

Appendix B. Prior Coverage (U)

Congress (U)

(U) SSCI (Phase I Report), "Report on the U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq," July 7, 2004. (Classified)

(U) Senator Carl Levin, Ranking Member on the Senate Committee on Armed Services, "Report of an Inquiry into the Alternative Analysis of the issue of an Iraq-al Qaeda Relationship (U)," October 21, 2004.

(U) SSCI (Phase II Report), "Report on Postwar Findings about Iraq's WMD [Weapons of Mass Destruction] Programs and Links to Terrorism and How They Compare with Pre-War Assessment," September 8, 2006. (Classified)

Appendix C. Senator Roberts' Request (U)

<p>PAT ROBERTS, KANSAS, CHAIRMAN JOHN D. ROBERTS, WEST VIRGINIA, VICE CHAIRMAN</p> <p>OMER S. HATCH, LOUISIANA LISE MURPHY, CALIFORNIA CHRISTOPHER S. SCHOLZ, MISSOURI TERRY LOTT, IOWA OLYMPIA J. SNOWE, MAINE DUCK T. RABOLD, MISSISSIPPI SALLY CHAMBERLAIN, GEORGIA</p> <p>GAIL LIPIN, MICHIGAN DANIELE RABINOVICH, CALIFORNIA RON WYCKEN, OREGON STAR BURT, IOWA BARBARA A. MIKULSKI, MARYLAND JOE L. COSTINE, NEW JERSEY</p>	<p>United States Senate SELECT COMMITTEE ON INTELLIGENCE WASHINGTON, DC 20510-6475</p> <p>September 9, 2005</p>
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ALL FIRST TENNESSEE DE OFFICE
SHIRLEY REID, NEVADA, DE OFFICE

BILL CLARK, STAFF DIRECTOR
ANDREW W. JOHNSON, SENIORITY STAFF DIRECTOR
KATHLEEN F. SECONE, CHIEF CLERK

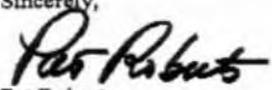
The Honorable Joseph E. Schmitz
Inspector General
Department of Defense
480 Army Navy Drive
Arlington, VA 22202

Dear Mr. Schmitz:

The Committee is concerned about persistent and, to date, unsubstantiated allegations that there was something unlawful or improper about the activities of the Office of Special Plans within the office of the Under Secretary of Defense for Policy during the period prior to the initiation of Operation Iraqi Freedom. The Senate Armed Services Committee and Senate Select Committee on Intelligence have both examined this issue. Both staffs have reviewed thousands of documents and conducted numerous interviews. Under Secretary Feith has appeared before both Committees to testify on this issue. I have not discovered any credible evidence of unlawful or improper activity, yet the allegations persist.

Accordingly, I request that you immediately initiate an investigation into the activities of the Office of Special Plans during the period prior to the initiation of Operation Iraqi Freedom to determine whether any of these activities were unlawful or improper. The Committee is specifically interested in knowing whether the personnel assigned to the Office of Special Plans, at any time, conducted unauthorized, unlawful or inappropriate intelligence activities.

I believe that an independent review into this matter may allow it to finally be resolved. I look forward to hearing from you.

Sincerely,

Pat Roberts
Chairman

Appendix D. Senator Levin's Request (U)

ELLEN WAHNER, VIRGINIA, CHAIRMAN
 JOHN MCGAHN, ARIZONA
 JAMES M. INHISE, OKLAHOMA
 PAUL TOWNSHIP, KANSAS
 JEFF DODD, ALABAMA
 STEPHEN M. COLLINS, MAINE
 JOHN EDWARDS, ALABAMA
 JAMES M. ALBERT, MISSOURI
 DAVID STANFORD, GEORGIA
 LINDSEY O. GRAHAM, SOUTH CAROLINA
 ELIZABETH B. SULLIVAN, CALIFORNIA
 JOHN CORNYN, TEXAS
 JOHN THUNE, SOUTH DAKOTA
 CHARLES W. ASHLEY, MISSOURI
 MICHAEL D. BURGESS, MISSOURI

United States Senate
 COMMITTEE ON ARMED SERVICES
 WASHINGTON, DC 20510-8060

September 22, 2005

Mr. Tom Gimble
 Acting Inspector General
 Department of Defense
 400 Army-Navy Drive
 Arlington, VA 22202

Dear Mr. Gimble:

The Chairman of the Senate Select Committee on Intelligence has recently requested that your office initiate an investigation into the activities of the Office of Special Plans, within the Office of the Under Secretary of Defense for Policy, prior to the war in Iraq to determine if its activities were either unlawful or improper.

I am writing to request that you include all the elements of the Office of the Under Secretary of Defense for Policy, including the Policy Counter Terrorism Evaluation Group (PCTEG), and the Policy Support office. Personnel throughout the Policy organization were involved in activities related to intelligence concerning Iraq.

I am enclosing a copy of a report I issued on October 21, 2004 concerning the activities of the Office of the Under Secretary of Defense for Policy in producing alternative intelligence analysis concerning a relationship between Iraq and al Qaeda. I hope that the report may be useful in your review.

Specifically, I would ask that you consider the following questions in your investigation to determine whether OSD Policy personnel engaged in the activities in question:

1. Did the Office of Under Secretary Feith produce its own intelligence analysis of the relationship between Iraq and al Qaeda and present its analysis to other offices in the executive branch (including the Secretary of Defense and the staffs of the National Security Council and the Office of the Vice President)?
2. Did the intelligence analysis produced by Under Secretary Feith's office differ from the Intelligence Community analysis on the relationship between Iraq and al Qaeda?
3. Was the alternative OSD Policy intelligence analysis supported by the underlying intelligence?
4. Did Under Secretary Feith send CIA ORCON material to the Senate Select Committee on

Intelligence in October of 2003 without CIA approval to release it, even though such approval is required by Executive Order?

