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June 10, 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:

Since March 17, 2003, I have been trying without success to get a direct answer to one simple question: Why did President Bush cite forged evidence about Iraq's nuclear capabilities in his State of the Union address?

Although you addressed this issue on Sunday on both *Meet the Press* and *This Week with George Stephanopoulos*, your comments did nothing to clarify this issue. In fact, your responses contradicted other known facts and raised a host of new questions.

During your interviews, you said the Bush Administration welcomes inquiries into this matter. Yesterday, the *Washington Post* also reported that Director of Central Intelligence George Tenet has agreed to provide "full documentation" of the intelligence information "in regards to Secretary Powell's comments, the president's comments and anybody else's comments."¹ Consistent with these sentiments, I am writing to seek further information about this important matter.

Bush Administration Knowledge of Forgeries

The forged documents in question describe efforts by Iraq to obtain uranium from an African country, Niger. During your interviews over the weekend, you asserted that no doubts or suspicions about these efforts 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 *Meet the Press*, you made the following statement:

¹ Officials Defend Iraq Intelligence, *Washington Post* (June 9, 2003).

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.²

Similarly, when you appeared on *This Week*, you repeated this statement, claiming that you made multiple inquiries of the intelligence agencies regarding the allegation that Iraq sought to obtain uranium from an African country. You stated:

George, somebody, somebody down may have known. But I will tell you that when this issue was raised with the intelligence community . . . the intelligence community did not know at that time, or at levels that got to us, that this, that there were serious questions about this report.³

Your claims, however, are directly contradicted by other evidence. Contrary to your assertion, senior Administration officials had serious doubts about the forged evidence well before the President's State of the Union address. For example, Greg Thielmann, Director of the Office of Strategic, Proliferation, and Military Issues in the State Department, told *Newsweek* last week that the State Department's Bureau of Intelligence and Research (INR) had concluded the documents were "garbage."⁴ As you surely know, INR is part of what you call "the intelligence community." It is headed by an Assistant Secretary of State, Carl Ford; it reports directly to the Secretary of State; and it was a full participant in the debate over Iraq's nuclear capabilities. According to *Newsweek*:

"When I saw that, it really blew me away," Thielmann told NEWSWEEK. Thielmann knew about the source of the allegation. The CIA had come up with some documents purporting to show Saddam had attempted to buy up to 500 tons of uranium oxide from the African country of Niger. INR had concluded that the purchases were implausible — and made that point clear to Powell's office. As Thielmann read that the president had relied on these documents to report to the nation, he thought, "Not that stupid piece of garbage. My thought was, how did that get into the speech?"⁵

² *Meet the Press*, NBC News (June 8, 2003).

³ *This Week with George Stephanopoulos*, ABC News (June 8, 2003).

⁴ *Where are Iraq's WMDs?* Newsweek (June 9, 2003).

⁵ *Id.* (emphasis added).

Moreover, *New York Times* columnist Nicholas D. Kristof has reported that the Vice President's office was aware of the fraudulent nature of the evidence as early as February 2002 — nearly a year before the President gave his State of the Union address.⁶ In his column, Mr. Kristof reported:

I'm told by a person involved in the Niger caper that more than a year ago the vice president's office asked for an investigation of the uranium deal, so a former U.S. ambassador to Africa was dispatched to Niger. In February 2002, according to someone present at the meetings, that envoy reported to the C.I.A. and State Department that the information was unequivocally wrong and that the documents had been forged.

The envoy reported, for example, that a Niger minister whose signature was on one of the documents had in fact been out of office for more than a decade The envoy's debunking of the forgery was passed around the administration and seemed to be accepted — except that President Bush and the State Department kept citing it anyway.

"It's disingenuous for the State Department people to say they were bamboozled because they knew about this for a year," one insider said.⁷

When you were asked about Mr. Kristof's account, you did not deny his reporting. Instead, you conceded that "the Vice President's office may have asked for that report."⁸

It is also clear that CIA officials doubted the evidence. The *Washington Post* reported on March 22 that CIA officials "communicated significant doubts to the administration about the evidence."⁹ 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* quoted 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."¹⁰

⁶ Nicholas D. Kristof, *Missing in Action: Truth*, *New York Times* (May 6, 2003).

⁷ *Id.* (emphasis added).

⁸ *This Week*, *supra* note 3.

⁹ *CIA Questioned Documents Linking Iraq, Uranium Ore*, *Washington Post* (Mar. 22, 2003).

¹⁰ *Italy May Have Been Misled by Fake Iraq Arms Papers, U.S. Says*, *Los Angeles Times* (Mar. 15, 2003). See also *FBI Probes Fake Evidence of Iraqi Nuclear Plans*, *Washington Post*

With all respect, this is not a situation like the pre-9/11 evidence that al-Qaeda was planning to hijack planes and crash them into buildings. When you were asked about this on May 17, 2002, you said:

As you might imagine . . . a lot of things are prepared within agencies. They're distributed internally, they're worked internally. It's unusual that anything like that would get to the president. He doesn't recall seeing anything. I don't recall seeing anything of this kind.¹¹

That answer may be given more deference when the evidence in question is known only by a field agent in an FBI bureau in Phoenix, Arizona, whose suspicions are not adequately understood by officials in Washington. But it is simply not credible here. Contrary to your public statements, senior officials in the intelligence community in Washington knew the forged evidence was unreliable before the President used the evidence in the State of the Union address.

