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Would a Revised Intelligence Assessment of Iraq Have Made a Difference in the 2002 Vote?

Executive Summary

- The report of the Senate Select Committee on Intelligence (SSCI) on prewar intelligence regarding Iraq is being misrepresented by war critics.
- Some critics suggest that there would have been a different outcome on the 2002 vote to authorize use of force against Iraq if Senators then had the benefit of SSCI's recent analysis.
- This paper concludes that, even if Committee-recommended caveats had been included, taking everything into consideration, the end result would have been the same: *policymakers would not have given Saddam Hussein the benefit of the doubt.*
- Many of the intelligence community's findings presented in the 2002 National Intelligence Estimate (NIE) on Iraq were judged by the SSCI report as reasonable.
- In the areas of existing stockpiles of chemical and biological weapons, and on the level of maturity of Iraq's nuclear program, the SSCI report found that these NEI's assessments should have been qualified because of insufficient data.
- A revised NIE *would have caveated or qualified that*, due to a lack of human intelligence capability in Iraq, *it was not possible to determine with any certainty whether Hussein:* had destroyed his pre-Gulf War stocks of chemical and biological weapons; was actively producing chemical and biological weapons; was actively reconstituting his WMD programs; and was actively seeking to acquire uranium and/or yellowcake from foreign sources.
- A revised NIE *would still have found* that Hussein engaged in denial and deceptions tactics and retained capability related to WMD; possessed prohibited ballistic missiles; maintained ties to terrorist groups; and had diverted Oil-for-Food monies to purchase military items.
- The vote on October 11, 2002 to authorize force against Iraq was based on the totality of the government's knowledge about Saddam. Focus on Saddam's past actions, intentions, and known capabilities was what prompted the decision to use force against Iraq — a decision few have expressed a desire to revisit.

Introduction

The report released earlier this month by the Senate Select Committee on Intelligence (SSCI) on prewar intelligence regarding Iraq is being misrepresented by war critics. Some suggest that there would have been a different outcome in Congress on the 2002 vote to authorize use of force against Iraq if Senators then had the benefit of the intelligence committee's recent analysis.¹ Likewise, the Committee's finding that the Administration did not pressure those preparing the assessment is also being misrepresented.

This paper will compare the key judgments of the intelligence community's report to the President and Congress with the SSCI's opinion of how the material *should have been presented*. This comparison will show that, even if Committee-recommended caveats had been included, taking everything into consideration, the end result would have been the same: ***policymakers would not have given Saddam Hussein the benefit of the doubt.***

It should be noted that many of the intelligence community's findings about Iraq in its 2002 National Intelligence Estimate (NIE) have been judged by the Intelligence Committee to be valid and reasonable. In two key areas, however, the Committee found assessments were conveyed as definitive facts when they should have been qualified because of insufficient data. These were in the areas of existing stockpiles of chemical and biological weapons, and on the level of maturity of the nuclear program. Even properly qualified, the assessments must be considered in the context in which this 2002 NIE was written. The question revisionists must then confront is, *would a properly caveated NIE have changed their views on Hussein — whose actions during the entire 11 years between the 1991 Gulf War and the 2002 vote to authorize force against Iraq did nothing to earn him the benefit of the doubt?* This paper suggests not.

Committee Finds No Shading of Intelligence by Administration

Critics long have attempted to taint the NIE by maintaining that the Bush Administration, specifically Vice President Cheney, pressured the intelligence community to come up with analyses and conclusions that made the case for war inevitable. In June 2003, Senator Levin (D-MI) stated that "there is too much evidence that intelligence was shaded."² And, Senator Kerry (D-MA) said in January 2004, "The question is still unanswered as to what Dick Cheney was doing over at the CIA personally in those weeks leading up to war."³ Despite these reckless charges, the Intelligence Committee found no evidence to support them. The report said:

"The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities." (Conclusion 83)

¹ Senator John D. Rockefeller IV (D-WV), speaking on, NBC's "Meet the Press," July 11, 2004, said "I don't believe that if the Senate were to vote today that it would put our soldiers . . . in harm's way."