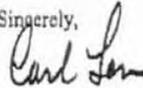
5. Did Under Secretary Feith mislead Congress when he sent to several congressional committees in January 2004 revised ORCON materials that were represented as containing the CIA's requested changes to the October 2003 documents, but which did not fully and accurately reflect the CIA's requested changes? For instance, did the revised material sent by Under Secretary Feith to congressional committees provide a misleading impression of the reliability and credibility of a key intelligence source, as compared to the CIA's required changes to the document? In other words, did the supposedly "corrected" DOD documents suggest that the source was more reliable and credible (having "very close access") than the CIA believed to be the case (a "third hand" source to a foreign government intelligence service that "does not meet directly with the ultimate source of the information, but obtains the information from him through two unidentified intermediaries, one of whom merely delivers the information to the Service")?
6. Did the Office of the Under Secretary of Defense for Policy (OUSDP) prepare and present briefing charts concerning the relationship between Iraq and al Qaeda that went beyond available intelligence by asserting that an alleged meeting between lead 9/11 hijacker Mohammed Atta and Iraqi intelligence officer al-Ani in Prague in April 2001 was a "known" contact? (*emphasis added*)
7. Did the staff of the OUSDP present a briefing on the Iraq-al Qaeda relationship to the White House (Deputy National Security Adviser Stephen Hadley and Vice President Cheney's Chief of Staff I. Lewis Libby) in September 2002, unbeknownst to the Director of Central Intelligence, containing information that was different from the briefing presented to the DCI, not vetted by the Intelligence Community, and that was not supported by the available intelligence (for example, concerning the alleged Atta meeting), without providing the IC notice of the briefing or an opportunity to comment?
8. Did the staff of the OUSDP undercut the Intelligence Community (IC) in its briefing to the White House staff with a slide that said there were "fundamental problems" with the way the IC was assessing information concerning the relationship between Iraq and al Qaeda, and inaccurately suggesting that the IC was requiring "juridical evidence to support a finding," while not providing the IC notice of the briefing or an opportunity to comment?
9. Did the OSD Policy briefing to the White House draw conclusions (or "findings") that were not supported by the available intelligence, such as the "intelligence indicates cooperation in all categories; mature, symbiotic relationship" [slide7], or that there were "multiple areas of cooperation," and "shared interest and pursuit of WMD," and "some indications of possible Iraqi coordination with al Qaida specifically related to 9/11" [slide

19]7 (emphasis added)

10. Did OUSDP staff prepare, and did Under Secretary Feith send to the Secretary of Defense and the Deputy Secretary of Defense, a written critique of a report entitled *Iraq and al Qaida: Interpreting a Murky Relationship* prepared by the DCI's Counter Terrorism Center (CTC), stating that the "CIA's interpretation ought to be ignored," without providing the CIA notice or an opportunity to respond?

After reviewing these matters, I would ask that you determine whether you believe these activities were appropriate and proper. If you determine that any of the activities were either inappropriate or improper, I request that you provide your recommendations for remedial action.

Sincerely,



Carl Levin
Ranking Member

Enclosure

cc: Senator Pat Roberts
Senator Jay Rockefeller
Senator John Warner

Appendix E. Deputy Secretary of Defense Request for Iraqi Connections to Al Qaida (U)

*copy
to NESB*
22 Jan 02

MEMO FOR Doug Feith

FROM DepSecDef *DW*

SUBJECT: Iraqi Connections to Al Qaida

We don't seem to be making much progress pulling together intelligence on links between Iraq and Al Qaida.

We owe SecDef some analysis of this subject.

Please give me a recommendation on how best to proceed.

Appreciate the short turn-around. Thanks.

Suspense: 25 Jan 02

CC: DSD TSA
DSD MA

04602

[Handwritten mark]
UO1180 /02

Appendix F. Assistant Secretary of Defense, Office of International Security Affairs Response to Deputy Secretary of Defense Inquiry (U)



~~SECRET~~
ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, DC 20301-2400

INFO MEMO



1-02/001165-NESA
January 24, 2002 5:03 PM

FOR: ^{Deputy} SECRETARY OF DEFENSE

FROM: Assistant Secretary of Defense, International Security Affairs

SUBJECT: (S) [REDACTED]

(S) [REDACTED]

(S) So far we have discovered few direct links. However, we have uncovered evidence suggesting more robust indirect links. This is not surprising given the denial and concealment strategies employed by Saddam's intelligence service.

(S) [REDACTED]

(S) Indirect Links:

- Abu Nidhal Organization (ANO) headquartered in Baghdad.
- ANO has following known links to al-Qaida:
 - Bin Laden met in January 1998 with the General Secretary of ANO. Agreed to provide financial assistance in return for unspecified assistance to al-Qaida.

Classified by Multiple Sources
Reason: 1.5(c)(d)
Declassify on: X6

~~SECRET~~



b(1)

b(6)

~~SECRET~~

- Bin-Laden sent his deputy to Lebanon in 1998 to meet with ANO operatives to explore areas of cooperation.
- The al-Qaida cell in Lebanon has received weapons and ammunition from the ANO.
- Vehicle Muhammad Atta used to visit Prague registered to an ANO agent.
- ANO has links with Hizbollah, which in turn has significant links to al-Qaida.
- ANO responds expeditiously and fully to Iraqi government directives (October 2001).
- Iraqi government expressed concern (October 2001) to ANO leaders that Baghdad's alliance with ANO would lead the US to hold Iraq accountable for al-Qaida terrorism.
- Suggests ANO functions to serve Iraqi objectives and that Iraq is aware of ANO ties to al-Qaida.

(S) [REDACTED]

COORDINATION: Tab A

Attachments:
As stated

DASD *W. P. [Signature]*

~~SECRET~~

b(1)

Appendix G. Senator Levin's Questions and Evaluation Responses (U)

(U) In a September 22, 2005, letter to the DoD Office of the Inspector General, Senator Carl Levin, Ranking Member of the Senate Committee on Armed Services, requested that we consider the following questions in the evaluation.

1. (U) "Did the Office of Under Secretary Feith produce its own intelligence analysis of the relationship between Iraq and al Qaeda and present its analysis to other offices in the Executive branch (including the Secretary of Defense and the staffs of the National Security Council and the Office of the Vice President)?"

(U) Yes. In our report we discuss that members of the OUSD(P) produced a briefing on terrorism that was based on intelligence reports. The briefing, which analyzed the relationship between Iraq and Al Qaeda, was delivered to the Deputy Secretary of Defense and the Secretary of Defense in August 2002. On September 16, 2002, members of the OUSD(P) briefed Mr. Stephen Hadley (then Deputy National Security Advisor), as requested, and Mr. I. Lewis Libby (then Chief of Staff, Office of the Vice President).

2. (U) "Did the intelligence analysis produced by Under Secretary Feith's office differ from the Intelligence Community analysis on the relationship between Iraq and al Qaeda?"

