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Congress of the United States

House of Representatives

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MEMORANDUM

December 18, 2008

To: Members of the Committee on Oversight and Government Reform

Fr: Chairman Henry A. Waxman

Re: The President's Claim that Iraq Sought Uranium from Niger

Next month, I will be leaving the Oversight Committee to chair the Committee on Energy and Commerce. Before I depart, I want to report to you on the most significant information I have learned from the Committee's investigation into the basis for President Bush's claim in his 2003 State of the Union address that "the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

On January 6, 2004, White House Counsel Alberto Gonzales sent a letter on behalf of Condoleezza Rice, who was then the National Security Advisor, to the Senate Select Committee on Intelligence, writing that "Dr. Rice has asked me to respond" to questions raised by the Committee about the uranium claim. Mr. Gonzales informed the Committee that the CIA "orally cleared" the uranium claim "for use by the President" in both a September 12, 2002, speech to the United Nations and a September 26, 2002, speech in the White House Rose Garden.

The Senate Select Committee on Intelligence relied on these representations and adopted the White House's statements almost verbatim in its 2004 Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq. As a result, the Senate report created the impression that the President's use of the uranium claim in the State of the Union address could be blamed in large part on the CIA and its clearance of the claim in the earlier speeches.

The information the Oversight Committee has received casts serious doubt on the veracity of the representations that Mr. Gonzales made on behalf of Dr. Rice. Contrary to Mr. Gonzales's assertions, the Committee has received evidence that the CIA objected to the uranium claim in both speeches, resulting in its deletion from the President's remarks. In the case of the September 26, 2002, speech, the former Deputy Director of Intelligence at the CIA told the Committee that she personally warned Dr. Rice not to use the uranium claim.

The President's September 12, 2002, speech to the United Nations contended that Iraq was in breach of United Nations sanctions. During an interview with the Committee, John Gibson, who served as Director of Speechwriting for Foreign Policy at the National Security Council (NSC), stated that he tried to insert the uranium claim into this speech at the request of Michael Gerson, chief White House speechwriter, and Robert Joseph, the Senior Director for Proliferation Strategy, Counterproliferation, and Homeland Defense at the NSC. According to Mr. Gibson, the CIA rejected the uranium claim because it was "not sufficiently reliable to include it in the speech." Mr. Gibson stated that the CIA "didn't give that blessing," the "CIA was not willing to clear that language," and "[a]t the end of the day, they did not clear it."

On September 26, 2002, President Bush delivered remarks in the White House Rose Garden urging Congress to authorize the use of force in Iraq. During an interview with the Committee, Jami Miscik, the Deputy Director of Intelligence at the CIA, stated that NSC officials "wouldn't take [the uranium claim] out of the speech." As a result, she was asked to explain directly to Dr. Rice "the reasons why we didn't think this was credible." Ms. Miscik stated that "[i]t was clear that we had problems or we at the most fundamental level wouldn't have been having the phone call at all." According to Ms. Miscik, the CIA's reasons for rejecting the uranium claim "had been conveyed to the NSC counterparts" before the call, and Dr. Rice was "getting on the phone call with that information." Ms. Miscik told Dr. Rice personally that the CIA was "recommending that it be taken out." She also said "[i]t turned out to be a relatively short phone call" because "we both knew what the issues were and therefore were able to get to a very easy resolution of it."

During his interview with the Committee, Mr. Gibson was asked about the White House assertions that the CIA had cleared the inclusion of the uranium claim. He stated that the White House assertions were "incorrect." He told the Committee that "the CIA had never cleared" the use of the uranium claim. During her interview with the Committee, Ms. Miscik made the same point, stating that the White House assertions were "not accurate" and "misleading." She explained further: "We had not cleared on this speech until the discussion that Dr. Rice and I had."

Unfortunately, Dr. Rice resisted efforts by the Committee to obtain her testimony about these matters. Thus, I am not able to report to you how she would explain the seeming contradictions between her statements and those of Mr. Gonzales on her behalf and the statements made to the Committee by senior CIA and NSC officials.

