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July 29, 2003

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The Honorable Condoleezza Rice
Assistant to the President for National Security Affairs
The White House
Washington, DC 20500

Dear Dr. Rice:

On June 10, 2003, I wrote to you to seek answers to basic questions regarding the Bush Administration's repeated claims that Iraq sought uranium from Africa. I asked why you claimed on national television that no White House officials "knew that there were doubts and suspicions" about these claims when both the CIA and the State Department's intelligence bureau had raised significant concerns with White House officials prior to the President's State of the Union address. I also wanted to know who in the Administration had expressed doubts about the information, who had been briefed on those concerns, and what role Vice President Cheney or his office played in this matter.

To date, I have received no response to these inquiries. Therefore, I am writing to renew my request that you answer these questions and provide the information requested.

In addition, since my June 10, 2003, letter to you, there have been a number of significant new developments. The conflict between your statements and those of your deputy, Stephen Hadley, raise new issues about what you knew about the discredited uranium claim and whether you and other White House officials have sought to mislead the public about this matter. Moreover, the newly released National Intelligence Estimate contains an inexplicable sentence about the uranium claim. I ask that you respond to additional questions about these developments.

Your Knowledge of the CIA Doubts about the Uranium Claim

One important new development is the conflict between your public statements and those of your primary deputy, Stephen Hadley, the Deputy National Security Advisor. You have asserted repeatedly that no doubts or suspicions about the uranium claims or the underlying documents were communicated to senior officials in the Bush Administration before the President's State of the Union address. For example, when you were asked about this issue on June 8, 2003, on *Meet the Press*, you made the following statement:

We did not know at the time — no one knew at the time, in our circles — maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery. Of course, it was information that was mistaken.¹

Similarly, when you appeared on *This Week with George Stephanopoulos* on the same day, you repeated this statement:

George, somebody, somebody down may have known. But I will tell you that when this issue was raised with the intelligence community . . . [t]he intelligence community did not know at that time, or at levels that got to us, that this, that there was serious questions about this report.²

You continued to make similar statements in the following weeks. On July 13, 2003, for example, you made this statement on *Face the Nation*:

Had there been even a peep that the agency did not want that sentence in or that George Tenet did not want that sentence in . . . it would have been gone.³

The next day, the President himself repeated this claim. At a press briefing on July 14, 2003, President Bush stated: “Subsequent to the speech, the CIA had some doubts. But when they talked about the speech and when they looked at the speech, it was cleared.”⁴

Your statements directly contradict those of your deputy, Stephen Hadley. On July 22, 2003, Mr. Hadley held a press conference in which he acknowledged receiving two memos from the CIA raising doubts about the uranium claim being included in the President’s October 7 speech in Cincinnati — over three months before the State of the Union address.⁵ According to Mr. Hadley, “the October 5 CIA memorandum asked that we remove the sentence.” Mr. Hadley said the second memo was sent to the White House Situation Room on October 6 to “provide

¹*Meet the Press*, NBC News (June 8, 2003).

²*This Week with George Stephanopoulos*, ABC News (June 8, 2003).

³*Face the Nation*, CBS News (July 13, 2003).

⁴*President Defends Allegation on Iraq*, Washington Post (July 15, 2003).

⁵*Dan Bartlett and Steve Hadley Hold Press Briefing on Iraq Weapons of Mass Destruction and the State of the Union Speech*, FDCH Political Transcripts (July 22, 2003).

some additional rationale for the removal of the uranium reference.” According to Mr. Hadley, the memo “describes some weakness in the evidence” and “stated that the CIA had been telling Congress that the Africa story was one of two issues where we differed with the British intelligence.”

