

CRS Report for Congress

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U.S. Intelligence and Policymaking: The Iraq Experience

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Summary

In the aftermath of Operation Iraqi Freedom, critics have charged that the U.S. Intelligence Community failed to provide accurate information about Iraqi capabilities to develop and use weapons of mass destruction (WMD). Congressional intelligence committees are reviewing the Intelligence Community's performance, but there are disputes over the need to evaluate the processes used by the executive branch to collect, analyze, and use intelligence. This report explores in broad terms the relationship between the production of intelligence and the making of policy as reflected in the period prior to the war against Iraq in March 2003 and the implications for Congress. This report will be updated if circumstances warrant.

Background

To analyze this issue, it is necessary to understand the role of the Intelligence Community in support of the policymaking process. Intelligence agencies collect information, process, and analyze it; and disseminate analytical products to officials throughout the federal government. Policymakers base their decisions on a wide variety of factors, including available intelligence, but also on their own assessment of the costs and benefits of a course of action (or inaction), considerations of geopolitical objectives, ideology, available resources, diplomatic (and domestic political) risks — a variety of factors well beyond the purview of intelligence agencies. Even when official justifications for a chosen course of action highlight the conclusions of intelligence estimates, there are usually multiple factors involved. Intelligence may be good or bad and policies may be good or bad, but in the real world good policy may be made in the absence of perfect intelligence and sound intelligence may not preclude making poor policy. This is not to say that intelligence is irrelevant to policymaking, but that it is almost invariably imperfect because hostile foreign countries and groups work hard to mask their capabilities and intentions.

Since the Persian Gulf War of 1991, the U.S. Intelligence Community has supplied great quantities of information and analysis on Iraq to policymakers, and the supply increased especially after the attacks of September 11, 2001. Some of this intelligence

derived from liaison relationships with the United Kingdom and other countries. While the sheer mass of documentation was large, the quality has been criticized, with many pointing to the absence of direct insight into Saddam Hussein's close advisers and his weapons acquisition offices. More specifically, reviews currently underway are expected to note that available human intelligence (humint) failed to provide reliable information on decisions made within Saddam Hussein's inner circle and, most notably, on Iraqi capabilities for producing and delivering weapons of mass destruction (WMD).¹ Also of importance was intelligence on the nature of Iraq's ties to terrorist groups.

Despite the mass of documentation, evidence collected and analyzed by U.S. intelligence agencies in recent years may not have been the central factor in framing U.S. policies towards Iraq. The main outlines of the situation were well publicized — Saddam had indisputably used WMD against Iran and against his own people before; he had pursued aggressive attacks on neighboring states; he had failed to comply with U.N. demands in regard to WMD restrictions. Senior policymakers in the Bush Administration had come into office with a deep conviction that Saddam Hussein's government presented an ongoing threat to U.S. and Western interests in the Middle East.² Their views may not have been directly influenced by intelligence reporting; they may have discounted analysts' conclusions because of prior experience with intelligence agencies caught by surprise at the scope of Iraq's nuclear programs in the late 1980s.

Even though there was widespread agreement on the nature of the Iraqi regime and the general parameters of its policies, there were differing viewpoints on the most appropriate response, both at the U.N. and in the U.S. The wide ranging debate about Iraq in the U.S. from mid-summer 2002 through the spring of 2003 came to focus on intelligence judgments regarding the precise nature of the threat to U.S. interests, especially from Iraqi WMDs. For example, much of the Bush Administration's explanation of its case, especially beginning in the summer of 2002, included references to intelligence judgments.

In the aftermath of large-scale military operations, there has been widespread criticism of the Intelligence Community's failure, thus far, to turn up stocks of WMD.³ Nor has any evidence of pervasive ties to Al Qaeda or similar terrorist organizations been published by the Administration. These criticisms have resulted in Secretary of Defense Donald Rumsfeld reportedly requesting that Director of Central Intelligence (DCI) George

¹ Kenneth Pollack, a National Security Council official in the Clinton Administration, maintains that crucial information gaps arose after UN inspectors were forced out of Iraq in December 1998; "Spies, Lies, and Weapons: What Went Wrong," *Atlantic Monthly*, January/February, 2004, especially p. 86.

² See the highly critical letters of Donald Rumsfeld and Paul Wolfowitz of Clinton Administration policies towards Iraq in 1998 (website of the Project for the New American Century [<http://www.newamericancentury.org>]). Rumsfeld was subsequently appointed Secretary of Defense and Wolfowitz, Deputy Secretary of Defense in the Bush Administration.

³ See *Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG)*, Oct. 2, 2003, [<http://www.odci.gov>]. The Report adds, however, that "We have discovered dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002."

Tenet undertake a review of the Intelligence Community's performance in regard to Iraq.⁴ In Congress, two congressional intelligence committees have inquiries on the Intelligence Community's efforts on Iraq underway, and reports are expected in early 2004.

