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Review of Pre-Iraqi War Activities of the Office of the Under Secretary of Defense for Policy

Executive Summary

Who should read this report and why. Personnel within DoD who are responsible for monitoring and providing official oversight of DoD intelligence issues should read this report because it discusses the issue of whether or not the Office of the Under Secretary of Defense for Policy conducted unauthorized, unlawful or inappropriate "Intelligence Activities"¹ during the pre-war period leading up to war with Iraq.

Background. On July 7, 2004, the Senate Select Committee on Intelligence released a classified report, "Report on the U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq" that was critical of the Intelligence Community assessments on Iraq, further concluding that the "Intelligence Community analysts lacked a consistent post-September 11th approach to analyzing and reporting on terrorism threats."

On October 21, 2004, Senator Carl Levin released an unclassified report that the Senate Armed Services Committee Minority Staff prepared entitled, "Report of an Inquiry into the Alternative Analysis of the Issue of an Iraq-al Qaeda Relationship." This report substantively challenged some of the conclusions in the Senate Select Committee on Intelligence committee report and stated that the Office of the Under Secretary of Defense for Policy inappropriately produced an alternative analysis. The report stated that analysis provided by the Office of the Under Secretary of Defense for Policy exaggerated a connection between Iraq and al-Qaida while the Intelligence Community remained consistently dubious of such a connection.

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, "at any time, conducted unauthorized, unlawful or inappropriate intelligence activities." The term Office of Special Plans has become generic terminology for the activities of the Office of the Under Secretary of Defense for Policy, including the Policy Counter Terrorism Evaluation Group and Policy Support Office. The actual Office of Special Plans had no responsibility for and did not perform any of the activities examined in this review. (Appendix C).

¹ DoD Directive 5240.1 defines *Intelligence Activities* as "the collection, production, and dissemination of foreign intelligence and counterintelligence by DoD intelligence components authorized under reference (b)." Reference (b) is Executive Order 12333, United States Intelligence Activities," December 4, 1981.

On September 22, 2005, Senator Carl Levin requested the Office of Inspector General, Department of Defense to review the activities of the Office of the Under Secretary of Defense for Policy, including the Policy Counter Terrorism Evaluation Group and Policy Support Office, to determine if any of the activities were either inappropriate or improper and if so, provide recommendations for remedial action. He also provided a list of 10 questions to consider during our review. (Appendix D; Appendix G is our response to the 10 questions).

Results. The Office of the Under Secretary of Defense for Policy 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 intelligence assessments were intelligence products and did not clearly show the variance with the consensus of the Intelligence Community. This condition occurred because of an expanded role and mission of the Office of the Under Secretary of Defense for Policy from policy formulation to alternative intelligence analysis and dissemination. As a result, the Office of the Under Secretary of Defense for Policy did not provide "the most accurate analysis of intelligence"² to senior decision-makers.

Management Comments. The Under Secretary of Defense for Policy and Director, Defense Intelligence Agency provided comments on the draft report. The complete responses are included in the Management Comments section of the report. The Under Secretary of Defense for Policy did not concur with the report stating that their actions were not intelligence activities and, even if they were, would be appropriate given that they were responding to direction from the Deputy Secretary of Defense. Further, he states that their assessment on a "cooperative" Iraq-al Qaida relationship was consistent with the Director of Central Intelligence's own statements to Congress in 2002. The Director, Defense Intelligence Agency comments were administrative in nature and were completely integrated into the final report.

Evaluation Response. The assessments produced evolved from policy to intelligence products, which were then disseminated. The Deputy Secretary of Defense direction made the action authorized; however, we believe the actions were inappropriate because a policy office was producing intelligence products and was not clearly conveying to senior decision-makers the variance with the consensus of the Intelligence Community. The statement of the Director of Central Intelligence included his assessment that "our understanding of the relationship between Iraq and al-Qaida is evolving and is based on sources of varying reliability." Further, analysis of the statement does not support the Under Secretary of Defense for Policy position of a "mature symbiotic relationship" in all areas. The circumstances prevalent in 2002 are no longer present today. We believe that the continuing collaboration between the Under Secretary of Defense for Intelligence and the Office of the Director of National Intelligence will significantly reduce the opportunity for the inappropriate conduct of intelligence activities outside of intelligence channels. As a result, we are not making any recommendations.

² Intelligence Community Directive Number 1 dated May 1, 2006, "Policy Directive for Intelligence Community Leadership" describes Intelligence Analysis "to ensure the most accurate analysis of intelligence is derived from all sources to support national security needs."