According to Mr. Hadley, the October 6 memo was sent both to him and to you. When asked whether you read the memo, Mr. Hadley replied: “it’s sent to Dr. Rice, it’s sent — and that’s it. You know, I can’t tell you she read it. I can’t even tell you she received it. But in some sense, it doesn’t matter. Memo sent, we’re on notice.”⁶

In addition to the two memos, Mr. Hadley confirmed that CIA Director Tenet personally called him on October 7 and asked him to remove the uranium reference from the speech. Mr. Hadley stated: “George Tenet had a brief telephone conversation with me during the clearance process for the October 7 Cincinnati speech. This was the one — he asked that any reference to Iraq’s attempt to purchase uranium from sources from Africa to be deleted from the speech.”⁷

The obvious conflicts between your public explanations and Mr. Hadley’s statements raise several questions about what you knew at important times. I therefore request answers to the following questions:

- (1) Did you read the memo from the CIA addressed to you on October 6? If so, when did you read it? Did Mr. Hadley or other National Security Council staff brief you on the content of this memo? When did any such briefing occur?
- (2) Did you read the memo from the CIA addressed to Mr. Hadley on October 5? If so, when did you read it? Did Mr. Hadley or other National Security Council staff brief you on the content of this memo? When did any such briefing occur?
- (3) To support its assertions, the White House declassified and released portions of the NIE. Will you declassify and release the October 5 and October 6 memos? Alternatively, please provide the memos to me without declassification.
- (4) Did Mr. Hadley or other National Security Council staff brief you regarding the content of the October 7 phone call between Mr. Tenet and Mr. Hadley? When did any such briefing occur?

⁶*Id.*

⁷*Id.*

- (5) You highlighted the claim that Iraq sought uranium from foreign countries in your January 23, 2003, op-ed piece for the *New York Times*. The op-ed was titled “Why We Know Iraq Is Lying,” and the first example you gave of Iraq’s deceptions was that Iraq’s arms declaration “fails to account for or explain Iraq’s efforts to get uranium from abroad.”⁸
- (a) Did you discuss with Mr. Hadley or did Mr. Hadley review the inclusion of the uranium claim in your January 23, 2003, *New York Times* op-ed piece at any time during the preparation of the piece? If so, describe the content of such discussions or review.
- (b) Did you discuss the inclusion of the uranium claim in your January 23, 2003, op-ed with any other National Security Council staff, National Security Council members, officials from the CIA, the State Department, or the Department of Defense, or anyone else during the preparation of the piece? Please name all individuals with whom you had such discussions and describe the content of the discussions.
- (c) Please describe all the evidence on which you based the uranium claim in your op-ed.

Your Knowledge of the INR Doubts about the Uranium Claim

The release of portions of the classified NIE on July 18 also raises additional questions about what you knew about the uranium claim. Previously, you have acknowledged that the State Department’s intelligence arm, the Bureau of Intelligence and Research (INR), dissented from the uranium claim in the NIE. Your explanation for not knowing about the INR objections was that they were included as a “footnote” to the National Intelligence Estimate. On July 11, 2003, you stated:

All that I can tell you is that if there were doubts about the underlying intelligence in the NIE, those doubts were not communicated to the President. The only thing that was there in the NIE was a kind of a standard INR footnote, which is kind of 59 pages away from the bulk of the NIE. That’s the only thing that’s there. And you have footnotes all the time in CIA — I mean, in NIEs. So if there was a concern about the underlying intelligence there, the President was unaware of that concern and as was I

⁸*Why We Know Iraq Is Lying*, *New York Times* (Jan. 23, 2003).

[W]hat INR did not take a footnote to is the consensus view that the Iraqis were actively trying to pursue a nuclear weapons program, reconstituting and so forth.⁹

Now that portions of the NIE have been declassified, however, we know this description is not accurate. For instance, there are no footnotes in the NIE. Instead, there are several pages in an annex setting forth strenuous objections from the State Department. We also know that these objections were not buried in the document. To the contrary, they are referenced in the very first paragraph of the section on “Key Judgments.” Specifically, the first paragraph of the NIE reads:

We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions [I]f left unchecked, it probably will have a nuclear weapon during this decade. (See INR alternative view at the end of these Key Judgments.)