² Senator Carl Levin (D-MI), speaking on NBC's *Meet the Press*, June 8, 2003.

³ Senator John Kerry (D-MA), speaking on *Fox News Sunday*, January 25, 2004.

“The Committee found that none of the analysts or other people interviewed by the Committee said that they were pressured to change their conclusions related to Iraq’s links to terrorism.” (Conclusion 102)

These conclusions should sufficiently put to rest the myth that the Administration applied inappropriate pressure to any members of the intelligence community.

Properly Assessing Iraq’s Capabilities and Potential

That myth dispelled, this paper now can turn to the center of the debate to examine just how right or how wrong the intelligence analysts were in their assessments on pre-war Iraq. The key document in dispute is the National Intelligence Estimate (NIE) on “Iraq’s Weapons of Mass Destruction Programs,” prepared by the National Intelligence Council, which reports to the Central Intelligence Agency.⁴ The report was released in October 2002 (in July 2003, a more detailed version of the October 2002 NIE was released). This report was shared with Administration and Congressional policymakers prior to the vote in Congress to authorize use of force against Iraq. The NIE is significant because it served as one of the main bodies of evidence (along with press accounts, U.N. arms inspectors’ reports, and other forms of intelligence analysis, including letters, reports, and testimony) to make the case against Saddam Hussein and for the use of military action.

Assessment: Terrorist Connections

What the October 2002 NIE Actually Said: The NIE stated that “Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW [chemical and biological weapons] against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.” It also stated that “Saddam, if sufficiently desperate, might decide that only an organization such as Al Qaida — with worldwide reach and extensive terrorist infrastructure, and already engaged in a life or death struggle against the United States — could perpetrate the type of terrorist attack that he would hope to conduct.”

In addition to the NIE, on October 7, 2002 — four days before the Senate voted to authorize use of force against Iraq — then-Director of Central Intelligence George Tenet sent a letter to then-SSCI Chairman Bob Graham (D-FL) offering additional intelligence assessments on “Iraqi links to Al-Qaida.”⁵ In the letter, Tenet wrote that “Senators could draw from the following points:”

- “Our understanding of the relationship between Iraq and Al Qaida is evolving and is based on sources of varying reliability. Some of the information we have received comes from detainees, including some of high rank.”
- “We have solid reporting of senior level contacts between Iraq and Al Qaida going back a decade.”

⁴ National Intelligence Council (NIC), “National Intelligence Estimate: Iraq’s Weapons of Mass Destruction Programs,” October 2002. These “key judgments” were taken from July 2003 release of the October 2002 NIE.

⁵ Letter dated October 7, 2002 to Senator Bob Graham, Democrat of Florida and chairman of the Intelligence Committee, by George J. Tenet, director of central intelligence, about decisions to declassify material related to the debate about Iraq.

- “Credible information indicates that Iraq and Al Qaida have discussed safe haven and reciprocal nonaggression.”
- “Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of Al Qaida members, including some that have been in Baghdad.”
- “We have credible reporting that Al Qaida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to Al Qaida members in the areas of poison and gases and making conventional bombs.”
- “Iraq’s increasing support to extremist Palestinians coupled with growing indications of a relationship with Al Qaida, suggest that Baghdad’s links to terrorists will increase, even absent U.S. military action.”

SSCI Conclusions of Iraq Assessments: With respect to a terrorism link, the report found that “there were several instances of contacts between Iraq and al-Qaida throughout the 1990s, but that these contacts did not add up to an established formal relationship” (Conclusion 93). The Committee also found that the “[CIA’s] assessment on safe haven – that al-Qaida or associated operatives were present in Baghdad and in northeastern Iraq in an area under Kurdish control – *was reasonable*” (Conclusion 95), and that “the [CIA’s] judgment that Saddam Hussein, if sufficiently desperate, might employ terrorists with a global reach – al-Qaida – to conduct terrorist attacks in the event of war, *was reasonable*” (Conclusion 97). [Note: italics here and elsewhere that are contained in quotations all were added by RPC.]

