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# Congress of the United States

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July 21, 2003

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The Honorable Colin L. Powell  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Mr. Secretary:

I am writing to seek information about who was responsible for a Fact Sheet issued by the State Department on December 19, 2002, entitled "Illustrative Examples of Omissions From the Iraqi Declaration to the United Nations Security Council."<sup>1</sup> The Fact Sheet listed eight key areas in which the Bush Administration found fault with the weapons declaration that Iraq submitted to the United Nations on December 7, 2002. Under the heading "Nuclear Weapons," the Fact Sheet stated:

The Declaration ignores efforts to procure uranium from Niger.  
Why is the Iraqi regime hiding their uranium procurement?

In recent days, new information has been disclosed that raises serious questions about how this Fact Sheet was drafted.

I first wrote about this issue on March 17, 2003, in a letter to President Bush. In that letter I asked the President to explain why he and other Administration officials had repeatedly cited fabricated evidence about Iraq's attempts to procure uranium from Africa. One of the specific questions I asked was "[w]hether the CIA had any input into the 'Fact Sheet' distributed by the State Department on December 19, 2002."<sup>2</sup> I renewed my request for information about

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<sup>1</sup> U.S. Department of State, *Illustrative Examples of Omissions from the Iraqi Declaration to the United Nations Security Council* (Dec. 19, 2002) (online at [www.state.gov/r/pa/prs/ps/2002/16118pf/htm](http://www.state.gov/r/pa/prs/ps/2002/16118pf/htm)).

<sup>2</sup> Letter from Rep. Henry A. Waxman to the President (Mar. 17, 2003).

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this matter in a series of additional letters to the President and National Security Advisor Condoleezza Rice.<sup>3</sup>

Although I received no response from President Bush, I did receive a response from Paul V. Kelly, Assistant Secretary of State for Legislative Affairs, on April 29, 2003. In this letter, Mr. Kelly stated that the State Department's December 19 Fact Sheet — including the claim referring to Niger — “was a product developed jointly by the CIA and the State Department.”<sup>4</sup>

Since the State Department's April 29, 2003, response, there have been significant developments that raise serious questions about the origins of the Fact Sheet. First, we know now that intelligence experts at both the State Department and the CIA had rejected the evidence that Iraq was seeking to obtain uranium from Niger. According to Greg Thielmann, a former director of Strategic, Proliferation, and Military Affairs in the State Department's Bureau of Intelligence and Research (INR), “INR had concluded that the purchases were implausible — and made that point clear to Powell's office.”<sup>5</sup>

The National Intelligence Estimate issued by the CIA in October — two months prior to the release of the Fact Sheet — expressly refers to these State Department doubts. According to sections declassified last week, the NIE stated that intelligence officials at the State Department believed “claims of Iraqi pursuit of natural uranium in Africa are . . . highly dubious.”<sup>6</sup>

Similarly, we know that CIA Director George Tenet also regarded the Niger evidence as unreliable. According to his statement on July 11, 2003, the CIA repeatedly prevented Bush Administration officials from inserting the claim into various official statements, including “many public speeches, Congressional testimony and the secretary of state's United Nations

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<sup>3</sup> Letter from Rep. Henry A. Waxman to the President (June 2, 2003); Letter from Rep. Henry A. Waxman to the Honorable Condoleezza Rice, Assistant to the President for National Security Affairs (June 10, 2003); Letter from Rep. Henry A. Waxman to the President (July 8, 2003).

<sup>4</sup> Letter from Paul V. Kelly, Assistant Secretary of State for Legislative Affairs, to Rep. Henry A. Waxman (Apr. 29, 2003).

<sup>5</sup> *(Over)selling the World on War*, Newsweek (June 9, 2003).

<sup>6</sup> *Uranium Claim Was Known for Months to Be Weak; Intelligence Officials Say 'Everyone Knew' Then What White House Knows Now about Niger Reference*, Washington Post (July 20, 2003).

presentation in early 2003.”<sup>7</sup> With respect to the President’s October 7, 2002, speech in Cincinnati, we now know that Mr. Tenet “personally spoke with Stephen J. Hadley, the deputy national security adviser, in early October to warn against having Mr. Bush declare . . . that Saddam Hussein was trying to buy 550 tons of uranium ore in the African nation of Niger.”<sup>8</sup>

Moreover, contrary to the letter I received from the State Department on April 29, 2003, the CIA has denied that it had a role in the creation of the Fact Sheet. In fact, senior CIA officials told the *Washington Post* that they objected to including the Niger claim:

