

**DELIBERATING PREVENTATIVE WAR:
THE STRANGE CASE OF IRAQ'S
DISAPPEARING NUCLEAR THREAT**

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The Bush administration's "war on terrorism" has been waged using a diverse array of military and non-military policy instruments. While the armed conflict in Afghanistan initially attracted the most attention, the anti-terror effort has also emphasized more vigorous intelligence gathering and worldwide sharing of information, new and contentious law enforcement initiatives, and increased monitoring of financial transactions and banking practices. However, the most controversial "weapon" in the war on terror is the "preemptive war" option mentioned almost in passing by the President in a commencement address at West Point in June 2002¹ and without extensive explanation in the September 2002 document issued by the White House, "The National Security Strategy of the United States of America" (NSS 2002).² Former Secretary of State Colin Powell, in fact, condemns the Bush administration's domestic and foreign critics for over-emphasizing the importance of preemptive use of force in the foreign policy toolkit. Powell boasts that NSS 2002 is a "remarkably candid" public pronouncement of U.S. strategy, but worries that American policy has been misunderstood and distorted by domestic and foreign critics.³ According to the ex-Secretary of State, every U.S. President has retained the option of preemptive war to address certain kinds of threats. The novelty in this case, says Powell, is the explicit public declaration of the strategy.⁴

However, the former Secretary greatly understates the unique nature of the Bush administration's preemption strategy. It is true that U.S. Presidents, as well as the leaders of other states, have long held the legal option to utilize preemptive force in self-defense. However, as NSS 2002 boldly declares, the U.S. now asserts that traditional understandings of international law pertaining to the potential defensive use of military force are flawed. Historically, a state could legitimately launch a preemptive attack when facing "visible mobilization of armies, navies and air forces preparing to attack."⁵ Such tangible evidence would indicate the existence of an imminent threat. The Bush administration rejects this traditional view because terrorists are prepared to strike without warning against innocent civilians. Administration officials are especially worried about potentially undeterrable threats posed by the proliferation of unconventional weapons to hostile regimes working with terrorists of global reach. Because of the apparently changed circumstances justifying American attack, the military strategy that the Bush administration publicly advocates to meet such contemporary threats is not the same form of preemption that political leaders have previously and privately held in reserve.

Clearly, by making the preemptive attack option publicly explicit, and by openly attempting to alter the standards justifying the use of force in self-defense, the Bush administration has initiated an intense debate about this aspect of its anti-terror strategy. Many experts claim that the U.S. has now embraced a strategy more akin to preventive war, which has long been viewed as illegal under international law.⁶ Numerous outspoken critics additionally worry that the new standard sets an extremely risky precedent for international politics. Historian Paul Schroeder offered a sweeping indictment, charging that:

A more dangerous, illegitimate norm and example can hardly be imagined. As could easily be shown by history, it completely subverts previous standards for judging the legitimacy of resorts to war, justifying any number of wars hitherto considered unjust and aggressive. . . . It would in fact justify almost any attack by any state on any other for almost any reason. This is not a theoretical or academic point. The American example and standard for preemptive war, if carried out, would invite imitation and emulation, and get it.⁷

Critics fear that states like India, Israel and Russia might embrace the new logic of preemption and employ it to justify attacks on various foes. This would likely make the world much more dangerous. Political scientist John Mearsheimer additionally argues that the Bush government's confounding of the terms "preemption" and "prevention" has great rhetorical and normative significance and was undoubtedly crafted to influence the public debate in a favorable direction: "The Bush Administration has gone to great lengths to use 'pre-emption' when what it's really talking about is 'preventive' war. Language matters greatly. It lends legitimacy to the administration's case. Saying it's a 'pre-emptive' war gives it a legitimacy that you don't get if you say it's a 'preventive' war."⁸

The administration, of course, stirred up intense domestic and international criticism for its decision to employ the new military strategy against Iraq, a nation with no apparent ties to the 11 September 2001 attacks against the United States.⁹ President Bush spent much of 2002 focusing the "war on terror" on Iraq and building support for the plan to topple Saddam Hussein's government by force. In January of that year, Bush controversially claimed that Iraq, Iran, North Korea, and affiliated terrorist groups were part of an "axis of evil" that posed a "grave and growing danger" because of their pursuit of "weapons of mass destruction."¹⁰ In February 2002, Bob Woodward of the *Washington Post* quoted the President as saying on 17 September 2001, "I believe Iraq was involved [in the 9/11 attacks], but I'm not going to strike them now."¹¹ Then, in a speech before the United Nations General Assembly in September of that year, Bush specifically called Iraq under Saddam Hussein's rule a "great and gathering danger" because of

his apparent pursuit of “weapons of mass murder.”¹² Throughout fall 2002, Bush often linked Iraq and the al-Qaida terrorists that perpetrated the 9/11 attacks. “The danger,” he argued, “is that they work in concert. The danger is, is that al Qaeda becomes an extension of Saddam’s madness and his hatred and his capacity to extend weapons of mass destruction around the world. Both of them need to be dealt with. . . . [Y]ou can’t distinguish between al Qaeda and Saddam when you talk about the war on terror.”¹³ A few weeks later, referencing fears that Iraq was acquiring nuclear weapons, Bush explicitly invoked the administration’s logic justifying early attack: “Facing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud. We cannot stand by and do nothing while dangers gather.”¹⁴

Administration critics claim that the failure to find nuclear, biological, or chemical weapons in Iraq quite strongly suggests that the administration distorted the prewar debate about Iraq. This is a very serious concern. Government participants in national security debate can undercut the purpose of public deliberation by employing what communications scholar Gordon Mitchell calls “strategic deception.”¹⁵ Such governmental trickery is troublesome on matters of war and peace because official participants in public debates about national security policy have substantial advantages over non-governmental participants. Their job titles grant them authority and credibility, which is further secured by their unique access to classified information.¹⁶ Public debate about national security will be greatly distorted in their favor if authoritative figures exploit their advantages by dubiously overemphasizing evidence that supports their arguments and by ignoring and/or blocking the release of countervailing evidence and caveats. Many political theorists and analysts argue that open and inclusive political debate rewards the ideas that best withstand critical scrutiny in the political marketplace.¹⁷ Indeed, this is a position often taken by classic liberal theorists like John Stuart Mill and Frankfurt-school critical theorists such as Jürgen Habermas. The evidence presented in this chapter substantiates the great danger of distorted debate about the alleged need for preventive war.

In the following pages, I first argue that Bush administration officials clearly recognized the potential risks posed by the new preventive military intervention strategy and thus sought to establish deliberative standards for implementing the policy. Indeed, the standards they put forward would appear to be very difficult to meet in the future and may make Iraq an historically unique case. Next, in the longest portion of the chapter, I demonstrate that the Bush administration’s public justifications for attacking Iraq because of its alleged nuclear capabilities were apparently distorted in a number of very important ways. These distortions undercut the deliberative ideals advanced by the Bush administration and provide fertile ground for critics of U.S. policy. Additionally, the virtually inevitable and ongoing revelation of these distortions

serves to invite even greater public scrutiny of potential future U.S. applications of preventive strategies against other threatening adversaries. Indeed, these distortions might well make it unlikely that the U.S. can employ preemption, as it has been historically understood, even when facing serious risk of attack.¹⁸ Thus, I conclude by outlining the possible adverse security implications associated with the public declaration of an empty doctrine.

THE LIMITS OF PREVENTIVE WAR

Official public justifications emanating from the Bush White House have attempted to limit significantly the prospective applicability of the new military strategy, despite public boasts that the country's "best defense is a good offense."¹⁹ The administration seems to recognize the potential danger of tampering with international standards justifying preemptive war. This section will summarize the parameters U.S. policymakers have sought to establish on the future employment of the new strategic doctrine.

To begin, NSS 2002 bluntly warns other states not to "use preemption as pretext for aggression."²⁰ In the NSS document and elsewhere, U.S. officials have therefore sought to establish fairly clear standards for justifying preventive attack that intentionally serve to narrow its potential applicability. Put simply, the administration promises to use force only as a last resort, after working with U.S. allies to establish the existence of a very grave threat that cannot be addressed in any non-military fashion.²¹ The administration's political machinations vis-à-vis Iraq during 2002 and early 2003 also signal the importance the Bush White House places on public justification of its case for preemptive war. As NSS 2002 asserts in regard to potential applications of the preemptive option, "the reasons for our actions will be clear."²² In September and October 2002, the President himself delivered widely broadcast and discussed speeches to the United Nations and to the American public. Eventually, in early February 2003, Secretary of State Colin Powell was sent to the United Nations to present America's best intelligence evidence about Iraq's misdeeds, in the obvious hope of winning broad political support both at home and abroad.