What a Revised NIE Should Have Said: As originally written, the NIE’s assessments were found to be reasonable. A revised NIE would have still stated that Hussein maintained ties to terrorist groups, but there was no evidence to support the existence of an established formal relationship between Iraq and Al Qaida (although several instances of contact existed). This finding would be supported (in the actual text of a revised NIE) by the data that Tenet provided to Chairman Graham on Iraq’s links to terrorist groups, including Al Qaida.

Context of the 2002 Analysis: At least part of the case for moving against Iraq was based on the assessment that Saddam might support terrorists with his WMD. As President Bush said in his 2003 State of the Union address, “Before September 11, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other plans — this time armed by Saddam Hussein.”⁶

The NIE and other forms of intelligence warned that Iraq had the potential to collaborate with terrorist groups, had maintained ties to several secular Palestinian terrorist groups, had paid cash to the families of Palestinian suicide bombers, and may have been searching for surrogates to join in a fight against the United States. The intelligence also revealed that there were several instances of contact with Al Qaida during the 1990s, but that these contacts did not equal an established formal relationship.

⁶ President George W. Bush, State of the Union Address, January 2003.

Bottom Line: This portion of the intelligence assessment would not have changed.

Assessment: WMD Overall

What the October 2002 NIE Actually Said: The NIE portrayed the state of Iraq's WMD program to be a threat to the United States:

“We judge that Iraq has continued its weapons of mass destruction (WMD) programs in defiance of U.N. resolutions and restrictions. Baghdad has chemical and biological weapons as well as missiles with ranges in excess of U.N. restrictions; if left unchecked, it probably will have a nuclear program during this decade. Since inspections ended in 1998, Iraq has maintained its chemical weapons effort, energized its missiles program, and invested more heavily in biological weapons; in the view of most agencies, Baghdad is reconstituting its nuclear weapons program.”

“We judge that we are seeing only a portion of Iraq's WMD efforts, owing to Baghdad's vigorous denial and deception efforts. Revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny information. We lack specific information on many key aspects of Iraq's WMD programs.”

“Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs . . . We have low confidence in our ability to assess when Saddam would use WMD.”

SSCI Conclusions of Iraq Assessments: SSCI Chairman Roberts (R-KS) said in a July 9 press conference that his committee found that “most of the key judgments in the October 2002 National Intelligence Estimate on Iraq's WMD programs were either overstated or were not supported by the raw intelligence reporting,” and did not “adequately explain the uncertainties behind the judgments.”⁷ He cited examples from the NIE: that Iraq “is reconstituting its nuclear program,” that Iraq “has chemical and biological weapons,” that Iraq was developing a UAV [unmanned aerial vehicle] “probably intended to deliver biological warfare agents,” and that “all key aspects – research and development, production and weaponization – of Iraq's offensive biological weapons program are active, and that most elements are larger and more advanced than they were before the Gulf War.”

What a Revised NIE Should Have Said: The NIE should have stated that chemical and biological weapons were within Iraq's technological capability, that Iraq was trying to procure dual-use materials that could have been used to produce these weapons, and *that uncertainties existed about whether Iraq had fully destroyed its pre-Gulf War stocks of weapons and precursors*. It also should have stated that Iraq was procuring dual-use equipment with potential nuclear applications as well as conventional military applications. However, due to the lack of human intelligence capability in Iraq, *the intelligence community could not determine with certainty whether Iraq was reconstituting its nuclear program*. Finally, it should have also stated that Iraq was continuing development of prohibited ballistic missiles.