(U) Yes. The OUSD(P) analysis included some conclusions that differed from that of the Intelligence Community. Although analysts in the Intelligence Community and OUSD(P) agreed that some contacts and possible training may have occurred between Iraq and al-Qaida, the CIA and the DIA disavowed any "mature, symbiotic" cooperation between Iraq and al-Qaida.

(S) [REDACTED]

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(U) The CIA position on any connection between Iraq and al-Qaida. was outlined in reports such as "Iraqi Support to Terrorism" and "Iraq and al-Qaida: Interpreting a Murky Relationship." The draft August 2002 Report, the "Iraqi Support to Terrorism" declared that the CIA "could not document any joint operational activity between Iraq and al-Qaida." In a commentary on the CIA report, OUSD(P) staffers raised many objections, stating that they believed the CIA report downplayed the relationship and did not refer to the key issue of the meeting between Mohammed Atta and al-Ani.

3. (U) "Was the alternative OSD Policy intelligence analysis supported by the underlying intelligence?"

~~(S)~~ Partially. The alternative intelligence analysis that OUSD(P) produced was not fully supported by underlying intelligence. For example, in the memo, "Iraq and al-Qaida: Making the Case," a DIA analyst detailed to OUSD(P) stated "the following information clearly makes the case for an Intelligence Finding—that Iraq has been complicit in supporting al-Qaida terrorist activities." However, an August 2002 JITF-CT memorandum countered the OUSD(P) position addressing the 26 points used to support the Intelligence Finding, the JITF-CT agreed or partially agreed with 11 of the 26. The JITF-CT memorandum went on to state that the entire assessment suffered from a number of methodological flaws that severely undermined its arguments.

(U) Analysts within the Intelligence Community agreed possible ties could exist between Iraq and al-Qaida for training, but without any conclusive reporting, the Intelligence Community did not view the contacts between the two as critical or as important as did the OUSD(P). In contrast, the OUSD(P) believed that the CIA made numerous assertions about a relationship between the two, only to discount them. An intelligence analyst at DIA stated that the papers the OUSD(P) produced lacked the background that normally distinguishes a policy paper from an intelligence paper. He further explained that the CIA and DIA were more analytically skeptical in ascribing links to terrorism, because although there were links between the two [Iraq and al-Qaida] there was no clear relationship. The DIA analyst went on to say that the OUSD(P) stated there were clear links and a clear relationship between Iraq and al-Qaida. Specifically, only the OUSD(P) believed there was a "mature, symbiotic" relationship involving

b(1)

“cooperation in all categories” between Iraq and al-Qaida. This belief was based, in part, on the alleged April 8-9, 2001, meeting in Prague between Mohammed Atta and al-Ani.⁷

4. (U) “Did Under Secretary Feith send CIA ORCON material to the Senate Select Committee on Intelligence in October 2003 without CIA approval to release it, even though such approval is required by Executive Order?”

(U) Yes. However, both the CIA and the OUSD(P) believed that the CIA had approved the ORCON material before sending it to the SSCI in October 2003. The OUSD(P) requested permission from the CIA to release the ORCON material, but lacking a timely response, the OUSD(P) believed that the CIA had granted permission to release the material. Neither the USD(P) nor the then Deputy Director of Central Intelligence were aware that the answers may have been sent to the SSCI before the CIA approval was completed. On November 15, 2003, the Deputy Director of Central Intelligence and the USD(P) approved a DoD statement which confirmed that the OUSD(P) provided the ORCON material to the SSCI with the permission of the Intelligence Community. However, we found no evidence that the CIA approved the release of the ORCON material before the November 15, 2003, statement was released. Although the OUSD(P) did seek the CIA approval, the approval and notification to the OUSD(P) appears to have occurred after the fact.

5. (U) “Did Under Secretary Feith mislead Congress when he sent to several congressional committees in January 2004 revised ORCON materials that were represented as containing CIA’s requested changes to the October 2003 documents, but which not fully and accurately reflect CIA’s requested changes?”

(U) No. The Under Secretary Feith did not mislead Congress when he sent revised ORCON material to congressional committees in January 2004. The OUSD(P) believed that the CIA had approved the material before sending it to Congress. To satisfy the CIA request for changes and the congressional request for the annex, the USD(P) sent the annex to the committees. The annex was accompanied by a memorandum, drafted by the OUSD(P) staff, outlining the changes the CIA requested. Under Secretary Feith informed the committees that the memorandum reflected the CIA’s requested changes. On November 1, 2004,

⁷(S//NF) [REDACTED]

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b(3)

the Director of Congressional Affairs, CIA responded to the USD(P) by stating “[a]fter a careful comparison between that submission [to the Senate Committee on Armed Services] and what we had requested as our condition for clearance of CIA material, I believe that you made all of the changes we requested.”

6. (U) “Did the Office of the Under Secretary of Defense for Policy OUSD(P) prepare and present briefing charts concerning the relationship between Iraq and al Qaeda that went beyond available intelligence by asserting that an alleged meeting between lead 9/11 hijacker Mohammed Atta and Iraqi intelligence officer al-Ani in Prague in April 2001 was a ‘known’ contact?”

(U) Yes. The OUSD(P) produced a briefing, “Assessing the Relationship between Iraq and al-Qaida,” in which one slide discussed the alleged meeting in Prague between Mohammed Atta and Iraqi Intelligence officer al-Ani as a “known contact.” The briefing provided to the Deputy National Security Advisor, as requested, and the Chief of Staff of the Office of the Vice President, was similar to those that the OUSD(P) gave the Secretary of Defense and the DCI, except that the OUSD(P) included a slide that had not appeared in previous versions, “Facilitation: Atta Meeting in Prague,” that like the “known contacts” slide, presented the alleged meeting in Prague as fact. The slide did not include Intelligence Community caveats.

(U) In mid-September 2001, the Czech Internal Security Service reported that an alleged meeting between Mohammed Atta and Iraqi intelligence officer al-Ani took place in April 2001; the Czech report was from a single source. Although previous CIA reporting placed Atta in Prague between 1994 and 2000, none confirmed the alleged April 2001 meeting.

(U) By the summer of 2002, the DIA and the CIA both published reports which questioned the Czech report. At the analyst level in OUSD(P), personnel including the drafter of the briefing and one senior advisor to Deputy Secretary of Defense, believed the meeting took place stating that the absence of evidence is not evidence of absence. However, OUSD(P) members could not agree whether the report was valid. Nonetheless, the OUSD(P) briefing to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President in September 2002 presented the alleged meeting between Mohammed Atta and al-Ani as a ‘known fact.’