The NSS document says, "The United States will not use force in all cases to preempt emerging threats. . . . We will always proceed deliberately, weighing the consequences of our actions." The strategic plan further notes that the U.S. will "coordinate closely with allies to form a common assessment of the most dangerous threats."²³ According to then-National Security Advisor Condoleezza Rice, the new military strategy requires the U.S. to pursue diplomatic solutions with the potential targets of attack, until it becomes apparent that those options will fail. In fact, in a public address before The Manhattan Institute for Policy Research delivered shortly

after NSS 2002 was published, Rice offered an impressive list of caveats to the preventive strategy:

This approach must be treated with great caution. The number of cases in which it might be justified will always be small. It does not give a green light—to the United States or any other nation—to act first without exhausting other means, including diplomacy. Preemptive action does not come at the beginning of a long chain of effort. The threat must be very grave. And the risks of waiting must far outweigh the risks of action.²⁴

On a number of occasions, Secretary of State Powell indicated that the case for using force against Iraq was unique precisely because of the prior twelve years of failure to achieve diplomatic success, combined with Iraq's horrible compliance record on a lengthy list of UN Security Council resolutions. The Bush administration's ability to achieve unanimous support for UN Security Council Resolution 1441 convinced many observers that the U.S. view of the Iraq crisis was widely shared. However, the administration and its British allies ultimately failed to win a second UN Security Council resolution backing war against Iraq. France, Germany, and Russia, for example, managed to send repeated and clear signals about their dissent.²⁵ These states were content to let ongoing weapons inspections take their course.

Even as the Iraq debate raged, however, the U.S. fairly clearly indicated that it had strong reservations about the application of the preventive military strategy to additional states. Secretary Powell, for instance, reassured the American people and the rest of the world that the U.S. did not have a "cookie cutter policy for every situation" and would vigorously pursue diplomatic solutions rather than attack North Korea and Iran in regard to their apparent efforts to acquire nuclear weapons.²⁶ Evidently, U.S. policymakers did not think that all measures short of using force had been exhausted in these cases. Cynics might point out that it would be materially quite difficult to attack either North Korea or Iran with large number of active forces deployed (or otherwise committed to troop rotations) in Afghanistan and Iraq. Still, the political implications are significant. If the U.S. does not plan to use military force against two-thirds of the "axis of evil" states, each with relatively advanced nuclear capabilities that gained renewed attention as the U.S. was pushing toward war in Iraq, it is difficult to imagine another viable target state.

Moreover, even in the case of Iraq, the U.S. claimed for many months that it would employ force only reluctantly and would prefer a non-military solution. While the U.S. ultimately used force against Iraq without explicit UN Security Council authorization, President Bush initially claimed not to have made up his mind about the appropriate action necessary to address Iraq's threat. Arguably, in making such a claim and attempting to "sell" the need for war against

Iraq, U.S. officials implicitly established the need for public deliberation. More explicitly, starting in September and throughout the fall of 2002, the President and other officials called for public and political debate about U.S. policy toward Iraq. The President, for instance, actively sought input from the Congress, even as the overwhelming majority of its members were engaged in reelection efforts. In a letter dated 3 September 2002, the President wrote to members of Congress, “This is an important decision that must be made with great thought and care. Therefore, I welcome and encourage discussion and debate.”²⁷ That same week, the President remarked at a political campaign stop that he wanted to provoke an even broader “debate . . . to encourage the American people to listen to and have a dialog about Iraq. . . . I want there to be an open discussion about the threats that face America.”²⁸ The Congress obliged the President’s request by conducting nearly a week of floor debate during fall 2002.

The public deliberation, naturally, included citizens talking with each other on coffee breaks and across dinner tables as well as various foreign policy elites attempting to influence the wider public throughout assorted mass media. After former Republican House Majority Leader Dick Armey (R-TX) publicly questioned the need to attack Iraq without provocation, Defense Secretary Donald H. Rumsfeld declared, “I think it’s important for people to say what they think on these things. And that’s the wonderful thing about our country. We have a public debate and dialogue and discussion on important issues.”²⁹ Perhaps to signal that the U.S. administration did not merely see the need to engage the domestic electorate, President Bush also sought input from the international community, especially the leadership of other prominent states, such as fellow permanent UN Security Council members China, France, Great Britain and Russia. “The international community must also be involved,” declared the President. “I have asked [British] Prime Minister Blair to visit America this week to discuss Iraq. I will also reach out to President Chirac of France, President Putin of Russia, President Jiang of China, and other world leaders.”³⁰

The Bush administration proved to be a vigorous participant in the public debates about both the prevention strategy and its apparent application to Iraq. Nonetheless, based upon what numerous public officials said about Iraq, it would be difficult to imagine that other potential cases will easily meet the criteria for the revised version of preemptive war. Foreign policy officials, including the President, explicitly and implicitly imposed significant limits on the application of the new strategy. Preventive use of force must be the last resort against an internationally agreed grave threat and it must follow tireless diplomatic efforts. The U.S. has already announced, as evidence of North Korean and Iranian nuclear proliferation mounts, that it seeks non-military solutions to the threats emanating from the other members of the axis of evil.

Perhaps most importantly, government officials by their words and deeds instilled a deliberative standard for preventive military attacks.

Some onlookers, euphoric about the immediate military successes, wanted the U.S. to push ahead and confront Syria in the first weeks of the Iraq war. Cooler heads obviously prevailed and the growing strength of the insurgency in Iraq tempered even the most vocal war enthusiasts. However, the lack of significant public debate about Syria may also have played a meaningful role in limiting the combat to Iraq. George Herbert Walker Bush's former Secretary of State, Lawrence Eagleburger, told the BBC at the time that the American political system, which requires public input into such policy choices, precluded this exact possibility: "If George Bush (Jr) decided he was going to turn the troops loose on Syria and Iran after that he would last in office for about 15 minutes. In fact if President Bush were to try that now even I would think that he ought to be impeached. You can't get away with that sort of thing in this democracy." Eagleburger added that the idea was "ridiculous," given the "furor" that preceded the Iraq war, and that "public opinion and the public, still, on these issues rules."³¹

BACKGROUND TO THE IRAQ WEAPONS DEBATE

The primary rationale for the U.S. attack on Iraq was Saddam Hussein's alleged nuclear, chemical and biological weapons stockpiles and programs. Iraq's suspected connections to international terrorism also played a secondary role in justifying U.S. action, but the attack was not sold primarily as a humanitarian or democratizing mission, even though Hussein was a horrible tyrant. Former Deputy Secretary of Defense Paul Wolfowitz, widely viewed as one of the key policy architects of the war, told an interviewer that "the criminal treatment of the Iraqi people . . . is a reason to help the Iraqis but it's not a reason to put American kids' lives at risk, certainly not on the scale we did it." Wolfowitz, describing the dynamics and arguments advanced in the internal discussion, further acknowledged that Iraq's alleged links to external terrorism was the rationale presenting "the most disagreement within the bureaucracy."³² Iraq, of course, has not been implicated in the 9/11 terrorist attacks, and very little evidence tied Saddam Hussein to al-Qaida. Ultimately, the National Commission on Terrorist Attacks Upon the United States (commonly known as the 9/11 Commission) reported in summer 2004 that "to date we have seen no evidence that these or the earlier contacts [between Iraqi officials and al-Qaida members] ever developed into a collaborative operational relationship. Nor have we seen any evidence indicating that Iraq cooperated with al-Qaida in developing or carrying out any attack against the United States."³³ Thus, it should not be surprising that the Bush administration, in the words of Paul Wolfowitz, "settled on the one issue that everyone could agree on which was

weapons of mass destruction as the core reason” for war.³⁴ Secretary Powell made an even stronger statement about the centrality of this rationale in October 2002, in a nationally televised interview: “All we are interested in is getting rid of those weapons of mass destruction. We think the Iraqi people would be a lot better off with a different leader, a different regime, but the principal offense here are weapons of mass destruction . . . the major issue before us is disarmament.”³⁵ Additionally, in his last pre-war press conference in March 2003, President Bush bluntly declared, “Our mission is clear in Iraq. Should we have to go in, our mission is very clear: disarmament.”³⁶

Despite the administration’s numerous assertions about great and growing threats from Iraqi arsenals, many more of which will be highlighted below, it now looks as if the case for attacking Iraq was built upon various distortions of the public debate. Put simply, the world’s most dangerous weapons seem not to have been present in Iraq.

