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March 17, 2003

The President
The White House
Washington, DC 20500

Dear Mr. President:

I am writing regarding a matter of grave concern. Upon your order, our armed forces will soon initiate the first preemptive war in our nation's history. The most persuasive justification for this war is that we must act to prevent Iraq from developing nuclear weapons.

In the last ten days, however, it has become incontrovertibly clear that a key piece of evidence you and other Administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. What's more, the Central Intelligence Agency questioned the veracity of the evidence at the same time you and other Administration officials were citing it in public statements. This is a breach of the highest order, and the American people are entitled to know how it happened.

As you know, I voted for the congressional resolution condemning Iraq and authorizing the use of force. Despite serious misgivings, I supported the resolution because I believed congressional approval would significantly improve the likelihood of effective U.N. action. Equally important, I believed that you had access to reliable intelligence information that merited deference.

Like many other members, I was particularly influenced by your views about Iraq's nuclear intentions. Although chemical and biological weapons can inflict casualties, no argument for attacking Iraq is as compelling as the possibility of Saddam Hussein brandishing nuclear bombs. That, obviously, is why the evidence in this area is so crucial, and why so many have looked to you for honest and credible information on Iraq's nuclear capability.

The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country, Niger. For several months, this evidence has been a central part of the U.S. case against Iraq. On December 19, the State Department filed a response

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to Iraq's disarmament declaration to the U.N. Security Council. The State Department response stated: "The Declaration ignores efforts to procure uranium from Niger." A month later, in your State of the Union address, you stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." Defense Secretary Rumsfeld subsequently cited the evidence in briefing reporters.

It has now been conceded that this evidence was a forgery. On March 7, the Director General of the International Atomic Energy Agency, Mohamed ElBaradei, reported that the evidence that Iraq sought nuclear materials from Niger was "not authentic." As subsequent media accounts indicated, the evidence contained "crude errors," such as a "childlike signature" and the use of stationary from a military government in Niger that has been out of power for over a decade.

Even more troubling, however, the CIA, which has been aware of this information since 2001, has never regarded the evidence as reliable. The implications of this fact are profound: it means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts at the Central Intelligence Agency do not believe is credible.

It is hard to imagine how this situation could have developed. The two most obvious explanations — knowing deception or unfathomable incompetence — both have immediate and serious implications. It is thus imperative that you address this matter without delay and provide an alternative explanation, if there is one.

The rest of this letter will explain my concerns in detail.

Use of the Evidence by U.S. Officials

The evidence that Iraq sought to purchase uranium from an African country was first revealed by the British government on September 24, 2002, when Prime Minister Tony Blair released a 50-page report on Iraqi efforts to acquire weapons of mass destruction. As the *New York Times* reported in a front-page article, one of the two "chief new elements" in the report was the claim that Iraq had "sought to acquire uranium in Africa that could be used to make nuclear weapons."¹

This evidence subsequently became a significant part of the U.S. case against Iraq. On December 7, Iraq filed its weapons declaration with the United Nations Security Council. The U.S. response relied heavily on the evidence that Iraq had sought to obtain uranium from Africa.

¹*Blair Says Iraqis Could Launch Chemical Warheads in Minutes*, New York Times (Sept. 25, 2002).

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For example, this is how the *New York Times* began its front-page article on December 13 describing the U.S. response:

American intelligence agencies have reached a preliminary conclusion that Iraq's 12,000 page declaration of its weapons program fails to account for chemical and biological agents missing when inspectors left Iraq four years ago, American officials and United Nations diplomats said today.

In addition, Iraq's declaration on its nuclear program, they say, leaves open a host of questions. Among them is why Iraq was seeking to buy uranium in Africa in recent years.²

The official U.S. response was provided on December 19, when Secretary of State Colin Powell appeared before the Security Council. As the *Los Angeles Times* reported, "A one-page State Department fact sheet . . . lists what Washington considers the key omissions and deceptions in Baghdad's Dec. 7 weapons declaration."³ One of the eight "key omissions and deceptions" was the failure to explain Iraq's attempts to purchase uranium from an African country.

Specifically, the State Department fact sheet contains the following points under the heading "Nuclear Weapons": "The Declaration ignores efforts to procure uranium from Niger. Why is the Iraqi regime hiding their uranium procurement?" A copy of this fact sheet is enclosed with this letter.

The Iraqi efforts to obtain uranium from Africa were deemed significant enough to be included in your State of the Union address to Congress. You stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."⁴ As the *Washington Post* reported the next day, "the president seemed quite specific as he ticked off the allegations last night, including the news that Iraq had secured uranium from Africa for the purpose of making nuclear bombs."⁵

²*Threats and Responses: Report by Iraq, Iraq Arms Report Has Big Omissions, U.S. Officials Say*, *New York Times* (Dec. 13, 2002) (emphasis added).

