



United States Department of State

Washington, D.C. 20520

APR 17 2007

Dear Mr. Chairman:

This is in response to your March 30 and April 9 letters to Secretary Rice requesting that she testify before your Committee on a number of issues that you have raised in prior correspondence dating back to 2003.

Your April 9 letter states that your Committee is examining why the President asserted in his State of the Union address in January 2003 that Iraq sought uranium from Niger. I note at the outset that the President's speech did not actually refer to Niger, but to Africa, and that other African countries had also been identified by the intelligence community as potential sources for Iraq's efforts to acquire uranium.

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. Although the Iraq/Africa uranium issue was not among the NIE's key judgments, the NIE cited intelligence reporting on Iraqi efforts to obtain uranium from Niger, Somalia, and possibly the Democratic Republic of the Congo as the evidence for the judgment that Iraq was attempting to procure more uranium. 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 Honorable

Henry A. Waxman, Chairman,

Committee on Oversight and Government Reform,

House of Representatives.

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 also advised the Department of State that France had information on an Iraqi attempt to buy uranium from Niger.

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.” This reporting was also the basis for a January 23, 2003 New York Times column by Dr. Rice in which she referred to “Iraq’s efforts to get uranium from abroad.” Similarly, on January 26, 2003, Secretary Powell asked in a speech in Davos, Switzerland “why is Iraq still trying to procure uranium and the special equipment to transform it into material for nuclear weapons?” CIA Iraq nuclear analysts later confirmed that they believed at the time of the State of the Union that Iraq was probably seeking uranium from Africa. It was not until March 3, 2003 that the IAEA provided the U.S. Government with an analysis of the Niger uranium documents concluding that they were forgeries. The next day, the U.S. Government learned that the French had based their assessment on the same forged documents.

These facts have been extensively explored in at least three separate and exhaustive investigations, 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. I have enclosed copies of relevant sections of the first two reports. The third is classified but has been provided to the Congress.

The July 2004 SSCI report concluded, among other things, that:

- “Until October 2002 when the Intelligence Community obtained the forged foreign language documents on the Iraq-Niger uranium deal, it was reasonable for analysts to assess that Iraq may have been seeking uranium from Africa based on CIA reporting and other available intelligence.”

- “When documents regarding the Iraq-Niger uranium reporting became available to the Intelligence Community in October 2002, CIA analysts and operations officers should have made an effort to obtain copies.”
- “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.”
- “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.”

The March 2005 WMD Commission report similarly concluded that:

- “The CIA had still not evaluated the authenticity of the documents when it coordinated on the State of the Union address, in which the President noted that the ‘British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.’ Although there is some disagreement about the details of the coordination process, no one in the Intelligence Community had asked that the line be removed. At the time of the State of the Union speech, CIA analysts continued to believe that Iraq probably was seeking uranium from Africa, although there was growing concern among some CIA analysts that there were problems with the reporting.”

Finally, the September 2003 Inspectors General report also analyzed these issues in some detail, and its classified findings are available from the House Permanent Select Committee on Intelligence.

Notwithstanding these investigations and reports, your March 12 letter states that your Committee still does not know how the fabricated Niger claim made it into the President’s State of the Union address, or what Secretary Rice (then Assistant to the President for National Security Affairs) knew about the fabricated Niger claim and when she knew it. These issues were addressed long ago. Dr. Rice explained in a July 11, 2003 press conference that the reference in the President’s speech to the British report

of an Iraq/Africa uranium connection was based on the unclassified British White Paper and the underlying intelligence in the October 2002 NIE. She made clear that “the President did not knowingly say anything that we thought to be false. And, in fact, we still don’t know the status of Saddam Hussein’s efforts to acquire yellowcake. What we know is that one of the documents underlying that case was found to be a forgery.” See Press Gaggle with Ari Fleischer and Dr. Condoleezza Rice, July 11, 2003. As she said in a television interview on July 30, 2003, “when the line was put into the President’s State of the Union address and cleared by the CIA, when I read the line I thought it was completely credible and that in fact it was backed by the agency.” See Transcript of Gwen Ifill’s Interview of Dr. Rice on July 30, 2003 edition of PBS’ The News Hour with Jim Lehrer.

Dr. Rice acknowledged that, in retrospect, “this particular line shouldn’t have gotten in because it was not of the quality that we would put into presidential speeches, despite the fact that it was in the NIE.” See Transcript of July 11, 2003 Press Gaggle, *supra*. She also said “knowing what we know now, that some of the Niger documents were apparently forged, we wouldn’t have put this in the President’s speech – but that’s knowing what we know now.” See *id.*; see also San Jose Mercury News, July 31, 2003 (quoting Dr. Rice as stating “I would never want to have anything in a presidential speech [that the CIA director] did not have confidence in.”) Similarly, the White House itself issued a statement on July 7, 2003 acknowledging that “knowing all that we know now, the reference to Iraq’s attempt to acquire uranium from Africa should not have been included in the State of the Union speech.”

Dr. Rice was also asked in a television interview about two October 2002 memoranda from CIA to the NSC, one of which was addressed to her, in which CIA had advised that it had certain reservations about the British reporting and asked that a reference to the Iraq/Africa uranium connection be removed from a draft Presidential speech to be delivered in Cincinnati. (The reference was in fact removed from that speech.) In a July 22, 2003 press conference, then-Deputy National Security Advisor Steve Hadley acknowledged that “given the October 5 and 6 CIA memorandum . . . I should have recalled at the time of the State of the Union speech that there was controversy associated with the uranium issue” and that “had we recalled those memos, had we seen them we would have raised the red flag or taken it out.” See Transcript of July 22, 2003 Press Briefing with Steve Hadley and Dan Bartlett on Iraq WMD and the State of the Union Speech. The next week Dr. Rice also explained publicly that she either never saw the

memo or did not remember seeing it. See July 30, 2003 PBS Transcript, supra; July 31, 2003 San Jose Mercury News, supra. Although the memo concerned a different speech three and a half months before the State of the Union, she acknowledged that “frankly, looking back, perhaps we should have remembered that it was taken out of the Cincinnati speech. We simply didn’t.” See July 30, 2003 PBS Transcript, supra.