Obviously, a comprehensive review of the quality of the pre-war intelligence data about Iraq’s unconventional weapons would take much more space than is available here. The U.S. Senate Select Committee on Intelligence, for example, issued a 511 page report on this topic in July 2004 and the final report of the U.S. weapons search team in fall 2004 includes more than 1000 pages. The next section of this chapter will focus on the major public distortions of the intelligence about alleged Iraqi nuclear weapons, which were arguably the most egregious points raised in the debate. The emphasis will be on the way the Bush administration publicly employed the information available to it, rather than on the accuracy of the intelligence itself. However, it should certainly be noted that an array of governmental and nongovernmental agencies, as well as various academics and journalists, have reviewed the pre-war intelligence data and have concluded that it was rife with substantial errors that inflated the threat. For example, the systematic evaluation of the pre-war intelligence about Iraq’s alleged unconventional weapons and terrorist connections by the Senate Select Committee on Intelligence found that the information was quite flawed. Put simply, Iraq did not have threatening stockpiles and there was very little reason to believe that it would have worrisome programs in the foreseeable future. The Committee devoted substantial attention to the National Intelligence Estimate (NIE) dated 1 October 2002, which was the most important summary of pre-war data prepared by the intelligence community and made available to American policymakers:

The major key judgments in the NIE, particularly that Iraq “is reconstituting its nuclear program,” “has chemical and biological weapons,” was developing an unmanned aerial vehicle (UAV) “probably intended to deliver biological warfare agents,” and that “all key aspects—research & development (R&D), production,

and weaponization—of Iraq’s offensive biological weapons (BW) program are active and that most elements are larger and more advanced than they were before the Gulf War,” either overstated, or were not supported by, the underlying intelligence reporting provided to the Committee.³⁷

The Senate Committee additionally concluded that the intelligence community’s conclusions reflected pessimistic biases and serious mistakes of tradecraft. Moreover, the NIE did not adequately explain the uncertainties surrounding the quality of the evidence. Analysts from the Carnegie Endowment for International Peace and other nongovernmental organizations that have reviewed the publicly available data also concluded that the case for war against Iraq was built on very weak evidence.³⁸

After more than 18 months of ongoing U.S. government inspections by hundreds of highly trained personnel, the Iraq Survey Group turned up evidence only of “dozens of weapons of mass destruction-related program activities” rather than actual Iraqi weapons or weapons-production infrastructure.³⁹ The original chief weapons inspector, David Kay, left Iraq in December 2003 and resigned his position a month later. Kay apparently considered the search to be a pointless waste of time. He subsequently gave numerous interviews and speeches stating that Iraq had no weapons to find and that an enormous pre-war intelligence failure occurred. In July 2004, Kay declared that the Bush administration should abandon its “delusional hope” of finding such weapons in Iraq.⁴⁰ Finally, on 30 September 2004, Kay’s replacement, Charles Duelfer, presented the *Comprehensive Report of the Special Advisor to the DCI on Iraq’s WMD*.⁴¹ While Duelfer emphasizes that Saddam Hussein very badly wanted various unconventional weapons, and that corruption in the oil-for-food program may have provided an economic resource base to develop such arms in the future, the regime destroyed its chemical stockpile and ended its nuclear program in 1991. It then abandoned its biological program in 1996 after the destruction of the key research facility. Duelfer’s report also concluded that Hussein wanted such weapons to assure Iraq’s position in the region and to threaten Iran, not to attack the US.

Given that the intelligence under girding the central argument for war was fatally flawed, the public debate about the need for war was bound to be greatly distorted. Under ordinary circumstances, third party observers should perhaps absolve errors made by any administration that relies upon faulty information, so long as it uses the best available data in a manner that reflects good faith. How can policymakers, after all, be blamed as consumers for the errors of those that produce the poor intelligence? In the pages to follow, on the other hand, I argue that the Bush administration knowingly overstated some of the intelligence community’s most important assessments of the Iraqi threat and also employed dubious rhetorical strategies that ultimately

served to over-emphasize alleged weapons developments in the public debate. This had a serious negative effect on the public deliberations.

DEBATE DISTORTED: THE INFLATION OF THE NUCLEAR THREAT

As former intelligence analyst and National Security Council staffer Kenneth M. Pollack has argued, Iraq's alleged nuclear program "was the real linchpin of the Bush Administration's case for an invasion."⁴² Indeed, a recent scholarly study found that many members of Congress "gave the nuclear threat as the main or one of the main reasons for their votes" supporting the war resolution in October 2002.⁴³ Yet, it now seems virtually certain that the administration publicly exaggerated the status of the Iraqi nuclear program. Officials also strategically manipulated their pre-war rhetoric about the Iraqi threat so as to mislead the general public and mass media. This often meant, for instance, blurring certain kinds of policy distinctions that would otherwise have suggested greater caution in the pathway to war. In many cases, moreover, it meant emphasizing the strong certainty rather than the real ambiguity about key evidence and thus implying the worst about the Iraqi threat.

Though the Bush administration apparently started planning for war against Iraq soon after the 9/11 attacks, and frequently claimed that the ongoing "war on terror" would have to include states like Iraq that allegedly sponsored terrorism, it began the serious public discussion about Iraq threats in late summer 2002. On 26 August 2002, for example, Vice President Dick Cheney delivered a widely noted speech to the Veterans of Foreign Wars. In that address, Cheney declared with great certainty that "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."⁴⁴ This comment *preceded by about five weeks the production of the NIE* that was later carefully scrutinized by the Senate Intelligence Committee. Soon, the image of a potential "mushroom cloud" caused by an Iraqi bomb was invoked prominently by both the President and by the National Security Advisor, Condoleezza Rice. While President Bush used the phrase in his 7 October 2002, speech in Cincinnati, Rice made worldwide headlines when she uttered these words in an interview with CNN on 8 September 2002: "The problem here is that there will always be some uncertainty about how quickly he [Saddam Hussein] can acquire nuclear weapons. But we don't want the smoking gun to be a mushroom cloud."⁴⁵ Again, Rice's comments *preceded the production of the NIE* by many weeks.

The administration strongly implied that the worst fears were related to very real threats. The President himself declared in mid-September: "Should his [Saddam Hussein's] regime acquire fissile material, it would be able to build a nuclear weapon within a year."⁴⁶ Just days

before the war was launched, on the Sunday morning NBC television program “Meet the Press,” Vice President Cheney told journalist Tim Russert that Saddam Hussein “has been absolutely devoted to trying to acquire nuclear weapons. And we believe he has, in fact, reconstituted nuclear weapons.”⁴⁷ Altogether, these various statements surely helped create the very strong and false impression that Iraq had an active and dangerous nuclear weapons program that was precariously close to success. According to USA Today/CNN/Gallup national poll conducted 31 January to 2 February 2003, just after the President’s “State of the Union” address, 28% of the respondents were “certain” that “Iraq has nuclear weapons,” while another 49% said that it was “likely, but not certain.”⁴⁸

However, the nuclear threat was not nearly as grave as the administration suggested—and this was fairly well known to foreign policy elites prior to the war. Indeed, before the terror attacks of 9/11, and thus before the fall 2002 buildup to war, some prominent Bush administration officials had publicly asserted that Iraq had not developed threatening programs. Secretary of State Powell, for example, noted in early 2001 that “the sanctions exist—not for the purpose of hurting the Iraqi people, but for the purpose of keeping in check Saddam Hussein’s ambitions toward developing weapons of mass destruction. . . . And frankly they have worked. He has not developed any significant capability with respect to weapons of mass destruction.”⁴⁹ Condoleezza Rice, while serving in 2000 as George Bush’s primary foreign policy advisor, had written in *Foreign Affairs* that “rogue regimes” like Iraq were “living on borrowed time, so there need be no sense of panic about them. Rather, the first line of defense should be a clear and classical statement of deterrence—if they do acquire WMD, their weapons will be unusable because any attempt to use them will bring national obliteration.”⁵⁰ These were bold statements not only about Iraqi incapability, but also about the unimportance of Iraqi threats even if the regime had developed nuclear capabilities.