7. (U) “Did the staff of the OUSD(P) present a briefing on the Iraq-al Qaeda relationship to the White House (Deputy National Security Adviser Stephen Hadley and Vice President Cheney’s Chief of Staff I. Lewis Libby) in September 2002 unbeknownst to the Director of Central Intelligence, containing information that was different from the briefing presented to the DCI, not vetted by the Intelligence Community, and that was not supported

by the available intelligence (for example, concerning the alleged Atta meeting), without providing the IC notice of the briefing or an opportunity to comment?"

(U) Yes. The OUSD(P) presented three different versions of the same briefing, of which some of the information was supported by available intelligence, to the Secretary of Defense, the DCI, and to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President. Three specific slides are in question. The differences seem small, but the addition or omission of briefing slides and words can alter the message presented to each audience.

(U) The first slide, "Fundamental Problems with How Intelligence Community is Assessing Information," was included in the briefings to the Secretary of Defense and to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President. The slide accuses the Intelligence Community of applying a standard requiring juridical evidence for reports, underestimates the importance for both Iraq and al-Qaida to keep their relationship hidden, and assumes the two would not cooperate because of religious differences. This slide "was omitted [from the DCI brief] because it had a critical tone."

(U) The second slide, "Findings," discusses alleged contacts, cooperation, and shared interests between Iraq and al-Qaida; it also contained a statement about coordination between Iraq and al-Qaida on 9/11. All three versions of the briefing contained this slide, but the wording for the bullet discussing cooperation between Iraq and al-Qaida on 9/11 was different on each. The briefing for the Secretary of Defense stated that there was "one indication of Iraqi Coordination with al-Qaida." The briefing for the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President stated that there were "some indications of possible Iraqi coordination with al-Qaida." Interestingly, the brief to the DCI was the most conservative, stating that there was "one possible indication of Iraqi coordination with al-Qaida."

(U) The third slide, "Facilitation: Atta Meeting in Prague," addressed the alleged Mohammad Atta and al-Ani April 2001 meeting in Prague. Neither briefing to the Secretary of Defense or the DCI contained this slide; only the one to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President contained the slide.

(U) A CIA Senior Intelligence Analyst kept the slides from the August 2002 OUSD(P) briefing to the DCI and compared them with similar slides presented at a SSCI hearing in February 2004. From the comparison, he realized the slides on the relationship between Iraq and al-Qaida were different from those presented to

the DCI in August 2002. He also commented that, at the SSCI hearing, OUSD(P) presented 10 slides that were different from the original 10 presented during the August 2002 meeting.

~~(S//NF)~~ On August 9, 2002, in a Memorandum, "JITF-CT Commentary: Iraq and al-Qaida, Making the Case," a senior DIA analyst countered, point-by-point, each "known contact" and most of the intelligence judgments reached by OUSD(P) in the OUSD(P) memo, "Iraq and al-Qaida: Making the Case." Two of the OUSD(P) slides that were part of larger briefings to the Secretary of Defense, the DCI, the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President, "Known Contacts," were produced from the OUSD(P) Memorandum. The JITF-CT Intelligence Analyst specifically cited that, "the alleged April 8 or 9, 2001, meeting between al-Ani and Muhammad Atta is impossible to establish with available information." The analyst goes on to say, "the assessment states that there has been no other available intelligence report that contradicts the Czech report – only Western press speculation that the Czech information is wrong. This is incorrect." Czech officials retracted some of their evidence after determining that Muhammad Atta did not enter the country on March 31, 2001; they had confused him with a Pakistani national with a similar name.

(U) Regarding Intelligence Community notice, Mr. Tenet, the DCI, was not notified nor was he required to be informed and attend the OUSD(P) briefing to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President on September 16, 2002. Mr. Tenet first heard about that OUSD(P) briefing during a SSCI hearing in February 2004.

8. (U) "Did the staff of the OUSD(P) undercut the Intelligence Community (IC) in its briefing to the White House staff with a slide that said there were 'fundamental problems' with the way the IC was assessing information concerning the relationship between Iraq and al-Qaeda, and inaccurately suggesting that the IC was requiring 'juridical evidence to support a finding,' while not providing the IC notice of the briefing or an opportunity to comment."

(U) Yes. We believe that the slide undercuts the Intelligence Community by indicating to the recipient of the briefing that there are "fundamental problems" with the way that the Intelligence Community was assessing information. Evidence of this can be observed by the Vice President's words during an interview in which he describes a memorandum (obtained and published by the Weekly Standard) from the Under Secretary of Defense for Policy to members of the SSCI as "your best source of information." This is in contrast to the SSCI's

evaluation of CIA prewar assessments, as described in their Phase 1 report, which detailed a "methodical approach for assessing possible Iraq/al-Qaida relationship was reasonable and objective."

(U) The briefing slides that the OUSD(P) presented to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President on September 16, 2002, were different from those previously presented to the DCI on August 16, 2002. The additional slides included one on "Fundamental Problems with how the Intelligence Community is Assessing Information." The slide also stated "Application of a standard that it would not normally obtain – IC [Intelligence Community] does not normally require juridical evidence to support a finding." The OUSD(P) did not coordinate this particular slide with the CIA, DIA, or any of their principal staff before making the presentation to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President. The OUSD(P) also omitted the slide that depicted 'fundamental problems' [with the IC's analysis] from the version it presented to the DCI, but the slide was included in the version presented to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President because, according to OUSD(P), the slide, "had a critical tone that we [OUSD(P)] felt would distract from discussion of the substance."

9. (U) "Did the OSD Policy briefing to the White House draw conclusions (or 'findings') that were not supported by the available intelligence, such as the 'intelligence indicates cooperation in all categories; mature, symbiotic relationship' [slide 7], or that there were 'multiple areas of cooperation,' and shared interest and pursuit of WMD,' and 'some indications of possible Iraqi coordination with al-Qaida specifically related to 9/11' [slide19]?"

~~(S//NF)~~ Yes. The briefing to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President did draw conclusions that were not fully supported by the available intelligence. The briefing contained two slides, "What Would Each Side Want From a Relationship?," and "Findings." These two slides claimed "cooperation in all categories," and listed the relationship between Iraq and al-Qaida as being "mature and symbiotic" with "shared interest and pursuit of WMD [Weapons of Mass Destruction]" and "some indications of possible Iraqi coordination with al-Qaida specifically related to 9/11." These claims were not supported by the available intelligence.