You have also asked what steps Dr. Rice took to investigate how the Niger claim ended up in the State of the Union address. An internal review was conducted at the White House in 2003 to determine the facts concerning the inclusion of the Iraq/Africa uranium reference in the President’s speech. In the wake of that review, Steve Hadley and Dan Bartlett held a press briefing to explain in great detail how the speech had been developed, how the speech-writing process works, the details on how the reference to the Iraq/Africa uranium connection was included, and other pertinent facts. See Transcript of July 22, 2003 Press Briefing, supra. Changes were made to improve the process by which the State of the Union and other major Presidential speeches are cleared. As noted above, the Department of State and CIA Inspectors General also undertook an investigation of this matter at the request of the SSCI in May 2003. The SSCI itself and the WMD Commission have also investigated this issue at great length and published extensive reports.

In sum, thousands of man-hours involving hundreds of interviews have been spent in three separate investigations of this matter. The relevant documents were provided to the SSCI, which analyzed and discussed them in great detail in a large section of its 500+ page report in 2004. Dr. Rice has spoken publicly and in detail on this issue on more than one occasion. We believe the important questions about this matter have been answered.

Your April 9 letter also notes your Committee’s questions about the “seemingly inconsistent way in which the White House has responded to leaks of classified information.” Your March 12, 2007 and January 14, 2004 letters had asked Dr. Rice for specific information about steps the White House took regarding: (a) disclosures of information by former Secretary of the Treasury Paul O’Neill; (b) the disclosure of information concerning Valerie Plame Wilson; (c) the disclosure of information concerning certain NSA intercepts on September 10, 2001; and (d) disclosures of information by Bob Woodward in his book, Bush at War. In particular, you asked that Dr. Rice describe any White House communications with the Departments of Treasury and Justice or the Congress on these matters.

Secretary Rice does not have the information necessary to respond to this request. She understands that protecting classified information is vital to our national security and believes that those who engage in unauthorized releases of such information should be held accountable. However, in her capacity as Assistant to the President for National Security Affairs, Dr. Rice was not responsible for investigating allegations of unauthorized disclosure of classified information. That responsibility lies with the Department of Justice or the agency where the unauthorized disclosure allegedly occurred. Nor was Dr. Rice responsible for referring allegations of unauthorized disclosures of classified information to the Department of Justice or any other entity on behalf of the White House. Typically, such referrals are made by the entity that identifies the alleged unauthorized disclosure. Finally, these matters clearly do not pertain to Dr. Rice's current responsibilities as Secretary of State. Any questions concerning the Administration's response to or investigation of these matters should be directed to the Department of Justice.

With regard to your request for any investigative reports about Ambassador Jones and fuel imports into Iraq, the footnote in your February 17, 2005 letter indicates that the Committee staff initially obtained information about this matter from the State Department Inspector General's (IG) office on February 3, 2004. As you know, the activities and investigations of the Inspector General are conducted independently of the rest of the Department. If you would like further information about this matter, I recommend that the Committee staff follow up with the Department of State Inspector General (202-647-9567). Your requests for information concerning any investigations conducted by the Departments of Defense or Justice should be directed to those agencies.

The Department of State has been unable to identify any investigative reports concerning Ambassador Jones and fuel imports into Iraq in its possession. As Ambassador Jones advised you on March 14, 2005 during testimony before the House Subcommittee on National Security, Emerging Threats, and International Relations, "the U.S. Embassy is not an investigative body, we have no such authority. However, we did refer all of those allegations to their proper investigating authority, which is the Defense Contract Audit Agency. So we took the appropriate steps that we could as U.S. Government officials." I recommend that the Committee contact DCAA for any information which might be available on this subject.

I also note again for the record that the Senate Foreign Relations Committee explored these allegations when Ambassador Jones, a career foreign service officer, was nominated as Ambassador for Israel. He was unanimously confirmed by the U.S. Senate on July 29, 2005, which is unlikely to have occurred if there were an investigation indicating any serious misconduct by Ambassador Jones.

Finally, regarding your request for information about the selection of private sector advisers to international conferences, as I noted in my April 4 letter, a wide range of criteria are considered before accrediting these advisers, including familiarity with and support for current policy, which is of course set by the incumbent Administration. Any one of these criteria, as well as the need to restrict the overall size of a delegation, could result in a private sector representative being considered initially by the Department, but ultimately not being selected. Because the Department does not maintain comprehensive records on this issue, I am unable to provide you with a list of the international conferences held since 1996 that reflects the reasons why private sector advisers were not selected for particular conferences.

I hope this letter, together with the enclosed materials and the Department's previous responses on these issues, addresses your concerns. In light of the facts explained herein, there would be little purpose in Secretary Rice testifying at a hearing on these issues. Moreover, I note that many of your questions concern Dr. Rice's activities while serving as Assistant to the President for National Security Affairs, and do not bear on her current responsibilities as Secretary of State.

Sincerely,



Jeffrey T. Bergner
Assistant Secretary
Bureau of Legislative Affairs

Enclosure:

As stated.