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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

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June 2, 2003

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INDEPENDENT

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

Increasing questions are now being raised within the United States and around the world about whether you and other senior U.S. officials misrepresented the evidence regarding Iraq's nuclear weapons capability. In response, investigations have been launched and your spokesman has stated that everything you said was "valid."<sup>1</sup>

As these investigations move forward, I urge you to explain why you cited forged evidence about Iraq's efforts to obtain nuclear materials in your State of the Union address on January 28, 2003.

I first wrote to you about this matter on March 17, before the Iraq war had begun. As I explained in that letter, your own intelligence experts at the CIA questioned the veracity of the nuclear evidence at the same time that you and other senior Administration officials were repeatedly using the evidence as a major part of the case against Iraq. Yet despite the seriousness of this matter, the only response I received was an ambiguous one-page letter from the State Department that raises far more questions than it answers.

News reports this weekend were filled with accounts of how carefully Secretary Powell prepared for his February 5 address to the United Nations, spending nearly a week at CIA headquarters going over his remarks to ensure their accuracy. But there is no speech given by any government official that is more carefully constructed than a State of the Union address. The State of the Union address takes weeks — not days — to prepare, and every line is reviewed by a myriad of high-ranking officials. That a President could cite forged evidence in such an address — on a matter as momentous as impending war — should be unthinkable.

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<sup>1</sup> The White House, *Press Briefing by Ari Fleischer* (May 29, 2003) (online at [www.whitehouse.gov/news/releases/2003/05/20030529-4.html](http://www.whitehouse.gov/news/releases/2003/05/20030529-4.html)) ("[R]ewind the tapes, and you'll see what the administration said before the war and you'll find a series of statements, all of which are valid").

There are many complex issues that are now being raised by our failure to date to discover weapons of mass destruction in Iraq. These need to be examined closely in the coming months. But explaining your statements in the State of the Union should not take months of investigation — just candor. With the credibility of the United States being called into question around the world, I urge you to address this vital matter without further delay.

### **The Evidence in Question**

The allegation that Iraq sought to obtain nuclear material from an African country was first made publicly 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.”<sup>2</sup> According to the *Washington Post*, the evidence included “a series of letters between Iraqi agents and officials in the central African nation of Niger.”<sup>3</sup>

It is now conceded that these letters were rudimentary forgeries. Recent accounts in the news media explain 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.”<sup>4</sup>

The world did not learn that this evidence was forged, however, until March 7, 2003, when the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, released the results of his analysis of the evidence. Reportedly, it took IAEA officials only a matter of hours to determine that these documents were fake. Using little more than a Google search, IAEA experts discovered indications that should have been evident to novice

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<sup>2</sup>*Blair Says Iraqis Could Launch Chemical Warheads in Minutes*, New York Times (Sept. 25, 2002).

<sup>3</sup>*Some Evidence on Iraq Called Fake; U.N. Nuclear Inspector Says Documents on Purchases Were Forged*, Washington Post (Mar. 8, 2003).

<sup>4</sup>*Id.* See also *U.N. Saying Documents Were Faked*, CNN American Morning with Paula Zahn (Mar. 14, 2003) (“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, 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.”).

intelligence officials. As a result, Director ElBaradei reported to the U.N. Security Council that the documents were “in fact not authentic.”<sup>5</sup>

We also now know that the CIA was not incompetent in this matter — it had consistently expressed significant doubts about the validity of these documents. Press reports are replete with statements by CIA officials who warned about the lack of credibility of this information.<sup>6</sup> As the *Washington Post* reported on March 22, CIA officials “communicated significant doubts to the administration about the evidence.”<sup>7</sup> According to another CIA official, “it’s not fair to accuse the analysts for what others say about our material.”<sup>8</sup> Indeed, *New York Times* columnist Nicholas Kristof revealed that Vice President Cheney’s office became aware of the evidence early in the process and dispatched a former U.S. ambassador to Niger to investigate. On February 22, 2002 — nearly a year before your State of the Union address — the ambassador “reported to the CIA and State Department that the information was unequivocally wrong and that the documents had been forged.”<sup>9</sup>

### **The Use of the Forged Evidence**

Despite the doubts of your own intelligence experts, you and your most senior advisers asserted repeatedly over a period of months that Iraq attempted to obtain nuclear material from Niger. The State Department featured the evidence in its written response to the Iraqi weapons declaration in December.<sup>10</sup> National Security Adviser Condoleezza Rice made this allegation

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<sup>5</sup> IAEA 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](http://www.iaea.org/worldatom/Press/Statements/2003/ebsp2003n006.shtml)).