~~(S//NF)~~ In contrast, the CIA characterized the information about the relationship as contradictory. In a June 2002 assessment of al-Qaida's ties to Iraq the CIA stated that the pattern of contacts and cooperation between Iraq and al-Qaida over the years found few substantiated contacts between al-Qaida operatives and Iraqi regime officials. In the report, "Iraqi Support for Terrorism," the CIA also stated, "As in other areas of the Iraq al-Qaida relationship, unresolved questions and knowledge gaps limit our ability to confidently gauge the existence or extent

of cooperation through training and especially through the sharing of CBRN [Chemical, Biological, Radiological, and Nuclear] capabilities.”

~~(S/NF)~~ Both the CIA and DIA acknowledged that they had evidence that Iraq and al-Qaida had sporadic contacts during the 1990s, however the CIA assessed the contacts as intermittent and lacking the information that showed the two had a long-term relationship similar to those that Iraq had fostered with other terrorist organizations. The DIA assessment of contacts said that, “Iraq and al-Qaida probably have initiated contact in the past and may communicate through a liaison arrangement, though available reporting is not firm enough to demonstrate an ongoing relationship.” Sporadic contacts, however, hardly amount to a “mature,” let alone “symbiotic” relationship.

~~(S/NF)~~ The CIA further discusses operational planning and cooperation with Chemical, Biological, Radiological, and Nuclear training in the report, “Iraqi Support to Terrorism.” The CIA described reporting on Chemical, Biological, Radiological, and Nuclear training as “episodic, sketchy or not corroborated in other channels,” which was far from the “shared interest and pursuit of WMD” that the OUSD(P) assessed. As for operational planning, the CIA stated, “we have uncovered no solid indication of Iraqi complicity in or foreknowledge of the World Trade Center and Pentagon attacks.”

(U) Analysts within the Intelligence Community agreed that possible ties could exist between Iraq and al-Qaida for training, but without conclusive reporting, the Intelligence Community believed that most contacts between the two were insignificant. In contrast, the OUSD(P) believed that the CIA affirmed the relationship between the two many times, only to discount them. A Senior Intelligence Analyst at DIA stated that the OUSD(P) papers lacked the background that normally separates a policy paper from an intelligence paper. He further explained that the CIA and DIA were “more analytically skeptical in ascribing links to terrorism, and that there were links between the two [Iraq and al-Qaida] but no clear relationship.” The DIA Senior Intelligence Analyst also said that OUSD(P) “stated there were clear links and a clear relationship between Iraq and al-Qaida.” Only the OUSD(P) assessed that Iraq and al-Qaida had a “mature, symbiotic relationship, with cooperation in all areas.”

10. (U) “Did OUSD(P) staff prepare, and did Under Secretary Feith send to the Secretary of Defense and the Deputy Secretary of Defense, a written critique of a report entitled Iraq and al Qaida: Interpreting a Murky Relationship prepared by the DCI’s Counter Terrorism Center (CTC), stating that the ‘CIA’s interpretation ought to be ignored,’ without providing the CIA notice or an opportunity to respond?”

(U) Yes, however, there is no requirement to provide an internal OSD document to the CIA for their review. A DIA detailee prepared a critique of the report,

“Iraq and al-Qaida: Interpreting a Murky Relationship” which was sent to the Secretary of Defense and Deputy Secretary of Defense.

(U) The Principal Deputy of International Security Affairs sent the DIA detailee a copy of the CIA report, “Iraq and al-Qaida: Interpreting a Murky Relationship,” requesting an opinion of the document. The detailee’s response, “Comments on CIA’s “Iraq and al-Qaida: Interpreting a Murky Relationship,” contained the sentence, “Therefore, the CIA report should be read for content only – and CIA’s interpretation ought to be ignored.” The DIA analyst who authored the comment cited a belief that the CIA had initially published, “strong, convincing information on Iraq and al-Qaida ties,” but was very cautious in verifying the information. The comments were eventually sent to Under Secretary Feith, who forwarded them to the Secretary of Defense and the Deputy Secretary of Defense.

Appendix H. Key Directives and Terms (U)

(U) **DoD Directive 5105.21.** DoD Directive 5105.21, "Defense Intelligence Agency," February 18, 1997, details the DIA mission to "satisfy, or ensure the satisfaction of, the military and military-related intelligence requirements of the Secretary and Deputy Secretary of Defense..." The Director, DIA is "the principal advisor on substantive intelligence matters to the Secretary and Deputy Secretary of Defense..." The Executive Order 12333 lists the DIA as a designated Intelligence Activity. DoD Directive 5105.21 defines Intelligence Application, as intelligence activity related to, but separate from, intelligence production, involving the use of all available intelligence information.

(U) **DoD Directive 5111.1.** DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P))," December 8, 1999, designates the USD(P) as the principal staff assistant and advisor to the Deputy and Secretary of Defense for all matters on the formulation of national security and defense policy. The Directive also states that the USD(P) will perform such other functions, as the Secretary of Defense may prescribe.

(U) **DoD Directive 5137.1.** DoD Directive 5137.1, "Assistant Secretary of Defense for Command, Control, Communication and Intelligence," February 12, 1992 designates the Assistant Secretary, as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for Command, Control, Communication and Intelligence, information management, counter-intelligence, and security countermeasures matters, including warning, reconnaissance, and intelligence and intelligence-related activities conducted by the Department of Defense, to coordinate and exchange information with other OSD officials and the Heads of DoD Components exercising collateral or related functions. This Directive was cancelled on May 2, 2005.

(U) **DoD Directive 5143.01.** DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I))," November 23, 2005, established the USD(I) as the Principal Staff Advisor to the Secretary and Deputy Secretary of Defense regarding intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters.

(U) **DoD Directive 5240.1.** DoD Directive 5240.1, "DoD Intelligence Activities," April 25, 1988, is the guidance used by DoD intelligence components to collect, retain, or disseminate information. 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.

(U) **Defense Intelligence Policy.** Defense Intelligence Analytical standards were detailed in DIA DI Policy 004 and 005 from November 2005 through November 2006.

(U) **DI Policy No. 004, July 13, 2001.** This policy outlines the Defense Intelligence Alternative Judgment Policy which details those rare instances where analysts build a strong case, but cannot achieve consensus support for their analysis, an alternative judgment is justified. The Policy further details the actions a Defense intelligence analyst may follow in order to publish an Alternative Judgment.