³*U.S. Issues a List of the Shortcomings in Iraqi Arms Declaration*, *Los Angeles Times* (Dec. 20, 2002) (emphasis added).

⁴The President, *State of the Union Address* (Jan. 28, 2003) (online at www.whitehouse.gov/news/releases/2003/01/20030128-19.html) (emphasis added).

⁵*A War Cry Tempered by Eloquence*, *Washington Post* (Jan. 29, 2003).

A day later, Defense Secretary Donald Rumsfeld told reporters at a news briefing that Iraq “recently was discovered seeking significant quantities of uranium from Africa.”⁶

Knowledge of the Unreliability of the Evidence

The world first learned that the evidence linking Iraq to attempts to purchase uranium from Africa was forged from the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei. On March 7, Director ElBaradei reported to the U.N. Security Council:

Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents — which formed the basis for reports of recent uranium transactions between Iraq and Niger — are in fact not authentic. We have therefore concluded that these specific allegations are unfounded.⁷

Recent accounts in the news media have provided additional details. According to the *Washington Post*, the faked evidence included “a series of letters between Iraqi agents and officials in the central African nation of Niger.”⁸ The article stated that the forgers “made relatively crude errors that eventually gave them away — including names and titles that did not match up with the individuals who held office at the time the letters were purportedly written.”⁹ *CNN* reported:

one of the documents purports to be a letter signed by Tandjia Mamadou, the president of Niger, talking about the uranium deal with Iraq. On it [is] a childlike signature that is clearly not his. Another, written on paper from a 1980s military government in Niger,

⁶*Press Conference with Donald Rumsfeld, General Richard Myers, Cable News Network* (Jan. 29, 2003) (emphasis added).

⁷IAEA Director General Dr. Mohamed ElBaradei, *The Status of Nuclear Inspections in Iraq: An Update* (Mar. 7, 2002) (online at www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n006.shtml).

⁸*Some Evidence on Iraq Called Fake; U.N. Nuclear Inspector Says Documents on Purchases Were Forged*, *Washington Post* (Mar. 8, 2003).

⁹*Id.*

bears the date of October 2000 and the signature of a man who by then had not been foreign minister of Niger for 14 years.¹⁰

U.S. intelligence officials had doubts about the veracity of the evidence long before Director ElBaradei's report. The *Los Angeles Times* reported on March 15 that "the CIA first heard allegations that Iraq was seeking uranium from Niger in late 2001" when "the existence of the documents was reported to [the CIA] second- or third-hand." The *Los Angeles Times* quotes one CIA official as saying: "We included that in some of our reporting, although it was all caveated because we had concerns about the accuracy of that information."¹¹ The *Washington Post* reported on March 13: "The CIA . . . had questions about 'whether they were accurate,' said one intelligence official, and it decided not to include them in its file on Iraq's program to procure weapons of mass destruction."¹²

There have been suggestions by some Administration officials that there may be other evidence besides the forged documents that shows Iraq tried to obtain uranium from an African country. For instance, CIA officials recently stated that "U.S. concerns regarding a possible uranium agreement between Niger and Iraq were not based solely on the documents which are now known to be fraudulent." The CIA provided this other information to the IAEA along with the forged documents. After reviewing this complete body of evidence, the IAEA stated: "we have found to date no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq."¹³ Ultimately, the IAEA concluded that "these specific allegations are unfounded."¹⁴

Questions

These facts raise troubling questions. It appears that at the same time that you, Secretary Rumsfeld, and State Department officials were citing Iraq's efforts to obtain uranium from Africa

¹⁰*U.N. Saying Documents Were Faked*, CNN American Morning with Paula Zahn (Mar. 14, 2003).

¹¹*Italy May Have Been Misled by Fake Iraq Arms Papers, U.S. Says*, *Los Angeles Times* (Mar. 15, 2003).

¹²*FBI Probes Fake Evidence of Iraqi Nuclear Plans*, *Washington Post* (Mar. 13, 2003).

¹³IAEA Director General Dr. Mohamed ElBaradei, *supra* note 7 (emphasis added).

¹⁴*Id.* (emphasis added).

as a crucial part of the case against Iraq, U.S. intelligence officials regarded this very same evidence as unreliable. If true, this is deeply disturbing: it would mean that your Administration asked the U.N. Security Council, the Congress, and the American people to rely on information that your own experts knew was not credible.

Your statement to Congress during the State of the Union, in particular, raises a host of questions. The statement is worded in a way that suggests it was carefully crafted to be both literally true and deliberately misleading at the same time. The statement itself — “The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa” — may be technically accurate, since this appears to be the British position. But given what the CIA knew at the time, the implication you intended — that there was credible evidence that Iraq sought uranium from Africa — was simply false.