Moreover, contrary to your statement, we also know that the State Department disagreed with the view that Iraq was actively pursuing a nuclear weapons program. In a three-paragraph section highlighted in block, the NIE explained in detail that while the State Department believed Iraq “may” be seeking to develop a nuclear program, “INR considers the available evidence inadequate to support such a judgment.” The INR went on to explain that “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 National Security Advisor, one of your primary responsibilities is to understand areas of conflict between the different intelligence agencies and to mediate these differences. This makes your claim that you were unaware of the INR views hard to understand, particularly given their prominence in the classified NIE. I therefore request answers to the following questions:

- (1) Did you read the opening paragraph of the NIE? Please state which portions of the NIE, if any, that you read.
- (2) At any time, did you receive a briefing on the NIE that included a description of the INR’s views specifically regarding the claim that Iraq sought uranium in Africa and generally regarding whether Iraq was actively pursuing a nuclear weapons program? If so, when did you receive such a briefing?

⁹The White House, *Press Gaggle with Ari Fleischer and Dr. Condoleezza Rice aboard Air Force One en Route to Entebbe, Uganda* (July 11, 2003).

Your Actions Following the Disclosure of the Fraudulent Documents

Another important set of questions concerns whether you have participated in an effort to mislead the public and Congress about what the White House knew about the discredited uranium claim.

As you know, on March 7, 2003, IAEA Director Mohamed ElBaradei made a formal report to the U.N. Security Council, stating:

Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents — which formed the basis for the reports of recent uranium transactions between Iraq and Niger — are in fact not authentic. We have therefore concluded that these specific allegations are unfounded There is no indication that Iraq has attempted to import uranium since 1990.¹⁰

The forged documents described by the IAEA constituted the only evidence the Administration provided the IAEA regarding the Administration's claim that Iraq sought uranium from Africa.¹¹

This disclosure by the IAEA called into doubt one of the claims made by President Bush in the State of the Union address. In fulfilling your responsibilities as National Security Adviser, this would obviously be a significant development. The statutory purpose of the National Security Council is to give the President accurate advice on important national security matters such as Iraq's efforts to obtain nuclear weapons.¹² It is difficult to imagine that you would not have taken this breakdown in the process seriously and asked for a full investigation of the matter.

Moreover, regardless of whether you initiated an investigation after the IAEA's March 7 announcement, you had numerous other opportunities to do so before you appeared on national television on June 8 to claim that no one in the White House was aware of doubts about the

¹⁰International Atomic Energy Agency, *The Status of Nuclear Inspections in Iraq: An Update* (Mar. 7, 2003) (online at <http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n006.shtml>).

¹¹Letter from Piet de Klerk, Director, Office of External Relation and Policy Coordination, IAEA, to Rep. Henry A. Waxman (June 20, 2003). *See also What Little Intelligence Was New on Iraq's Suspected Weapons Has Been Called into Question*, Associated Press (July 13, 2003).

¹²*See* 50 U.S.C.A. § 402.

uranium claim. In fact, it seems inconceivable that an official at your level would appear on national television on a matter of this importance without having been thoroughly briefed on what the White House knew.

Further, Vice President Cheney discussed the IAEA's findings on *Meet the Press* on March 16, asserting:

[H]e has, in fact, reconstituted nuclear weapons. I think Mr. ElBaradei frankly is wrong. And I think if you look at the track record of the International Atomic Energy Agency and this kind of issue, especially where Iraq's concerned, they have consistently underestimated or missed what it was Saddam Hussein was doing. I don't have any reason to believe they're any more valid this time than they've been in the past.¹³

Presumably you would have been involved in briefing Vice President Cheney for this television appearance and would have had some responsibility for his dismissal of the IAEA's findings.

Yet if you had asked for even a minimal investigation, surely you would have learned about the CIA and INR doubts, the CIA memos to you and Mr. Hadley, and CIA Director George Tenet's phone call to Mr. Hadley on October 7.

These circumstances raise obvious questions about whether your public statements were intended to mislead. I therefore request answers to the following questions:

- (1) At any time following the IAEA's March 7 announcement of its findings regarding the forged evidence, did you discuss with Mr. Hadley how this evidence had been analyzed and characterized to White House officials by agencies and departments within the Administration? If so, please describe when such discussions occurred and the content of such discussions. If not, please explain why you did not ask Mr. Hadley whether he had been informed of doubts about the evidence.
- (2) At any time following the IAEA's March 7 announcement, did you discuss with any other NSC staff, members, or any other Administration officials how the evidence had been analyzed and characterized to White House officials by agencies and departments within the Administration? If so, state the names of such individuals, when such discussions occurred, and the content of such discussions.