Background

On January 28, 2003, President Bush delivered his State of the Union address in which he made the case for going to war with Iraq. As part of his effort to justify his conclusion that war was necessary, President Bush stated that "the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."¹

¹ President George W. Bush, *State of the Union Address* (Jan. 28, 2003).

On March 7, 2003, Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), reported to the U.N. Security Council:

Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents — which formed the basis for reports of recent uranium transactions between Iraq and Niger — are in fact not authentic. We have therefore concluded that these specific allegations are unfounded.²

On March 17, 2003, two days before U.S. troops invaded Iraq, I wrote a letter to President Bush to express concern that “a key piece of evidence ... cited regarding Iraq’s efforts to obtain nuclear weapons is a hoax” and that “the Central Intelligence Agency questioned the veracity of the evidence at the same time [the President] and other Administration officials were citing it in public statements.”³

On June 10, 2003, I wrote to Dr. Rice in her previous position as National Security Advisor to the President.⁴ In my letter, I asked her to explain how the uranium claim got into the State of the Union address and who in the Administration had information about the uranium intelligence. She never responded to this letter.

On July 6, 2003, former Ambassador Joseph Wilson made public the details of his trip to Africa and the questions he had raised about the uranium claim.⁵ Based on this additional information, I wrote to Dr. Rice again on July 29, 2003, with detailed questions about her knowledge about the uranium claim and how it became a key piece of evidence in the President’s justification for the Iraq War.⁶ She never responded to this letter.

When I became chair of the Oversight Committee, I wrote to Secretary Rice on March 12, 2007, requesting a response to my letters from June and July 2003.⁷ After receiving no response, I sent a letter to Secretary Rice on March 30, 2007, inviting her to testify before the

² IAEA Director General Dr. Mohamed ElBaeadei, *The Status of Nuclear Inspections in Iraq: An Update* (Mar. 7, 2003).

³ Letter from Henry A. Waxman, Ranking Minority Member, House Committee on Government Reform, to President George W. Bush (Mar. 17, 2003).

⁴ Letter from Henry A. Waxman, Ranking Minority Member, House Committee on Government Reform, to Condoleezza Rice, Assistant to the President for National Security Affairs (June 10, 2003).

⁵ Ambassador Joseph Wilson, *What I Didn’t Learn in Africa*, New York Times (July 6, 2003).

⁶ Letter from Henry A. Waxman, Ranking Minority Member, House Committee on Government Reform, to Condoleezza Rice, Assistant to the President for National Security Affairs (July 29, 2003).

⁷ Letter from Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Secretary of State Condoleezza Rice (Mar. 12, 2007).

Oversight Committee on April 18, 2007.⁸ When she failed to appear at the hearing, the Committee voted 21 to 10 to issue a subpoena for her testimony.⁹ On May 11, 2007, the Committee received a letter from the Assistant Secretary of State for Legislative Affairs stating that Secretary Rice would be unable to attend the hearing.¹⁰ To accommodate her schedule, I postponed the hearing until June 19, 2007.¹¹

On June 12, 2007, I wrote to inform Secretary Rice that the Committee would postpone her testimony “in order to allow additional time for the Committee to conduct interviews and review documents.” As I stated in that letter:

The Committee was conducting interviews and depositions of senior government officials with knowledge of prewar intelligence about Iraq’s nuclear program, including George Tenet, former Director of Central Intelligence; John McLaughlin, former Deputy Director of Central Intelligence; Col. Lawrence Wilkerson, former Chief of Staff to Secretary of State Colin Powell; and Carl Ford, former Assistant Secretary of State for Intelligence and Research. The Committee plans to conduct additional interviews over the coming weeks. In addition, the CIA and State Department have begun to provide important documents to the Committee.¹²

The Committee continued its investigation, reviewing documents and interviewing officials from the CIA and NSC. On October 31, 2008, I wrote to the White House to request the production of information the White House had previously produced to the Senate Select Committee on Intelligence relating to the uranium claim.¹³ On November 12, 2008, the White House produced a letter sent on January 6, 2004, from White House Counsel Alberto R. Gonzales to Senator John D. Rockefeller, IV, Vice Chairman of the Senate Select Committee on Intelligence.¹⁴

⁸ Letter from Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Secretary of State Condoleezza Rice (Mar. 30, 2007).

