Iraq's track record of noncompliance, deception, and denial. There is further discussion at the beginning of the biological, chemical, nuclear, and missile sections. These discussions might be expanded.

Iraq Deception and Denial

-- 4-5. ***/WEAK. Intercepted conversation of [redacted] re hiding vehicle from inspectors. Weak re [redacted] Virtually conclusive re hiding prohibited vehicle, presumably involving OFF violation. But it demonstrates Iraq's continuing proclivity to hide proscribed equipment from inspectors--reinforcing our concerns about hidden WMD.

[redacted]

-- 6-7. * Information on Higher Committee: Generally valid, eve though we don't take the source's every claim as Gospel, and the insider's information is very general.

-- 7, last bullet. * Information from senior official in [redacted] Okay.

-- 8, first bullet. *** Orders to hide correspondence with OMI: Highly compelling, even though the high-level orders apparently cover sensitive materials not exclusive to WMD.

-- 8, second bullet. WEAK. Qusay order to remove prohibited items from palaces.

-- 8, third bullet. *** Multiple humint reports of hiding prohibited items in various homes. Compelling, even though some reports appear based on rumor and/or circular reporting, and the hidden items presumably include sensitive non-WMD documents as well as WMD items.

-- 8, last bullet. WEAK. Sensitive files being driven around in cars, in apparent shell game. Plausibility open to question.

[redacted]

[redacted]

[redacted]

-- 9, first bullet. * Computer hard drives reportedly removed from "weapons facilities." Such claims are highly credible, even though they apparently extend to non-WMD sensitive files as well. (Note: Draft states claim as fact.)

-- 9, second bullet. WEAK. Plans to hide WMD in [redacted] We cannot rule this out, but virtually all of the many reports come from questionable sources. Also, inspectors may have already investigated one or more such reports and found nothing.

-- 9, last bullet. WEAK. Missiles with biological warheads reportedly dispersed. This would be somewhat true in terms of short-range missiles with conventional warheads, but is questionable in terms of longer-range missiles or biological warheads.

-- 10, first bullet. * Missiles hidden [redacted] Authenticity of information is questionable, but claim is not implausible.

Chemical Weapons

-- 10-11. ***/WEAK. We support much of this discussion, but we note that decontamination vehicles--cited several times in the text--are water trucks that can have legitimate uses. A safer characterization is, "a vehicle used for chemical weapon decontamination."

-- 11. **WEAK We agree there has been suspicious activity [redacted], including presence of a decontomination vehicle. We caution, however, that Iraq has given UNMOVIC what may be a plausible account for this activity--that this was an exercise involving the movement of conventional explosives; presence of a fire safety truck (water truck, which could also be used as a decontamination vehicle) is common in such an event.

-- 12, top. **/WEAK. Much of discussion is valid, but it is unlikely the Iraqis [redacted] This paragraph really should describe [redacted]

-- [redacted] Authenticity of information is questionable, though some of the claims are plausible. Nuclear claims are WEAK, and open to IAEA criticism. (Note: Draft states it as fact.)

Thwarting Interviews

-- 13-14. *** Discussion is good and valid.

-- 14, last bullet. **/WEAK. Iraqi intelligence officials posing as WMD scientists. Such claims are not credible and are open to criticism, particularly by the UN inspectorates. (Interviews typically involve such topics as nuclear physics, microbiology, rocket science, and the like; and inspectors tend to be leading scientific or technical experts.) Better to state that some Iraqi intelligence officials have been part of WMD programs for

[redacted]

[redacted]

[redacted]

years, filling scientific positions [redacted]

-- 15, first half. * Saddam reportedly warned scientists of serious consequences if they revealed sensitive information to inspectors. Not clear the information is authentic, but it is generally credible. (Note: Draft states it as fact.)

-- 15, penultimate bullet. * WMD scientists reportedly attended pre-inspection training. Unsubstantiated but credible. (Note: Draft states it as fact.)