In the Senate intelligence committee, there are, however, sharply differing views over the scope of the inquiry into pre-war intelligence. Some believe that the effort should assess the Administration's use of intelligence as opposed to the quality or timeliness of the intelligence product. Chairman Roberts argues that, "The threshold question for the committee should be whether our intelligence agencies produced reasonable and accurate analysis, not how that intelligence was used by policymakers."⁵ Vice Chairman Rockefeller, citing S.Res. 400, Section 14(a)(1), maintains that, "the committee's Republican chairman has refused to look at the whole picture, excluding from the inquiry the subject of how intelligence was used, or potentially misused, and whether policymakers in any way shaped the intelligence they received."⁶ Some Members have also called (in S. 1946 and other legislation) for the establishment of an independent commission to look at the work of intelligence agencies with respect to Iraq. Section 357 of the FY2004 Intelligence Authorization Act (P.L. 108-177) requires that the DCI submit a report on the intelligence lessons learned as a result of Operation Iraqi Freedom.

Executive Branch Comments on Intelligence on Iraq Prior to Military Operations

A brief review of the Bush Administrations statements provides some insights into the Intelligence Community's contribution. The lack of definitive intelligence was a recurring theme even as the determination to confront Iraq hardened in the months after the defeat of the Taliban regime in Afghanistan. In an August 2002 speech, Vice President Cheney warned about the threat from Iraq and addressed the availability of intelligence: "Many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon, we cannot really gauge. Intelligence is an uncertain business, even in the best of circumstances."⁷

The Vice President articulated reasons for forcing regime change, basing his argument on a comprehensive assessment of Iraq's record before and after the Persian Gulf War of 1991, especially U.N. Security Council resolutions that Iraq accepted and subsequently evaded. Mr. Cheney's remarks indicated a certain skepticism about intelligence agencies also alluded to by other Administration officials. He recalled:

Prior to the Gulf War, America's top intelligence analysts would come to my office in the Defense Department and tell me that Saddam Hussein was at least five or perhaps even 10 years away from having a nuclear weapon. After the war we learned

⁴ Walter Pincus, "Basis for Arms Claims Affirmed," *Washington Post*, July 4, 2003, p. A20.

⁵ Pat Roberts, "A Panel Above Politics," *Washington Post*, Nov. 13, 2003, p. 31.

⁶ John D. Rockefeller IV, "Avoiding A Critical Inquiry," *Washington Post*, Nov. 18, 2003, p. 25.

⁷ Vice President Speaks at VFW 103rd National Convention, Aug. 26, 2002, [<http://www.whitehouse.gov>].

that he had been much closer than that, perhaps within a year of acquiring such a weapon.⁸

In a major address to the United Nations on September 12, 2002, President Bush also discussed the absence of intelligence. He noted that, “Today, Iraq continues to withhold important information about its nuclear program — weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance.” He cited intelligence that has subsequently been called into question by Administration critics. “Iraq employs capable nuclear scientists and technicians. It retains physical infrastructure needed to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon. Should Iraq acquire fissile material, it would be able to build a nuclear weapon within a year.” He concluded that “The first time we may be completely certain he has nuclear weapons is when, God forbid, he uses one.”⁹

A few weeks later the President expressed views about intelligence not unlike Mr. Cheney’s:

Many people have asked how close Saddam Hussein is to developing a nuclear weapon. Well, we don’t know exactly, and that’s the problem. Before the Gulf War, the best intelligence indicated that Iraq was eight to ten years away from developing a nuclear weapon. After the war, international inspectors learned that the regime has been much closer — the regime in Iraq would likely have possessed a nuclear weapon no later than 1993. The inspectors discovered that Iraq had an advanced nuclear weapons development program, had a design for a workable nuclear weapon, and was pursuing several different methods of enriching uranium for a bomb.¹⁰

The 2003 State of the Union speech, delivered on January 28, also contained a number of references to intelligence reports and judgments concerning Iraq. “Our intelligence officials estimate that Saddam Hussein had the material to produce as much as 500 tons of sarin, mustard and VX nerve agent.” “U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents.” “From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs.” In a portion of the speech that became controversial, the President described Iraq’s potential nuclear capabilities:

The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon and was working on five different methods of enriching uranium for a bomb. The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he

⁸ Ibid. Whether the Intelligence Community undertook a rigorous “lessons learned” exercise after the Persian Gulf War to assess the inability to detect Iraqi nuclear efforts is unknown. There was such an effort after the Indian nuclear tests of 1998; see CRS Report 98-672, *U.S. Intelligence and India’s Nuclear Tests: Lessons Learned*, Aug. 11, 1998.

⁹ Remarks by the President in Address to the United Nations General Assembly, Sept. 12, 2002, [<http://www.whitehouse.gov>].

¹⁰ Remarks by the President on Iraq, Cincinnati Museum Center, Cincinnati Union Terminal, Cincinnati, Ohio, Oct. 7, 2002, [<http://www.whitehouse.gov>].

has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities.