How could these Bush administration advisors and officials have made such definitively dismissive statements about Iraqi weapons? Put simply, they apparently relied upon the latest information produced by the intelligence community, which did not believe Iraq was a serious threat. As recently as December 2001, the pertinent NIE declared that “Iraq did not appear to have reconstituted its nuclear weapons program.”⁵¹ According to the Senate Intelligence Committee, this same finding appeared in various yearly reports from 1997, until drafts of the 2002 NIE were circulated around the intelligence community in late September of that year. It seems quite clear, in retrospect, that intelligence sources depended greatly upon the international weapons inspectors who were in Iraq through the end of 1998, when they were asked to withdraw by the Clinton administration so the U.S. could commence bombing.⁵² Working with UNSCOM

(the United Nations Special Commission), which was established in 1991 after the Persian Gulf War, the International Atomic Energy Agency (IAEA) had essentially completed its nuclear disarmament mission in Iraq by December 1998:

By the time the inspectors were withdrawn, the IAEA had been able to draw a comprehensive and coherent picture of Iraq's past nuclear weapons programme, and to dismantle the programme. The IAEA had destroyed, removed or rendered harmless all of the physical capabilities of Iraq to produce amounts of nuclear-weapons-usable nuclear material of any practical significance.⁵³

In short, the IAEA found by the time of its withdrawal on 16 December 1998, that Iraq had "significant hurdles" to clear before it could build a nuclear device. The various conclusions were quite authoritative. In addition to overseeing the destruction of Iraq's gas centrifuge program that had been designed for enriching uranium, the IAEA concluded that "all nuclear material of significance to Iraq's nuclear weapons programme was verified and fully accounted for, and all nuclear-weapons-usable nuclear material (plutonium and high enriched uranium) was removed from Iraq." Furthermore, "There were no indications that there remained in Iraq any physical capability for the production of amounts of nuclear-weapons-usable nuclear material of any practical significance." Perhaps most startling, at least politically, Iraq's official disclosures about its nuclear program matched the IAEA findings. Iraq was a disarmed nuclear state almost completely in compliance with its international obligations by 1999. Moreover, even after IAEA inspectors withdrew from Iraq in 1998, they were able over the next four years to confirm the continued sealed status of Iraq's known nuclear materials (such as its stores of non-enriched uranium).

The intelligence thus supported the statements by Rice and Powell in 2000 and 2001, which dismissed the threats from Iraqi nuclear, chemical and biological weapons. How then did members of the Bush administration come to make the very frightening claims documented above about Iraq's nuclear program? Did any new information about Iraq's arms support new interpretations of the threat? Arguably, this is precisely what happened. The U.S. intelligence community's assessments did not dispute the IAEA's successes in Iraq or state that the country was making progress on its nuclear program until the 2002 NIE.⁵⁴ That assessment, however, published 1 October 2002, completely reversed course and found that "Baghdad began reconstituting its nuclear program shortly after the departure of UNSCOM inspectors in December 1998." Since the NIE reports over the previous five years had suggested that Iraq might be able to build a nuclear bomb within five to seven years once its program was reconstituted, this was a potentially earth-shattering declaration. Moreover, the NIE had with

“high confidence” concluded that Iraq was “continuing, and in some areas expanding” its various arms programs and that the intelligence community was not fully able to detect “portions of these weapons programs.”⁵⁵

Iraq’s disarmament was not clearly apparent to U.S. officials until well after the war’s early goals had been achieved and the U.S. and its coalition partners occupied Baghdad. American weapons inspectors returned to Iraq in March and April 2003, in the form of the 75th Exploitation Task Force and as covert Task Force 20. These groups were succeeded and supplemented, respectively, by the larger Iraq Survey Group in June 2003. Only after months of inspections did it become evident to these agencies and inspectors that Saddam Hussein had not, in fact, made meaningful progress towards a nuclear program—nor really to any significant unconventional weapons program. David Kay testified about the nuclear dimension for the Iraq Survey Group in October 2003: “[W]e have not uncovered evidence that Iraq undertook significant post-1998 steps to actually build nuclear weapons or produce fissile material.”⁵⁶ Kay added in January 2004 that Iraq’s “program-related” activity in this area merely involved the construction of new buildings that could eventually host a nuclear program. “It was not a reconstituted, full-blown nuclear program.”⁵⁷ Charles Duelfer’s fall 2004 report goes much further, finding that Iraq’s ability even to reconstitute a nuclear weapons program “progressively decayed” after 1991, when Saddam Hussein ended Iraq’s program.⁵⁸

This timeline, of course, is missing some critical information that undermines the credibility of the Bush administration’s pre-war statements. Most importantly, *many of the most politically charged and definitive statements occurred before the intelligence community produced a new report*. Thus, the administration’s public assessments of the Iraq nuclear program were substantially different from the secret December 2001 NIE, and may have served to shape the later NIE. Democratic Senators John D. Rockefeller, Carl Levin and Richard Durbin noted the importance of the timing in their addendum to the 2004 Senate Intelligence Committee Report: “In the months before the production of the Intelligence Community’s October 2002 Estimate, Administration officials undertook a relentless public campaign which repeatedly characterized the Iraq weapons of mass destruction program in more ominous and threatening terms than the Intelligence Community analysis substantiated.” The senators added, “These high-profile statements . . . were made in advance of any meaningful intelligence analysis and created pressure on the Intelligence Community to conform to the certainty contained in the pronouncements.”⁵⁹

Moreover, even in October 2002, the intelligence community did not think that Iraq had a nuclear weapon, nor was it likely to acquire one any time soon. The threat was not imminent. The National Intelligence Officer for Strategic and Nuclear Programs told the Senate Intelligence

Committee that Iraq had not fully reconstituted its nuclear program immediately after the inspections ended in 1998 and that the “five to seven year clock” on Iraq’s nuclear capability did not start running until 2002. As a result, the same NIE noted with “moderate confidence” that “Iraq does not have a nuclear weapon or sufficient material to make one but is likely to have a weapon by 2007 to 2009.”⁶⁰ The NIE also included “alternative views” of some of the agencies that helped put together the intelligence assessment. The State Department’s Bureau of Intelligence and Research (INR) was “unable to predict when Iraq could acquire a nuclear device or weapon,” but argued that it was not persuaded by the key pieces of evidence thought to be critical to the changed assessment.⁶¹ Below, this internal dissent will be discussed in more detail. Note, however, that Senators Rockefeller, Levin and Durbin allege that “the qualifications the Intelligence Community placed on what it assessed about Iraq’s links to terrorism and alleged weapons of mass destruction were spurned by top Bush Administration officials.”⁶²

Also missing from the narrative is the return of IAEA inspectors to Iraq in late 2002 and through March 2003. These international nuclear weapons inspectors operated freely in pre-war Iraq and visited over 140 Iraqi sites looking for signs of nuclear activity. IAEA inspectors also conducted interviews with Iraqi scientists and other personnel of interest and reviewed a significant amount of written documentation related to Iraq’s nuclear program that was provided by the regime. Thus, it is very significant that before the war began, the IAEA concluded that Iraq had no nuclear program. In January 2003, agency director Mohamed ElBaradei told the United Nations Security Council, “We have to date found no evidence that Iraq has revived its nuclear weapon programme since the elimination of the program in the 1990’s.”⁶³ By 7 March 2003, ElBaradei was able to further cement this finding: “After three months of intrusive inspections, we have to date found no evidence or plausible indication of the revival of a nuclear weapon program in Iraq.”⁶⁴ While Vice President Cheney sometimes publicly disparaged the work of the IAEA, the administration offered no detailed public critique of these pre-war inspections and continued to rely upon the work of the IAEA to assure nonproliferation goals in North Korea and Iran.⁶⁵ As noted above, U.S. intelligence agencies were quite dependent upon on-site inspections from Iraq throughout the 1990s. Moreover, these inspections should have been highly credible. As Kenneth Pollack succinctly noted, “nuclear-weapons production is extremely difficult to conceal.”⁶⁶

DISTORTING THE DETAILS

The Bush administration overstated the intelligence about a number of specific elements of the Iraqi nuclear program. For example, in his September speech to the UN, President Bush

referenced Iraq's apparent pursuit of aluminum tubes in the global marketplace, which Bush alleged would be "used to enrich uranium for a nuclear weapon." In the following sentence, the President implied that this was a particularly urgent problem: "Should Iraq acquire fissile material, it would be able to build a nuclear weapon within a year."⁶⁷ That same month, Condoleezza Rice declared that these tubes were "only really suited for nuclear weapons programs, centrifuge programs."⁶⁸ In an apparent reference to these tubes, Vice President Cheney, just days before the first anniversary of the 11 September attacks, declared on *Meet the Press*: "[W]e do know, *with absolute certainty*, that he [Saddam Hussein] is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon."⁶⁹ While Iraq apparently sought thousands of aluminum tubes that might withstand great heat and stress, the American intelligence community was not uniformly convinced that these tubes were sought to build nuclear weapons. Their 81mm diameter and one meter length arguably made them a poor fit for enriching uranium, but they did seem appropriate for a 1950s-era centrifuge design. Eventually, Department of Energy analysts discovered that the tubes were a perfect fit for their well-known 81mm conventional rocket program and that Iraq had literally tens of thousands of these tubes in its arsenal during the previous decade. In January 2003, former IAEA weapons inspector David Albright, who in the words of *The Washington Post*, "has investigated Iraq's past nuclear programs extensively," told that paper that the information about the tubes appeared to serve only the administration's political goals: "In this case, I fear that the information was put out there for a short-term political goal: to convince people that Saddam Hussein is close to acquiring nuclear weapons."⁷⁰