-- 15, last bullet. WEAK. Claim of intelligence officials posing as WMD experts. Aside from the question of plausibility, note that such claims arguably are at odds with the above-cited report of pre-inspection training by WMD personnel.

-- 16, first bullet. * Claim that intelligence agents posed [redacted] Unsubstantiated, but plausible. (Note: Draft states it as fact.)

-- 16, second bullet. WEAK. Alleged false death certificate for scientist. Not implausible, but UN inspectors might question it. (Note: Draft states it as fact.)

-- 16, third bullet. * Iraqi regime prepared to execute key scientists to prevent disclosure of sensitive information. Unsubstantiated, but plausible--at least to the point where a suspiciously high number of scientists start dropping off.

-- 16, bullets four and five. WEAK. WMD personnel leaving Iraq under various circumstances to avoid interviews. Some details are highly questionable, and this reporting is arguably at odds with other claims in the draft.

-- 16-17. WEAK. Experts at one facility being substituted by workers from other facilities. Plausibility open to question.

-- 17, first full bullet. * Some [redacted] officials reportedly [redacted] We question report's authenticity, but it is not implausible.

-- 17, second bullet. WEAK. 12 experts reportedly under house arrest, 70 others in prison, to prevent contact with inspectors. Highly questionable.

-- 17, third bullet. * Unidentified scientist reportedly held by authorities to prevent contact with inspectors; family threatened. We question report's authenticity, but it is plausible.

Illegal Procurement of WMD-Related Goods

[redacted]

[redacted]

[redacted]

[redacted] the prevailing IC view, with which INR (and many DOE experts in private) disagree.

[redacted]

Biological Weapons

22-23. ***** We endorse the discussion of outstanding, historical issues. We suggest adding that "UNSCOM reported in 1997 that a panel of 13 experts from member states unanimously found that 'the outstanding problems' in Iraq's BW declarations were 'numerous and grave.'" (Quoted from recent CIA product.)

-- 25, first full para. *** Discussion of MIG-21 and BW delivery. We share the strong concern about Iraqi intentions for recently refurbished MIG-21s for BW purposes. However, the claim that experts agree UAVs fitted with spray tanks are "an ideal method for launching a terrorist attack using biological weapons" is WEAK.

-- 26 - The date of the accident asked for in the text is 1998.

-- 29, end of middle para. ****/WEAK. Smallpox indeed is a great concern: We believe there is an even chance smallpox is part of Iraq's offensive BW inventory. But there is no solid evidence Iraq has researched smallpox for weaponization purposes.

-- 31, third bullet. ***/WEAK. This is a legitimately serious issue, but "marks on his arm" is not compelling and should be deleted; or the text should read, "UN inspectors acquired a photograph of one of the prisoners that showed biological experimentation."

-- Page 32, last para. **/WEAK. Most of the discussion is valid, but the reference to "central" as part of Iraq's battlefield strategy should be deleted. The use of CW was small, but not inconsequential, in comparison to the many strictly conventional attacks that claimed thousands more lives.

-- Page 34, second bullet. ***/WEAK. The text in fact should be strengthened, by deleting the word "laboratory" from the first bullet. This will strengthen our concerns about equipment being used for production.

[redacted]

[redacted]

[redacted]

-- Page 38, second bullet. ***/WEAK The castor oil issue is serious, but the discussion should be modified. [redacted]

Nuclear Weapons

-- 39-40. **** We support the focus on Saddam's continued intent/ambition to acquire nuclear weapons; track record of deception, denial. We would add that the nuclear-weapon program has always been the jewel in the crown for Saddam.

[redacted]

-- 40. ****/WEAK. We support the focus on Iraq's record in the early-to-mid1990s of deceiving the IAEA. But most of the discussion is overstated, in our opinion, especially the suggestion that only a single defector stood in the way of an IAEA clean bill of health for Iraq. [redacted]

-- 41. **/WEAK. We concur with some of the discussion of Iraq's nuclear-weapon status. [redacted]

-- 41-42. **/WEAK. On the tubes, in addition to our general remarks above, we suggest not playing the cited intercept, as it is taken out of context and is highly misleading. Meantime, we will work with our IC colleagues to fix some more egregious errors in the tubes discussion.