¹³*Meet the Press*, NBC News (Mar. 16, 2003).

- (3) At any time following the IAEA's March 7 announcement, did you otherwise investigate how the evidence was analyzed and characterized by agencies and departments within the Administration? If so, please describe the nature of such an investigation, when it occurred, and the conclusions that resulted.

The Inexplicable Sentence in the NIE

The NIE was delivered to Congress on October 1, 2002, about a week before Congress voted on the resolution to authorize the use of force in Iraq. The classified document included the following statement under the heading "uranium acquisition": "Iraq also began vigorously trying to procure uranium ore and yellowcake." The only items offered to support this claim were foreign government reports that Iraq was seeking uranium from Niger and a single line regarding "reports" about Congo and Somalia.

Given what we know now, this statement is impossible to understand. Contrary to the assertion in the NIE, the CIA repeatedly urged you, your staff, and the British government not to use the uranium claim in public in the days immediately before and after the NIE was issued. On September 24, 2002, for example, the British government issued a dossier with the first public allegation of Iraq's attempt to obtain uranium from Africa. We now know that the CIA told the British not to use the claim in its dossier. According to CIA Director Tenet:

[I]n the fall of 2002, our British colleagues told us they were planning to publish an unclassified dossier that mentioned reports of Iraqi attempts to obtain uranium in Africa. Because we viewed the reporting on such acquisition attempts to be inconclusive, we expressed reservations about its inclusion, but our colleagues said they were confident in their reports and left it in their document."¹⁴

Director Tenet's statement demonstrates that the CIA did not have confidence in the claim prior to the issuance of the NIE, at least based on evidence available to the agency. According to the *Washington Post*, the CIA also warned Britain that its analysts considered the "reports on other African countries to be 'sketchy.'"¹⁵ Yet the claim somehow made it into the NIE.

¹⁴Central Intelligence Agency, *Statement by George J. Tenet, Director of Central Intelligence* (July 11, 2003) (online at http://www.cia.gov/cia/public_affairs/press_release/2003/pr07112003.html).

¹⁵*CIA Asked Britain To Drop Iraq Claim; Advice on Alleged Uranium Buy Was Refused*, *Washington Post* (July 11, 2003).

After the NIE was issued, the CIA immediately began raising objections to the uranium claim. On October 4, 2002, the CIA issued a White Paper that was derived from the text of the NIE. This White Paper excised specific sections based on classification concerns. The uranium allegation was taken out, not because of classification issues, but because the CIA did not have confidence in its accuracy. According to CIA Director Tenet:

An unclassified CIA White Paper in October made no mention of the issue . . . because we had questions about some of the reporting. For the same reasons, the subject was not included in many public speeches, Congressional testimony and the Secretary of State's United Nations presentation in early 2003.¹⁶

It is unclear how the CIA could be so certain about the uranium claim on October 1 when it delivered the NIE, and yet argue so strenuously against using it just three days later in the White Paper. The CIA also raised more objections to the public use of this claim in the days that followed the release of the White Paper. We know from Mr. Hadley, for example, that the CIA raised repeated concerns with the President using the allegation in his October 7 speech in Cincinnati. As described above, these concerns were set forth in two memos to you and your staff on October 5 and 6. CIA Director Tenet apparently felt so strongly about the questionable nature of the allegation that he telephoned Mr. Hadley personally on October 7 to ensure that the allegation did not appear in the President's public speech.

I therefore request answers to the following questions:

- (1) What role, if any, did you and your staff play in drafting, editing, reviewing, or approving the uranium statement in the NIE before it was delivered to Congress?
- (2) What role, if any, did officials from the Department of Defense play in drafting, editing, reviewing, or approving the uranium statement in the NIE before it was delivered to Congress?
- (3) What role, if any, did the Vice President or his staff play in drafting, editing, reviewing, or approving the uranium statement in the NIE before it was delivered to Congress?
- (4) Based on your investigation of this matter since it was revealed that the Niger documents were forgeries, how do you explain that the uranium statement was included in the NIE in such strong terms, while the CIA simultaneously objected to the claim in the British dossier, in memos to you and your staff, and in a telephone conversation to your deputy?