Within the US, both the Department of Energy's Office of Intelligence and the State Department's Bureau of Intelligence and Research concluded before the war that the tubes were "probably not intended for a nuclear program."⁷¹ The IAEA physically inspected the aluminum tubes and concluded in March 2003 that "Extensive field investigation and document analysis have failed to uncover any evidence that Iraq intended to use these 81mm tubes for any project other than the reverse engineering of rockets."⁷² Moreover, the IAEA found that even if Iraq had tried to make these poorly sized tubes work in some kind of uranium enrichment process, "it was highly unlikely that Iraq could have achieved the considerable re-design needed to use them in a revived centrifuge programme." U.S. intelligence services learned in February 2003 that the aluminum tubes were, as Iraq had declared, exactly like the tubes it had used earlier for its rocket program.⁷³ In January 2004, David Kay testified that it was "more than probable" that the aluminum tubes were intended for a conventional missile program rather than a centrifuge.⁷⁴

Secretary of State Powell presented similarly weak intelligence about Iraq's nuclear program in his widely acclaimed presentation to the United Nations Security Council. The speech was designed to present the administration's best evidence about Iraqi threats and was thoroughly vetted by the CIA and the State Department's INR, which was perhaps the internal agency most skeptical about Iraq's weapons capabilities. Indeed, INR sought the removal of dozens of "incorrect or dubious claims" from the speech draft and later reported that 28 were either deleted or changed to eliminate its concerns.⁷⁵ This attentiveness almost certainly added to the credibility of the February 2003 presentation, as Powell's dramatic appearance was widely viewed as convincing and compelling, even by domestic political opponents of the administration.⁷⁶ A survey by *Editor & Publisher* magazine found that literally the day after Powell's speech, "daily newspapers in their editorials dramatically shifted their views to support the Bush administration's hard-line stance on Iraq."⁷⁷ Despite these public relations successes, however, a substantial portion of the Secretary's claims have not held up to critical scrutiny. Consider first the acquisition of magnets thought to be useful for Iraq's centrifuge program for enriching uranium. According to the Senate Intelligence Committee, this was the only new evidence the Secretary presented relating to Iraq's nuclear program:

We also have intelligence from multiple sources that Iraq is attempting to acquire magnets and high-speed balancing machines. Both items can be used in a gas centrifuge program to enrich uranium. In 1999 and 2000, Iraqi officials negotiated with firms in Romania, India, Russia and Slovenia for the purchase of a magnet production plant. Iraq wanted the plant to produce magnets weighing 20 to 30 grams. That's the same weight as the magnets used in Iraq's gas centrifuge program before the Gulf War. This incident, linked with the tubes, is another indicator of Iraq's attempt to reconstitute its nuclear weapons program.⁷⁸

Based on the Department of Energy's pre-war analysis, however, the magnets were significantly smaller than those Iraq would have needed to use with the 81mm aluminum tubes and were no more than half the weight of magnets Iraq had previously used in its centrifuge damper designs.⁷⁹ Similar sorts of technical and production constraints were reported by the IAEA's ElBaradei in his 2003 public presentations before the start of the war. Based on physical examination, the IAEA was able to observe strict limits on the utility of the magnets that Iraq was supposedly attempting to import and/or manufacture. Six months after Powell's UN presentation, an Associated Press analysis of the major evidence found that the Secretary's entire briefing file "looks thin" in retrospect.⁸⁰ Powell himself acknowledged in September 2005 that he feels "terrible" about the presentation which he considers a painful "blot" on his record.⁸¹

Perhaps the best-known distortion of the intelligence related to the alleged Iraqi importation of tons of uranium from Niger. Someone, as yet unnamed, forged documents purporting to support this claim. In the January 2003 State of the Union address, President Bush uttered these words, “The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”⁸² The truth about this dubious assertion became a major political issue in the U.S. mid-year 2003. The *Washington Post* reported on 12 June 2003, that the CIA had dispatched a retired ambassador, who was not named in the article, to Africa in 2002 in order to investigate the claim that Iraq had attempted to purchase uranium. Upon return, the official reportedly dismissed the alleged transaction.⁸³ In July, not long after Ambassador Joseph Wilson went public with his findings, CIA Director George Tenet took personal responsibility for the faulty intelligence and acknowledged that the inclusion of this allegation “was a mistake.”⁸⁴ News reports revealed that the CIA previously convinced the White House to remove a similar statement from the President’s October 2002 speech in Cincinnati. As a result of these developments, administration officials publicly acknowledged its mistakes and retracted the President’s claim: “Knowing all that we know now, the reference to Iraq’s attempt to acquire uranium from Africa should not have been included in the State of the Union speech.”⁸⁵ Once again, however, those closely following the public debate before the war already knew the claims were dubious. The IAEA reported in early March—before the war began—that documents it received from the U.S. only one month earlier related to this alleged transaction were forgeries: “Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents—which formed the basis for the reports of recent uranium transactions between Iraq and Niger—are in fact not authentic. We have therefore concluded that these specific allegations are unfounded.”⁸⁶ Had the U.S. intelligence community been offered the chance to incorporate evidence based on the IAEA’s latest on-site inspections, it too might have concluded before the war that Iraq had not, in fact, reconstituted its nuclear weaponry. Likewise, if the public debate had centered upon the significant doubts about the nature of the threat, domestic support for the war might have collapsed and the administration might have aborted or delayed the attack.

CONCLUSION

The Bush administration’s case for war against Iraq was significantly distorted by the public manipulation of dubious intelligence and other communicative misdeeds. Specifically, prior to launching a war in mid-March 2003, the Bush administration greatly inflated the threat from Iraq’s nuclear program. A large number of general and specific claims turned out not to be

well supported by the available intelligence. While it also appears that the intelligence itself was flawed, as the Senate Select Committee on Intelligence concluded in 2004, White House officials blatantly oversold the status of the overall Iraqi nuclear program. Its hyperbole failed to include important caveats that were included in the intelligence data and gave the false impression that Iraq was very close to making nuclear weapons.

Moreover, the administration apparently failed to live up to its own standards for employing the preventive military strategy. From fall 2002, officials claimed that the U.S. would employ the new preemptive strike doctrine only as a last resort, after working with allies to establish the existence of a grave threat amenable only to military action. The President himself called for public and global debate about the nature of the threat and the need for a response. Yet, by distorting the evidence that framed the debate, the administration almost completely undercut the role of public deliberation. The certainty in their public statements served to drown out informed critics and skeptics like former weapons inspector Scott Ritter, Cambridge academic Glen Rangwala, and even the IAEA, whose assessments turned out to be far more accurate than the administration's about Iraq's unconventional weapons threats.

The next time a U.S. administration contemplates preventive attack, it will almost surely find itself engaged in a more spirited debate. Fooled once, the mass media, the Congress, and the general public will have strong incentives to seek out information that at least challenges the claims presented by the executive branch. Moreover, even if few skeptics doubt the veracity of the publicly available intelligence, analysts will point out some of the difficulties in building international support for using force, financing and manning war and nation-building missions, and dealing with the potentially violent aftermath of even successful attacks against particular worrisome threats. Ideally, an open and inclusive debate about the prospect of using preventive military force will create public consensus for the most appropriate policy course.

Essentially, the public sphere failed to stop the U.S. attack of Iraq because most domestic audiences did not have access to accurate information. The administration behaved in a manner that was strategically deceptive. Most of the evidence about Iraq's nuclear program was classified and the administration monopolized control of those secrets. To understand how this might have worked differently, consider one of the few occasions when the administration's monopoly on information was successfully contested. In September 2002, standing next to British Prime Minister Tony Blair, President Bush erroneously claimed that the IAEA had previously produced a report that Iraq was "six months away from developing a [nuclear] weapon. I don't know what more evidence we need."⁸⁷ However, no such report existed and an agency spokesperson quickly denied this specific claim. *The Washington Times* interviewed Mark Gwozdecky of the IAEA and

reported on 27 September 2002, “There’s never been a report like that issued from this agency. We’ve never put a time frame on how long it might take Iraq to construct a nuclear weapon in 1998.”⁸⁸ The administration did not repeat this claim again, though it did sometimes point more generically to IAEA findings from the early 1990s.