Secretary of State Colin Powell, in an address to the United Nations in February 2003, stated that “every statement that I make today is backed up by sources, solid sources. These are not assertions. What we are giving you are facts and conclusions based on solid intelligence.” Notably, DCI George Tenet was sitting immediately behind Powell as he spoke. In a wide-ranging discussion of Iraq’s activities, Secretary Powell acknowledged disagreements among analysts regarding intended uses of the aluminum tubes (arguably a key component of a nuclear weapons program), but he argued that “Iraq had no business buying them for any purpose. They are banned for Iraq.”¹¹

Preparing Public Statements Based on Intelligence

This use of intelligence has been a source of considerable debate in recent months. Speeches given by senior Administration leaders did not describe in detail the disparate sources or the complex analytical reasoning that lay behind the intelligence judgments that were cited. Some observers believe that intelligence was simplified to the point of distortion in order to shape the public debate. Others defend the use of accurate, if summarized, intelligence judgements on issues such as Iraqi WMD efforts and ties to terrorists, noting that full disclosure of analytical caveats is impossible.

One problem might be that the process by which White House speeches are drafted is less sensitive to the complexities of intelligence analysis than the policy-making processes of the National Security Council, even though some officials may have participated in both. According to one media account, public discussion of the rationale for attacking Iraq was coordinated beginning in August 2002 in the White House by a group of Administration officials described as the White House Iraq Group (WHIG), consisting largely of communications specialists.¹² According to the account, “a ‘strategic communications’ task force under the WHIG began to plan speeches and white papers.” The WHIG, according to the account, “wanted gripping images and stories not available in the hedged and austere language of intelligence.” While intelligence analysts expressed greatest concern on Iraqi chemical and biological warfare efforts, speechwriters focused on nuclear issues. According to the media account, “For a speechwriter, uranium was valuable because anyone could see its connection to an atomic bomb. Despite warnings from intelligence analysts, the uranium would return again and again, including the Jan. 28 State of the Union address and three other Bush administration statements that month.”¹³

It would subsequently appear that claims of Iraqi nuclear capabilities became the greatest source of postwar controversy; Deputy National Security Adviser Stephen Hadley

¹¹ Secretary Colin L. Powell, Remarks to the United Nations Security Council, Feb. 5, 2003.

¹² Barton Gellman and Walter Pincus, “Depiction of Threat Outgrew Supporting Evidence,” *Washington Post*, Aug. 10, 2003, p. A1. Responsibilities for presidential communications are described in Martha Joynt Kumar, “The Contemporary Presidency: Communications Operations in the White House of President George W. Bush: Making News on His Terms.” *Presidential Studies Quarterly*, June 2003.

¹³ Gellman and Pincus, “Depiction of Threat.”

eventually acknowledged that the reference in the State of the Union speech to British reports that Iraq had attempted to obtain significant quantities of uranium in Africa should not have been included, given doubts among U.S. analysts about the veracity of the British report. But he maintained that other intelligence sources, too sensitive to describe in a public address, did indicate other Iraqi efforts to acquire uranium from Africa.¹⁴

Implications of the Process for Congress

An intelligence estimate is normally written by analysts, who, in many cases, cannot draw watertight conclusions, but portray all attendant ambiguities in order to provide policy officials with an accurate context for decision making. Rarely are matters described in terms of black or white, but more often portrayed with a kaleidoscope of grays. Unclassified summaries of intelligence products that the Intelligence Community prepares may also fail to convey the complexity of the evidentiary background due to a determination to protect intelligence sources and methods. Some critics charge that summaries are carefully edited to avoid political difficulties. For such reasons, some observers argue that intelligence judgments must be available to inform policymaking, but that unclassified summaries are less useful as parts of wide-ranging public debates and inevitably risk jeopardizing intelligence sources and methods.

At a minimum, intelligence estimates do require a disciplined presentation of what is known, what is not known, and what is unknowable. Well-prepared estimates provide an understanding of the limitations of the evidence used to reach conclusions on policy. The policymakers are, by definition, responsible for making judgments, and their conclusions may differ from those of analysts and intelligence officials. Such differences often derive from the myriad factors that policymakers consider, and by various constraints they may face that are beyond the ken of analysts.

Whether congressional reviews of the Intelligence Community's performance on Saddam Hussein's Iraq should be extended to the use of intelligence by executive branch officials is currently a matter of controversy. Citations of intelligence judgments in official Administration statements in the months prior to Operation Iraqi Freedom do provide congressional committees — and the public — with considerable material for evaluating the work of the Intelligence Community. Some on the intelligence committees seek additional documents regarding communications between the Intelligence Community and the White House that they believe could be important to their inquiries.

Regardless of the outcome of this controversy, the separate issue of how well the Intelligence Community performed remains extremely important in view of uncertainties over the possession and use of WMDs by Iran, North Korea, and terrorist groups. Congressional oversight can help ensure effective performance by the Intelligence Community, and it may include the reevaluation of collection capabilities, ensuring that high standards of analysis are maintained, and that intelligence officials are held accountable. Ultimately, however, policies will be judged on their results. Intelligence analysis can inform policymaking, but it does not substitute for it.

¹⁴ Press briefing on Iraq WMD and SOTU speech, July 22, 2003 [<http://www.whitehouse.gov>]; it also provides a useful description of White House speech preparation procedures.