⁹ Subpoena to Secretary of State Condoleezza Rice, House Committee on Oversight and Government Reform (Apr. 25, 2007).

¹⁰ Letter from Jeffrey T. Bergner, Assistant Secretary of State for Legislative Affairs, to Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform (May 11, 2007).

¹¹ Letter from Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Secretary of State Condoleezza Rice (May 16, 2007).

¹² Letter from Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Secretary of State Condoleezza Rice (June 12, 2007).

¹³ Letter from Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform, to Fred F. Fielding, Counsel to the President (Oct. 31, 2008).

¹⁴ Letter from Fred F. Fielding, Counsel to the President, to Henry A. Waxman, Chairman, House Committee on Oversight and Government Reform (Nov. 12, 2008).

The United Nations Speech

On September 12, 2002, President Bush delivered a speech to the United Nations making the case that Iraq had violated United Nations sanctions by pursuing weapons of mass destruction.¹⁵ As part of the Committee's investigation, staff conducted a two-part interview on August 2 and October 11, 2007, with John Gibson, who previously worked for Dr. Rice at the National Security Council as Director of Foreign Policy Speechwriting.

Mr. Gibson told the Committee that he was asked to draft the United Nations speech in order "to make the case that ... Iraq is not in compliance with numerous U.N. Security Council resolutions and that the world community should not accept this noncompliance."¹⁶

According to Mr. Gibson, on September 11, 2002, the day before the speech, Michael Gerson, the chief White House speechwriter, and Robert Joseph, the Senior Director for Proliferation Strategy, Counterproliferation, and Homeland Defense at the National Security Council, approached him about including a reference to "evidence that purported to show that Iraq had attempted to purchase enriched uranium or uranium from an African country, Niger."¹⁷

Mr. Gibson explained that Mr. Joseph "came across" information about the uranium claim that he considered "interesting," and as a result, "there became interest to put it in the speech."¹⁸

According to Mr. Gibson, he inserted the uranium claim into the speech and sent it to the CIA for review. Mr. Gibson told the Committee that while the CIA was reviewing the speech, there was further discussion at the White House regarding the uranium claim, but he emphasized that they were "still waiting for clearance" from the CIA and that "if the agency didn't stand behind it, it would not be included."¹⁹

Mr. Gibson informed the Committee that the CIA rejected the inclusion of the claim in the President's speech. He stated that Mr. Joseph "relayed to me that we've got to pull it, the agency is just not comfortable with it."²⁰ According to Mr. Gibson, Mr. Joseph stated that the CIA raised specific concerns that the uranium claim "was from a single foreign source" and "was

¹⁵ President George W. Bush, *President's Remarks at the United Nations General Assembly* (Sept. 12, 2002).

¹⁶ House Committee on Oversight and Government Reform, Interview of John Gibson, at 18 (Aug. 2, 2007).

¹⁷ *Id.* at 20.

¹⁸ *Id.* at 28.

¹⁹ *Id.* at 23, 31.

²⁰ *Id.* at 23–24.

not sufficiently reliable to include it in the speech.”²¹ The uranium claim was then removed and was not referenced by the President in the United Nations speech.²²

The account Mr. Gibson provided to the Oversight Committee directly contradicts the account the White House provided to the Senate Select Committee on Intelligence. On January 6, 2004, White House Counsel Alberto Gonzales wrote a letter to Senator John D. Rockefeller, IV, Vice Chairman of the Senate Select Committee on Intelligence. According to this letter, the White House was asked to provide “examples of references to Iraq’s efforts to acquire uranium that was [sic] cleared by CIA for use in various Presidential remarks or White House communications.” Mr. Gonzales wrote:

