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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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April 6, 2004

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INDEPENDENT

The Honorable Anne W. Patterson  
Deputy Inspector General  
Room 6817  
U.S. Department of State  
Washington, DC 20520-6817

Dear Ms. Patterson:

We are writing to invoke our rights under the "Seven-Member Rule" (5 U.S.C. § 2954), which requires you to submit any information relating to any matter within our Committee's jurisdiction when requested by at least seven members of the Committee. Specifically, we are seeking an unclassified document relating to your investigation into the State Department's promotion of the false claim that Iraq sought uranium from Africa. We understand that you have already provided this document to other members of Congress.

On December 19, 2002, the State Department responded to Iraq's December 7, 2002, weapons declaration with a "Fact Sheet" that highlighted the claim that Iraq had sought uranium in Niger.<sup>1</sup> According to the Fact Sheet, one of eight key omissions and deceptions in Iraq's weapons declaration was that "[t]he Declaration ignores efforts to procure uranium from Niger."<sup>2</sup> After the Fact Sheet was distributed at the United Nations, the Administration's emphasis on the uranium claim received widespread media coverage.<sup>3</sup>

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<sup>1</sup> United States Department of State, *Illustrative Examples of Omissions from the Iraqi Declaration to the United Nations Security Council* (Dec. 19, 2002).

<sup>2</sup> *Id.*

<sup>3</sup> E.g., *U.S. Accuses Iraqi Weapons Report of Failing to Meet U.N.'s Demands*, NBC Nightly News (Dec. 19, 2002); *U.S. Issues a List of the Shortcomings in Iraqi Arms Declaration*, Los Angeles Times (Dec. 20, 2002).

We now know the claim was false. The documentary evidence behind the assertions was declared to be “not authentic” by the International Atomic Energy Agency.<sup>4</sup> In addition, an envoy sent by the Central Intelligence Agency (CIA) to investigate the alleged purchase, former Ambassador Joseph Wilson, concluded that it was “highly doubtful that any such transaction had ever taken place.”<sup>5</sup> On his return, he provided detailed briefings to the CIA and to the State Department African Affairs Bureau.<sup>6</sup>

We also now know that intelligence officials warned against using the claim well before the Fact Sheet was issued. For example, the State Department’s own intelligence office warned against using the claims as early as October.<sup>7</sup> In addition, the CIA warned against using the claim several times, also beginning in October.<sup>8</sup> In fact, Director of Central Intelligence George Tenet stated that “the subject was not included in many public speeches” because “we had questions about some of the reporting.”<sup>9</sup>

We have been investigating the process by which the fraudulent uranium claim was inserted into the December Fact Sheet, as well as the circumstances surrounding how the Fact Sheet was provided to United Nations member states. In the course of our investigation, we were informed that your office also conducted an investigation and has produced an unclassified document bearing on this question. This document is a timeline addressing the development of the State Department’s December 19, 2002, Fact Sheet. It was transmitted by your office via an

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<sup>4</sup> *Some Evidence on Iraq Called Fake; U.N. Nuclear Inspector Says Documents on Purchases Were Forged*, Washington Post (Mar. 8, 2003).

<sup>5</sup> Joseph Wilson, *What I Didn’t Find in Africa*, New York Times (July 6, 2003).

<sup>6</sup> *Id.*

<sup>7</sup> National Intelligence Council, *Iraq’s Continuing Program for Weapons of Mass Destruction: Key Judgements (from October 2002 NIE)* (declassified July 18, 2003) (stating that the State Department’s Bureau of Intelligence and Research concluded that the claims that Iraq sought to acquire uranium in Africa were “highly dubious”).

<sup>8</sup> White House, *Dan Bartlett and Steve Hadley Hold Press Briefing on Iraq Weapons of Mass Destruction and the State of the Union Speech* (July 22, 2003) (In this briefing, Stephen Hadley, the deputy to National Security Advisor Condoleezza Rice, conceded that the CIA sent two memos to the National Security Council, including one addressed to Ms. Rice, warning against including the claim in an October speech by the President. Mr Hadley also conceded that Director of Central Intelligence George Tenet “argued personally” to him “that the allegation should not be used”). See also *CIA Got Uranium Reference Cut in Oct.; Why Bush Cited It in Jan. Is Unclear*, Washington Post (July 13, 2003).

<sup>9</sup> *In Tenet’s Words: ‘I Am Responsible’ for Review*, New York Times (July 12, 2003).

