CRS Report for Congress

Received through the CRS Web

U.S. Intelligence and Policymaking: The Iraq Experience

Richard A. Best, Jr.
Specialist in National Defense
Foreign Affairs, Defense, and Trade Division

Summary

A continuing issue for Congress is the question of whether the U.S. Intelligence Community failed to provide accurate information about Iraqi capabilities to develop and use weapons of mass destruction (WMD) and whether the Bush Administration systematically misused intelligence to garner support for launching Operation Iraqi Freedom in March 2003 and for continuing military operations in Iraq. The Senate Intelligence Committee submitted a report on the Intelligence Community's performance in July 2004 (S.Rept. 108-301), but a follow-on assessment of the use of intelligence has not been prepared and has become the source of controversy that led to a rare closed session of the Senate on November 1, 2005. This report explores in general terms the relationship between the production of intelligence and the making of policy as reflected in the period prior to the war against Iraq in March 2003 and the implications for Congress. This report will be updated if circumstances warrant.

Background

Intelligence has an important but not conclusive role in support of the policymaking process. Intelligence agencies collect information, process, and analyze it; they then disseminate analytical products to officials throughout the federal government. Policymakers, however, base their decisions on a wide variety of factors, including available intelligence, but also on their own assessment of the costs and benefits of a course of action (or inaction), considerations of geopolitical objectives, ideology, available resources, diplomatic (and domestic political) risks — a variety of factors well beyond the purview of intelligence agencies. Even when official justifications for a chosen course of action highlight the conclusions of intelligence estimates, there are usually multiple factors involved. Intelligence may be good or bad and policies may be good or bad, but in the real world good policy may be made in the absence of perfect intelligence and sound intelligence may not preclude making poor policy. This is not to say that intelligence is irrelevant to policymaking, but that it is almost invariably imperfect because hostile foreign countries and groups work hard to mask their capabilities and intentions, and many factors are inherently unforeseeable. In addition, intelligence agencies do not always perform at maximum effectiveness.

Subsequent to the Persian Gulf War of 1991, the U.S. Intelligence Community supplied vast quantities of information and analysis on Iraq to policymakers, including Congress. Much of the intelligence derived from U.S. national collection systems — satellites, intercepted signals, agent reports, and the like. Some derived from liaison relationships with the intelligence services of the United Kingdom and other countries. Whereas the mass of documentation was large, the quality of the collected data and the analysis based on it has been criticized, with many pointing to the absence of direct reporting on Saddam Hussein's close advisers and his weapons acquisition offices. Postwar assessments have in general concluded that available human intelligence (humint) failed to provide reliable information on decisions made within Saddam Hussein's inner circle and, most notably, on Iraqi capabilities for producing and delivering weapons of mass destruction (WMD) and the extent of Iraqi WMD stockpiles.[1]

Despite the importance of intelligence, the evidence collected and analyzed by U.S. intelligence agencies in recent years may not have been the central factor in framing U.S. policies towards Iraq. The concerns that the U.S. and other countries had in regard to Iraq were not under dispute — Hussein had used WMD against Iran and against his own people; he had pursued aggressive attacks on neighboring states; he had failed to comply with U.N. demands in regard to WMD restrictions. Some senior policymakers in the Bush Administration had come into office with a deep conviction that Saddam Hussein's government presented an ongoing threat to U.S. and Western interests in the Middle East.[2] These views may not have been directly influenced by subsequent intelligence reporting; senior officials may even have discounted some analysts' conclusions because they recalled that intelligence agencies were caught by surprise when the extent of Iraq's nuclear programs in the late 1980s was revealed after the Persian Gulf War.

Even with widespread agreement on the nature of the Iraqi regime and the general parameters of its policies, there were differing viewpoints on the most appropriate response, both at the U.N. and in the U.S. However, because much of the Bush Administration's explanation of its case, especially beginning in the summer of 2002, included references to intelligence judgments, especially about Iraqi WMDs, the wide ranging debate about Iraq in the U.S. came to focus on intelligence judgments. This was the case in 2002-2003 and, given postwar assessments of prewar intelligence, has remained so. In particular, the prewar intelligence estimate that Iraq was reconstituting

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[1] In addition to the assessment of the Senate Intelligence Committee (S.Rept. 108-301) discussed below, see U.S., Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction [the WMD Commission], Mar. 31, 2005. The Commission was headed by Laurence H. Silberman and former Senator Charles S. Robb.