Dr. Rice has asked me to respond to your letter dated October 30 requesting information that you believe is necessary to assist in your review of U.S intelligence on the threat posed by Iraq’s weapons of mass destruction.²³

With respect to the United Nations speech, Mr. Gonzales stated: “On September 11, 2002, CIA officials orally cleared [the uranium claim] for use by the President.”²⁴ Mr. Gonzales also stated:

The language cleared by the CIA was identical to the language proposed for clearance by the White House staff, except that it appears that CIA may have suggested the addition of the words “up to” in the third sentence.²⁵

The report by the Senate Select Committee on Intelligence appears to have relied on this assertion and adopted it almost verbatim. The Senate report stated:

In a written response to questions from Committee staff, the White House said that on September 11, 2002, National Security Council (NSC) staff contacted the CIA to clear language for possible use in a statement for use by the President. The language cleared by the CIA ... was identical to the text proposed by the White House except that the CIA had suggested added “up to” before 500 metric tons.²⁶

The Committee asked Mr. Gibson whether the assertions by the White House were accurate. In response, Mr. Gibson stated that they were “incorrect because it was my

²¹ *Id.* at 22, 56.

²² President George W. Bush, *President’s Remarks at the United Nations General Assembly* (Sept. 12, 2002).

²³ Letter from Alberto R. Gonzales, Counsel to the President, to John D. Rockefeller, IV, Vice Chairman, Senate Select Committee on Intelligence (Jan. 6, 2004).

²⁴ *Id.*

²⁵ *Id.*

²⁶ Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq*, at 49 (July 7, 2004).

understanding that the CIA had never cleared” the language on the uranium claim.²⁷ Mr. Gibson stated that the uranium claim “was not ultimately blessed” by the CIA “for inclusion in the speech.”²⁸

Mr. Gibson acknowledged that a lower-level CIA staffer without authority to clear the speech may have “suggested the inclusion of the words ‘up to’” as part of the process of getting “the language as clean and right as they could.” But Mr. Gibson stated that ultimately the CIA leadership “didn’t give that blessing,” the “CIA was not willing to clear that language,” and “[a]t the end of the day, they did not clear it.”²⁹

The Rose Garden Speech

On September 26, 2002, President Bush delivered remarks in the White House Rose Garden in an effort to persuade Congress to pass a resolution authorizing the use of military force in Iraq.³⁰ As part of the Committee’s investigation, staff conducted a two-part interview on June 14 and August 21, 2007, with Jami Miscik, the former Deputy Director of Intelligence for the CIA.

During her interview, Ms. Miscik informed the Committee that there was a dispute between the National Security Council and the CIA about whether to include the uranium claim in the speech. Ms. Miscik told the Committee that CIA staff “needed my help” because officials who worked for Dr. Rice at the NSC “wouldn’t take [the uranium claim] out of the speech.”³¹ According to Ms. Miscik, the CIA officials asked her to call Dr. Rice directly to explain “the reasons why we didn’t think this was credible.”³² Ms. Miscik explained that these CIA officials were “really wanting this information not to be used, because we didn’t think it was credible.”³³

Ms. Miscik acknowledged that it would “not be typical” for the Deputy Director of Intelligence to call the National Security Advisor to remove a line from the President’s draft speech, but that it became necessary because Dr. Rice’s staff continued to resist the CIA’s

²⁷ House Committee on Oversight and Government Reform, Interview of John Gibson, at 36 (Aug. 2, 2007).

²⁸ *Id.* at 28.

²⁹ *Id.* at 28, 36, 39.

³⁰ President George W. Bush, *President Bush Discusses Iraq with Congressional Leaders* (Sept. 26, 2002).

³¹ House Committee on Oversight and Government Reform, Interview of Jami Miscik, at 24-25 (June 14, 2007).

³² *Id.* at 22.

