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Senator Dianne Feinstein

of California

Senator Feinstein Supports Independent Investigation into the Pre-War Intelligence on Iraq and Its Use

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Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today urged the creation of an independent commission to investigate the pre-war intelligence on Iraq and its use to make the case for war. The following is a statement by Senator Feinstein, a member of the Senate Select Committee on Intelligence:

‘Dr. David Kay, our nation’s former chief weapons investigator, testified this week that no weapons of mass destruction had been found in Iraq and most likely none will be found.

This testimony came after more than \$600 million has been spent on the search for weapons of mass destruction, more than \$130 billion has been spent on the war, and over 515 Americans have died on the battlefield, not counting the death and destruction in Iraq (the number of Iraqis killed has never been disclosed).

I have thought a great deal about Dr. Kay’s testimony, both before the Select Committee on Intelligence and the Armed Services Committee directly following.

He told the Armed Services Committee **that the time has now come for an independent investigation** into the nature of the flawed intelligence about Saddam Hussein’s weapons capability and the way in which this intelligence was used to make the case to Congress, the American people and the world for going to war.

In his words, *“it is going to take an outside inquiry both to do it and to give yourself and the American people the confidence that you have done it.” I agree wholeheartedly. An independent investigation is the only way that we can uncover the truth. I plan to support Senator Corzine’s resolution if this is reintroduced.*

As a member of the Senate’s Select Committee on Intelligence, I had hoped that the Committee could conduct this full inquiry itself. Indeed, I had voted against the establishment of an independent commission.

But in the wake of Dr. Kay's testimony, ongoing efforts by the Bush Administration to address the serious questions raised by the failure to find weapons of mass destruction, and the Intelligence Committee's own reluctance to investigate the way in which the pre-war intelligence was used, **I have now come to believe that we need a full and independent inquiry.**

I did not come to this decision lightly, and I would like to share some of the reasons why I have changed my mind.

There is no question that Saddam Hussein was truly evil, and his corrupt regime represented a regional danger. But Congress, senior policymakers and the American people were provided information by the Administration, purportedly based on the best available intelligence, that led to a chilling conclusion: **Saddam Hussein possessed weapons of mass destruction and represented an imminent and potentially catastrophic threat to our country.**

Saddam, according to the intelligence provided to the Congress and to the nation by the Administration, had stockpiled weapons of mass destruction, including biological, chemical and nuclear devices, had weaponized these devices, and was prepared to use them against us at any minute.

As the President graphically said on October 2, 2002, in Cincinnati: "Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun that may come in the form of a mushroom cloud."

I, along with 76 of my Senate colleagues, voted to authorize the use of force against Iraq.

My vote was based on a study of the intelligence presented to the Intelligence Committee – including both the classified and unclassified versions of the National Intelligence Estimate. The intelligence was clear that Saddam Hussein possessed chemical and biological weapons capacity. And this information was buttressed by aerial photographs of storage sites presented by the Administration during Secretary of State Powell's February 5, 2003, address to the UN Security Council.

On top of the intelligence, the Administration was pounding a steady drumbeat of speeches and comments about the threat that Saddam Hussein's weapons of mass destruction presented.

Let me give you some examples:

- Vice President Cheney, on August 26, 2002, said in his remarks to the Veterans of Foreign Wars 103rd National Convention: *"We now know that Saddam has resumed his efforts to acquire nuclear weapons. . . Many of us are convinced that Saddam will acquire nuclear weapons fairly soon."*
- Vice President Cheney, on September 8, 2002, said on NBC's Meet the Press: *"We do know, with absolute certainty, that he is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon."*
- Secretary of State Powell, on September 8, 2002, said on Fox News Sunday: *"There is no doubt that he has chemical weapons stocks."* He also said: *"With respect to biological weapons, we are confident that he has some stocks of those weapons, and he is probably continuing to try to develop more."*

- President Bush, on September 12, 2002, said in his Address to the UN General Assembly: *“Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons.”*
- President Bush, on October 2, 2002, said in a Rose Garden Ceremony: *“The regime has the scientists and facilities to build nuclear weapons, and is seeking the materials needed to do so.”*
- President Bush, on October 7, 2002, said in an Address on Iraq: *“The evidence indicates that Iraq is reconstituting its nuclear weapons program....Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past. Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons. If the Iraqi regime is able to produce, buy, or steal an amount of highly-enriched uranium a little larger than a single softball, it could have a nuclear weapon in less than a year.”*
- President Bush, in his October 7, 2002, address also said: *“We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin nerve gas, and VX nerve gas.”*
- President Bush, in that same October 7, 2002, address, also noted: *“The regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents. The inspectors, however, concluded that Iraq had likely produced two to four times that amount. This is a massive stockpile of biological weapons that has never been accounted for, and capable of killing millions.”*
- President Bush, on January 28, 2003, said in his State of the Union address: *“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.”*
- Secretary Powell, on February 5, 2003, said in his Address to the UN Security Council: *“We have no indication that Saddam Hussein has ever abandoned his nuclear weapons program. On the contrary, we have more than a decade of proof that he remains determined to acquire nuclear weapons... Saddam Hussein is determined to get his hands on a nuclear bomb. He is so determined that he has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries, even after inspections resumed ... We also have intelligence from multiple sources that Iraq is attempting to acquire magnets and high-speed balancing machines ... to enrich uranium.”*
- Secretary Powell, on February 5, 2003, said in an Address to the UN Security Council: *“We know that Iraq has embedded key portions of its illicit chemical weapons infrastructure within its legitimate civilian industry. To all outward appearances, even to experts, the infrastructure looks like an ordinary civilian operation. Illicit and legitimate production can go on simultaneously; or, on a dime, this dual-use infrastructure can turn from clandestine to commercial and then back again.”*
- Secretary Powell, again in his February 5, 2003, Address to the UN Security Council, said: *“Our conservative estimate is that Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agent. That is enough agent to fill 16,000 battlefield rockets. Even the low end of 100 tons of agent would enable Saddam Hussein to cause mass casualties across*