[2] See the highly critical letters of Donald Rumsfeld and Paul Wolfowitz of Clinton Administration policies towards Iraq in 1998 (website of the Project for the New American Century [http://www.newamericancentury.org]). Rumsfeld was later appointed Secretary of Defense and Wolfowitz, Deputy Secretary of Defense in first months of the Bush Administration. In early 2006, Paul Pillar, a former senior intelligence official who has written critically of Administration policies , stated that "intelligence on Iraqi weapons systems did not drive its decision to go to war." Rather, the "decision to topple Saddam was driven by other factors — namely, the desire to shake up the sclerotic power structures of the Middle East and hasten the spread of more liberal politics and economics in the region." Paul R. Pillar, "Intelligence, Policy, and the War in Iraq," *Foreign Affairs*, March/April 2006.

an extensive nuclear programs was in large measure discredited.[3] The absence of evidence of pervasive and operational ties between Iraq and Al Qaeda has also brought prewar assessments into question.

The Senate Intelligence Committee's July 2004 report set forth the limitations of prewar intelligence at considerable length.[4] Although the report was unanimous, there have been sharp disagreements over the question of whether the committee should also address the use of pre-war intelligence by the Administration and by Members of Congress. At one point, Chairman Roberts argues that, "The threshold question for the committee should be whether our intelligence agencies produced reasonable and accurate analysis, not how that intelligence was used by policymakers."[5] Vice Chairman Rockefeller, on the other hand, cited Section 14(a)(1) of S.Res. 400, which serves as a charter for the Select Intelligence Committee and includes "use" of information as a matter of committee oversight. He maintained that, "the committee's Republican chairman has refused to look at the whole picture, excluding from the inquiry the subject of how intelligence was used, or potentially misused, and whether policymakers in any way shaped the intelligence they received."[6] An agreement was announced in February 2004 that the terms of reference of the committee's investigation would address the issue of whether public statements by U.S. officials were substantiated by intelligence information.[7] S.Rept. 108-301 provided the committee's treatment of prewar intelligence assessments in July 2004; it served as phase I of the committee's work.

The preparation of phase II, which is to include the committee's assessment of the use of intelligence by government officials, has been the source of continued differences of opinion among Members. Senator Roberts indicated that preparation of the phase II report was "very close," but Senator Rockefeller maintained that "only token work, at best, has been done."[8] The persistence of the disagreement was cited by Senator Reid, the Minority Leader, in his call for an unusual closed session of the Senate on November 1, 2005, to discuss the status of phase II. Discussions on phase II have since been undertaken by members of the Senate Intelligence Committee, but no schedule has been published for completion; media reports suggest that differences remain.[9]

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[3] See *Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG)*, Oct. 2, 2003, [http://www.odci.gov/cia/public_affairs/speeches/2003/david_kay_10022003.html]. The Report adds, however, that "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."

[4] U.S. Congress, 108th Congress, 2d session, Senate, Select Committee on Intelligence, *U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, S.Rept. 108-301, July 9, 2004.

[5] Pat Roberts, "A Panel Above Politics," *Washington Post*, Nov. 13, 2003, p. 31.

[6] John D. Rockefeller IV, "Avoiding A Critical Inquiry," *Washington Post*, Nov. 18, 2003, p. 25.

[7] Senate Select Committee on Intelligence, "Chairman Roberts and Vice Chairman Rockefeller Issue Statement on Intelligence Committee's Review of Pre War Intelligence in Iraq," Press Release, Feb. 12, 2004.

[8] *Congressional Record*, Nov. 1, 2005, pp. 12103-12104.

[9] See "Schedule Drafted for Intelligence Probe," *Washington Post*, Nov. 17, 2005, p. A8.