³³ *Id.* at 25.

requests to remove the claim.³⁴ According to Ms. Miscik, “It was clear that we had problems or we at the most fundamental level wouldn’t have been having the phone call at all.”³⁵

Ms. Miscik told the Committee that she prepared for her call with Dr. Rice by familiarizing herself with the reasons the CIA was requesting the claim be removed from the President’s speech. According to Ms. Miscik, those reasons included the fact that Iraq already had stockpiles of uranium and would not need to acquire yellowcake; that the uranium mines in Niger were “run by” the French; and that that some of these mines were “underwater.”³⁶

Ms. Miscik stated that she spoke with Dr. Rice directly over the telephone on September 24, 2002. Ms. Miscik explained that the CIA’s reasons for requesting that the removal of the uranium claim “had been conveyed to the NSC counterparts” before the call began and that she and Dr. Rice “were getting on the phone call with that information.”³⁷ According to Ms. Miscik, it was clear to her during the call that the CIA’s concerns already “had been discussed on both sides.”³⁸

Ms. Miscik stated that Dr. Rice began the conversation by stating, “I understand we have an issue on the speech.”³⁹ Ms. Miscik then relayed to Dr. Rice that the CIA had “concerns” about including the uranium claim in the President’s speech and that the CIA was “recommending that it be taken out.”⁴⁰

Ms. Miscik informed the Committee that “[i]t turned out to be a relatively short phone call.”⁴¹ As she told the Committee, “we both knew what the issues were and therefore were able to get to a very easy resolution of it.”⁴² At the end of the call, Ms. Miscik explained, “I think she just then said, well, why don’t we just remove the sentences? And I said, that would be fine.

³⁴ *Id.* at 25–26.

³⁵ House Committee on Oversight and Government Reform, Interview of Jami Miscik Miscik, at 44–45 (Aug. 21, 2008).

³⁶ House Committee on Oversight and Government Reform, Interview of Jami Miscik, at 23 (June 14, 2007).

³⁷ House Committee on Oversight and Government Reform, Interview of Jami Miscik, at 46 (Aug. 21, 2008).

³⁸ *Id.* at 45.

³⁹ *Id.* at 22.

⁴⁰ *Id.* at 44, 47.

⁴¹ *Id.* at 46.

⁴² *Id.* at 45.

And that's what happened."⁴³ When the President delivered the Rose Garden speech, he did not reference the uranium claim.⁴⁴

The account Ms. Miscik provided to the Oversight Committee directly contradicts the account the White House provided to the Senate Select Committee on Intelligence. Writing on Dr. Rice's behalf on January 6, 2004, White House Counsel Alberto Gonzales addressed the uranium claim in the Rose Garden speech. He asserted: "On September 24, 2002, CIA officials orally cleared the [uranium claim] for use by the President." Mr. Gonzales wrote:

The language cleared by CIA was identical to the language proposed for clearance by White House staff, except that it appears that CIA may have suggested that the second sentence read "in the process" rather than "of the process."⁴⁵

Again, the Senate report appears to have adopted the White House assertion. The report states:

In response to questions from Committee staff, the White House said that on September 24, 2002, NSC staff contacted the CIA to clear another statement for use by the President. ... The CIA cleared the language, but suggested that "of the process" be changed to "in the process."⁴⁶

When the Committee asked Ms. Miscik whether the White House assertions were correct, she responded that they were "not accurate" and agreed that they were in fact "misleading" because they stated that the CIA had cleared the uranium claim.⁴⁷ According to Ms. Miscik:

We had not cleared on this speech until the discussion that Dr. Rice and I had. And when she said that the information could be removed, at that point we then cleared on the remainder of the speech.⁴⁸

⁴³ House Committee on Oversight and Government Reform, Interview of Jami Miscik, at 22 (June 14, 2007).

⁴⁴ President George W. Bush, *President Bush Discusses Iraq with Congressional Leaders* (Sept. 26, 2002).

⁴⁵ Letter from Alberto R. Gonzales, Counsel to the President, to John D. Rockefeller, IV, Vice Chairman, Senate Select Committee on Intelligence (Jan. 6, 2004).

⁴⁶ Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, at 51 (July 7, 2004).