Context of 2002 Assessment: As stated in the SSCI report, “Analysts knew that Iraq had active nuclear, chemical, biological, and delivery programs before 1991, and had previously lied to,

⁷ Senator Pat Roberts (R-KS), speaking at a press conference following the release of the SSCI report, July 9, 2004.

and was still not forthcoming with, U.N. weapons inspectors about those programs. The analysts also knew that the United Nations was not satisfied with Iraq's efforts to account for its destruction of all of its pre-Gulf War weapons, precursors, and equipment. Additionally, the analysts knew that Iraq was trying to import dual-use materials and equipment and had rebuilt or was continuing to use facilities that had been associated with Iraq's pre-Gulf War weapons programs, and knew that WMD were likely within Iraq's technological capabilities." (Conclusion 2)

While these factors did not merit a finding by the intelligence community that Iraq undoubtedly had these weapons, it did raise a reasonable concern among policymakers that Iraq's intent to pursue all WMD options was intact. Further, heightened by the intelligence failure prior to September 11th, the consequences of failing to identify a burgeoning Iraq nuclear program required policymakers to err on the side of caution. Given Iraq's previous pursuit and use of WMD, and subsequent lack of cooperation with the international community during the 1990s, it was certainly not unreasonable to conclude that use of force was necessary to prevent Iraq from simply stalling until sanctions were lifted.

It was no secret that, by the time the Bush Administration took office, international sanctions against Hussein were crumbling. Specifically, the Oil-for-Food program was not meeting its objective of aiding the Iraqi people because Hussein's regime was hoarding and selling the food in order to acquire weapons, build palaces, and to enhance its own riches. Many European governments as well as human rights groups began publicly expressing opposition to the U.N. sanctions because they believed the sanctions (and not the Hussein regime) were hurting innocent Iraqis. Had sanctions been formally lifted against Iraq, Hussein would have had the unfettered ability to reconstitute his WMD production.

Bottom Line: This information would have changed the intelligence assessment from a statement of certainty that Iraq was reconstituting its WMD programs to one of uncertainty, due to the lack of human intelligence reporting in Iraq. It still would have found that uncertainty surrounded Iraq's nuclear intentions, that chemical and biological weapons were within Iraq's technical capability, and that Iraq was still trying to procure dual-use materials. So, the question would have been whether, given his past nuclear program, Saddam should have been given the benefit of the doubt.

Assessment: Chemical and Biological Weapons

What the October 2002 NIE Actually Said: The NIE judged that Saddam Hussein had rebuilt his biological weapons facilities, probably had chemical and biological weapons stockpiles, and had renewed production of chemical and biological weapons:

"Iraq has largely rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under civilian production . . . We assess that Baghdad has begun renewed production of mustard, sarin, GF (cyclosarin), and VX . . . Although we have little specific information on Iraq's CW stockpile, Saddam probably has stocked at least 100 metric tons (MT) and possibly as much as 500 MT of CW agents – much of it added in the last year . . . We judge that all key aspects—R&D, production, and weaponization—of Iraq's offensive BW programs are active and that most elements are larger and more advanced than they were before the Gulf War . . . Baghdad has

mobile facilities for producing bacterial and toxin BW agents; these facilities can evade detection and are highly survivable.”

SSCI Conclusions of Iraq Assessments: “Conclusion 1” of the SSCI report states, “The intelligence reporting did support the conclusion that chemical and biological weapons were within Iraq’s technological capability, that Iraq was trying to procure dual-use materials that could have been used to produce these weapons, *and that uncertainties existed* about whether Iraq had fully destroyed its pre-Gulf War stocks of weapons and precursors. Iraq’s efforts to deceive and evade United Nations weapons inspectors and its inability or unwillingness to fully account for pre-Gulf War chemical and biological weapons and precursors *could have led analysts to the reasonable* conclusion that Iraq may have retained those materials, but intelligence analysts *did not have enough information to state with certainty* that Iraq ‘has’ these weapons.”