(U) **DI Policy No. 005, June 5, 2001.** This policy outlines Defense Intelligence's Alternative Analysis Policy. The need to promote sound alternative analysis does not absolve an analyst from the requirement to collaborate. Rather, it frees the analyst from the need to resort to compromise just to reach a conclusion. Analysts are encouraged to resolve analytic differences by presenting alternative analysis within their products, but where consensus cannot be reached.

(U) **Title X, Section 113.** "Subject to the direction of the President and to this title and section 2 of the National Security Act of 1947 (50 U.S.C. 401), the Secretary of Defense has authority, direction, and control over the Department of Defense." The Secretary owns the DoD Directives governing (among others) Intelligence and Policy, and as long as Executive Orders or other legal statutes are not violated, he has the latitude to interchange roles and responsibilities.

(U) **Key Definitions.**

(U) **Intelligence Activities.** The collection, production, and dissemination of foreign intelligence and counterintelligence by DoD intelligence components that are authorized under Executive Order 12333 (DoD Directive 5240.1).

(U) **Intelligence Production.** The validation, correlation, analysis, and interpretation of information on foreign intelligence and counterintelligence (DoD Directive 5105.21).

(U) **Defense Intelligence.** Refers to the integrated DoD intelligence that covers the broad aspects of national policy and national security and that intelligence ... is significant to Defense policy-making and planning and conducting military operations and activities (DoD Directive 5143.01).

(U) **Originator Control: ORCON.** Is a control mechanism to control sensitive information that could prove damaging if divulged. Often ORCON is used where the sensitivity is actually in the linkage of a given set of knowledge to a person, location, or entity.

Appendix I . Summary of Under Secretary of Defense for Policy Comments and Evaluation Responses(U)

(U) On January 16, 2007, the Under Secretary of Defense for Policy submitted more than 50 pages of comments in response to the draft report. (See Management Comments for the complete text of the Under Secretary of Defense for Policy comments.) The following is a summary of the main issues discussed in those comments and the OIG response to those comments.

(U) Issue No. 1 – OIG Opinion on appropriateness of USD(P) activities.

(U) **USD(P) Comments.** The USD(P) stated that, “We recognize that the OIG is competent to determine whether the activities were lawful and authorized. But in the present matter we do not believe the OIG ought to enter the realm of opinion about whether the activities were appropriate in the absence of any applicable standards, regulations or directives on that question.”

(U) **OIG Response.** Inherent in the IG authority and responsibility is to develop opinions, conclusions, judgments, and recommendations based on audits, investigations, inspections, and evaluations. In addition, Congress tasked the OIG to render an opinion. Appendix C, “I request that you immediately initiate an investigation into the activities of the Office of Special Plans during the period prior to the initiation of Operation Iraqi Freedom to determine whether any of these activities were unlawful or improper. The Committee is specifically interested in knowing whether the personnel assigned to the Office of Special Plans, at any time, conducted unauthorized, unlawful or inappropriate intelligence activities.” Appendix D expanded the scope to include any part of OUSD(P) requesting, “I would ask that you determine whether you believe these activities were appropriate and proper. If you determine that any of the activities were either inappropriate or improper, I request that you provide your recommendations for remedial action.”

(U) Issue No. 2 – Work completed by OUSD(P) staffers is not necessarily “OUSD(P)” work.

(U) **USD(P) Comments.** (1) The USD(P) stated, “The work reviewed was not an “OUSD(P)” activity, assessment, view, position or initiative, despite the Draft Report’s repeated assertions to the contrary. The Under Secretary of Defense for Policy [USD(P)] never approved, adopted or advocated the draft briefing or any of the work leading to it as an “OUSD(P)” view or assessment. Each version of the briefing was marked “draft” or “draft working papers” and was never presented as anything other than that.

(2) (U) The USD(P) stated, "The Report fails to make clear that the Office of Special Plans (OSP), the Policy Counter Terrorism Evaluation Group (PCTEG), and the Policy Support Office did not perform and had no responsibility for any of the work reviewed in this Project. This failure is especially egregious in light of press reports and political criticism that continue to assert the contrary. Neither the OSP, the PCTEG, nor the Policy Support Office had any responsibility for the activities reviewed, and none of these units as such performed any of those activities."

(3) (U) The USD(P) stated, "The first activity relevant here was an ad hoc group, [PCTEG] formed by the Under Secretary of Defense for Policy (USDP) shortly after the 9/11 attacks. The mission of that group was to review all available information about a number of international terrorist organizations with a basic focus on the question: What does it mean to be at war with a terrorist network? The Draft Report erroneously states that this group was formed "to conduct an independent analysis of the al-Qaida terrorist network" (page 2). In fact, the group's work was not limited to al-Qaida but addressed more generally various major terrorist groups and their relations with their state sponsors. This group commenced work in approximately October 2001 with two members: a consultant, and a detailee from the Defense Threat Reduction Agency. The group requested and received relevant intelligence information from the Intelligence Community and did preliminary work on the subject assigned. Both members, however, left for other duties towards the end of 2001 and the beginning of 2002. Neither of them ever worked in or took direction from the OSP or the Policy Support Office."

(U) OIG Response. (1) Products produced and disseminated by personnel within the OUSD(P) and disseminated, whether marked draft or otherwise, are OUSD(P) activities. In some cases, the USD(P) personally directed that the work be accomplished. In a USD(P) Fact Sheet on the PCTEG, dated February 3, 2004, in reference to work done by the sole remaining PCTEG member, "Together with other staffers, this individual prepared a briefing for me in August 2002 on links between Iraq and al Qaida. I asked them to give the same brief to the DCI." Work completed by OUSD(P) members assigned to USD(P), based on chain of command, are OUSD(P) activities. See Appendix F for a memorandum from ASD (ISA) regarding "Links between al-Qaida and Iraq," in which the USD(P) asked the Deputy Secretary of Defense in a handwritten note dated January 25, 2002, "DSD, Should we organize a briefing for you to review the underlying intell? Doug Feith" The USD(P) was aware of tasking and is inherently responsible for reviewing products (like the brief) produced in OUSD(P). Additionally, the USD(P) personally attended two versions of the briefing discussed at length in our report (Assessing the Relationship between Iraq and al-Qaida), to the Secretary of Defense and to the DCI.