<sup>6</sup> See, e.g., *Italy May Have Been Misled by Fake Iraq Arms Papers, U.S. Says*, Los Angeles Times (Mar. 15, 2003) (quoting a 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”); *FBI Probes Fake Evidence of Iraqi Nuclear Plans*, Washington Post (Mar. 13, 2003) (“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”).

<sup>7</sup> *CIA Questioned Documents Linking Iraq, Uranium Ore*, Washington Post (Mar. 22, 2003).

<sup>8</sup> *Tenet Defends Iraq Intelligence*, Washington Post (May 31, 2003).

<sup>9</sup> Nicholas D. Kristof, *Missing in Action: Truth*, New York Times (May 6, 2003).

<sup>10</sup> U.S. Department of State, *Illustrative Examples of Omissions from the Iraqi Declaration to the United Nations Security Council* (Dec. 19, 2002).

again on January 23, 2003,<sup>11</sup> Secretary of Defense Donald Rumsfeld repeated this allegation on January 29, 2003,<sup>12</sup> and senior officials continued to repeat this claim in contacts with press outlets. As a result of the emphasis given the evidence by senior Administration officials, the nuclear evidence was featured on national network news and front-page articles in major national newspapers.<sup>13</sup>

The most prominent use of the forged nuclear evidence occurred during 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.”<sup>14</sup> As I wrote you on March 17, your statement was worded in a way to suggest that it was carefully crafted to be both literally true and deliberately misleading at the same time. The statement itself may be technically accurate, since this appears to have been official 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.

This was not the only time you emphasized Iraq’s nuclear threat. Just four days before Congress was scheduled to vote on a resolution authorizing the use of force against Iraq, you claimed that Iraq could have a nuclear weapon in less than a year.<sup>15</sup> You also raised the ominous specter of a “mushroom cloud” if the war resolution was not adopted.<sup>16</sup> On March 17, just days

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<sup>11</sup> Dr. Condoleeza Rice, *Why We Know Iraq is Lying* (Jan. 23, 2003) (online at [www.whitehouse.gov/news/releases/2003/01/print/20030123-1.html](http://www.whitehouse.gov/news/releases/2003/01/print/20030123-1.html)).

<sup>12</sup> *Press Conference with Donald Rumsfeld, General Richard Myers*, Cable News Network (Jan. 29, 2003).

<sup>13</sup> See, e.g., *U.S. Accuses Iraqi Weapons Report of Failing to Meet U.N. Demands*, NBC Nightly News (Dec. 19, 2002); *Threats and Responses: Report by Iraq; Iraq Arms Report Has Big Omissions, U.S. Officials Say*, New York Times (Dec. 12, 2002); *U.S. Issues a List of Shortcomings in Iraqi Arms Declaration*, Los Angeles Times (Dec. 20, 2002); *Iraqi Weapons Declaration Full of Holes, U.S. Officials Say*, Associated Press (Dec. 12, 2003).

<sup>14</sup> The President, *State of the Union Address* (Jan. 28, 2003) (online at [www.whitehouse.gov/news/releases/2003/01/20030128-19.html](http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html)).

<sup>15</sup> The White House, *President Bush Outlines Iraqi Threat* (Oct. 7, 2002) (online at [www.whitehouse.gov/news/releases/2002/10/20021007-8.html](http://www.whitehouse.gov/news/releases/2002/10/20021007-8.html)); see also *Matters of Emphasis*, New York Times (Apr. 23, 2003) (noting that President Bush cited an IAEA report for this assertion, but that no such report exists).