However, “Conclusion 1” also notes, “The statement in the key judgments of the NIE that ‘Baghdad has chemical and biological weapons’ *overstated* both what was known and what intelligence analysts judged about Iraq’s chemical and biological weapons holdings,” and “similarly, the assessment that ‘all key aspects – R&D, production, and weaponization – of Iraq’s offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf War’ *was not supported* by the underlying intelligence provided to the Committee.” Further, “Conclusion 61” states that the assessment that Saddam had stocked between 100 and 500 MT of chemical weapons agents, “was an analytical judgment and not based on intelligence reporting that indicated the existence of an Iraqi chemical weapons stockpile *of this size.*”

What a Revised NIE Should Have Said: According to the Intelligence Committee’s conclusions, the NIE should have said, *due to a lack of human intelligence in Iraq, it was not possible to determine with any certainty whether Hussein: had fully destroyed his pre-Gulf War stocks of WMD — or, if stocks existed, how extensive they were; had reactivated his chemical and biological weapons program; or was using mobile transportable facilities as bio-weapon labs.* The NIE still would have found, though, that chemical and biological weapons were within Iraq’s technical capability, and that Iraq was trying to procure dual-use materials.

Context of 2002 Assessment: In determining in October 2002 whether Saddam actually possessed chemical and biological weapon stockpiles, it was impossible and irrational to ignore the fact that Saddam actually used WMD (manufactured by his own scientists) against Iran and his own people. On September 22, 1980, Iraq invaded Iran, starting an eight-year war in which Iraq employed chemical weapons against Iranian troops and ballistic missiles against Iranian cities. On March 16, 1988, Iraq used chemical weapons against Iraqi Kurdish civilian opponents in the town of Halabja, killing an estimated 5,000 Kurds.⁸

Since the end of Operation Iraqi Freedom, inspectors have also found that Hussein concealed numerous programs prohibited by the cease-fire and subsequent U.N. Security Council Resolutions. As David Kay, the former head of the Iraq Survey Group (ISG), stated before Congress in October 2003, “We have discovered dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002. The discovery of these deliberate concealment efforts have come about both through the admissions of

⁸ Iraq Liberation Act of 1998, Pub. L. 105-338, 31 Oct. 1998, Stat. 3178.

Iraqi scientists and officials concerning information they deliberately withheld and through physical evidence of equipment and activities that ISG has discovered that should have been declared to the U.N.”⁹

Bottom Line: This information does not change the underlying intelligence assessment that Iraq had a chemical and biological weapons capability. Whether uncertainty about the existence of *stockpiles* would have changed policymakers’ calculations is impossible to know but, again, context is important. Hussein had every reason (including achieving the removal of sanctions) to simply show that he had destroyed the chemical weapons he had previously admitted having. The fact that he did not demonstrate this could lead policymakers to reasonably conclude that he had not destroyed the stockpiles.

Assessment: Nuclear Weapons Program

What the October 2002 NIE Actually Said: The NIE assessed that Hussein had not yet acquired nuclear weapons or fissile material, but that he likely had started reconstituting his nuclear program:

“Although we assess that Saddam does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them. Most agencies assess that Baghdad started reconstituting its nuclear program about the time that UNSCOM inspectors departed—December 1998 . . . Most agencies believe that Saddam’s personal interest in and Iraq’s aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors . . . provide compelling evidence that Saddam is reconstituting a uranium enrichment program for Baghdad’s nuclear program. . . Iraq’s efforts to re-establish and enhance its cadre of weapons personnel as well as activities at several suspect nuclear sites further indicate that reconstitution is underway.”

Additionally, the NIE noted in its “discussion” section: “Iraq never has fully accounted for major gaps and inconsistencies in its declarations and has provided no credible proof that it has completely destroyed its weapons stockpiles and production infrastructure.”¹⁰

Finally, the “discussion” section stated Iraq was “vigorously trying to procure uranium ore and yellowcake” from abroad.

