



United States Department of State
Washington, D.C. 20520

APR 24 2007

Dear Mr. Chairman:

I am writing in response to your April 17 letter requesting that Secretary Rice appear before your Committee prior to the Memorial Day recess to testify about the President's 2003 State of the Union address and two other subjects.

Your letter states that my previous letters have not answered the Committee's questions about what Dr. Rice personally knows about how the intelligence indicating that Iraq sought uranium from Africa made it into the President's State of the Union address. Dr. Rice has addressed this matter publicly many times before, in interviews with the media and in formal responses to questions posed during her confirmation as Secretary of State. I have provided to your Committee copies of some of her prior statements on this issue. Enclosed with this letter is a copy of the responses Dr. Rice gave to the questions posed by Senator Levin on this matter at the time of her confirmation in January 2005. As you know, there have also been at least three separate and exhaustive formal investigations of this matter, each of which resulted in a detailed report: the July 2004 "Phase I" report of the Senate Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq; the March 2005 report of the bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction; and the September 2003 joint report of the Department of State and CIA Inspectors General on the Alleged Iraqi Attempts to Procure Uranium from Niger.

In addition, because of your continuing concerns, I want to take this opportunity to respond once again to your questions about Dr. Rice's personal knowledge on this matter. As I have said before, Dr. Rice believed at the time of the President's 2003 State of the Union address that the

The Honorable
Henry A. Waxman, Chairman,
Committee on Oversight and Government Reform,
House of Representatives.

statement concerning Iraq's efforts to acquire uranium from Africa was completely credible and backed by our most authoritative intelligence assessment. As you know, the October 2002 National Intelligence Estimate (NIE) on Iraq's Continuing Programs for Weapons of Mass Destruction, which was drafted by analysts in the intelligence community at the request of the Senate Select Committee on Intelligence (SSCI), stated that Iraq had about 550 tons of yellowcake and low-enriched uranium and was "vigorously trying" to procure more. The NIE cited intelligence reporting on Iraqi efforts to obtain uranium from Niger, Somalia, and the Democratic Republic of the Congo as the evidence for this judgment. The NIE's reference to Niger was based on information received from a liaison service in 2001 and previously disseminated intelligence assessments of this information. An NIE is the intelligence community's most authoritative written judgment concerning a national security issue.

The British Government had also published a White Paper on Iraq's WMD in September 2002 stating that "there is intelligence that Iraq has sought the supply of significant quantities of uranium from Africa." After the NIE was published, in October 2002 the U.S. government also received certain documents pertaining to an alleged Iraq-Niger uranium transaction. Finally, in November 2002, the French Government had also advised the Department of State that France had information on an Iraqi attempt to buy uranium from Niger, and that France believed the reporting was true.

It was against the backdrop of this reporting that the President stated in his State of the Union speech on January 28, 2003, that "the British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." As Dr. Rice told Senator Levin in January 2005 in connection with her confirmation as Secretary of State, the State of the Union speech was prepared by the President's speechwriters, in coordination with other members of the Executive Branch. Dr. Rice does not know who actually authored the words about Iraq's attempts to procure uranium from Africa. She read the speech and did not believe any information in it was false. As she has previously explained, her understanding is that the line in the speech was based on the British report and the National Intelligence Estimate, and that is how and why it was included.

Your letter also asks whether Dr. Rice knew about doubts raised by the CIA and the State Department about the intelligence prior to its inclusion

in the State of the Union address and her New York Times op-ed, published on January 23, 2003. As she told Senator Levin in January 2005, she does not recall Intelligence Community concerns about the credibility of reports about Iraq's attempts to obtain uranium from Africa either at the time of the President's Cincinnati speech in October 2002 or the State of the Union speech. As the SSCI Report found, "when coordinating the State of the Union, no CIA analysts or officials told the National Security Council to remove the '16 words' or that there were concerns about the credibility of the Iraq-Niger uranium reporting." As Dr. Rice also told Senator Levin in January 2005, she does not recall discussing Intelligence Community doubts about such reports with Director Tenet prior to the State of the Union. She does recall discussing with Steve Hadley concerns the Intelligence Community had about protecting sources and methods regarding reports on Iraqi attempts to procure uranium from Africa. These concerns were addressed by citing a foreign government service – the British report. She does not recall any discussion of concerns about the credibility of the reports.