This chapter has focused on the Bush administration’s use of evidence about Iraqi nuclear weapons, but it could just as easily have applied to its public claims about Iraq’s chemical or biological weapons, missile program, or ties to al-Qaida. The Senate Intelligence Committee found similar shortcomings in most of the key evidence under girding the administration’s various assertions. Furthermore, many of the independent organizations that have produced reports criticizing the content of U.S. intelligence assessments have additionally provided quite negative evaluations of the administration’s pre-war employment of that intelligence. Their findings often suggest, as one prominent report found, that the administration “systematically misrepresented the threat from Iraq’s WMD and ballistic missile program.”⁸⁹ Democratic Senators Rockefeller, Levin, and Durbin, who served on the Senate Select Committee on Intelligence, wrote an “additional view” to the lengthy document that publicly accuses the administration of distorting the intelligence:

By selectively releasing and mischaracterizing intelligence information that supported an Iraq—al-Qaeda collaboration while continuing to keep information classified and out of the public realm that did not, the Administration distorted intelligence to persuade Americans into believing the actions of al-Qaeda and Iraq were indistinguishable, “part of the same threat,” as Deputy Secretary Wolfowitz asserted.⁹⁰

Former State Department INR official Greg Thielmann, who served Colin Powell until September 2002, likewise charges that “the administration was grossly distorting the intelligence.”⁹¹ Thielmann reflects at greater length on various intelligence questions in a later chapter in this volume.

Some members of the administration apparently attempted to bypass bureaucratic checks within the government so as to emphasize the intelligence that favored its anti-Iraq position. In practice, this apparently meant that officials “cherry-picked” pieces of the most worrisome available intelligence and then “stovepiped” that information to top-level government leaders, in order to bypass skeptical intelligence analysts. This allegedly occurred even if the evidence was of questionable accuracy or obtained from dubious and self-interested sources provided by representatives of the exiled Iraqi National Congress.⁹² According to former National Security Council member Kenneth Pollack, “The Bush officials who created the OSP [Pentagon’s Office

of Special Plans] gave its reports directly to those in the highest levels of government, often passing raw, unverified intelligence straight to the Cabinet level as gospel. Senior Administration officials made public statements based on these reports—reports that the larger intelligence community knew to be erroneous.”⁹³

SECURITY IMPLICATIONS

American intervention in Iraq based on faulty and distorted intelligence has almost certainly created new international security dangers. Most importantly, the credibility of U.S. intelligence-gathering (and analysis) might be seriously undermined. This is critically important to the future of the preventive war doctrine. As David Kay points out, “If you cannot rely on good, accurate intelligence that is credible to the American people and to others abroad, you certainly cannot have a policy of pre-emption. . . . Pristine intelligence—good, accurate intelligence—is a fundamental benchmark of any sort of policy of preemption to even be thought about.”⁹⁴ Bush administration officials, of course, continue to argue that a firm and clear public declaration about preemption may be genuinely important to an effective anti-terror strategy. They promote the strategy as a means to deter undesirable behavior by foes—and perhaps even to compel more desirable behavior. Their argument for prevention goes well beyond deterrence, however. Confronted by a genuine threat, it might at some future date be necessary for the U.S. to strike at threats before they are fully apparent. Since 11 September 2001, in fact, U.S. leaders have often expressed concern that deterrence will fail to mitigate threats from terrorists and the outlaw states that provide them safe harbor.

Officials now argue that the mere prospect of preventive action has already served as an effective warning to some potentially hostile states. As former Secretary of State Powell has written, an important “reason for including the notion of preemption in the NSS was to convey to our adversaries that they were in big trouble.”⁹⁵ In his 2004 State of the Union Address, President Bush specifically credited the attack on Iraq for the success in convincing Libya to abandon its unconventional weapons programs: “Nine months of intense negotiations involving the United States and Great Britain succeeded with Libya, while 12 years of diplomacy with Iraq did not. And one reason is clear: For diplomacy to be effective, words must be credible, and no one can now doubt the word of America.”⁹⁶

Except, of course, other states do doubt America’s words, or at least the words about threats related to proliferation and terrorism. As Nikolas Gvosdev noted in 2003, diplomats around the world now quite publicly doubt the veracity of U.S. claims in regard to North Korea.⁹⁷ Though Powell charges that critics distort the significance of the administration’s preemption

policy, it is even clearer that Bush officials have sent very mixed messages. Too often, the administration's own words and deeds since the beginning of 2002 have served to limit U.S. options by undermining American credibility. Because of the all-too-apparent distortions in the Iraq debate, it may well be impossible to convince even close American allies to address threats the U.S. identifies.

Given the complete demonization of Saddam Hussein's regime, and the 12 years of sanctions against Iraq, it is difficult to imagine the U.S. now making a convincing case for attacking any other state absent an imminent threat. Hussein was unfavorably compared to Adolph Hitler and Joseph Stalin, he attacked multiple neighbors, gassed his own people, allegedly attempted to assassinate a former American president, and at one time had very advanced unconventional weapons programs, including a very worrisome nuclear program. If the U.S. could not rally the world behind a preventive attack against Iraq, and could not after-the-fact produce evidence of the grave dangers it had cited, it will not likely be able to convince many other states to help attack Iran, North Korea, Syria or some other potential adversary.

¹ George W. Bush, "Commencement Address at the United States Military Academy in West Point, New York, June 1, 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 944-48.

² United States, White House Office of Homeland Security, "The National Security Strategy of the United States of America," September 2002, <<http://www.whitehouse.gov/nsc/nss.pdf>>.

³ Colin L. Powell, "A Strategy of Partnerships," *Foreign Affairs* 83 (January/February 2004): 23-4.

⁴ Scholars and policy analysts examining deterrence have long distinguished between declaratory and operational strategies. See Donald M. Snow, "Levels of Strategy and American Strategic Nuclear Policy," *Air University Review* 35 (November-December 1983): 63-73, <<http://www.airpower.maxwell.af.mil/airchronicles/aureview/1983/Nov-Dec/snow.html>>.

⁵ U.S. White House, "National Security Strategy," 15.

⁶ Even sympathetic voices make this point. See Robert Kagan's Afterward, "American Power and the Crisis of Legitimacy," in his *Of Paradise and Power* (New York: Vintage Books, 2004), 139n.

⁷ Paul W. Schroeder, "Iraq: The Case Against Preemptive War," *The American Conservative*, 10 October 2002, <http://www.amconmag.com/2002_10_21/iraq.html>.

⁸ John Mearsheimer, quoted in Marja Mills, "Waging a War of Euphemisms," *Chicago Tribune*, 10 October 2002, 1. Available in NewsBank, Record Number: CTR0210170003.

⁹ Secretary of State Powell noted on 8 January 2004, that he had "not seen smoking-gun, concrete evidence about the connection" between Iraq and al-Qaida. See Christopher Marquis, "Powell Admits No Hard Proof In Linking Iraq to Al Qaeda," *New York Times*, 9 January 2004, A10. In September 2003, President Bush declared, "We've had no evidence that Saddam Hussein was involved with September the 11th." See Terence Hunt, "Bush: No Proof of Saddam Role in 9-11," Associated Press Online, 17 September 2003, Lexis-Nexis news wire database, <<http://www.lexis-nexis.com>>.

¹⁰ George W. Bush, "Address Before a Joint Session of the Congress on the State of the Union, January 29, 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 133-39.

¹¹ Bob Woodward and Dan Balz, "Combating Terrorism: 'It Starts Today,'" *The Washington Post*, 1 February 2002, A1. The President then apparently said, "I don't have the evidence at this point." The pundit Laurie Mylroie left out the caveat when discussing Bush's views. See Laurie Mylroie, "The Circle of Terror," *NRO* (National Review Online), 19 February 2003, <<http://www.nationalreview.com/comment/comment-mylroie021903.asp>>.

¹² George W. Bush, "Address to the United Nations General Assembly in New York City, September 12, 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 1531. Colin Powell suggested on several occasions that Iraq was not an example of preemptive attack. See United States, Department Of State, Office of the Spokesman, "Interview with Secretary Of State Colin L. Powell by International Wire Services," 18 March 2003, <<http://usinfo.state.gov/mena/Archive/2004/Feb/05-814752.html>>.

¹³ George W. Bush, quoted in United States, White House Office of the Press Secretary, "Remarks Prior to Discussions With President Alvaro Uribe of Columbia and an Exchange With Reporters, September 27 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 1619.

¹⁴ George W. Bush, "Address to the Nation on Iraq, Cincinnati, Ohio, October 7, 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 1718.

¹⁵ See Gordon R. Mitchell, *Strategic Deception; Rhetoric, Science, and Politics in Missile Defense Advocacy* (East Lansing, Mich.: Michigan State University, 2000). See also Rodger A. Payne, "The Politics of Defense Policy Communication: The 'Threat' of Soviet Strategic Defense," *Policy Studies Review* 8 (1989): 505-26.

¹⁶ Chaim Kaufmann, "Threat Inflation and the Failure of the Marketplace of Ideas: The Selling of the Iraq War," *International Security* 29 (Summer 2004): 41.

¹⁷ For further elaboration of this point, See Rodger A. Payne and Nayef H. Samhat, *Democratizing Global Politics; Discourse Norms, International Regimes and Political Community* (Albany: State University of New York Press, 2004).