-- 43-44. **/WEAK. While the discussion of magnet procurements is largely valid, [redacted] Nonetheless, this discussion tracks with the majority IC view.

-- 44. ***/WEAK. We support the focus on the fact that Saddam's cadre of nuclear experts remains largely intact. However, some specific claims are WEAK, namely that many key scientists and equipment were "often hidden [redacted] and the suggestion that Iraq moved and renamed teams of personnel [redacted]

-- 45, last para. */WEAK. While we too are concerned about Saddam's periodic meetings with nuclear personnel, we have a more mixed interpretation as to motive.

[redacted]

[redacted]

[redacted]

Delivery Systems

-- 47, first full para. WEAK. Linkage of specialty trucks to Scuds is unsubstantiated.

-- 47, middle of page. WEAK. Reports of missiles being transported on trucks, or moved into southern Iraq at night, come from questionable sources, in our view.

-- 48. **/WEAK. We support much of the discussion of al-Samouds. For the record, however, we question the claim that Iraq has developed an al-Samoud with a 300 km range. We believe it might be a garbled reference to the wider-diameter, al-Samoud II variant.

-- 49, top of page. **/WEAK We agree the reporting on clandestine work on the Scud-type engine is compelling, though it is unproven and, in our view, at odds with other compelling humint. (Note: The draft states it as fact.)

[redacted]

-- 49, bottom. **/WEAK. While we agree that Iraqi contacts with North Korea are worrisome, we believe the discussion overstates the evidence of any missile link.

-- 50, first full para. ****/WEAK. We agree that the evidence suggests work on large-diameter motor cases, though we do not believe the evidence is necessarily conclusive, contrary to what the draft suggests. (The intercepts are hardly straightforward.)

Page 55, bottom. **/WEAK. While we agree with much of the discussion, we are unconvinced that "...all the bad actors and terrorists who could come through Baghdad and pick-up biological weapons..." is a likely scenario unless Saddam's regime is about to fall.

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APPENDIX B

[redacted]

(Passed to INR Front Office, February 3, 2003;
a final version was delivered to S staff.)

([redacted]) The draft we saw today at CIA is vastly improved over Friday's draft, and many or most of the incorrect or dubious claims have been removed. Earlier today, we flagged for the drafters some remaining problems that were relatively important; the drafters subsequently fixed most, but not all, of these.

([redacted]) What follows are the remaining points (in order of appearance) we find most problematic:

-- Numerous references to humint as fact. (E.g., "We know that...) We have been told that some are being adjusted, but we gather some others--such as information involving multiple-corroboration--will stay (e.g., page 7, third full para). In the Iraq context, "multiple corroboration" hardly guarantees authenticity of information.

-- Page 2, missile intercept transcript: We learned that for source/methods reasons, the officials associated with the hidden, "modified vehicle" are no longer identified as [redacted] personnel, and are [redacted] linked to the elite Republican Guard. [redacted] We are somewhat uncomfortable because this new, redacted text leans further toward longer-range missile equipment, whereas the actual evidence points more toward SAM equipment--even though the al-Kindi establishment, to which the vehicle is linked, has at least historically been engaged in longer-range missile work.

-- Page 4, last bullet, re key files being driven around in cars to avoid inspectors. This claim is highly questionable and promises to be targeted by critics and possibly UN inspection officials as well.

-- Page 5, first para, claim re missile brigade dispersing rocket launchers and BW warheads. This claim too is highly questionable and might be subjected to criticism by UN inspection officials.