In short, Dr. Rice believed the information about the Iraq/Africa uranium connection was completely credible and supported by the CIA when the State of the Union speech was delivered. I note that CIA Iraq nuclear analysts later confirmed to the SSCI that they also believed at the time of the State of the Union that Iraq was probably seeking uranium from Africa, and they continued to hold this belief until the IAEA reported, in March 2003, that the Iraq/Niger documents were forgeries.

As Dr. Rice also advised Senator Levin in January 2005, she does not recall reading or receiving the CIA memo of October 2002, in which CIA expressed certain reservations about the Iraq/Africa uranium reporting and asked that a similar line be removed from the Cincinnati speech. As she has acknowledged publicly before, "looking back, perhaps we should have remembered that it was taken out of the Cincinnati speech. We simply didn't." Dr. Rice was aware of the October 2002 NIE. The authoritative judgment of the intelligence community, including five of the six intelligence agencies involved, supported the assessment that Iraq was "vigorously trying" to procure uranium from Africa and the judgment that Iraq was working to reconstitute its nuclear weapons program. The SSCI reported that "CIA, DIA, and DOE analysts all said that at the time the NIE was written, they agreed with the NIE assessment that Iraq was trying to procure uranium from Africa." While State/INR expressed an alternative

view in one sentence in an annex to the NIE, the authoritative view of the U.S. intelligence community, also supported by the views of at least two liaison services, was that Iraq was attempting to obtain uranium from Africa.

You have also asked what kind of investigation Dr. Rice conducted before stating publicly in June 2003 that “no one . . . in our circles” knew about the problems with the Niger claim. In fact, the exact quote to which you refer was “[w]e 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.” As the SSCI noted in its report, “[a]s a result of not obtaining the documents, CIA Iraq nuclear analysts continued to report on Iraqi efforts to procure uranium from Africa and continued to approve the use of such language in Administration publications and speeches. . . . Even after obtaining the forged documents . . . analysts at both the CIA and DIA did not examine them carefully enough to see the obvious problems with the documents. Both agencies continued to publish assessments that Iraq may have been seeking uranium from Africa. In addition, CIA continued to approve the use of similar language in Administration publications and speeches, including the State of the Union.” Indeed, as Dr. Rice informed Senator Levin in January 2005, CIA also provided information citing Iraq’s attempts to procure uranium from Africa to the White House four days before the State of the Union speech.

To the extent that Dr. Rice made other statements in June 2003 suggesting that she and other senior government officials were not aware of serious concerns about the reporting, she was unaware that the CIA had at one point expressed reservations about the reporting in connection with the President’s Cincinnati speech. As she explained in an interview in July 2003, she did not know until shortly before Steve Hadley held a press conference on this matter on July 22, 2003 that Director Tenet had sent over to the White House a set of clearance comments that explained why he wanted the reference out of the Cincinnati speech. As Steve Hadley said at the time, had he recalled these comments or his prior conversation with Director Tenet, he would have raised the red flag or taken it out. Dr. Rice has said that she would never want to see something in a Presidential speech in which the Director of Central Intelligence does not have confidence. As she has publicly acknowledged before, in retrospect this line should not have gone into the President’s speech because it was not of the quality that she expected for such speeches, notwithstanding the fact that it was in the NIE.

For that, she accepted full responsibility and as Assistant to the President for National Security Affairs, she took steps to improve the process by which the State of the Union and other major Presidential speeches are cleared.

Finally, you have not explained in what respect my previous letters have failed to address your questions about leaks of classified information and the selection of private sector advisers as delegates to international conferences. Although I believe we have responded fully on these issues, we would be pleased to try to address any additional concerns you may have.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey T. Bergner". The signature is written in a cursive, slightly slanted style.

Jeffrey T. Bergner
Assistant Secretary
Legislative Affairs

Enclosure:

As stated.