Executive Branch Comments on Intelligence on Iraq Prior to Military Operations

A brief review of the Bush Administrations public statements provides some insights into the Intelligence Community's contribution to the Administration policymaking on Iraq. The lack of definitive intelligence was a recurring theme even as the determination to confront Iraq hardened in the months after the defeat of the Taliban regime in Afghanistan. In an August 2002 speech, Vice President Cheney warned about the threat from Iraq and addressed the availability of intelligence: "Many of us are convinced that Saddam will acquire nuclear weapons fairly soon. Just how soon, we cannot really gauge. Intelligence is an uncertain business, even in the best of circumstances."[10]

The Vice President articulated reasons for forcing regime change, basing his argument on a comprehensive assessment of Iraq's record before and after the Persian Gulf War of 1991, especially U.N. Security Council resolutions that Iraq accepted and then evaded. Mr. Cheney's remarks indicated a certain skepticism about intelligence agencies also alluded to by other Administration officials. He recalled "Prior to the Gulf War, America's top intelligence analysts would come to my office in the Defense Department and tell me that Saddam Hussein was at least five or perhaps even 10 years away from having a nuclear weapon. After the war we learned that he had been much closer than that, perhaps within a year of acquiring such a weapon."[11]

In a major address to the United Nations on September 12, 2002, President Bush also discussed the absence of intelligence. He noted that, "Today, Iraq continues to withhold important information about its nuclear program — weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance." He cited intelligence that has since been called into question by Administration critics. "Iraq employs capable nuclear scientists and technicians. It retains physical infrastructure needed to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon. Should Iraq acquire fissile material, it would be able to build a nuclear weapon within a year." He concluded that "The first time we may be completely certain he has nuclear weapons is when, God forbid, he uses one."[12]

Later, the President expressed views about intelligence not unlike Mr. Cheney's:

Many people have asked how close Saddam Hussein is to developing a nuclear weapon. Well, we don't know exactly, and that's the problem. Before the Gulf War, the best intelligence indicated that Iraq was eight to ten years away from developing a nuclear weapon. After the war, international inspectors learned that the regime has

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[10] Vice President Speaks at VFW 103rd National Convention, Aug. 26, 2002, available online at [http://www.whitehouse.gov/news/releases/2002/08/20020826.html].

[11] Ibid. Whether the Intelligence Community undertook a rigorous "lessons learned" exercise after the Persian Gulf War to assess the inability to detect Iraqi nuclear efforts is unknown. There was such an effort after the Indian nuclear tests of 1998; see CRS Report 98-672, *U.S. Intelligence and India's Nuclear Tests: Lessons Learned*, by Richard A. Best, Jr., Aug. 11, 1998.

[12] Remarks by the President in Address to the United Nations General Assembly, Sept. 12, 2002, [http://www.whitehouse.gov/news/releases/2002/09/20020912-1.html].

been much closer — the regime in Iraq would likely have possessed a nuclear weapon no later than 1993. The inspectors discovered that Iraq had an advanced nuclear weapons development program, had a design for a workable nuclear weapon, and was pursuing several different methods of enriching uranium for a bomb.[13]

The 2003 State of the Union speech, delivered on January 28, also contained a number of references to intelligence reports and judgments concerning Iraq. "Our intelligence officials estimate that Saddam Hussein had the material to produce as much as 500 tons of sarin, mustard and VX nerve agent." "U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents." "From three Iraqi defectors we know that Iraq, in the late 1990s, had several mobile biological weapons labs." In a portion of the speech that became controversial, the President described Iraq's potential nuclear capabilities:

> The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon and was working on five different methods of enriching uranium for a bomb. The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities.