“A foreign government service reported that as of early 2001, Niger planned to send several tons of ‘pure uranium’ (probably yellowcake) to Iraq. As of early 2001, Niger and Iraq reportedly were still working out arrangements for this deal, which could be for up to 500 tons of yellowcake. We do not know the status of this arrangement. Reports indicate Iraq also has sought uranium ore from Somalia and possibly the Democratic Republic of the Congo.”

⁹ David Kay, director of Central Intelligence Special Advisor for Strategy regarding Iraqi Weapons of Mass Destruction Programs, in testimony before the Senate Select Committee on Intelligence, October 2, 2003.

¹⁰ NIC, October 2002.

The NIE discussion section continued, “We cannot confirm whether Iraq succeeded in acquiring uranium ore and/or yellowcake from these sources. Reports suggest Iraq is shifting from domestic mining and milling of uranium to foreign acquisition.”

SSCI Conclusions of Iraq Assessments: The report’s “Conclusion 1” states, “Most of the major key judgments in the Intelligence Community’s October 2002 National Intelligence Estimate (NIE)...either *overstated*, or *were not supported by*, the underlying intelligence report...” It also notes, “The assessment that Iraq ‘is reconstituting its nuclear program’ *was not supported* by the intelligence provided to the Committee.”

With respect to statements in the NIE on the Iraq-Niger uranium deal, the report states in, “Conclusion 12:” “Until October 2002 when the [intelligence community] obtained the forged foreign language documents on the Iraq-Niger uranium deal, it *was reasonable* for analysts to assess that Iraq may have been seeking uranium from Africa based on Central Intelligence Agency (CIA) reporting and other available intelligence.” However, the SSCI report continues in Conclusion 16, “The language in the October 2002 National Intelligence Estimate...*overstated* what the Intelligence Community knew about Iraq’s possible procurement attempts.” The report stated further that CIA analysts should have made efforts to obtain copies and analyze (as had been suggested by a State Department Bureau of Intelligence and Research analyst) the forged documents with respect to Iraq-Niger uranium reporting (Conclusions 18-20).

What a Revised NIE Should Have Said: The NIE should have stated that Iraq was procuring dual-use equipment that had potential nuclear applications, and that Iraqi nuclear scientists continued to work at former nuclear facilities and organizations, *but that the intelligence community could not say with certainty (due to lack of human intelligence sources) whether Iraq was actively reconstituting a nuclear program and whether the attempted procurement by Iraq of aluminum tubes was in any way definitively connected to the development of a centrifuge.*¹¹

Context of 2002 Assessment: When considering whether to authorize the use of force against Iraq, it was necessary for policymakers to give thorough consideration to Iraq’s previous pursuit of nuclear weapons. The uncertainty surrounding the extent of Iraq’s nuclear program after 1998, the lack of any human intelligence capability on the ground in Iraq, and the gravity of the consequences if Iraq were to acquire and potentially use a nuclear weapon are all factors that had to be taken into account.

Iraq had never satisfied its obligations under the cease-fire agreement or succeeding U.N. Security Council resolutions to account for the weapons inventoried at the end of the first Gulf War. Of the 16 U.N. resolutions adopted simultaneously with and after the 1991 Gulf War cease-fire, Saddam Hussein had been in open, continuing, and repeated material breach of each. Of particular concern was Iraq’s failure to provide immediate, unconditional, and unrestricted access to the International Atomic Energy Agency with respect to nuclear activity.

Iraq always maintained an interest in reconstituting a nuclear program. Prior to the 1991 Gulf War, Iraq had an extensive nuclear program that far exceeded original estimates by the U.S.

¹¹ Centrifuges are used to enrich uranium, such as in the gas centrifuge processes. In the gas centrifuge process, the natural UF₆ gas is spun at high speed in a series of cylinders. This acts to separate the ²³⁵UF₆ and ²³⁸UF₆ atoms based on their slightly different atomic masses.