⁴⁷ House Committee on Oversight and Government Reform, Interview of Jami Miscik Miscik, at 8-9 (Aug. 21, 2008).

⁴⁸ *Id.* at 9.

The Cincinnati Speech

On October 7, 2002, President Bush delivered a speech in Cincinnati, Ohio, discussing the case for war against Iraq. White House officials have conceded previously that during the process of vetting this speech, the CIA warned Dr. Rice and her staff at the National Security Council on multiple occasions to remove the uranium claim.⁴⁹

The report by the Senate Select Committee on Intelligence appears to accurately report these warnings, including (1) a memorandum sent on October 5, 2002, to Dr. Rice's deputy, Stephen Hadley, (2) a second memorandum sent on October 6, 2007, to the White House, and (3) a personal telephone call from CIA Director George Tenet to Mr. Hadley directing him to remove the claim.⁵⁰

On June 5, 2007, the Committee conducted a deposition of George Tenet, the former Director of Central Intelligence.⁵¹ In his deposition, Mr. Tenet provided new details about the explicit nature of these warnings. According to Mr. Tenet, his staff at the CIA approached him and asked him to intervene. They stated:

[W]e need to get this stuff out. We don't believe this. We need to get it out of the speech. It's not coming out. Can you call Mr. Hadley?⁵²

Mr. Tenet explained that he called Mr. Hadley to direct him to remove the language. He told the Committee:

[S]taff came down to say there was specific language that they wanted out and, essentially, I called Mr. Hadley up. It was a very short conversation. And I said Steve, take it out. We don't want the President to be a fact witness on this issue."⁵³

Mr. Tenet stated further: "The facts, I told him, were too much in doubt."⁵⁴

According to Mr. Tenet, the President's speech in Cincinnati did not include the uranium claim because the CIA had explicitly informed the White House that it was not cleared for a

⁴⁹ Dan Bartlett and Steve Hadley Hold Press Briefing on Iraq Weapons of Mass Destruction and the State of the Union Speech, FDCH Political Transcripts (July 22, 2003).

⁵⁰ Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, at 55-57 (July 7, 2004).

⁵¹ House Committee on Oversight and Government Reform, *Deposition of George Tenet* (June 5, 2007).

⁵² *Id.* at 59-60.

⁵³ *Id.* at 7.

⁵⁴ *Id.* at 134.

Presidential speech. Mr. Tenet stated: “We sent two memos to Mr. Hadley saying, this is why you don’t let the President say this in Cincinnati.”⁵⁵

Conclusion

One of the President’s core arguments for going to war against Iraq was that Saddam Hussein was seeking to build nuclear weapons. We now know that one of the pillars of this argument was illegitimate. For more than five years, I have been seeking answers to basic questions about why the President made a false assertion about such a fundamental matter.

As the President’s National Security Advisor at the time, Condoleezza Rice asserted publicly that she knew nothing about any doubts the CIA had raised about this claim prior to the 2003 State of the Union address. And former White House Counsel Alberto Gonzales asserted to the Senate — on her behalf — that the CIA approved the use of the claim in several presidential speeches.

The Committee has obtained evidence that just the opposite is true. Officials who were directly involved at both the National Security Council and the CIA have reported to the Committee that the CIA rejected the use of the uranium claim in all three of the President’s speeches before the State of the Union address in which its use was considered. One of these officials also told the Committee that she spoke with Dr. Rice personally about this issue and that Dr. Rice was fully aware of the CIA’s warnings to stop using the claim.

In fact, there is now evidence that at least four top officials at the National Security Council — Dr. Rice; Stephen Hadley, Deputy National Security Advisor; Robert Joseph, Senior Director for Proliferation Strategy, Counterproliferation, and Homeland Defense; and John Gibson, Director of Foreign Policy Speechwriting — had been warned by the CIA to stop using the uranium claim.

This evidence would appear to raise serious questions about the veracity of the assertions that Mr. Gonzales made to Congress on behalf of Dr. Rice about a key part of the President’s case for going to war in Iraq.

⁵⁵ *Id.* at 97.