

## Senate Democratic Policy Committee Hearing

### “An Oversight Hearing on Pre-War Intelligence Relating to Iraq”

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The July 2004 *Report on the US Intelligence Community's Prewar Intelligence Assessments on Iraq* from the Senate Select Committee on Intelligence helped fill in a critical piece of the Iraq war puzzle with its crushing critique of the intelligence failures in assessing the pre-war threat. With access to the classified record and interviews with hundreds of intelligence analysts and operatives, the report discussed in intense detail how the intelligence community misrepresented and misjudged information about Iraq's suspected nuclear, biological and chemical weapons programs. Public documents and statements by officials in both the United Kingdom and the United States used these faulty intelligence findings to make the case that war was the only answer. As British Prime Minister Blair said in his foreword to his government's notorious September dossier, “It is now clear...the policy of containment has not worked”.

We now know with a high degree of certainty:

- Iraq did not have militarily significant quantities of chemical or biological weapons.
- Iraq was not producing chemical, biological or nuclear weapons.
- Iraq did not have on-going chemical, biological or nuclear weapon programs.
- Iraq did not pose an immediate threat to the United States, Europe or the region.
- None of the key findings in the October 2002 US National Intelligence Estimate (NIE) on Iraq were accurate, with the exception of the finding that Saddam was highly unlikely to transfer any weapons to terrorist groups.
- U.S. and UK officials went far beyond the intelligence findings in their public statements.

Others had come to these conclusions months earlier, without classified access: Spencer Ackerman and John Judis of the *New Republic*, Barton Gellman of *The*

*Washington Post*, Kenneth Pollack of the Brookings Institution, and Jessica Mathews, George Perkovich and myself at the Carnegie Endowment for International Peace.<sup>1</sup> The fact that these errors were apparent months earlier — and for some, before the war — suggests how unreliable the official threat assessment process has become. Because the estimates were so deeply flawed and the consequences so enormously costly, it is crucial to examine the role of the White House in what is clearly one of the worst intelligence failures in US history.

### **System Failure or Political Shift?**

The Senate committee report concludes that while “most of the major key judgments” in the October 2002 NIE were “either overstated, or were not supported by, the underlying intelligence report,”<sup>2</sup> the failures were a result of “systematic weaknesses, primarily in analytic trade craft, compounded by a lack of information sharing, poor management, and inadequate intelligence collection” and a “group think” mentality—rather than administration pressure.<sup>3</sup> (The report of Lord Butler in the UK similarly blamed the analysts and the system rather than fault political or organizational leaders.) If this judgment were correct, then one would expect that the threat assessments had begun to diverge from reality immediately after inspections in Iraq ended in 1998. The truth is that the U.S. unclassified assessments offered fairly reasonable judgments until 2002. In brief, previous NIE had indicated — and this was still the general consensus of US intelligence agencies in early 2002 — that:

- The 1991 Gulf War, UN inspections, and subsequent military actions had destroyed most of Iraq’s chemical, biological, nuclear and long-range missile capacity.
- There was no direct evidence that any chemical or biological weapons remained in Iraq, but agencies judged it likely that some stocks could still remain and that production could be renewed.
- As Iraq rebuilt its facilities, some of the equipment purchased for civilian use could also be used to manufacture chemical or biological weapons.
- Without an inspection regime, it was very difficult to determine the status of these programs.

A marked shift, however, occurred with the October 2002 NIE. The findings became far more dramatic, specific and certain. This NIE judged that Iraq had 100 to 500 tons of chemical weapons “much of it added in the last year,” that “all key aspects...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.” The report claimed that Iraq had “a covert force of up to a few dozen Scud-variant ballistic missiles” and “a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical and biological weapons across broad areas,” and that Iraq “is reconstituting its nuclear program.”

Why, if the error was the intelligence community's "systematic weakness" alone, did the assessments shift so rapidly in 2002? In this context, the Senate Committee's explanation for intelligence flaws appears astonishingly incomplete.

### **Pressure from the Top**

The dramatic shift between prior intelligence assessments and the October 2002 NIE suggests, but does not prove, that the intelligence community began to be unduly influenced by policymakers' views sometime in 2002. Although such situations are not unusual, in this case the pressure appears to have been unusually intense. This is indicated by the Vice President's repeated visits to CIA headquarters and demands by officials for access to the raw intelligence from which analysts were working. Also notable is the unusual speed with which the NIE was written and the high number of dissents in what is designed to be a consensus document. Finally, there is the fact that political appointees in the Department of Defense set up their own intelligence operation, reportedly out of dissatisfaction with the caveated judgments being reached by intelligence professionals. It strains credulity to believe that together these five aspects of the process did not create an environment in which individuals and agencies felt pressured to reach more threatening judgments of Saddam Hussein's weapon programs than many analysts felt were warranted.