October 30, 2003, letter to Senator Pat Roberts, chairman of the Senate Select Committee on Intelligence.

Our staff requested copies of this document in person at a meeting with officials from your office.<sup>10</sup> Your office has subsequently refused to provide the document.

We are now requesting the document under the authority of the Seven-Member Rule, which provides that “[a]n Executive agency, on request of the Committee on Government [Reform] of the House of Representatives, or of any seven members thereof . . . shall submit any information requested of it relating to any matter within the jurisdiction of the committee.”<sup>11</sup> As a federal court recently held, “[r]eading the terms of Section 2954 in their ordinary and common meaning as this Court must . . . the Court finds that the ‘Seven Member Rule’ requires an executive agency to submit all information requested of it by the Committee relating to all matters within the Committee’s jurisdiction upon the Committee’s request.”<sup>12</sup>

In this case, we are entitled to the requested information under the Seven-Member Rule because the information we seek is within the jurisdiction of the Committee on Government Reform. Under the Rules of the House of Representatives, the Committee has jurisdiction over “intergovernmental relationships . . . between the United States and international organizations of which the United States is a member.”<sup>13</sup> The State Department’s provision of false and discredited information to the United Nations clearly falls within the scope of this provision.

Moreover, as the principal investigative committee in the House, our Committee’s broad oversight jurisdiction encompasses authority to investigate “any matter” within the legislative

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<sup>10</sup> Meeting between Patricia Yorkman and Margaret Ann Linn, Office of the Inspector General, U.S. Department of State, and Minority Staff, House Committee on Government Reform (Feb. 24, 2004).

<sup>11</sup> 5 U.S.C. § 2954. The statutory language refers to the “Committee on Government Operations.” This Committee was renamed the Committee on Government Reform and Oversight in the 104<sup>th</sup> Congress and renamed the Committee on Government Reform in the 106<sup>th</sup> Congress. References in the law to the Committee on Government Operations are treated as referring to this Committee. *See References in Law to Committees and Officers of the House of Representatives*, Pub. L. No. 104-14, § 1(6), 109 Stat. 186 (1995).


<sup>12</sup> *Waxman v. Evans*, 2002 U.S. Dist. LEXIS 25975 (C.D. Cal. 2002), *vacated as moot*, 52 Fed. Appx. 84 (9<sup>th</sup> Cir. 2002), *as amended by Waxman v. Evans*, No. 02-55825 (9<sup>th</sup> Cir. Jan. 9, 2003) (order clarifying that the judgment of the district court was not reversed).

<sup>13</sup> Rule X, cl. 4(c)(1)(B).

jurisdiction of other committees so that we can make "findings and recommendations" that we report to "other standing committee[s] having jurisdiction over the matter involved."<sup>14</sup>

We ask that you provide the requested document no later than April 12, 2004.

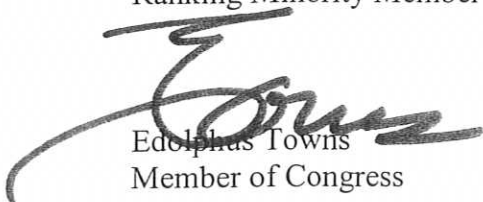
Sincerely,



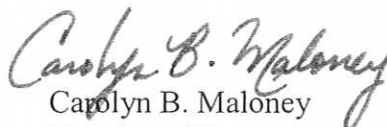
Henry A. Waxman  
Ranking Minority Member



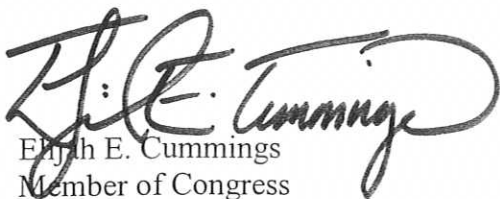
Tom Lantos  
Member of Congress



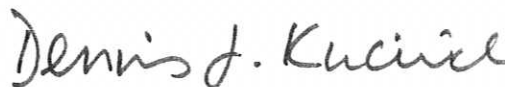
Edolphus Towns  
Member of Congress



Carolyn B. Maloney  
Member of Congress



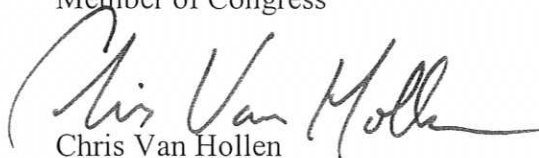
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<sup>14</sup> Rule X, cl. 4(c)(2).