

**STATEMENT OF REP. HENRY A. WAXMAN
REGARDING LEGISLATION TO ESTABLISH
THE INDEPENDENT COMMISSION
ON INTELLIGENCE ABOUT IRAQ**

June 26, 2003

Mr. Speaker, today I am introducing legislation to establish the Independent Commission on Intelligence about Iraq. This Commission is necessary to restore the confidence of the American public and the international community regarding the Bush Administration's use of intelligence information about Iraq.

I am joined in introducing this bill by Rep. Martin Frost, Rep. Ron Kind, and 22 other members who supported President Bush when he asked for congressional authorization to use force in Iraq. We were allies of the President when he wanted authority to go to war. And we are allies of the President today in the ongoing fight against terrorism.

For us, this issue is not about whether we were right to go to war in Iraq. We voted for the war resolution. And it is not about whether biological or chemical weapons will ultimately be found in Iraq. Instead, we are introducing this bill because it is now clear we had an inexcusable breakdown in our intelligence system prior to the Iraq war. We need to know how and why this happened, so that we can make sure it never happens again.

We need to know whether the breakdown was caused by problems within our intelligence agencies, and whether they failed to do their jobs competently and responsibly. If, as some in the Administration have hinted, essential information was withheld from the President, we need to discover who did that and hold them accountable.

If we find that the intelligence community did their job well, then we need to know whether Bush Administration officials either ignored or misused the intelligence information. At the end of the day, regardless of the consequences, we need to know what went wrong.

We can't avoid the responsibility. President Bush is leading us in a new doctrine of preemptive warfare. While there is obviously disagreement over the merits of this approach, there is unanimity that preemptive warfare's essential ingredient is accurate intelligence. It can't be founded on theory or suspicion – it needs fact. Without that, the world will be unable to distinguish preemptive warfare from ordinary aggression.

The House and Senate Intelligence Committees have already begun the process of assessing the intelligence community's performance, and the Independent Commission we would create here would supplement that valuable effort.

It appears, however, that the Intelligence Committees will not be assessing how the Bush Administration used the intelligence information it received. Representative Porter Goss, the Chairman of the House Intelligence Committee, said, "I'm not going into what the customer did with the intelligence." I disagree with that approach, and that review will also be an important part of the Independent Commission's responsibilities.

It is profoundly important that the President, the Vice President, and other senior Administration officials accurately portray intelligence information. There is no question more grave than whether our nation should go to war. When the topic is whether to commit our armed forces to battle, Congress and the American public need to be able to rely unquestioningly on the accuracy and veracity of the information from the President and other Administration officials.

Unfortunately, serious concerns have already been raised regarding how the Bush Administration handled intelligence information on threats posed by Iraq in the months leading up to the conflict. One of the main questions that has emerged is whether White House officials manipulated or deliberately ignored key intelligence on Iraq. The Administration's responses to date have been incomplete and inconsistent, and have raised a host of new questions.

For months, I have been asking a simple question: Why did the President cite forged evidence about Iraq's efforts to obtain nuclear materials from Africa in his State of the Union address?

Yet I have been unable to get an answer to this basic question. Instead, the Administration has provided only murky and conflicting explanations regarding the use of forged evidence by the President and other top Administration officials.

The first Administration explanation, as described in the *Washington Post* on March 8, 2003, was “we fell for it.”

But we now know that wasn't true. Multiple press accounts have reported that CIA analysts doubted the validity of the evidence long before the President's State of the Union address and had communicated those doubts to the White House. Other press accounts have reported that State Department analysts also concluded in 2002 that the evidence was bogus.

National Security Advisor Condoleezza Rice then asserted that “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.”

But this also doesn't appear accurate. According to a June 30, 2003, *New Republic* article entitled “The Selling of the Iraq War: The First Casualty,” Vice President Cheney's office had received the forged evidence from the British in 2002 and had provided it to the CIA; the CIA in turn had dispatched a former ambassador to Africa to check its validity; the ambassador determined the evidence was unreliable; and the CIA communicated this report to the Vice President's office.

Other accounts, such as those by Nicholas Kristof in the *New York Times*, reach the same conclusion. According to a June 13, 2003, Knight Ridder News Service report by Jonathan Landay: “Three senior administration officials said Vice President Dick Cheney and some officials on the National Security Council staff and at the Pentagon ignored the CIA's warning and argued that Bush and others should include the allegation in their case against Hussein.”

The White House has asserted that the President's State of the Union address was closely vetted by intelligence officials. But if this is so, what did these officials communicate to the President and his White House advisors and how did the White House respond? NPR has reported that early drafts of the President's State of the Union address that contained the forged evidence were reviewed by senior intelligence officials, who objected to the inclusion of the evidence. According to NPR, the White House ignored their objections. Instead, the White House response was to keep the forged evidence in the speech, but to change the wording so that the evidence was attributed to British sources.

Another question raised by the official White House account is why the White House hasn't taken disciplinary action against the CIA Director and other intelligence officials. If the White House was kept in the dark about something as fundamental as forged nuclear evidence — as Condoleezza Rice maintains — this would be an extraordinarily serious failure by the intelligence community. Shouldn't those responsible face equally serious consequences?

Other significant questions regarding the forged documents remain unanswered. For example, in some statements, the Administration has asserted that "additional evidence" supported the claim about Iraq's attempts to purchase uranium in Africa. Yet the only evidence the Administration provided to the IAEA to support its claims was the forged documents. And despite my repeated requests for this other evidence, the Administration has yet to provide it. What is the other evidence? And why didn't the President and other Administration officials cite to it instead of to the forgeries?

And then there is the question of the December 19 fact sheet by the State Department. This fact sheet — which received front-page coverage in the media — repeated the fake evidence that Iraq sought to import uranium from Africa. When I wrote the President about this, the State Department responded as follows: "The December 19 fact sheet was a product developed jointly by the CIA and the State Department."

But according to a senior intelligence official quoted in the *Washington Post*, the CIA objected to the inclusion of the fake evidence in the State Department fact sheet but the objection “‘came too late’ to prevent its publication.”

Both of these accounts can’t be right.

A broad, independent investigation is necessary to answer questions like these. That is why we are proposing a nonpartisan Commission on Intelligence about Iraq. This Commission would examine the collection, evaluation, and use by the Administration of intelligence on threats posed by Iraq, and make recommendations to Congress and the President regarding steps to enhance the accuracy of intelligence and representations regarding intelligence. The Commission would have the ability to recommend that its findings be made public.

Unlike with congressional committees examining intelligence on Iraq, no political party would have an advantage on the Iraq Commission. Based on the model of the 9/11 Commission which was thoroughly vetted by Congress, the Commission on Intelligence about Iraq would be composed of five members appointed by Republicans and five appointed by Democrats.

Some have tried to deflect efforts to explore questions about the handling of intelligence on Iraq as “revisionist history” or equated such efforts with questioning the war in Iraq. This is misdirected criticism. The purpose of the Commission is simple: to understand the truth.

The Commission’s effort should proceed regardless of whether one agrees or disagrees with the ultimate decision to wage war in Iraq, and regardless of whether biological or chemical weapons ultimately are found there. The credibility of our government will remain in jeopardy if we do not resolve doubts regarding the handling of classified information on Iraq.