¹⁸ Under certain circumstances, even preventive war might be necessary in a world of surprise terrorist attacks and nuclear proliferation. Elsewhere, I have argued that the Bush administration should work with domestic opponents and various other states to establish firm parameters for using force in certain circumstances. See Donald C.F. Daniel, Peter Dombrowski and Rodger A. Payne, "The Bush Doctrine is Dead; Long Live the Bush Doctrine?" *Orbis* 49 (Spring 2005): 199-212.

¹⁹ U.S. White House, "National Security Strategy," 6.

²⁰ U.S. White House, "National Security Strategy," 15.

²¹ A more thorough version of this argument can be found in Peter J. Dombrowski and Rodger A. Payne, "Global Debate and the Limits of the Bush Doctrine," *International Studies Perspectives* 4 (November 2003): 395- 408.

²² U.S. White House, "National Security Strategy," 16.

²³ U.S. White House, "National Security Strategy," 15-6.

²⁴ Condoleezza Rice, "A Balance of Power That Favors Freedom," 2002 Wriston Lecture, Manhattan Institute for Policy Research, New York City, 1 October 2002, <<http://www.manhattan-institute.org/html/wl2002.htm>>.

²⁵ Dombrowski and Payne, "Global Debate."

²⁶ United States, Department Of State, Office of the Spokesman, "Powell Says Time Is Running Out for Iraq to Comply With U.N. Secretary of State Interviewed on CNN Television January 19," 19 January 2003, <<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2003&m=January&x=20030119162306DDenny@pd.state.gov0.1734735&t=xarchives/xarchitem.html>>.

²⁷ George W. Bush, "Bush Letter: 'America Intends to Lead,'" CNN, 4 September 2002, <<http://www.cnn.com/2002/ALLPOLITICS/09/04/bush.letter/>>.

²⁸ George W. Bush, "Remarks at a Luncheon for Representative Anne M. Northup in Louisville, September 6, 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 1498.

²⁹ Donald H. Rumsfeld, quoted in George Gedda, "Bush: No Timetable for a Decision on Attacking Iraq," *Pittsburgh Post-Gazette*, 10 August 2002, <<http://www.post-gazette.com/nation/20020809iraqplannat2p2.asp>>.

³⁰ Bush, "Bush Letter."

³¹ Lawrence Eagleburger, quoted in Ben Russell, "U.S. Warns Syria Not to Provide Haven for Wanted Iraqis," *The Independent* (UK), 14 April 2003,

<<http://www.commondreams.org/headlines03/0414-01.htm>>. See also James Hardy, "Bush's Calls to Syrians," *The Mirror* (UK), 14 April 2003, <<http://www.mirror.co.uk/news/allnews/page.cfm?objectid=12844873&method=full&siteid=50143&headline=BUSH%27S%20CALL%20TO%20SYRIANS>>.

³² United States, Department of Defense, "Deputy Secretary Wolfowitz Interview with Sam Tannenhaus, Vanity Fair," 9 May 2003, <<http://www.defenselink.mil/transcripts/2003/tr20030509-depsecdef0223.html>>.

³³ United States, National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington, DC: U.S. Government Printing Office, 2004) 66. At various times, however, al-Qaida sponsored anti-regime forces within Iraq.

³⁴ U.S. DOD, "Wolfowitz Interview."

³⁵ Colin Powell, quoted in United States, Department of State, "Secretary of State Colin Powell on NBC's Meet the Press," 22 October 2002, <<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2002&m=October&x=20021021101237eichler@pd.state.gov0.9141504&t=xarchives/xarchitem.html>>.

³⁶ George W. Bush, quoted in United States, White House Office of the Press Secretary, "President George Bush Discusses Iraq in National Press Conference, March 6, 2003," *Weekly Compilation of Presidential Documents* 39 (2003): 304.

³⁷ In July, the Senate Select Committee on Intelligence completed its investigation of prewar intelligence on Iraq. See United States, Senate Select Intelligence Committee, *Report on the U.S. Intelligence Community's Prewar Assessments on Iraq*, July 2004, <<http://intelligence.senate.gov/iraqreport2.pdf>>. However, the report focuses narrowly on the content of the intelligence assessments, rather than on its use by the Bush administration.

³⁸ Joseph Cirincione, Jessica T. Mathews, and George Perkovich (with Alexis Orton), *WMD in Iraq Evidence and Implications* (Washington, DC: Carnegie Endowment for International Peace, 2004). See also David Isenberg and Ian Davis, *Unravelling the Known Unknowns: Why No Weapons of Mass Destruction Have Been Found in Iraq*, BASIC (British American Security Information Council) Special Report, January 2004, <<http://www.basicint.org/pubs/Research/2004WMD.pdf>>.

³⁹ George W. Bush, "Address Before a Joint Session of the Congress on the State of the Union, January 20, 2004," *Weekly Compilation of Presidential Documents* 40 (2004): 94-101.

⁴⁰ David Kay, quoted in Tabassum Zakaria, "Give Up 'Delusional Hope' of Iraq WMD, Kay Says," ABC News, 28 July 2004, <http://abcnews.go.com/wire/US/reuters20040728_479.html>.

⁴¹ Charles Duelfer, *Comprehensive Report of the Special Advisor to the DCI on Iraq's WMD*, 30 September 2004, <http://www.cia.gov/cia/reports/iraq_wmd_2004/>.

⁴² Kenneth M. Pollack, "Spies, Lies, and Weapons: What Went Wrong," *The Atlantic Monthly* (January/February 2004): 81.

⁴³ Kaufmann, "Threat Inflation," 31.

⁴⁴ Richard Cheney, "Vice President Speaks at VFW 1034d National Convention," 26 August 2002, <<http://www.whitehouse.gov/news/releases/2002/08/print/20020826.html>>. Cheney noted that the information was obtained from defectors.

⁴⁵ Condoleezza Rice, quoted in "Interview with Condoleezza Rice," *CNN Late Edition with Wolf Blitzer*, 8 September 2002, CNN transcript #090800CN.V47, <<http://www.cnn.com/TRANSCRIPTS/0209/08/le.00.html>>.

⁴⁶ George W. Bush, "The President's Radio Address, September 14, 2002," *Weekly Compilation of President Documents* 38 (2002): 1546.

⁴⁷ Richard Cheney, quoted in "Vice President Dick Cheney Discusses a Possible War with Iraq," *Meet the Press*, 16 March 2003, LexisNexis news transcript database, <<http://www.lexis-nexis.com>>. In response to the IAEA's reporting (see below), Cheney declared flatly, "I think Mr. ElBaradei frankly is wrong."

⁴⁸ "News," USA Today/CNN/Gallup Poll, February 2003, <<http://www.usatoday.com/news/polls/tables/live/0203.htm>>. A Fox News Poll conducted by Opinion Dynamics Corporation on 8-9 September 2002, found that 69% of respondents believed "Iraq currently has

nuclear weapons.” The only choices were yes, no, or no opinion. See Dana Blanton, “Poll: Most Expect War With Iraq,” Fox News Poll, 12 September 2002, <<http://www.foxnews.com/story/0,2933,62861,00.html>>.

⁴⁹ Colin Powell, quoted in United States, Department of State, Office of the Spokesman, Colin Powell, “Press Remarks with Foreign Minister of Egypt Amre Moussa,” 24 February 2001, <<http://www.state.gov/secretary/rm/2001/933.htm>>.

⁵⁰ Condoleezza Rice, “Promoting the National Interest,” *Foreign Affairs* 79 (January/February 2000): 61.

⁵¹ United States, National Intelligence Council, *Foreign Missile Developments and the Ballistic Missile Threat Through 2015*, unclassified summary of a National Intelligence Estimate, December 2001, <http://www.cia.gov/nic/PDF_GIF_otherprod/missilethreat2001.pdf>.

⁵² See U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 19. The President has made several misleading comments about the status of international inspectors in Iraq. In his 2002 State of the Union address, he said: “This is a regime that agreed to international inspections—then kicked out the inspectors.” In 1998, of course, they were withdrawn. After the American occupation began, the President claimed that arms inspectors had not been allowed into Iraq in 2002-2003 after the UN sought them: “We gave him a chance to allow the inspectors in, and he wouldn’t let them in. And, therefore, after a reasonable request, we decided to remove him from power.” George W. Bush, quoted in United States, White House Office of the Press Secretary, “Remarks Following Discussions with Secretary General Kofi Annan of the United Nations and an Exchange with Reporters, July 14, 2003,” *Weekly Compilation of Presidential Documents* 39 (2003) 917.

⁵³ United Nations, International Atomic Energy Agency, “International Atomic Energy Agency Update Report for the Security Council Pursuant to Resolution 1441 (2002),” 20 January 2003, <http://www.iaea.org/NewsCenter/Focus/IaeaIraq/unscreport_290103.html>. All of the IAEA quotes in the paragraph are taken from this document.