When the State Department on Dec. 19, 2002, posted a reference to Iraq not supplying details on its uranium purchases, the CIA raised an objection, “but it came too late” to prevent its publication, the senior intelligence official said.<sup>9</sup>

The inclusion of the Niger claim in the Fact Sheet had a significant impact. As a result of the Fact Sheet and comments made by Administration officials to news media around the time of its release, the assertion that Iraq was seeking uranium from Niger received widespread coverage. For example, the lead article in the *New York Times* on December 13, 2002, reported:

American intelligence agencies have reached a preliminary conclusion that Iraq’s 12,000 page declaration of its weapons program . . . leaves open a host of questions. Among them is why Iraq was seeking to buy uranium in Africa in recent years.<sup>10</sup>

Since both the intelligence experts at the State Department and the CIA were not fooled by the Niger hoax, it is difficult to accept Mr. Kelly’s assertion that the Fact Sheet “was a product developed jointly by the CIA and the State Department.” But someone clearly had to be responsible for adding the fabricated claim to the Fact Sheet. The apparent “immaculate

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<sup>7</sup> Statement by George J. Tenet, Director of Central Intelligence, Central Intelligence Agency (July 11, 2003) (online at [www.cia.gov/cia/public\\_affairs/press\\_release/2003/pr07112003.html](http://www.cia.gov/cia/public_affairs/press_release/2003/pr07112003.html)).

<sup>8</sup> *After the War: Intelligence; Bush Declares His Faith in Tenet and C.I.A.*, New York Times (July 13, 2003).

<sup>9</sup> *CIA Says It Cabled Key Data to White House; but Officials Say Document Lacked Conclusion on Iraqi Uranium Deal*, Washington Post (June 13, 2003).

<sup>10</sup> *Threats and Responses: Report by Iraq, Iraq Arms Report Has Big Omissions, U.S. Officials Say*, New York Times (Dec. 13, 2002); *see also U.S. Accuses Iraqi Weapons Report of Failing to Meet U.N. Demands*, NBC Nightly News (Dec. 19, 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, 2002).

documentation” of the December 19 Fact Sheet is one of the larger unanswered mysteries surrounding the Administration’s use of the fabricated Niger evidence. I am writing, therefore, with the request that you clarify how the Fact Sheet was developed and who was responsible for its creation and release.

Specifically, I respectfully request answers to the following questions:

1. There has been speculation both inside and outside of the State Department that John Bolton, the Under Secretary of State for Arms Control and International Security Affairs, was responsible for inserting the Niger claim in the Fact Sheet. Please confirm whether Mr. Bolton played a role in the creation of the Fact Sheet and, if so, describe his involvement and responsibility.
2. Please identify any other officials involved in the creation of the Fact Sheet and describe their involvement and responsibility.
3. In light of the conflicting accounts of whether the CIA approved the Fact Sheet, specifically who at the CIA reviewed and cleared the section relating to Niger?
4. What communications, if any, did State Department officials have with White House or National Security Council officials regarding the Niger claim being included in the Fact Sheet, both before and after it was issued? With whom did these communications take place?
5. It has been reported that “[i]n cabling the ‘Fact Sheet’ to its embassies around the world, the State Department drop[ped] mention of Niger.”<sup>11</sup> Is this report true? If so, why was the Niger section dropped, and who directed this action?
6. Relating to the forged Niger documents, State Department spokesman Richard Boucher acknowledged that the State Department “acquired these documents in October 2002 and they were shared widely within the U.S. government, with all appropriate agencies.”<sup>12</sup> What review and analysis did the State Department conduct of the documents when they were obtained? Who conducted this analysis, what were the conclusions, and when were such conclusions reached?
7. Why did the Administration wait until February to turn over the forged documents to the IAEA?

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<sup>11</sup> *Uranium Claim Was Known for Months to Be Weak*, Washington Post (July 20, 2003).

<sup>12</sup> U.S. Department of State, *Press Briefing by Richard Boucher* (July 18, 2003).

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8. Did the State Department at any time obtain the verbatim text of any of the documents prior to obtaining actual copies? If so, when and from whom did the State Department obtain the text?

There is widespread attention focused on the President's use of fabricated evidence in his State of the Union speech. I believe that understanding how the State Department Fact Sheet was crafted — despite the objections of CIA and State Department intelligence experts — will provide crucial insights into controversy over the President's State of the Union address. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman  
Ranking Minority Member