Other Evidence

In addition to denying that senior officials were aware that the President was citing forged evidence, you also claimed (1) "there were also other sources that said that there were, the Iraqis were seeking yellowcake — uranium oxide — from Africa"¹² and (2) "there were other attempts to get yellowcake from Africa."¹³

This answer does not explain the President's statement in the State of the Union address. In his State of the Union address, the President referred specifically to the evidence from the British. He stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."¹⁴ Presumably, the President would use the best

(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").

¹¹ *Traces of Terrorism: The Intelligence Reports; Series of Warnings*, New York Times (May 17, 2002); see also *Bush Aides Defend Handling of Terrorist Hijack Warning; Lawmakers Demand Hearings*, Chicago Tribune (May 17, 2002) ("Rice said White House officials did not find the document given to Bush that contained Al Qaeda hijacking intelligence until they started sorting through documents in preparation for the congressional hearings on the attacks").

¹² *This Week*, *supra* note 3.

¹³ *Id.*

¹⁴ President George W. Bush, *State of the Union Address* (Jan. 28, 2003).

available evidence in his State of the Union address to Congress and the nation. It would make no sense for him to cite forged evidence obtained from the British if, in fact, the United States had other reliable evidence that he could have cited.

Moreover, contrary to your assertion, there does not appear to be any other specific and credible evidence that Iraq sought to obtain uranium from an African country. The Administration has not provided any such evidence to me or my staff despite our repeated requests. To the contrary, the State Department wrote me that the “other source” of this claim was another Western European ally. But as the State Department acknowledged in its letter, “the second Western European government had based its assessment on the evidence already available to the U.S. that was subsequently discredited.”¹⁵

The International Atomic Energy Agency (IAEA) also found no other evidence indicating that Iraq sought to obtain uranium from Niger. The evidence in U.S. possession that Iraq had sought to obtain uranium from Niger was transmitted to the IAEA. After reviewing all the evidence provided by the United States, the IAEA reported: “we have to date found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq.”¹⁶ Ultimately, the IAEA concluded: “these specific allegations are unfounded.”¹⁷

Questions

As the discussion above indicates, your answers on the Sunday talk shows conflict with other reports and raise many new issues. To help address these issues, I request answers to the following questions:

1. On *Meet the Press*, you said that “maybe someone knew down in the bowels of the agency” that the evidence cited by the President about Iraq’s attempts to obtain uranium from Africa was suspect. Please identify the individual or individuals in the Administration who, prior to the President’s State of the Union address, had expressed doubts about the validity of the evidence or the credibility of the claim.
2. Please identify any individuals in the Administration who, prior to the President’s State of the Union address, were briefed or otherwise made aware that an individual or

¹⁵ Letter from Paul V. Kelly, Assistant Secretary for Legislative Affairs, to Rep. Henry A. Waxman (Apr. 29, 2003).

¹⁶ IAEA Director General Dr. Mohamed ElBaradei, *The Status of Nuclear Inspections in Iraq: An Update* (Mar. 7, 2003).

¹⁷ *Id.*

individuals in the Administration had expressed doubts about the validity of the evidence or the credibility of the claim.

3. On *This Week*, you said there was other evidence besides the forged evidence that Iraq was trying to obtain uranium from Africa. Please provide this other evidence.
4. When you were asked about reports that Vice President Cheney sent a former ambassador to Niger to investigate the evidence, you stated “the Vice President’s office may have asked for that report.” In light of this comment, please address:
 - (a) Whether Vice President Cheney or his office requested an investigation into claims that Iraq may have attempted to obtain nuclear material from Africa, and when any such request was made;
 - (b) Whether a current or former U.S. ambassador to Africa, or any other current or former government official or agent, traveled to Niger or otherwise investigated claims that Iraq may have attempted to obtain nuclear material from Niger; and
 - (c) What conclusions or findings, if any, were reported to the Vice President, his office, or other U.S. officials as a result of the investigation, and when any such conclusions or findings were reported.

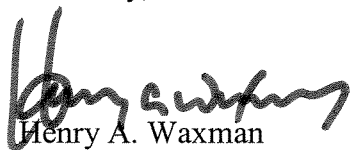
Conclusion

On Sunday, you stated that “there is now a lot of revisionism that says, there was disagreement on this data point, or disagreement on that data point.”¹⁸ I disagree strongly with this characterization. I am not raising questions about the validity of an isolated “data point,” and the issue is not whether the war in Iraq was justified or not.

What I want to know is the answer to a simple question: Why did the President use forged evidence in the State of the Union address? This is a question that bears directly on the credibility of the United States, and it should be answered in a prompt and forthright manner, with full disclosure of all the relevant facts.

Thank you for your assistance in this matter.

Sincerely,



Henry A. Waxman
Ranking Minority Member

¹⁸ *This Week*, *supra* note 3.