<sup>16</sup> The White House, *supra* note 15.

before the war began, Vice President Cheney said: “We know he’s been absolutely devoted to trying to acquire nuclear weapons, and we believe he has, in fact, reconstituted nuclear weapons.”<sup>17</sup>

These statements played a pivotal role in shaping congressional and public opinion about the need for military intervention in Iraq. I voted for the congressional resolution condemning Iraq and authorizing the use of force. Like other members, I was particularly influenced by your views about Iraq's nuclear intentions. Although chemical and biological weapons can inflict casualties, no threat is greater than the threat of nuclear weapons — and no subject requires greater candor.

### **The Ambiguous State Department Response**

In order to obtain information about your Administration’s reliance on the forged nuclear evidence, I wrote to you on March 17, 2003. As I stated in that letter, 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 profound implications. Consequently, I urged you address the matter without delay and provide an alternative explanation, if there was one.

Unfortunately, to date I have received only a cursory, one-page response from the State Department’s Assistant Secretary for Legislative Affairs. Although this April 29, 2003, letter asserts that the Administration acted “in good faith,” the letter in fact further confuses the situation and raises additional questions.

The State Department letter makes clear that the nuclear evidence from Britain that you cited in your State of the Union address was the evidence that was “discredited” as a forgery. The letter also indicates that this evidence was “available to the U.S.” The response thus appears to rule out the unlikely explanation that the CIA did not know the basis of the British evidence when you gave your State of the Union address. But the letter does not begin to explain why you used the obviously forged evidence in your State of the Union address.

The letter says that another Western European nation relayed similar information about Iraq’s nuclear program to the United States privately. But the letter acknowledges that the United States did not know the basis of this information until March 4, over a month after the State of the Union, at which time the United States learned that the information was based on the same forged documents. Moreover, the letter reveals that during the period prior to March 4, U.S. intelligence officials were aware that the information might be based on the same discredited information provided by the British and “sought several times to determine the basis for the . . . assessment, and whether it was based on independent evidence not otherwise available to the U.S.” No explanation is offered for why it took so long to learn the basis of the reporting from this “Western European ally.”

At its core, the argument in the State Department letter is ludicrous. U.S. intelligence officials knew that the available Niger evidence was unreliable and based on forged documents. Despite this, the State Department argues that it was acceptable for the United States to use this information as a central part of the case for military action in Iraq, because the United States

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<sup>17</sup> *U.S. Officials Make It Clear: Exile or War*, Washington Post (Mar. 17, 2003).

received reporting from another nation. In essence, the argument seems to be that it is permissible to use fake evidence so long as the evidence can be attributed to another source.

The State Department response also raises questions about the CIA's role in reviewing and clearing various Administration statements relating to the Niger allegation. The letter states that the written information about the forged nuclear evidence provided to the United Nations on December 19 "was a product developed jointly by the CIA and the State Department." But this is contradicted by other published accounts. Just last weekend, the *Washington Post* quoted a senior intelligence official as saying that the "only" statement that was "reviewed by the intelligence agencies in detail and backed by detailed intelligence" was Secretary Powell's February 5 speech before the United Nations.<sup>18</sup> In fact, according to one administration official, when the State Department document was issued on December 19, "people winced and thought, 'Why are you repeating this trash?'"<sup>19</sup>

### Conclusion

Mr. President, I recognize that you have many demands on your time and that there are many issues that you cannot address. But this issue should be different. The credibility of the United States is now in question.

To date, you have offered no explanation as to why you and your most senior advisers made repeated allegations based on forged documents. Yet your entire preemption doctrine depends on the ability of the United States to gather accurate intelligence and make honest assessments. This matter raises fundamental issues that cannot be ignored. So I again request that you respond to my March 17 letter and the additional questions raised in this letter.

Sincerely,



Henry A. Waxman  
Ranking Minority Member

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<sup>18</sup> *Tenet Defends Iraq Intelligence*, *Washington Post* (May 31, 2003).

<sup>19</sup> *CIA Questioned Documents Linking Iraq, Uranium Ore*, *Washington Post* (Mar. 22, 2003).