-- Page 15, top, re nuclear acquisition timeline. We understand that the first sentence--about a UN assessment that Iraq "could have produced a nuclear bomb by 1993" had the Gulf War not intervened--is being changed to reflect that this was a US, not UN assessment. We do not object to the proposed new version, as long as it is understood that this involved a "Crash Program" scenario in which Iraq diverted IAEA-safeguarded, foreign-supplied highly enriched uranium, or HEU. [redacted]

[redacted]

[redacted]

[redacted]

understands that the 1993 timeline involves diverted, foreign-supplied HEU. After all, the USG's own assessed Iraqi timeline for *indigenous* bomb development was "five to seven years," and that the Crash Program scenario is no longer viable, as all highly enriched uranium has been removed from Iraq.

-- Page 6, aluminum-tube discussion. The good news is we believe the text is far better than the "Friday version." Our key remaining concern is the claim that the tubes are manufactured to a tolerance that "far exceeds US requirements for comparable rockets." In fact, the most comparable US system is a tactical rocket--the US Mark 66 air-launched 70mm rocket--that uses the same, high-grade (7075-T6) aluminum, and that has specifications with similar tolerances. Note that the Mk 66 specifications are unclassified, and the Department is planning to share them with the IAEA.

We understand CIA now argues that a comparable US system is an Astros multiple-launcher rocket, said to have much looser tolerances. We believe this system is less comparable, for at least two reasons: 1) The Astros does not involve high-strength aluminum; and 2) the *Iraqi* rocket in question, the Nasser 81 MLR, was reverse-engineered from an Italian *air-launched* rocket, not an MLR system.

That said, it would not be inaccurate to suggest that the Nasser 81's tolerances are *suspiciously tight.*

-- Page 17, bottom: "We know that Iraq has produced large-diameter [redacted]." We have sigint information that is highly suggestive, but not necessarily conclusive. (Even a key WINPAC missile analyst agrees.) INR could live with something along the lines of, "We are quite certain that..."

Finally, one unsolicited suggestion for your consideration: After the description of Blix's remarks, one could transition into the discussion of recent activities by saying something like: "We *know* Iraq is still lying on these outstanding issues, so why should we trust Iraq's claims about lack of recent prohibited activity?"

[redacted]

[redacted]

[redacted]

GLOSSARY

7075-T6 aluminum:	A very high strength aluminum alloy.
al Husayn:	An Iraqi-produced variant of the Scud missile.
Annex III to UNSCR 687 and 707:	An addendum to United Nations Security Council Resolutions 687 and 707 which outlines a list of nuclear and nuclear-related items, equipment, software, related technology, and other materials considered to be designed or prepared for the processing, use or production of special fissionable material (i.e., items for use exclusively in nuclear activities, whether military or civilian). These items are either prohibited to Iraq or are subject to certain controls; including reporting to the International Atomic Energy Agency, by Iraq and by any state exporting such items to Iraq.
Anodize:	To coat a metallic surface with a protective coating.
Atropine:	A nerve agent antidote.
Beams gas centrifuge:	Centrifuge developed by Dr. Jesse W. Beams (a founder of the U.S. gas centrifuge program).
Biological weapons agent:	A dangerous biological pathogen. The agent must still be weaponized in order to be effectively delivered to the intended target.
Carbon fiber composite:	A group of fibrous materials made of carbon that is one of the strongest and stiffest reinforcements available; used in high performance applications that require high specific strength and or stiffness.
Centrifuge:	A rapidly rotating cylinder that can be used for the enrichment of uranium. The spinning cylinder concentrates the heavier isotope (U-238) of the uranium hexafluoride gas along the cylinder's wall, while the lighter isotope (U-235 - enriched uranium) concentrates at the center of the cylinder where it can be drawn off separately.

[redacted]

[redacted]

Centrifuge rotor: A thin-walled vertical cylinder made from a strong material which rotates at very high speeds.

Centrifuge cascade: A number of centrifuges connected in series used to obtain highly enriched uranium.

Chromic acid: A powerful oxidizing agent used to anodize metals and alloys.

Cyclosarin/GF: A chemical warfare nerve agent.

Defense contingency product: A DIA finished intelligence product intended to support a specific continency, such as Operation Iraqi Freedom.

Defense Intelligence Reference Document: Analytic reports produced by the DIA.