(2) (U) We acknowledged that OSP has become generic terminology for the activities of the OUSD(P), including the PCTEG and Policy Support Office. The actual OSP had no responsibility for and did not perform any of the activities examined in this review. The collaborative team that worked on the briefing discussed in our report, "Assessing the Relationship between Iraq and al-Qaida," consisted of one member of the PCTEG, one member of the Policy Support Office, and a former member of OUSD(P) member who was working as the Special Assistant to the Deputy Secretary of Defense. Regardless of whether the collaborative activity was sanctioned by the PCTEG or Policy Support Office, or both, the briefing is generically described as work done collaboratively by OUSD(P) and the Special Assistant to the Deputy Secretary of Defense.

(3) ~~(S//NF)~~ According to an ASD(ISA) Action Memo dated November 26, 2001, for the Deputy Secretary of Defense detailing the creation of the PCTEG, the purpose of the PCTEG was to "Obtain approval of creation of a Team B, called the Policy Counter Terror Evaluation Group (PCTEG). Through independent analysis and evaluation, the PCTEG would determine what is known about Al-Qaida's worldwide terror network, its suppliers and relationship to states and other international terrorist organizations..." The Action Memo includes a handwritten note dated November 25, 2001, "Bob Andrews, Should this say something specifically about linking up w/Treasury Dept? By the way, what is happening w/DoD-Treasury link? DJF" [Doug J. Feith]. Additionally, in a Memorandum for Director, Defense Intelligence Agency of February 2, 2002, Subject: Request for Support, the USD(P) writes, "We are establishing an ad hoc Policy Counter Terrorism Evaluation Group (PCTEG) to take an independent look at Al-Qaida's worldwide organization and linkages." In addition, the USD(P) comments on the draft report states that, "the memo approving creation of the PCTEG described its task as follows: study al-Qaida's worldwide organization including its suppliers, its relations with States and other terrorist organizations (and their suppliers)." This is an admission by the USD(P) that the PCTEG was formed to study al-Qaida.

(U) Issue No. 3 – OUSD(P) work cannot be considered "Intelligence Activities."

(U) USD(P) Comments. (1) The USD(P) stated, "The entire argument in the Draft Report rests on the definition of "Intelligence Activities" and the meaning of "intelligence assessments." The Report's interpretation of the definition of "Intelligence Activities" found in the relevant DoD directive is wrong. By its definition, that term on its face applies only to intelligence agencies, not to policy offices.

(2) (U) The Draft Report labels the work product at issue as "inappropriate" (page 4) because they allegedly "did not clearly show the variance with the consensus of the Intelligence Community" and "were, in some cases, shown as

intelligence products.” But the senior decision-makers briefed on this work. . . did not need to be told that it varied in some respects from Intelligence Community analysis; that was inescapably obvious. There are no facts supporting the claim that some work products were, in some cases, shown as intelligence products.”

(U) OIG Response. (1) In effect the USD(P) is stating that the OUSD(P) is not a defined Intelligence Activity and therefore cannot, by definition, perform Intelligence Activities or intelligence assessments. This is the basis of our finding; a non-Intelligence Activity, OUSD(P), was inappropriately performing Intelligence Activities of production and dissemination that should be performed by the Intelligence Community.

(2) ~~(S//NF)~~ The Intelligence Community coordinates its products within the Intelligence Community to provide senior decision makers with the consensus of the community on an issue or a “finding.” The OUSD(P) did not effectively inform decision makers on the variance of its conclusions with those of the substantive experts within the Intelligence Community; information that we believe is of value to the decision maker. Specifically, OUSD(P) did not take the appropriate action to inform the decision makers of the consensus opinion of the Intelligence Community and those portions reflecting their alternative assessment. Intelligence Community professionals judged the products produced by the OUSD(P) to be intelligence products. The use of terminology such as making “the case for an Intelligence Finding—that Iraq has been complicit in supporting al-Qaeda terrorist activities,” “Intelligence indicates,” “Findings,” and “Known Contacts” reinforces that judgment.

(U) Issue No. 4 – OUSD(P) work did not necessarily influence senior decision makers.

(U) USD(P) Comments. The USD(P) stated, “There are likewise no facts suggesting that the “senior decision-makers” who were briefed on this work, specifically, the Secretary of Defense, the Deputy Secretary of Defense, the DCI, the Deputy National Security Advisor, and the Vice President’s Chief of Staff, mistook this work to be “intelligence assessments.”

~~(S//NF)~~ **OIG Response.** Decision makers gather facts and make decisions on cumulative information, whether presented or perceived as “intelligence assessments.” The “Report of an Inquiry into the Alternative Analysis of the Issue of an Iraq-al Qaeda Relationship,” October 21, 2004, provides insight into whether the OUSD(P) products influenced senior decision makers. As quoted on page 5-6 of the Minority Staff Report:

(U) Although Administration officials cited classified intelligence in support of their statements about the Iraq-al Qaeda relationship, their statements did not accurately reflect the intelligence assessment provided in classified reports to the Executive Branch and Congress by

the IC [Intelligence Community]. Administration officials were apparently using intelligence analyses that originated outside of the IC. Those intelligence analyses claiming a close relationship were produced by the Office of Under Secretary of Defense for Policy Douglas Feith, and presented to high level Administration officials. Vice President Cheney specifically stated that the Feith analysis was the "best source of information."

(U) Issue No. 5 – OUSD(P) work did not undercut the Intelligence Community; it was supported by the DCI himself and the Czech Intelligence Service

(U) USD(P) Comments. The USD(P) stated: (1) "OUSD(P) did not impede or undercut any responsibilities of the Intelligence Community, contrary to suggestions in the Draft Report. The IC was fully aware of the work under review and commented on it several times, as the Draft Report itself reveals. Further, the DCI was personally briefed on the work at the Secretary of Defense's direction."

(2) ~~(S//NF)~~ [REDACTED]

(3) ~~(S//NF)~~ The USD(P) stated, "Whether or not it was an overstatement to describe the reported Atta meeting as a "known contact," the fact is that at the time of this briefing the Czech intelligence service stood firmly by its report [REDACTED]. In contrast, the CIA report cited at page 7 of the Draft Report describes the reporting on the alleged meeting as "...contradictory, and we have not verified Atta's travel through other channels." The DIA report, also cited at page 8, states that the Atta meeting is "impossible to prove or disprove with available information." But at no time relevant to this Project did the US Intelligence Community articulate and disseminate any conclusive coordinated judgment that the reported Atta meeting did not occur."

b(1)
b(3)

(4) ~~(S//NF)~~ [REDACTED]

b(1)

(U) **OIG Response.** (1) As stated in our report, portions of the Intelligence Community were aware of work such as the July 25, 2002, memo; but the DCI was not. We agree that the DCI was briefed at the direction of the Secretary of Defense; however, the exclusion of the "Fundamental Problems with how the Intelligence Community is Assessing Information" slide to the DCI and inclusion of the slide to the Secretary of Defense and the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President clearly did not bolster support for the Intelligence Community.