¹⁶Central Intelligence Agency, *supra* note 14.

The State Department Fact Sheet

Just as the uranium claim mysteriously appeared in the NIE despite the CIA's protestations about its accuracy, the claim also appeared in a State Department Fact Sheet two months later despite objections from the State Department's own intelligence bureau. The Fact Sheet, entitled "Illustrative Examples of Omissions From the Iraqi Declaration to the United Nations Security Council," was issued on December 19, 2002.¹⁷ It listed eight key areas in which the Bush Administration found fault with the weapons declaration that Iraq submitted to the United Nations on December 7, 2002. Under the heading "Nuclear Weapons," the Fact Sheet stated:

The Declaration ignores efforts to procure uranium from Niger.
Why is the Iraqi regime hiding their uranium procurement?

As you know, the Bureau of Intelligence and Research is the State Department office responsible for analyzing intelligence and making recommendations to the Secretary of State. According to Greg Thielmann, a former director of Strategic, Proliferation, and Military Affairs at INR, his office "had concluded that the purchases were implausible — and made that point clear to Powell's office."¹⁸

The declassification of the NIE confirmed that the State Department made these conclusions as early as October — two months prior to the release of the Fact Sheet. According to sections now publicly available, the NIE stated that intelligence officials at the State Department believed "claims of Iraqi pursuit of natural uranium in Africa are . . . highly dubious."¹⁹

On April 29, 2003, Paul V. Kelly, Assistant Secretary of State for Legislative Affairs, stated in a letter to me that the State Department's December 19 Fact Sheet — including the claim referring to Niger — "was a product developed jointly by the CIA and the State

¹⁷U.S. Department of State, *Illustrative Examples of Omissions from the Iraqi Declaration to the United Nations Security Council* (Dec. 19, 2002) (online at www.state.gov/r/pa/prs/ps/2002/16118pf/htm).

¹⁸(*Over*)selling the World on War, Newsweek (June 9, 2003).

¹⁹Uranium Claim Was Known for Months to Be Weak; Intelligence Officials Say 'Everyone Knew' Then What White House Knows Now about Niger Reference, Washington Post (July 20, 2003).

Department.”²⁰ Contrary to this account, however, the CIA has denied that it had a role in the creation of the Fact Sheet. Senior CIA officials told the *Washington Post* that they objected to including the Niger claim:

When the State Department on Dec. 19, 2002, posted a reference to Iraq not supplying details on its uranium purchases, the CIA raised an objection, “but it came too late” to prevent its publication, the senior intelligence official said.²¹

As in the case of the NIE, these circumstances indicate that an unidentified Bush Administration official or officials succeeded in inserting the suspect uranium claim into a State Department document in the face of objections from the Department’s own intelligence analysts. There appears to be a continuing dispute between the State Department and the CIA over who was responsible.

I therefore request answers to the following questions:

- (1) Were any National Security Council officials or staff involved in the creation or editing of the Fact Sheet? If so, identify these individuals and describe their involvement and responsibility with respect to the Fact Sheet.
- (2) Are you aware of any other officials that were involved in the creation or editing of the Fact Sheet? Please identify any such officials and describe their involvement and responsibility with respect to the Fact Sheet.
- (3) Who cleared the Fact Sheet’s section relating to Niger?
- (4) What communications, if any, did National Security Council officials have with State Department, CIA, or Defense Department officials regarding the Niger claim being included in the Fact Sheet, both before and after it was issued? Please describe the content of any such communications, and between whom and when such communications took place.

²⁰Letter from Paul V. Kelly, Assistant Secretary of State for Legislative Affairs, to Rep. Henry A. Waxman (Apr. 29, 2003).


²¹*CIA Says It Cabled Key Data to White House; But Officials Say Document Lacked Conclusion on Iraqi Uranium Deal*, *Washington Post* (June 13, 2003).

The Honorable Condoleezza Rice
July 29, 2003
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Conclusion

I look forward to your response to the questions in this letter and my June 10 letter.

Sincerely,



Henry A. Waxman
Ranking Minority Member