Defensive biological warfare program: Effort to produce methods of protecting personnel from biological weapons, such as vaccines, antibiotics and protective clothing.

Desert Fox: Codename for a series of air-strikes launched following the departure of United Nations weapons inspectors in 1998. The goal was to degrade Saddam Hussein's ability to make and use WMD and proscribed missiles, diminish his ability to wage war against his neighbors, and demonstrate the consequences of violating international obligations.

Drone: A pilotless aircraft operated by remote control.

Dual-use: Indicating potential use in both military and civilian applications. Examples include a fermenter that is useful for both making vaccines and biological warfare agents; or a chlorine supply which can be used to help purify water supplies or produce chemical weapons.

Electronic jammer: Any active transmission device intended to disrupt enemy radio frequency signals.

[redacted]

[redacted]

Electromagnetic isotope separation (EMIS):	A process of uranium enrichment in which ions, accelerated through a vacuum in a magnetic field separate into different trajectories based on the ion's mass and charge. Can be used to enrich uranium.
Endemic:	The constant presence of a disease or infectious agent within a given geographic area.
Enriched uranium:	Uranium which has been processed such that it contains a higher percentage of fissile uranium isotopes (mostly U-235) than is found in natural uranium ores.
Executive Dissem:	A CIA Directorate of Operations report with limited distribution.
Fissile material:	Material capable of being split by a low-energy neutron and, therefore, readily usable for the core of a nuclear weapon. The most common fissile materials used in the production of nuclear weapons are Uranium-235 and Plutonium-239.
Gas centrifuge process:	A uranium enrichment process in which a feed of uranium hexaflouride (UF6) gas is enriched in a rapidly rotating cylinder. Each stage of a gas centrifuge enrichment plant consists of many gas centrifuge rotors.
Gas centrifuge rotors:	A long, thin vertical cylinder made from strong material (aluminum, maraging steel, or graphite fiber) which rotates at high speeds about its axis.
Gaseous diffusion:	A process for enriching uranium in which a feed of uranium hexaflouride (UF6) gas is compressed and flows through a cascade of compressors, heat exchangers, and a diffuser that houses membranes. Some of the gas molecules contain U-235 (enriched uranium), others contain U-238 (depleted uranium). The molecules with U-235 pass preferentially through the membrane micropores to form an enriched product.
Geiger counter:	Radiation detection equipment.

[redacted]

[redacted]

High-speed balancing machine:	A machine that spins component parts to high-rates of rotation and measures the amount and phase of imbalance on the part. It is used to test components for vibration or to correct imbalanced components.
Hoop-stress:	The circumferential stress in a cylindrical form subjected to internal or external pressure.
Hydrostatic testing:	Pressure tests used to test structural integrity. Often used to test the strength of missile airframes.
INTELINK:	The Top Secret classified Intelligence Community intranet.
Magnetic suspension:	Provides magnetic support for rotors. Often used in high-speed applications to reduce friction.
Manhattan Project:	Code name for the U.S. effort to build an atomic bomb duringWorld War II.
Maraging steel:	A type of steel or iron-based alloy that is harder than normal steel and is strengthened by a process of martensitic transformation; used in electro-mechanical components where ultra-high strength is required.
Mobile erector launcher:	A type of missile launcher that requires a separate towing vehicle; typical configuration is the missile erector launcher on flat-bed trailer.
Mujaheddin:	A para-military force of Muslim guerilla warriors engaged in a *jihad,* or holy war.
Mustard agent:	A chemical warfare blister agent.
Nerve agent:	A family of chemical warfare agents which attack the nervous system.
Nodong:	A North Korean medium-range ballistic missile.
Nuclear Suppliers Group:	Group of nuclear suppliers that seeks to control exports of nuclear materials, equipment, and technology, both dual-use and specially designed and prepared equipment.