(2) ~~(S//NF)~~ The statements were made after the September 16, 2002, briefing to the Deputy National Security Advisor and Chief of Staff of the Office of the Vice President. Further, the DCI's own statement in his unclassified letter to Senator Graham on October 7, 2002, included "our understanding of the relationship between Iraq and al-Qaida is evolving and is based on sources of varying reliability." Evidence of senior level contacts between Iraq and al-Qaida and training in the areas of poisons and gases and making conventional bombs does not constitute a "mature symbiotic relationship" in all areas."

(3) ~~(S//NF)~~ At the time the "Czech intelligence service stood firmly by its report," the U.S. Intelligence Community was casting significant doubt on the validity of the report. The cited CIA report describes the reporting on the alleged meeting as "...contradictory, and we have not verified Atta's travel through other channels." The cited DIA report states that the Atta meeting is "impossible to prove or disprove with available information." While the Intelligence Community could not corroborate that the meeting occurred, at the same time, the briefing produced by the collaborative efforts of the two OUSD(P) personnel and the Special Assistant to the Deputy Secretary of Defense noted the meeting on the slide as "Known Contacts" on all three versions of the brief. Additionally, the SSCI report noted that "Although the CIA has not ruled out the meeting, its analysis characterized the meeting as highly unlikely."

(4) ~~(S//NF)~~ The slide, "What Would Each Side Want From a Relationship?" clearly concludes; "Intelligence indicates cooperation in all categories; mature, symbiotic relationship." Further, we did not state in our draft report that there was cooperation in the conduct of specific terrorist operations.

(U) Issue No. 6 – OUSD(P) work did not include all phases of intelligence cycle.

(U) USD(P) Comments. The USD(P) stated, "As the guidance cited by the Draft Report (page 4-5, Appendix H) and other relevant authorities make clear, "Intelligence Activities" involve the entire process by which intelligence agencies turn information into a product that intelligence consumers can use. "Intelligence Activities" and related terms make clear, such activities consist of the entire process of actions and operations conducted by intelligence agencies to produce an

intelligence product for consumers. It is incorrect to select one or a few activities that are part of the "intelligence process" and characterize those selected activities as "Intelligence Activities" even when conducted by non-IC policy elements of government."

(U) OIG Response. The USD(P) comments misinterpret the definition. The "and" in the list that is the intelligence process does not mean all elements must exist to constitute intelligence activities. The National Security Agency, for example, collects and exploits, but does not conduct all-source-fusion-analysis and yet their work is characterized as "intelligence."

Appendix J. Report Distribution (U)

(U) Office of the Secretary of Defense

Secretary of Defense
Deputy Secretary of Defense
Under Secretary of Defense for Intelligence
Under Secretary of Defense for Policy
General Counsel

(U) Other Defense Organizations

Director, Defense Intelligence Agency
Inspector General, Defense Intelligence Agency
Director, Joint Intelligence Task Force - Combating Terrorism

(U) Office of the Director of National Intelligence

Director of National Intelligence
Inspector General, Office of the Director of National Intelligence

(U) Central Intelligence Agency

Director, Central Intelligence Agency
Inspector General, Central Intelligence Agency

(U) Congressional Committees and Subcommittees, Chairman and Ranking Minority Member

Senate Committee on Appropriations
Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Homeland Security and Governmental Affairs
Senate Select Committee on Intelligence
House Committee on Appropriations
House Subcommittee on Defense, Committee on Appropriations
House Committee on Armed Services

House Committee on Oversight and Government Reform
House Subcommittee on Government Management, Organization, and Procurement,
Committee on Oversight and Government Reform
House Subcommittee on National Security and Foreign Affairs,
Committee on Oversight and Government Reform
House Permanent Select Committee on Intelligence

Under Secretary of Defense for Policy (U)



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UNCLASSIFIED WITHOUT ATTACHMENT
THE UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000

January 16, 2007

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE

FROM: Eric S. Edelman, Under Secretary of Defense for Policy *EE*

SUBJECT: Review of Pre-Iraqi War Activities of OUSD(P)
(Project No. D2006DINT01-0077.000) (U)

(U) Your office provided us a Draft dated December 20, 2006 of a Proposed Report (the "Draft Report") on the above project and requested comments.

(U) Attached are our comments, which I have approved and signed. The comments detail significant factual inaccuracies and analytical errors in the Draft Report. We have serious concerns with unsubstantiated findings and recommendations in the Draft Report, as explained in our comments.

(U) We recognize that the OIG is competent to determine whether the activities were lawful and authorized. But in the present matter we do not believe the OIG ought to enter the realm of opinion about whether the activities were appropriate in the absence of any applicable standards, regulations or directives on that question.

(U) As explained in our comments, we do not concur in specified findings or in the recommendations of the Draft Report.

(U) As requested, we have conducted a security review of the Draft Report as well as a declassification review of the information presented. The results of that review and our recommendations regarding declassification are separately attached to this memo. In addition, in respect to both the Draft Report and our comments on it, I have declassified all previously classified information for which my office was the Original Classification Authority.

(U) Thank you for giving us the opportunity to comment on the Draft Report.

Attachments: Comments on Draft Report (Tab A)
Security and Declassification Review (Tab B)

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UNCLASSIFIED WITHOUT ATTACHMENT



Under Secretary of Defense for Policy (U)

TAB A

~~SECRET//NOFORN~~

COMMENTS BY
THE OFFICE OF THE UNDER SECRETARY OF DEFENSE
ON A
DRAFT OF A PROPOSED REPORT
BY THE DOD OFFICE OF INSPECTOR GENERAL
PROJECT NO. D2006DINT01-0077.000
REVIEW OF PRE-IRAQI WAR ACTIVITIES
OF THE OFFICE OF
THE UNDER SECRETARY OF DEFENSE FOR POLICY (U)

January 16, 2007

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**OUSD(P) COMMENTS ON
DRAFT OF A PROPOSED REPORT
BY THE DOD OFFICE OF INSPECTOR GENERAL**

**REVIEW OF PRE-IRAQI WAR ACTIVITIES OF THE OFFICE OF THE
UNDER SECRETARY OF DEFENSE FOR POLICY (U)
PROJECT NO. D2006DINT01-0077.000**

January 16, 2007

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