⁵⁴ U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 84.

⁵⁵ Both quotes from the NIE are from U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 85, 126.

⁵⁶ David Kay, “Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, House Appropriations Subcommittee on Defense, and Senate Select Committee on Intelligence,” 2 October 2003, <http://www.cia.gov/cia/public_affairs/speeches/2003/david_kay_10022003.html>.

⁵⁷ David Kay, Testimony, *Iraqi Weapons of Mass Destruction Programs*, Senate Armed Services Committee Hearing, 28 January 2004, Federal News Service Transcript, 14, <<http://www.ceip.org/files/projects/npp/pdf/Iraq/kaytestimony.pdf>>.

⁵⁸ Duelfer, *Comprehensive Report*, vol. 2, 1.

⁵⁹ Jay Rockefeller, Carl Levin and Richard Durbin, “Additional Views,” in U.S. Senate Select Intelligence Committee, *Prewar Intelligence*, 452, 454. See also David Barstow, William J. Broad, and Jeff Gerth, “How the White House Embraced Disputed Iraqi Arms Intelligence,” *The New York Times*, 3 October 2004, 1.

⁶⁰ Quoted in U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 85-6, 126.

⁶¹ United States, National Intelligence Council, *Iraq’s Continuing Program for Weapons of Mass Destruction*, Unclassified National Intelligence Estimate, October 2002, <http://www.cia.gov/cia/reports/iraq_wmd/Iraq_Oct_2002.htm#toc>.

⁶² Rockefeller, Levin and Durbin, “Additional Views,” 459.

⁶³ Mohamed ElBaradei, “The Status of Nuclear Inspections in Iraq,” 27 January 2003, <<http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n003.shtml>>.

⁶⁴ Mohammed ElBaradei, “The Status of Nuclear Inspections In Iraq: An Update,” 7 March 2003, <<http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n006.shtml>>.

⁶⁵ Richard Cheney, quoted in “Dick Cheney Discusses.” In response to the IAEA findings the prior week, Cheney declared, “I think Mr. ElBaradei frankly is wrong. And I think if you look at the track record of the International Atomic Energy Agency and this kind of issue, especially where Iraq’s

concerned, they have consistently underestimated or missed what it was Saddam Hussein was doing. I don't have any reason to believe they're any more valid this time than they've been in the past."

⁶⁶ Pollack, "Spies, Lies, and Weapons," 85.

⁶⁷ Bush, "Address to the United Nations General Assembly," 1531.

⁶⁸ Condoleezza Rice, quoted in Joby Warrick, "Evidence on Iraq Challenged," *The Washington Post*, 19 September 2002, A18. Rice later revealed that she knew of the debate about the tube's more benign uses. See Barstow, Broad and Gerth, "How the White House Embraced."

⁶⁹ Richard Cheney, quoted in "Vice President Dick Cheney Discusses 9/11 Anniversary, Iraq, Nation's Economy and Politics 2002," *Meet the Press*, 8 September 2002, LexisNexis news transcript database, <<http://www.lexis-nexis.com>>, emphasis added.

⁷⁰ David Albright, quoted in Joby Warrick, "U.S. Claim on Iraqi Nuclear Program Is Called Into Question," *The Washington Post*, 24 January 2003, A1.

⁷¹ U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 86. The "extensive dissenting opinions from both the DOE and INR" (96) were contained in an annex to the 2002 NIE. See also Barstow, Broad and Gerth, "How the President Embraced."

⁷² ElBaradei, "The Status of Nuclear Inspections."

⁷³ U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 99. Though U.S. intelligence services were provided complete information about IAEA inspections and tests, the CIA apparently prepared a brief circulated only to senior policy officials that "rejected the IAEA's conclusions" (119). The CIA thought that IAEA inspectors were "being fooled by Iraq" (20).

⁷⁴ Kay, *Iraqi Weapons of Mass Destruction Programs*, 13.

⁷⁵ U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 241-2. Despite this attempted diligence, the Senate committee nonetheless concluded that because the speech relied upon the unsubstantiated NIE claims, "many of those [intelligence community] judgments that were included in Secretary Powell's speech, therefore, are also not substantiated by the intelligence source reporting." INR analysts were apparently granted less direct access to Secretary Powell during the briefing process. Ultimately, many of their suggested caveats were ignored.

⁷⁶ The eventual Democratic nominee for President in 2004, Senator John Kerry, called the presentation "convincing" and based on evidence that "appears real and compelling." See Derrick Z. Jackson, "Kerry Still Needs to Explain War Vote," *Boston Globe*, 23 January 2004, <http://www.boston.com/news/politics/debates/articles/2004/01/23/kerry_still_needs_to_explain_war_vote>.

⁷⁷ Ari Berman, "U.S. Iraq Policy Gains Support Among Newspapers," *Editor & Publisher*, 7 February 2003, <http://www.editorandpublisher.com/eandp/news/article_display.jsp?vnu_content_id=1812676>.

⁷⁸ Colin Powell, "Remarks to the United Nations Security Council," 5 February 2003, <<http://www.state.gov/secretary/former/powell/remarks/2003/17300.htm>>.

⁷⁹ U.S. Senate Select Intelligence Committee, *Prewar Assessments*, 243.

⁸⁰ Charles J. Hanley, "Point by Point, a Look Back at a 'Thick' File," Associated Press Wire, 9 August 2003, Lexis-Nexis news wire database, <<http://www.lexis-nexis.com>>. The review surveyed a full array of flawed unconventional weapons evidence, including the most important nuclear claims.

⁸¹ "Colin Powell on Iraq, Race, and Hurricane Relief," ABC News, 8 September 2005, <<http://abcnews.go.com/2020/Politics/story?id=1105979&page=1>>.

⁸² George W. Bush, "Address Before a Joint Session of the Congress on the State of the Union, January 28, 2003," *Weekly Compilation of Presidential Documents*, 38 (2003): 115.

⁸³ Walter Pincus, "CIA Did Not Share Doubt on Iraq Data," *Washington Post*, 12 June 2003, A1.

⁸⁴ Walter Pincus and Dana Milbank, "Bush, Rice Blame CIA for Iraq Error," *Washington Post*, 12 July 2003, A1.

⁸⁵ Walter Pincus, "White House Backs Off Claim on Iraqi Buy," *Washington Post*, 8 July 2003, A1.

⁸⁶ ElBaradei, "The Status of Nuclear Weapons."

⁸⁷ United States, White House Office of the Press Secretary, "President Bush, Prime Minister Blair Discuss Keeping the Peace, Camp David, MD, September 7, 2002," *Weekly Compilation of Presidential Documents* 38 (2002): 1518.

⁸⁸ Mark Gwozdecky, quoted in Joseph Curl, "Agency Disavows Report on Iraq Arms," *The Washington Times*, 27 September 27 2002, A16.

⁸⁹ Cirincione, Mathews and Perkovich, *WMD in Iraq*.

⁹⁰ Rockefeller, Levin and Durbin, "Additional Views," 463.

⁹¹ Greg Thielmann, quoted in Robert Dreyfuss and Jason Vest, "The Lie Factory," *Mother Jones* (January/February 2004): 40.

⁹² The Pentagon has concluded that very little security intelligence provided by the INC was accurate. See Douglas Jehl, "Agency Belittles Information Given By Iraq Defectors," *The New York Times*, 29 September 2003, A1.

⁹³ Pollack, "Spies, Lies, and Weapons" 88. See also Dreyfuss and Vest, "The Lie Factory," 34-41. This article includes on-the-record criticisms from Air Force Lt. Col. Karen Kwiatkowski who served in the Pentagon's Near East and South Asia unit the year before the invasion of Iraq.

⁹⁴ "Transcript: David Kay on 'Fox News Sunday,'" Fox News, 1 February 2004, <<http://www.foxnews.com/story/0,2933,109957,00.html>>.

⁹⁵ Powell, "A Strategy of Partnerships," 24. Powell argues that preemption "applies only to the undeterrable threats that come from nonstate actors such as terrorist groups." This is odd because President Bush has long argued that states that sponsor or harbor terrorists are as guilty as the terrorists themselves and many administration officials have openly worried that such states, in possession of unconventional weapons, might not be deterred. The National Security Strategy of 2002 discusses this problem on p. 15.

⁹⁶ Bush, "State of the Union Address 2004."

⁹⁷ Nikolas Gvosdev, "Restoring American Credibility," *The National Interest*, 25 June 2003, <<http://www.inthenationalinterest.com/Articles/Vol2Issue25/Vol2Issue25Gvosdevpfv.html>>. For a skeptical discussion of North Korea's nuclear program, see Selig S. Harrison, "Did North Korea Cheat?" *Foreign Affairs* (January/February 2005): 99-110.