Intelligence Community. It included 10,000 personnel, numerous facilities and three reactors located at the Al Tuwaitha Nuclear Research Center. Iraq also had an extensive uranium enrichment program and a nuclear weapons design facility.¹² Arguably, had the Gulf War not interrupted Hussein's efforts, Iraq may have possessed a nuclear weapon by the mid-1990s.

Moreover, given that the U.N. weapons inspectors had not been given full access when they were allowed to inspect Hussein's WMD facilities, and knowing that inspectors had not been back to Iraq since late 1998, the intelligence community should have stated in the NIE that we have no real good intelligence to say with certainty whether Hussein possesses a nuclear weapons program. However, it would be hard to give Saddam the benefit of the doubt created by this caveat.

Bottom Line: *This information would have changed the intelligence assessment from a statement of certainty that Iraq was reconstituting its nuclear program to one of uncertainty, due to the lack of human intelligence reporting in Iraq. As with the uncertainty that should have been considered in evaluating whether Iraq had a stockpile of chemical weapons, the issue of how far along Iraq was in reconstituting its nuclear program had a bearing on the threat. In the context of the intelligence community's previous understatement of Iraq's 1991 nuclear weapons program, the significance of such a capability (if possessed) and policymakers' reasonable beliefs about Iraq's intentions, it would have not have been unreasonable to conclude policymakers should err on the side of caution with respect to Iraq's nuclear capability.*

Assessment: Ballistic Missiles and UAVs

What the October 2002 NIE Actually Said: The NIE stated that Iraq possessed ballistic missiles, was developing longer-range missiles, and that Hussein maintained an unmanned aerial vehicle (UAV) development program to deliver biological and chemical weapons.

"Baghdad has exceeded U.N. limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents . . . Iraq maintains a small missile force and several development programs, including for a UAV probably intended to deliver biological warfare agents . . . Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities, including a test stand for engines more powerful than those in its current missile force."

SSCI Conclusions of Iraq Assessments: The report notes that the "assessments regarding Iraq's continued development of prohibited ballistic missiles *were reasonable* and did accurately describe the underlying intelligence" (Conclusion 1). The report further notes that the CIA's conclusions on the development and deployment of short-range ballistic missiles in violation of the 150-km United Nations range limit "*were reasonable judgments*" (Conclusion 66) and that the CIA's assessment regarding the development of medium-range ballistic missile capabilities "*was a reasonable judgment*" (Conclusion 67).

¹² Congressional Research Service (CRS), "Weapons of Mass Destruction in the Middle East," Report for Congress RL30408, January 14, 2000; see also: International Atomic Energy Agency, "The Implementation of United Nations Security Council Resolutions Related to Iraq (Attachment)," GC(40)/13, August 12, 1996.

With regard to UAVs, the report found that the NIE “*overstated* what the intelligence reporting indicated about the mission or Iraq’s small UAVs. Numerous intelligence reporting reports confirmed that Iraq was developing a small UAV program . . . but none of the reports provided to the Committee said that Iraq intended to use the small UAVs to deliver chemical or biological weapons (Conclusion 1).” The report added that the “Air Force footnote [to the NIE], which stated that biological weapons delivery was a possible mission for the small UAVs, though other missions were more likely, more accurately reflected the body of intelligence reporting (Conclusion 1).”

What a Revised NIE Should Have Said: The NIE was correct in stating that Iraq continued to possess and develop ballistic missiles in violation of U.N. resolutions and that it was developing longer-range missiles; but it should have said that the intelligence on what Iraq’s small UAV program was intended for could not be determined with certainty.