more than 100 square miles of territory, an area nearly 5 times the size of Manhattan. . .when will we see the rest of the submerged iceberg? Saddam Hussein has chemical weapons. Saddam Hussein has used such weapons. And Saddam Hussein has no compunction about using them again, against his neighbors and against his own people.”

- Secretary Powell, on February 5, 2003, also in his address to the UN Security Council, said: *“One of the most worrisome things that emerges from the thick intelligence file we have on Iraq’s biological weapons is the existence of mobile production facilities used to make biological agents. . .We have first-hand descriptions of biological weapons factories on wheels and on rails. . .We know that Iraq has at least seven of these mobile biological agents factories. . .Saddam Hussein has investigated dozens of biological agents causing diseases such as gas-gangrene, plague, typhus, tetanus, cholera, camelpox, and hemorrhagic fever. And he also has the wherewithal to develop smallpox. . .there can be no doubt that Saddam Hussein has biological weapons and the capability to rapidly produce more, many more.”*
- Secretary Powell, again in the February 5, 2003, UN Security Council address, said: *“Iraq declared 8,500 liters of anthrax, but UNSCOM estimates that Saddam Hussein could have produced 25,000 liters. . . And Saddam Hussein has not verifiably accounted for even one teaspoon-full of this deadly material. . .The Iraqis have never accounted for all of the biological weapons they admitted they had and we know they had. They have never accounted for all the organic material used to make them. And they have not accounted for many of the weapons filled with these agents such as their R-400 bombs. This is evidence, not conjecture. This is true. This is all well-documented.”*
- Director of Central Intelligence George Tenet, on February 11, 2003, said in testimony to the Senate Select Intelligence Committee: *“Iraq’s biological weapons program includes mobile research and production facilities that will be difficult, if not impossible, for the inspectors to find. Baghdad began this program in the mid-1990s, during a time when UN inspectors were in the country.”*
- President Bush, on March 6, 2003, said in a national press conference: *“Iraqi operatives continue to hide biological and chemical agents to avoid detection by inspectors. In some cases, these materials have been moved to different locations every 12 to 24 hours, or placed in vehicles that are in residential neighborhoods.”*
- President Bush, on March 17, 2003, said in his Address to the Nation on War with Iraq: *“Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.”*

How can this have happened? Did the Intelligence Community fail, and why? Did senior policymakers misinterpret, manipulate or misrepresent the analytic product of the Intelligence Community? Did senior Executive branch officials deliberately mislead the American people and the Congress?

When the Senate Select Committee on Intelligence began its investigation, I was concerned that it was too narrow in scope. Despite the clear language of the Senate Resolution which created the Committee, which creates the unique responsibility to examine not only the collection and analysis of intelligence but its use, Chairman Roberts determined to limit the inquiry only to the collection and analysis of that intelligence. A worthy goal, but wholly inadequate.

Vice Chairman Rockefeller and many of my colleagues on the Select Committee have tried to persuade Chairman Roberts to expand the investigation to meet what I believe are our responsibilities. I had hoped that the Chairman would change his mind. Thus I opposed efforts by some to appoint an independent inquiry to conduct the full investigation that is clearly necessary.

The Committee is shortly expected to release a lengthy and comprehensive report on its investigation, analyzing the nature of the intelligence that existed before our intervention in Iraq.

And it has become increasingly clear that the majority of the committee is not going to permit what I believe to be a necessary part of a full investigation: an analysis of the use made of intelligence by policymakers.

The power to make war is perhaps the most solemn power invested in our Government. The Constitution gives the power to declare war to Congress, not the President. This is a power that must be informed by the best available intelligence.

I now fear that we exercised that power based upon information provided to Congress by the Administration that at best was wrong, at worst was deliberately distorted. It is critical that every effort is made to find out what went wrong, and why.

In his testimony on Wednesday, Dr. Kay said it is "important to acknowledge failure." Again, I agree with him wholeheartedly.

Based on everything we know today, there was a failure of intelligence that led to the war with Iraq and there was a failure in the way the intelligence was used.

Without the establishment of an independent commission to investigate this intelligence failure, we may never know what really happened and leave ourselves open to this happening again and again.

The question is we will never know the full scope of facts until we know how the intelligence was used by policymakers. We have been prevented from carrying out this phase of the investigation in the Intelligence Committee.

Therefore, the only way the American people will ever know, and the only way policymakers will ever be able to restructure the Intelligence Community to prevent this from happening in the future is if we have an independent commission to examine the collection, the analysis and the use of intelligence that led to the authorization of use of force against Saddam Hussein.