Secretary of State Colin Powell, in a February 2003 address to the U.N., stated that "every statement that I make today is backed up by sources, solid sources. These are not assertions. What we are giving you are facts and conclusions based on solid intelligence." Notably, Director of Central Intelligence (DCI) George Tenet was sitting immediately behind Powell as he spoke. In a wide-ranging discussion of Iraq's activities, Secretary Powell acknowledged disagreements among analysts regarding intended uses of the aluminum tubes (arguably a key component of a nuclear weapons program), but he argued that "Iraq had no business buying them for any purpose. They are banned for Iraq."[14]

Preparing Public Statements Based on Intelligence

This use of intelligence has been a source of considerable debate. Speeches given by senior Administration leaders did not describe in detail the disparate sources or the complex analytical reasoning that lay behind the intelligence judgments that were cited. Some observers believe that intelligence was simplified to the point of distortion in order to shape the public debate. A former National Intelligence Officer, Paul Pillar, argues that the "Administration used intelligence not to inform decision-making, but to justify a decision already made." He further criticizes the Administration for "aggressively using intelligence to win public support for its decision to go to war."[15]

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[13] Remarks by the President on Iraq, Cincinnati (OH) Museum Center, Cincinnati Union Terminal, Oct. 7, 2002, [http://www.whitehouse.gov/news/releases/2002/10/20021007-8.html].

[14] Secretary Colin L. Powell, Remarks to the United Nations Security Council, Feb. 5, 2003. In 2005 Powell expressed regret about incorrect intelligence on which the U.N. speech was based. ABC News Transcripts, 20/20 Interview, Sept. 9, 2005.

[15] "Intelligence, Policy, and the War in Iraq."

One problem might be that the process by which White House speeches are drafted is less sensitive to the complexities of intelligence analysis than the policy-making processes of the National Security Council. According to one media account, public discussion of the rationale for attacking Iraq was coordinated beginning in August 2002 in the White House by a group of Administration officials described as the White House Iraq Group (WHIG), consisting largely of communications specialists.[16] According to the account, "a 'strategic communications' task force under the WHIG began to plan speeches and white papers." The WHIG, according to the account, "wanted gripping images and stories not available in the hedged and austere language of intelligence." While intelligence analysts expressed greatest concern about Iraq's chemical and biological warfare efforts, speech writers focused on nuclear issues. According to the account, "For a speech writer, uranium was valuable because anyone could see its connection to an atomic bomb. Despite warnings from intelligence analysts, the uranium would return again and again, including the January 28 State of the Union address and three other Bush administration statements that month."[17]

As Iraqi nuclear capabilities became a major source of postwar controversy, Deputy National Security Adviser Stephen Hadley acknowledged that the reference in the State of the Union speech to British reports that Iraq had attempted to obtain significant quantities of uranium in Africa should not have been included, given doubts among U.S. analysts about the veracity of the British report. But he maintained that other intelligence sources, too sensitive to describe in a public address, did indicate other Iraqi efforts to acquire uranium from Africa.[18]

Implications of the Process for Congress

Intelligence estimates are normally written by analysts, who attempt to portray all attendant ambiguities to provide policymakers with context. Rarely are matters described in terms of black or white but more often are portrayed using a kaleidoscope of grays. Unclassified summaries may further blur analytical judgments to protect intelligence sources and methods. Some critics charge that summaries may be edited to avoid political difficulties. Nevertheless, the question of how well the Intelligence Community performs remains extremely important in view of uncertainties over the possession and possible use of WMDs by Iran, North Korea, and terrorist groups. Congressional oversight can help ensure effective performance by the Intelligence Community by evaluating collection capabilities and analytical standards and by holding intelligence officials accountable. Ultimately, however, policies will be judged on their results. Intelligence analysis can inform policymaking, but it does not substitute for it.

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[16] Barton Gellman and Walter Pincus, "Depiction of Threat Outgrew Supporting Evidence," *Washington Post*, Aug. 10, 2003, p. A1. Responsibilities for presidential communications are described in Martha Joynt Kumar, "The Contemporary Presidency: Communications Operations in the White House of President George W. Bush: Making News on His Terms." *Presidential Studies Quarterly*, June 2003.

[17] Gellman and Pincus, "Depiction of Threat."

[18] Press briefing on Iraq WMD and SOTU speech, July 22, 2003, [http://www.whitehouse.gov/news/releases/2003/07/20030722-12.html]; it also provides a useful description of White House speech preparation procedures.