The Senate report does not go into these issues in any detail. It defers an examination of how the administration used or misused the intelligence to a second, separate investigation to be completed after the November presidential election. It does conclude, however:

"The Committee found no evidence that the IC's [Intelligence Community] mischaracterization or exaggeration of the intelligence on Iraq's weapons of mass destruction (WMD) capabilities was the result of political pressure," and "none of the analysts or other people interview by the committee said that they were pressured to change their conclusions related to Iraq's links to terrorism."<sup>4</sup>

Not all the members of the committee agreed. In a very useful and insightful "additional views" provided by Senators John D. Rockefeller, Carl Levin and Richard Durbin, the senators note "the report paints an incomplete picture." They say:

"It is no coincidence that the analytical errors in the [National Intelligence] 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 pronouncement."<sup>5</sup>

They note that on the afternoon of September 11, mere hours after the attacks in New York and Washington, Secretary of Defense Donald Rumsfeld wondered aloud to

staff whether the attack allowed the United States to attack Saddam Hussein at the same time as Osama bin Ladin. The meeting at Camp David days later discussed plans to attack Iraq presented by Deputy Secretary of Defense Paul Wolfowitz. In January 2002, in his first State of the Union message after the attacks, President Bush put Iraq in an “axis of evil” linked to the terrorists and posing “a grave and growing danger”.

The senators noted: “Four months after al Qaeda killed 3,000 people on American soil, the President had placed Iraq in the cross-hairs for military invasion.”<sup>6</sup> They also detail President Bush’s long and dedicated campaign for war against Iraq “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.”<sup>7</sup>

These false claims have been extensively critiqued elsewhere, including in the Carnegie report, *WMD in Iraq: Evidence and Implications*.<sup>8</sup> Our 2004 study concluded that administration officials systematically misrepresented the Iraqi threat in four ways:

**Administration officials conflated the three types of weapons of mass destruction - nuclear, chemical, and biological - into the single expression "weapons of mass destruction".** Although almost all officials and analysts are guilty of this error, this allowed the administration to combine the very high likelihood that Iraq had chemical weapons - which can kill hundreds - with the extremely low possibility that Iraq had nuclear weapons - which can kill millions - as one and the same threat. This dramatically altered cost-benefit discussions prior to the war.

**Administration officials repeatedly suggested that Saddam Hussein would transfer WMD capabilities or weapons to terrorist groups such as al Qaeda.** This was a crucial linkage in the administration's case for war, because it created the sense of urgency to respond and effectively eliminated deterrence as a potential tool against Iraq. There were no intelligence findings to support this claim.

**Administration officials routinely dropped caveats and uncertainty present in intelligence assessments.** The NIE itself, having shifted significantly from earlier assessments, contained over 40 distinct caveats that were usually dropped by administration officials. For example, Vice President Cheney said he knew "with absolute certainty" that Iraq was procuring materials for a nuclear enrichment program. Secretary of State Colin Powell told the UN Security Council that there was "no doubt" Iraq had chemical weapons. It is now known that the intelligence assessments were far less certain.

**Administration officials misrepresented the findings made by UN inspectors.** On October 7, 2002, President Bush delivered a major address on Iraq's weapons. Bush said that "the regime was forced to admit that it had produced more than

30,000 litres of anthrax and other deadly agents. The inspectors, however, concluded that *Iraq had likely produced* two to four times that amount. This is a massive stockpile of biological weapons..." UN inspectors did not reach this conclusion; the inspectors had said that Iraq had enough growth medium that *could be used* to produce more anthrax than it had declared. The inspectors did not assert that Iraq actually had produced additional anthrax. In addition, administration officials ridiculed UN inspectors' findings in 2002-2003, casting doubt on the inspectors' ability to uncover the extent of Iraqi programs.

