

November 4, 2005

The Honorable Bill Frist  
Senate Majority Leader  
The Capitol  
Washington, D.C. 20510

The Honorable Harry Reid  
Senate Minority Leader  
The Capitol  
Washington, D.C. 20510

Dear Mr. Majority Leader and Mr. Minority Leader:

We are encouraged that the agreement reached on Tuesday has put the long-delayed Senate Select Committee on Intelligence Phase II investigation into pre-war intelligence on Iraq back on track.

As Democratic members appointed to the six-person task force to assess the progress and schedule of the Phase II investigation, we look forward to meet with our Republican colleagues on the task force to discuss the process for the prompt and thorough completion of this investigation.

The scope of the inquiry, unanimously agreed to by the Committee in February 2004, requires a thorough examination of five specific issues: 1) whether public statements prior to the war were substantiated by intelligence information; 2) the post-war findings about Iraq's weapons of mass destruction program and links to terrorism; 3) the pre-war assessments about the challenges facing our military in post-war Iraq; 4) what role the intelligence activities of the Office of Secretary of Defense for Policy played prior to the war; and 5) the use of intelligence information provided by the Iraqi National Congress.

When the Committee agreed nearly two years ago to undertake an investigation of the vitally important issues encompassed in Phase II, Chairman Pat Roberts publicly pledged to conduct a thorough review. We agree with the Chairman's commitment.

If the Committee is to keep its pledge to the Senate and the American people and answer the difficult yet necessary questions about the production and use of our pre-war intelligence, it is essential that the Phase II investigation be thorough and that the Committee's findings on all five areas of inquiry be released promptly. We cannot allow the long delay in proceeding forward with Phase II to compromise the quality of our investigation.

As you know, the Committee's only Phase II business meeting took place over five months ago. At the May 17, 2005 business meeting, we repeatedly urged the Chairman to move forward on the work and to finish the investigation in a timely manner. In order that the record may be set straight on this point, we call upon Chairman Roberts to release the transcript of the May 17<sup>th</sup> meeting since his publicly stated version of what happened at the meeting is different from what occurred.

Regrettably, nearly two years after the Committee's decision to perform the Phase II investigation, not a single page of the draft Phase II report has been presented to Committee members to review. The public pronouncement of Chairman Roberts earlier this year that the Phase II work was "on the backburner" has been unfortunately accurate, as you can see from the attached chart summarizing the progress to date in completing each of the five areas of investigation.

The Senate Intelligence Committee set a high standard in producing and unanimously approving the Phase I report in July of last year. The findings and recommendations of that report were an important impetus leading to landmark legislation reforming the United States Intelligence Community.

Consistent with the Committee's regular order on investigations, this first Iraq report was the product of extensive interviews and document review. Committee members and staff were given reasonable opportunities to review the draft sections of the report early in the process and to provide input and suggest changes to the report. As the Committee had done in each of its earlier intelligence investigations, the report that was eventually approved and released in July 2004 reflected this inclusive approach.

The Phase II investigation is an equally substantial task, and it is important for the Committee to approach it with the same process. We cannot produce a report that will be viewed as a whitewash of the facts.

In undertaking the charge before us, we should not ignore recent revelations that the Administration may have intentionally withheld critical documents from the Committee during its Phase I investigation.

We are specifically referring to information contained in the Silberman-Robb Weapons of Mass Destruction Commission report highlighting the fact that revealing documents relating to the intelligence source named "Curveball" were not provided to the Committee during its investigation and last week's National Journal article which reports

that Vice President Dick Cheney and his Chief of Staff I. Lewis “Scooter” Libby overruled White House lawyers and withheld documents from the Committee.

The Committee should not tolerate or ignore the withholding of documents that are at the heart of our Iraq investigation. We believe it is essential that these matters be addressed as well by the Committee in the completion of its investigation.

In closing, we want to associate ourselves with the statement made by Chairman Roberts twenty months ago in announcing the Committee’s decision to undertake a Phase II investigation:

“The resolution adopted unanimously today illustrates the commitment of all members to a thorough review, to learning the necessary lessons from our experience with Iraq, and to ensuring that our armed forces and policymakers benefit from the best and most reliable intelligence that can be collected.”

We believe that only by promptly producing a thorough and complete report will the Committee fulfill the promise it made to the American people and help answer the troubling questions surrounding the use of intelligence in the months leading up to our Nation’s decision to go to war. America needs to know whether the public statements of policymakers before the war were substantiated by the intelligence.

Sincerely,

John D. Rockefeller IV

Carl Levin

Dianne Feinstein

Attachment: Chart summarizing the progress to date in completing each of the five Phase II tasks.