[redacted]

[redacted]

Offensive biological warfare program:	Effort to produce BW agents for delivery with the intent of killing or incapacitating.
Oil For Food Program:	Established under UNSCR 986; allowed Iraq to sell oil to finance the purchase of humanitarian goods.
Ombudsman:	An organizational appointee who investigates complaints by individuals against the organization.
Oxidizer:	A substance that oxidizes another substance.
Phenol:	A caustic, poisonous white soluble crystalline compound derived from benzene and used in resins, disinfectants, plastics, and pharmaceuticals; poisonous if taken internally.
SA-2:	A common surface-to-air missile system.
Sarin:	A highly toxic chemical nerve agent.
Simulant:	A usually benign substance with similar properties as chemical and/or biological warfare agents used in lieu of the actual agents. Often used to test weapons delivery systems.
Telemetry:	The science and technology of automatic data measurement and transmission, as by wire or radio, from remote sources, such as space vehicles, to a receiving station for recording and analysis.
Tensile strength:	The maximum amount of tensile stress or tension that can be applied to a metal before it ceases to be elastic. If too much force is applied the material will break, become plastic, or be unable to go back to its initial shape.
U-2:	Reconnaissance plane that is an intelligence collection platform.
Uranium hexaflouride (UF6):	A gas used in the uranium enrichment process.
Urenco:	Name for the European consortium that developed the centrifuge process of uranium enrichment.

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[redacted]

Wahhabi: Fundamentalist movement of the Sunni form of Islam.

Weaponization: Taking biological or chemical warfare agent and placing it in an effective delivery system, such as a spray tank system or artillery shell.

Yellowcake: A yellow or brown powder produced from naturally occurring uranium minerals as a result of milling uranium ore or processing uranium-bearing solutions; uranium oxide.

Yield strength: Stress that causes plastic deformation.

Zippe centrifuge: Type of gas centrifuge designed by German scientist Dr. Gernot Zippe. This centrifuge design has influenced all gas centrifuge designs.

[redacted]

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ACRONYMS & ABBREVIATIONS

ADCI	Assistant Director of Central Intelligence
ADCI/C	Assistant Director of Central Intelligence for Collection
ADDI	Associate Deputy Director for Intelligence
ALF	Arab Liberation Front
ANO	Abu Nidal Organization
BW	Biological weapon(s)
CBRN	Chemical, biological, radiological and nuclear
CBW	Chemical and biological weapon(s)
CCDC	Collection Concepts Development Center
CDC	Centers for Disease Control
CIA	Central Intelligence Agency
CPD	CIA's Directorate of Operations Counterproliferation Division
CTC	Counterterrorist Center
CW	Chemical weapon(s)
D&D	Denial and deception
DCI	Director of Central Intelligence
DDCI	Deputy Director of Central Intelligence
DDI	Deputy Director for Intelligence
DI	CIA's Directorate of Intelligence
DIA	Defense Intelligence Agency
DO	CIA's Directorate of Operations
DOD	Department of Defense
DOE	Department of Energy
EIJ	Egyptian Islamic Jihad
ELINT	electronic intelligence
EMIS	Electro-Magnetic Isotope Separation
FBI	Federal Bureau of Investigation
FBIS	Foreign Broadcast Information Service
GF	Cyclosarin (a type of nerve agent)
GON	Government of Niger
HEU	Highly enriched uranium
HPSCI	House Permanent Select Committee on Intelligence
HUMINT	Human intelligence
Hz	Hertz (cycles per second)
IAEA	International Atomic Energy Agency
IAEC	Iraqi Atomic Energy Commission
IAEO	Iraqi Atomic Energy Organization
IC	Intelligence Community
ICA	Intelligence Community Assessment
IIS	Iraqi Intelligence Service