To date, the White House has avoided explaining why the Administration relied on this forged evidence in building its case against Iraq. The first Administration response, which was provided to the *Washington Post*, was “we fell for it.”¹⁵ But this is no longer credible in light of the information from the CIA. Your spokesman, Ari Fleischer, was asked about this issue at a White House news briefing on March 14, but as the following transcript reveals, he claimed ignorance and avoided the question:

Q: Ari, as the president said in his State of the Union address, the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. And since then, the IAEA said that those were forged documents —

Mr. Fleischer: I’m sorry, whose statement was that?

Q: The President, in his State of the Union address. Since then, the IAEA has said those were forged documents. Was the administration aware of any doubts about these documents, the authenticity of the documents, from any government agency or department before it was submitted to the IAEA?

Mr. Fleischer: These are matters that are always reviewed with an eye toward the various information that comes in and is analyzed by a variety of different people. The President’s concerns about Iraq come from multiple places, involving multiple threats that Iraq can possess, and these are matters that remain discussed.

¹⁵*Some Evidence on Iraq Called Fake, supra* note 8.

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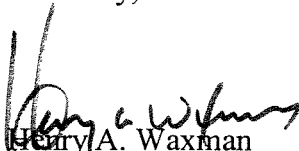
Thank you [end of briefing].¹⁸

Plainly, more explanation is needed. I urge you to provide to me and to the relevant committees of Congress a full accounting of what you knew about the reliability of the evidence linking Iraq to uranium in Africa, when you knew this, and why you and senior officials in the Administration presented the evidence to the U.N. Security Council, the Congress, and the American people without disclosing the doubts of the CIA. In particular, I urge you to address:

1. Whether CIA officials communicated their doubts about the credibility of the forged evidence to other Administration officials, including officials in the Department of State, the Department of Defense, the National Security Council, and the White House;
2. Whether the CIA had any input into the "Fact Sheet" distributed by the State Department on December 19, 2002; and
3. Whether the CIA reviewed your statement in the State of the Union address regarding Iraq's attempts to obtain uranium from Africa and, if so, what the CIA said about the statement.

Given the urgency of the situation, I would appreciate an expeditious response to these questions.

Sincerely,



Henry A. Waxman
Ranking Minority Member

Enclosure

¹⁸The White House, *Press Briefing by Ari Fleischer* (Mar. 14, 2003) (online at www.whitehouse.gov/news/releases/2003/03/20030314-12.html) (emphasis added).



Fact Sheet
Office of the Spokesman
Washington, DC
December 19, 2002

Illustrative Examples of Omissions From the Iraqi Declaration to the United Nations Security Council

Anthrax and Other Undeclared Biological Agents

- The UN Special Commission concluded that Iraq did not verifiably account for, at a minimum, 2160kg of growth media.
- This is enough to produce 26,000 liters of anthrax — 3 times the amount Iraq declared; 1200 liters of botulinum toxin; and, 5500 liters of clostridium perfringens — 16 times the amount Iraq declared.
- *Why does the Iraqi declaration ignore these dangerous agents in its tally?*

Ballistic Missiles

- Iraq has disclosed manufacturing new energetic fuels suited only to a class of missile to which it does not admit.
- Iraq claims that flight-testing of a larger diameter missile falls within the 150km limit. This claim is not credible.
- *Why is the Iraqi regime manufacturing fuels for missiles it says it does not have?*

Nuclear Weapons

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

VX

- In 1999, UN Special Commission and international experts concluded that Iraq needed to provide additional, credible information about VX production.
- The declaration provides no information to address these concerns.
- *What is the Iraqi regime trying to hide by not providing this information?*

Chemical and Biological Weapons Munitions

- In January 1999, the UN Special Commission reported that Iraq failed to provide credible evidence that 550 mustard gas-filled artillery shells and 400 biological weapon-capable aerial bombs had been lost or destroyed.
- The Iraqi regime has never adequately accounted for hundreds, possibly thousands, of tons of chemical precursors.
- *Again, what is the Iraqi regime trying to hide by not providing this information?*

Empty Chemical Munitions

- There is no adequate accounting for nearly 30,000 empty munitions that could be filled with chemical agents.
- *Where are these munitions?*

Unmanned Aerial Vehicles (UAV) Programs

- Iraq denies any connection between UAV programs and chemical or biological agent dispersal. Yet, Iraq admitted in 1995 that a MIG-21 remote-piloted vehicle tested in 1991 was to carry a biological weapon spray system.
- Iraq already knows how to put these biological agents into bombs and how to disperse biological agent using aircraft or unmanned aerial vehicles.
- *Why do they deny what they have already admitted? Why has the Iraqi regime acquired the range and auto-flight capabilities to spray biological weapons?*

Mobile Biological Weapon Agent Facilities

- The Iraqi declaration provides no information about its mobile biological weapon agent facilities. Instead it insists that these are “refrigeration vehicles and food testing laboratories.”
- *What is the Iraqi regime trying to hide about their mobile biological weapon facilities?*

Summary

None of these holes and gaps in Iraq’s declaration are mere accidents, editing oversights or technical mistakes: they are material omissions.