**(See Appendix for tables comparing intelligence and claims on nuclear, biological, and chemical weapons and missile delivery systems.)**

The senators also detail substantial and credible evidence of pressure as reported by an internal panel headed by former CIA deputy director Richard Kerr, who noted "there was a lot of pressure, no question"; from the CIA Ombudsman, who noted that the "hammering" by the Bush Administration on Iraq intelligence was harder than he had previously witnessed in his 32-year career with the agency; and from Director George Tenet's own testimony that he counseled officials who felt pressured to "relieve the pressure" by refusing to respond to repeated questions where no additional information existed.<sup>9</sup>

The Senate report also criticizes the CIA (but not administration officials) for misrepresenting the threat from Iraq's weapons far beyond the intelligence failures. The public version of the NIE issued as a White Paper in October 2002 dropped what few caveats, probabilities, and expressions of uncertainty retained in the NIE. Significantly, this included the only intelligence findings that the CIA got right when it concluded in the NIE that Saddam Hussein was unlikely to give any weapons he possessed to terrorists and expressed doubts that the regime had a direct relationship with al Qaeda.

The report goes out of its way to defend the false claims that Saddam was trying to import significant quantities of uranium from Niger. The lengthy section on this seems to be primarily an effort to discredit Ambassador Joseph Wilson, and thus protect the administration official who exposed the identity of his wife, a covert CIA operative. Revelations by Wilson, a former ambassador sent to Niger to investigate whether Iraq had attempted to purchase uranium from Iraq, forced the administration to recant its public statements on the subject. The lack of more critical scrutiny on this issue makes this the weakest section in the Senate report by far. A little common sense shows that a Niger uranium sale — even if attempted — was highly unlikely to be carried out and never a serious threat.<sup>10</sup>

### **Saddam: A Shrinking Tiger**

Finally, it is worth quoting at some length just one of the declassified assessments now available through the Senate report. It is from an April 1999 NIE, from the period before Bush officials began their efforts to change the intelligence assessments. It directly contradicts statements from administration officials repeated before the war —

and to this day — that Saddam was “a growing threat” and that “we would have to confront him sooner or later.”<sup>11</sup> On the contrary, the intelligence community concluded:

“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.”<sup>12</sup>

In January 2003, when officials were ratcheting up their warnings of a growing threat and immediate danger, the intelligence community issued its final appraisal:

“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.”<sup>13</sup>

## **We Were Not All Wrong**

Supporters of the U.S. and UK administrations are fond of asserting that everyone — including the United Nations — got it wrong. This claim is also repeated by many experts and journalists who often mean by it that they, too, got it wrong. It is offered as an explanation and an excuse, as if their conclusion that war was necessary was the only reasonable judgment possible at the time given the available evidence.

But not everyone got it wrong. The United Nations inspectors in particular turned out to be more accurate and more precise than the intelligence agencies of the United States, the United Kingdom and Israel, all of which asserted that Saddam had large stockpiles of ready to use weapons. The UN inspectors, on the other hand, never said that Iraq *had* nuclear, biological or chemical weapons — only that Iraq *might have* some components or materials for such weapons. As Dr. Hans Blix told the Security Council one month before the war, “One must not jump to the conclusion that they exist.”<sup>14</sup> That was the reason for having inspections: to find out for sure.

This point is key. The administration and many experts ignored the new intelligence coming in from the UN inspectors during the three months they were permitted to operate. The Butler report notes the failure of the British government to “re-evaluate” its intelligence estimates in light of the inspectors’ findings in 2003. The same could be said of the U.S. intelligence agencies, but the Senate Committee report ignores the crucial role played by UNMOVIC and the new intelligence they were providing. In the months before the war, the inspectors reported back that there was no evidence of the

large-scale, on-going production programs the U.S. and UK claimed. The inspectors have said they would have needed only a few more months to give definitive answers. Eminent experts, including several at the Carnegie Endowment, urged the president to continue inspections and containment. It has now been confirmed that these measures were working: that Saddam was growing weaker, not stronger; that his army was deteriorating and his rule shaky. As David Kay testified before the US Congress, Saddam's regime "was in a death spiral."

Further, not all national intelligence agencies "got it wrong." Many, including the French, German and Russian governments, suspected that Saddam could have some chemical or biological weapons and were concerned that some nuclear-weapon activity might be underway. But they did not believe these weapons, if they existed, posed an immediate danger.