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ILS	CIA's Intelligence Liaison Staff
IMINT	Imagery intelligence
INR	Department of State's Bureau of Intelligence and Research
INVO	IAEA's Iraq Nuclear Verification Office
IO/UNP	State Department's Bureau of International Organizations, Office of United Nations Political Affairs
ISG	Iraq Survey Group
JAEIC	Joint Atomic Energy Intelligence Committee
kg	Kilogram(s)
KSM	Khalid Shaikh Muhammad
MASINT	Measurement and signature intelligence
MEK	Mujahedin-e Khalq
MEL	Mobile erector and launcher
MID	Military Intelligence Digest
mm	Millimeter(s)
MRBM	Medium-range ballistic missile
MRL	Multiple rocket launcher
NAIC	Air Force's National Air Intelligence Center (former name for National Air and Space Intelligence Center [NASIC])
NBC	Nuclear, biological and chemical
NESA	CIA's Office of Near Eastern and South Asian Analysis
NFIB	National Foreign Intelligence Board
NGA	National Geospatial-Intelligence Agency (new name for the National Imagery and Mapping Agency [NIMA])
NGIC	National Ground Intelligence Center
NGO	Non-governmental organization
NIAG	Nuclear Interdiction Action Group
NIC	National Intelligence Council
NICB	National Intelligence Collection Board
NIE	National Intelligence Estimate
NIH	National Institutes of Health
NIMA	National Imagery and Mapping Agency (former name for the National Geospatial-Intelligence Agency [NGA])
NIO	National Intelligence Officer
NMJIC	National Military Joint Intelligence Center
NP	State Department's Bureau of Nonproliferation
NSA	National Security Agency
NSC	National Security Council
OIF	Operation Iraqi Freedom
OMI	Iraqi Organization for Military Industrialization
OSD	Office of the Secretary of Defense
OUSD-P	Office of the UnderSecretary of Defense for Policy

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PA	Department of State's Office of Public Affairs
PCTEG	Policy Counterterrorism Evaluation Group
PDB	Presidential Daily Brief
PFLP-GC	Popular Front for the Liberation of Palestine - General Command
PIJ	Palestinian Islamic Jihad
PLF	Palestinian Liberation Front
PM	Prime minister
PUK	Patriotic Union of Kurdistan
R&D	Research and development
RPM/rpm	Rotations per minute
SAM	Surface-to-air missile
SASC	Senate Armed Services Committee
SEIB	Senior Executive Intelligence Brief
SIGINT	Signals Intelligence
SIO	Senior Intelligence Officer
SOCM	Sense of the Community Memorandum
SPM	Department of State's Bureau of Intelligence and Research, Office of Strategic, Proliferation, and Military Analysis
SPWR	Senior Publish When Ready (a CIA finished intelligence product)
SRBM	Short-range ballistic missile
SSCI	Senate Select Committee on Intelligence
TEL	Transporter, erector, and launcher
TIN	Technical intelligence note (a Department of Energy finished intelligence product)
UAE	United Arab Emirates
UAV	Unmanned aerial vehicle
UBL	Usama bin Ladin
UDMH	Unsymmetrical dimethylhydrazine (a type of missile fuel)
UF6	Uranium hexaflouride
UN	United Nations
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSC	United Nations Security Council
UNSCOM	United Nations Special Commission
UNSCR	United Nations Security Council Resolution
UNSCR 687	United Nations Security Council Resolution prohibiting Iraq from having WMD or proscribed missiles
UNSCR 707	United Nations Security Council Resolution condemning Iraq for violating UNSCR 687
USAF	United States Air Force
USAID	United States Agency for International Development
USG	United States government
VTC	Video teleconference

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VX	O-ethyl S-(2-iisopropylaminoethyl) methylphosphonothiolate (a type of nerve agent)
WINPAC	Director of Central's Intelligence's Center for Weapons Intelligence, Nonproliferation, and Arms Control
WMD	Weapons of mass destruction

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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 shear 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 I 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.

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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.

* * *

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.

* * *

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.

* * *

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.

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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

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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."

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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.

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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)

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"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)

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"[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)

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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:

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"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.

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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.

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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.

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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

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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.

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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 Center[69] 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 communications 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

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[69]We 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).

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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

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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

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[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).

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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 consituted 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

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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.

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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.

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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.

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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 Untied 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 repented 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."

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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 be 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.

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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.

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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.

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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).

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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

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> 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

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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."

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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.

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- 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

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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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