



DOD Inspector General

**Report on Review of the Pre-Iraqi War Activities of the
Office of the Under Secretary of Defense for Policy
(Report No. 07-INTEL-04)**

February 9, 2007

Background

- On September 9, 2005, Senator Pat Roberts, Chairman of the Senate Select Committee on Intelligence, requested that the Office of Inspector General, Department of Defense review whether the Office of Special Plans (OSP), “at any time, conducted unauthorized, unlawful or inappropriate intelligence activities.”

- On September 22, 2005, Senator Carl Levin requested that the Office of Inspector General, Department of Defense review the activities of the OUSD(P), including the PCTEG and Policy Support Office to determine whether any of their activities were either inappropriate or improper, and, if so, provide recommendations for remedial action. A list of 10 questions was also provided for our review.

Review Objective

- The Review objective was to determine whether the OUSD(P) offices and activities of the former OSP and PCTEG organizations, "...at any time, conducted unauthorized, unlawful or inappropriate intelligence activities from September 2001 through June 2003.
- We performed this review from November 2005 through November 2006 in accordance with the "Quality Standards for Federal Offices of Inspector General."

Scope of Review

- To achieve our objective, we:
 - Interviewed 75 current or former personnel
 - Reviewed unclassified and classified documentation produced and available from September 2001 through June 2003 including DoD Directives, testimony, guidance, procedures, reports, studies, briefings, message traffic, e-mails, first-hand accounts, memoranda, and other official data on prewar intelligence and the specific areas of inquiry posed by Congress.
 - Assessed information from the SSCI and documents from OUSD(P)

Finding: OUSD(P)'s Use of Intelligence

- The Office of the Under Secretary of Defense for Policy [OUSD(P)] developed, produced, and then disseminated alternative intelligence assessments on the Iraq and al-Qaida relationship, which included some conclusions that were inconsistent with the consensus of the Intelligence Community, to senior decision makers.
- While such actions were not illegal or unauthorized, the actions were, in our opinion, inappropriate given that the products did not clearly show the variance with the consensus of the Intelligence Community and were, in some cases, shown as intelligence products.
- This condition occurred because the OUSD(P) expanded its role and mission from formulating Defense Policy to analyzing and disseminating alternative intelligence. As a result, the OUSD(P) did not provide “the most accurate analysis of intelligence” to senior decision makers.

Response to Senator Levin's Questions

1. Did the Office of Under Secretary Feith produce its own intelligence analysis of the relationship between Iraq and al Qaeda and present its analysis to other offices in the Executive branch (including the Secretary of Defense and the staffs of the National Security Council and the Office of the Vice President)?

Yes. In our report we discuss that members of the OUSD(P) produced a briefing on terrorism based on intelligence reports and provided to the Executive Branch.

2. Did the intelligence analysis produced by Under Secretary Feith's office differ from the Intelligence Community analysis on the relationship between Iraq and al Qaeda?

Yes. The OUSD(P) analysis included some conclusions that differed from that of the Intelligence Community.

3. Was the alternative OSD Policy intelligence analysis supported by the underlying intelligence?

Partially. The alternative intelligence analysis that OUSD(P) produced was not fully supported by underlying intelligence.

Response to Senator Levin's Questions

4. Did Under Secretary Feith send CIA ORCON material to the Senate Select Committee on Intelligence in October 2003 without CIA approval to release it, even though such approval is required by Executive Order?"

Yes. However, both the CIA and the OUSD(P) believed that the CIA had approved the ORCON material before sending it to the SSCI in October 2003.

5. Did Under Secretary Feith mislead Congress when he sent to several congressional committees in January 2004 revised ORCON materials that were represented as containing CIA's requested changes to the October 2003 documents, but which not fully and accurately reflect CIA's requested changes?

No. The Under Secretary Feith did not mislead Congress when he sent revised ORCON material to congressional committees in January 2004.

Response to Senator Levin's Questions

6. Did the Office of the Under Secretary of Defense for Policy prepare and present briefing charts concerning the relationship between Iraq and al Qaeda that went beyond available intelligence by asserting that an alleged meeting between lead 9/11 hijacker Mohammed Atta and Iraqi intelligence officer al-Ani in Prague in April 2001 was a 'known' contact?'

Yes. The OUSD(P) produced a briefing, "Assessing the Relationship between Iraq and al-Qaida," in which one slide discussed the alleged meeting in Prague between Mohammed Atta and Iraqi Intelligence officer al-Ani as a "known contact."

7. Did the staff of the OUSDP present a briefing on the Iraq-al Qaeda relationship to the White House in September 2002 unbeknownst to the Director of Central Intelligence, containing information that was different from the briefing presented to the DCI, not vetted by the Intelligence Community, and that was not supported by the available intelligence (for example, concerning the alleged Atta meeting), without providing the IC notice of the briefing or an opportunity to comment?

Yes. The OUSD(P) presented three different versions of the same briefing, of which some of the information was supported by available intelligence, to the Secretary of Defense, the DCI, the Deputy National Security Advisor and the Chief of Staff, OVP.

Response to Senator Levin's Questions

8. Did the staff of the OUSDP undercut the Intelligence Community (IC) in its briefing to the White House staff with a slide that said there were 'fundamental problems' with the way the IC was assessing information concerning the relationship between Iraq and al-Qaeda, and inaccurately suggesting that the IC was requiring 'juridical evidence to support a finding,' while not providing the IC notice of the briefing or an opportunity to comment.

Yes. We believe that the slide undercuts the Intelligence Community by indicating to the recipient of the briefing that there are "fundamental problems" with the way that the Intelligence Community was assessing information.

9. Did the OSD Policy briefing to the White House draw conclusions (or 'findings') that were not supported by the available intelligence, such as the 'intelligence indicates cooperation in all categories; mature, symbiotic relationship,' or that there were 'multiple areas of cooperation,' and shared interest and pursuit of WMD, ' and 'some indications of possible Iraqi coordination with al Qaida specifically related to 9/11'

Yes. The briefing did draw conclusions that were not fully supported by the available intelligence.

Response to Senator Levin's Questions

10. Did OUSDP staff prepare, and did Under Secretary Feith send to the Secretary of Defense and the Deputy Secretary of Defense, a written critique of a report entitled Iraq and al Qaida: Interpreting a Murky Relationship prepared by the DCI's Counter Terrorism Center (CTC), stating that the 'CIA's interpretation ought to be ignored, ' without providing the CIA notice or an opportunity to respond?

Yes, however, there is no requirement to provide an internal OSD document to the CIA for their review.