Findings to Support Revised NIE: More recent discoveries by the ISG certainly constitute a basis for legitimate concern about both the ballistic missile and UAV programs. As ISG head Charles Duelfer stated in a March 30, 2004 hearing before the Senate Armed Services Committee, “New information has been discovered relating to long-range ballistic missile development and Unmanned Aerial Vehicles (UAVs). Missiles and UAVs were flight tested that easily exceeded the U.N. limit of 150 kilometers. More than that, the Iraqi regime was developing technology to extend one of their ballistic missile’s range beyond 150 kilometers with changes to airframes and fuels.”¹³ Duelfer also found that the “Iraqi regime was developing technology to extend one of their ballistic missile’s range beyond 150 kilometers” using foreign technology and missile experts.¹⁴

Bottom Line: Considering the entirety of Iraq’s weapons delivery program and the fact that the analysis on the big system — the ballistic missiles — was reasonable, the lack of adequate caveating regarding the UAV program would not appear to call for a fundamentally different assessment by policymakers.

Conclusion

In summation, a revised NIE *would have caveated or qualified that*, due to a lack of human intelligence capability in Iraq, *it was not possible to determine with any certainty whether Hussein:*

- had destroyed his pre-Gulf War stocks of chemical and biological weapons;
- was actively producing chemical and biological weapons;
- was actively reconstituting his WMD programs;
- was intending to use his UAVs as WMD delivery vehicles; and
- was actively seeking to acquire uranium and/or yellowcake from foreign sources.

¹³ Charles Duelfer, Director of Central Intelligence Special Advisor for Strategy regarding Iraqi Weapons of Mass Destruction Programs, in testimony before the Senate Armed Services Committee, on March 30, 2004.

¹⁴ Duelfer, March 30, 2004.

A revised NIE *would still have found that Hussein:*

- had refused to comply with 16 U.N. Security Council resolutions and had engaged in denial and deception as a partial explanation of policymakers' assumptions that he was hiding something and had not destroyed stockpiles he had promised to destroy;
- retained technological capability (among his scientists) and the intent to build chemical and biological weapons;
- procured dual-use materials that *could have* been used to produce WMD;
- possessed and developed ballistic missiles (with foreign assistance) in violation of U.N. limits;
- cheated the U.N. Oil-for-Food program by diverting monies to use for military items;
- maintained ties to terrorist groups; and
- had contacted or interacted with members of Al Qaida several times during 1990s, although no formal established relationship appeared to be established.

While it is speculative to judge whether the vote to authorize force against Iraq would have been different if Senators knew then what they know now, one television personality has attempted such an evaluation. On July 9, *ABC's* Ted Koppel reported that he had called Republican and Democrat Senators to ask if they would have voted differently. Mr. Koppel stated, "Of the 42 [Senators] we reached, only three said they would have changed their minds, had they known then what they know now. Among those who say they would not have changed their minds [were] a number of prominent Democrats, including Hillary Clinton, Joe Biden, Chuck Schumer, and Tom Daschle."¹⁵

The decision to go to war in Iraq was based on far more than individual items of intelligence information related to stockpiles of weapons of mass destruction, and far more than intelligence community-provided analysis. The case for this war, which had strong bipartisan support, can be traced back through three decades of tyrannical rule by Saddam Hussein, his two invasions of neighboring states, Saddam's use of weapons of mass destruction against other nations and his own people, the murder of 300,000 of his own citizens now revealed by mass graves, the 1991 Gulf War, which punctuated a decade of continuing military hostilities with our country and our allies, and the fact that someone, sometime, had to enforce the 1991 agreement he signed and its subsequent U.N. resolution iterations.

The vote on October 11, 2002 to authorize force against Iraq was based on the totality of the government's knowledge about Saddam Hussein. The Administration and Congress were given the same information by the intelligence community. This broad focus on Saddam's past actions, intentions, and known capabilities, more than any particular piece of intelligence, was what prompted both the President and Members of Congress to conclude that the United States should use force against Iraq — a decision few have expressed a desire to revisit.

¹⁵ Ted Koppel, *ABC News World Tonight with Peter Jennings*, July 9, 2004.