The majority of nations on the UN Security Council appeared to agree with French Foreign Minister Dominique de Villepin who elaborated the French position before the UN Security Council in March 2003:

"It is clear to all that in Iraq, we are resolutely moving towards the complete elimination of weapons of mass destruction programs. The method that we have chosen works. The information supplied by Baghdad had been verified by the inspectors and is leading to the elimination of banned ballistic equipment.

"We must proceed the same way with all the other programs — with information, verification, destruction...ith regard to nuclear weapons, Mr. ElBaradei's statements confirm that we are approaching the time when the International Atomic Energy Agency (IAEA) will be able to certify the dismantlement of the Iraq program.

"What conclusions can we draw? That Iraq, according to the very terms used by the inspectors, represents less of a danger to the world than it did in 1991, and that we can achieve the objective of effectively disarming that country...There is nothing today to indicate a link between the Iraqi regime and al Qaeda. Will the world be a safer place after a military intervention in Iraq? Let me state my country's conviction: it will not."<sup>15</sup>

Whatever one may think about French motives, it is now clear that, on the merits, France was largely right about the threat of Iraq's weapons and how to address it prior to the war.<sup>16</sup> And they were not alone.

### **Centralization not the Answer**

Finally, it is not even true that all the US intelligence agencies "got it wrong." As the Senate report documents in great detail, the skeptical opinions of the agencies most expert on such key issues as whether aluminum tubes purchased by Iraq could be used for centrifuges to enrich uranium (the Department of Energy) or whether unmanned aerial

vehicles could disperse chemical or biological weapons (the Air Force), were overruled by the CIA. But it goes deeper than that.

A close reading of the Senate report tells the story of an intelligence assessment process dominated from the top that systematically cut out debate and dissent. This should raise serious concerns about the somewhat contradictory recommendation from the commission that the way to cure the crippled American intelligence community is to increase the centralization and increase the top-down control.

There is a telling vignette from December 2002, when the CIA produced a response to Iraq's December 7 "Full and Complete Disclosure" of its WMD programs mandated by the United Nations. It should be recalled that the apparent incompleteness of this declaration was a turning point in the drive to war, as many observers concluded that Saddam was never going to tell the truth, making war the only option. In hindsight, the declaration was far more complete than most realized. What we have not known until the Senate report is that the official U.S. response to the declaration was rushed through without due consideration from all the intelligence agencies.

On the crucial issue of Iraq's nuclear program, the intelligence review sent to the White House on December 17, titled "US Analysis of Iraq's Declaration, 7 December 2002," concluded that 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 UK Dossier."<sup>17</sup>

Neither the State Department's Bureau of Intelligence and Research (INR) nor the Department of Energy (DOE) were allowed to review or comment on these conclusions. (In fact, the INR, the smallest of the US intelligence agencies, consistently had the most accurate assessments of Iraq's capabilities.) The Senate report discloses email sent to the CIA from an INR analyst 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 'US position'? We were not invited to review or clear on the draft preliminary 'US' assessment, which subsequently went to POTUS, et al. [President of the United States]."<sup>18</sup>

The CIA responds that all agencies had been invited to participate in the analysis. The INR sends another email noting that INR and DOE analysis had been able to review the Iraqi declaration and make some comments, but that they had left the CIA before the CIA analysts had prepared their review. They had not even known that such points were being prepared or provided to the White House, the INR analyst said. Even though the INR then sent their concerns to the CIA, their views were never included in the official talking points used by US officials.

The INR analyst forwarded his comments to his counterpart in the DOE who wrote back,

“It is most disturbing that WINPAC [the Director of the CIA’s Center for Weapons Intelligence, Nonproliferation and Arms Control] 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!”<sup>19</sup>

## **A Job Half Done**

The two dissenting agencies were, of course, correct. Politics and pressure pushed CIA leaders to take concerns and fragments of information and turn them into definitive findings and a *casus belli*.

If the United States is to reform the intelligence assessment process to better respond to future threats, it is essential that top policymakers understand that the work is only half finished. They should resist the rushed efforts to adopt sweeping reorganizations based on the mistaken belief that they now have the full picture of what went wrong. These Senate report and the 9/11 Commission report, as good as they are, as information-rich as they are, as well-written as they are, tell only half the story. Until the full details of the roles played by Undersecretary of Defense for Intelligence Stephen Cambone, Undersecretary of Defense for Policy Douglas Feith, Deputy Secretary of Defense Paul Wolfowitz, Vice-President Cheney and his Chief of Staff Lewis “Scooter” Libby are revealed, policy-makers will not understand how the system became so corrupted.

A true, comprehensive assessment of the intelligence failures prior to the Iraq war, including the administration’s role, is still needed — regardless of political schedules. Then, and only then, will we have the full story of what went wrong and all the facts we need to prevent such distortions from ever happening again.

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<sup>1</sup> See, for example, Joseph Cirincione, Jessica Mathews and George Perkovich, *WMD in Iraq: Evidence and Implications* (Carnegie Endowment, January 2004), available at [www.ProliferationNews.org](http://www.ProliferationNews.org).

<sup>2</sup> *Report on the US Intelligence Community’s Prewar Intelligence Assessments on Iraq, Select Committee on intelligence*, United States Senate, (Washington, D.C., July 2004), p. 14 [hereinafter Senate Report].

<sup>3</sup> *Ibid*, pp. 15-18.

<sup>4</sup> Senate Report pp. 16 and 363.

<sup>5</sup> *Ibid*, p. 451.

<sup>6</sup> *Ibid*, p. 452.

<sup>7</sup> *Ibid*, p. 453.

<sup>8</sup> *Op cit*. Available for download at <http://www.ProliferationNews.org>.

<sup>9</sup> Senate Report, p. 456.

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<sup>10</sup> For a fuller treatment of the Niger issue, see Joseph Cirincione, “Niger Uranium: Still a False Claim,” Carnegie Proliferation Brief, August 28, 2004, available at: <http://www.ceip.org/files/nonprolif/templates/Publications.asp?p=8&PublicationID=1595>.

<sup>11</sup> Journalists and experts often repeat this unsupported claim, despite evidence to the contrary. *The Washington Post*, for example, editorialised favourably about Senator John McCain’s defense of the Iraq invasion at the Republican National Convention: “Mr. McCain offered a powerful argument for going to war in Iraq: that whether or not Saddam Hussein had weapons of mass destruction, ‘freed from international pressure and the threat of military action, he would have acquired them again. . . . We couldn’t afford the risk posed by an unconstrained Saddam in these dangerous times.’” September 1, 2004, p. A18.

<sup>12</sup> Senate Report p. 388, quote from *Iraqi Military Capabilities through 2003 (NIE 99-04/II, April 1999)*.

<sup>13</sup> *Ibid.*, p. 390, from *Key Warning Concerns for 2003, (ICA 2003-05, January 2003)*.

<sup>14</sup> Remarks of Executive Chairman of UNMOVIC, Dr. Hans Blix to the UN Security Council on February 14, 2003 available at: <http://www.un.org/apps/news/infocusnewsiraq.asp?NewsID=382&sID=6>. See also remarks of Mohammed ElBaradei, Director General of the IAEA, and Hans Blix, former Executive Director of UNMOVIC at the Carnegie International Non-Proliferation Conference, June 2004, available at <http://www.ProliferationNews.org>. Dr. Blix said on that occasion, “Saddam Hussein did not have any weapons of mass destruction in March 2003, and the evidence invoked of the existence of such weapons had begun to fall apart even before the invasion started. Saddam Hussein was not a valid object for counterproliferation. He was not an imminent or even a remote threat to the United States or to Iraq’s neighbours. The ousting of his bloody regime could have been urged on the basis that it was a horror to the Iraqi people, but this was not argued at the time. A continuation of the inspections, as desired by the majority of members of the Security Council, would have allowed visits to all sites suspected by national intelligence agencies and would have yielded no weapons of mass destruction because there were none.” Dr. ElBaradei said: “The Iraq experience demonstrated that inspections - while requiring time and patience - can be effective even when the country under inspection was providing less than active cooperation. All evidence to date indicates that Iraq’s nuclear weapons program had been effectively dismantled in the 1990s through IAEA inspection - as we were nearly ready to conclude before the war. Inspections in Iran over the past year have also been key in uncovering a nuclear program that had remained hidden since the 1980s - and in enabling the international community to have a far more comprehensive picture of Iran’s nuclear program than at any time before.”

<sup>15</sup> Dominique de Villepin, Foreign Minister of France, Speech before the UN Security Council, March 7, 2003.

<sup>16</sup> For a more complete view of the French position, see Joseph Cirincione, “The French Were Right,” Carnegie Analysis, February 24, 2004, available at: <http://www.ceip.org/files/nonprolif/templates/article.asp?NewsID=6019>.

<sup>17</sup> Senate Report, p. 129.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*