

TRANSCRIPT

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COMMITTEE HEARING

SEN. CARL LEVIN

CHAIRMAN

SENATE ARMED SERVICES COMMITTEE

WASHINGTON, D.C.

SEN. CARL LEVIN HOLDS A HEARING ON THE DEFENSE DEPARTMENT
INSPECTOR GENERAL'S REPORT ON THE ACTIVITIES OF THE OFFICE OF
SPECIAL

PLANS PRIOR TO THE WAR IN IRAQ

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U.S. SENATE ARMED SERVICES COMMITTEE HOLDS A HEARING ON
THE DEFENSE DEPARTMENT INSPECTOR GENERAL'S REPORT ON
THE ACTIVITIES OF THE OFFICE OF SPECIAL PLANS PRIOR TO
THE WAR IN IRAQ

FEBRUARY 9, 2007

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SEN. JOHN THUNE, R-S.D.
SEN. MEL MARTINEZ, R-FLA.

WITNESSES:
THOMAS GIMBLE,
ACTING DEFENSE DEPARTMENT INSPECTOR GENERAL

LEVIN: Good morning, everybody.

First, let me welcome Tom Gimble, the acting inspector general of the Department of Defense.

Thank you for coming this morning to brief us on a matter which you've been looking into for some time.

More than two years ago, in October of 2004, I issued a report on the alternative analysis of the Iraq-Al Qaida relationship which was prepared and disseminated by the Office of Undersecretary of Defense for Policy under the leadership of Douglas Feith.

My report documented a number of actions taken by Undersecretary Feith and his staff to produce an alternative intelligence analysis of the alleged relationship between Iraq and Al Qaida in order to help make the case to go to war against Iraq.

My report concluded the following, back in 2004, quote, "An alternative intelligence assessment process was established in the Office of Undersecretary for Policy Douglas Feith that was predisposed to find a significant relationship between Iraq and Al Qaida.

"His staff then conducted its own review of raw intelligence reports, including reporting of dubious quality or reliability. Drawing upon both reliable and unreliable reporting, they arrived at an alternative interpretation of the Iraq-Al Qaida relationship that was much stronger than that assessed by the intelligence community and more in accord with the policy views of senior officials in the administration," close quote.

For example, the Feith office promoted the view that a meeting allegedly took place in Prague in April of 2001, five months before 9/11, between the lead 9/11 hijacker, Mohammed Atta, and an Iraqi intelligence officer.

The Feith office took the position that this alleged meeting was key evidence of Iraqi involvement in the 9/11 attacks, despite the fact that the intelligence community was skeptical that the meeting ever happened, and reported its skepticism in intelligence reports prepared for the highest officials in our government.

LEVIN: This morning, the Department of Defense inspector general will deliver both a classified report and an unclassified executive summary on the pre-Iraqi war activities of the undersecretary of defense for policy.

The executive summary confirms what I alleged about the Feith office two years ago. The inspector general's report this morning states, quote: "The Office of the Undersecretary of Defense for Policy developed, produced and then disseminated alternative intelligence assessments on the Iraq and Al Qaida relationship which included some conclusions that were inconsistent with the consensus of the intelligence community to senior decision-makers."

The inspector general also finds that the Office of the Undersecretary of Defense for Policy, quote, "was inappropriately performing intelligence activities of developing, producing and

disseminating that should be performed by the intelligence community," close quote.

In response to some of my specific questions, the inspector general confirms today the following.

One, the Feith office produced its own intelligence analysis of the relationship between Iraq and Al Qaida and presented its analysis to other offices in the executive branch, including the secretary of defense and the staffs of the National Security Council and the Office of the Vice President.

Two, the intelligence analysis produced by the Feith office differed from the intelligence community analysis on the relationship between Iraq and Al Qaida.

Three, the Feith office presented a briefing on the Iraq-Al Qaida relationship to the White House on September 2002 -- unbeknownst to the director of central intelligence -- containing information that was different from the briefing presented to the DCI, not vetted by the intelligence community, and that was not supported by the available intelligence, parenthesis, (for example, concerning the alleged Atta meeting) without providing the intelligence community notice of the briefing or an opportunity to comment.

LEVIN: Four, the briefing drew, quote, "conclusions or findings that were not supported by the available intelligence, such as the conclusion 'intelligence indicates cooperation in all categories, mature symbiotic relationship, or that there were multiple areas of cooperation and shared interest in pursuit of WMD and some indications of possible Iraqi coordination with Al Qaida, specifically related to 9/11.'"

The inspector general finds that these, quote, "inappropriate activities" of the Feith office were authorized by the secretary of defense or the deputy secretary of defense.

These findings of the inspector general reinforce a conclusion that I reached in my report more than two years ago: that the Office of the Undersecretary of Defense for Policy generated its own intelligence analysis inconsistent with the views of the intelligence community in order to support the policy goals of the administration.

Two recently confirmed senior administration officials have publicly expressed their concerns about these activities of the Feith

office.

LEVIN: On May 18th, 2006, General Michael Hayden, now the director of the Central Intelligence Agency, testified at his nomination hearing that he was not comfortable with the Feith's office approach to intelligence analysis.

Similarly, on December 5, 2006, Robert Gates, now secretary of defense, testified at his nomination hearing that he understands that the Feith office was producing its own intelligence analysis and, quote, "I have a problem with that."

The inspector general found it unnecessary to make any recommendations in his report because changed relationships between the Department of Defense and the intelligence community, in his words, "significantly reduce the opportunity for the inappropriate conduct of intelligence activities outside of intelligence channels in the future."

Well, unfortunately, the damage has already been done. Senior administration officials used the twisted intelligence produced by the Feith office in making the case for the Iraq war.

As I concluded in my October 2004 report, quote, "Misleading or inaccurate statements about the Iraq-Al Qaida relationship made by senior administration officials, were not supported by the intelligence community analyses, but more closely reflected the Feith policy office views.

"These assessments included, among others, allegations by the president that Iraq was an ally of Al Qaida, assertions by the national security adviser, Rice, and others that Iraq, quote, 'had provided training in WMD to Al Qaida,' and continued representations by Vice President Cheney that Mohammed Atta may have met with an Iraq intelligence officer before the 9/11 attacks, when the CIA didn't believe the meeting took place."

LEVIN: In November of 2003, the top secret report of the Feith office was leaked to the Weekly Standard. Shortly thereafter, Vice President Cheney said publicly that the article in the Weekly Standard was the, quote, "best source," close quote, of information about the relationship between Iraq and Al Qaida.

The bottom line is that intelligence relating to the Iraq-Al

Qaida relationship was manipulated by high-ranking officials in the Department of Defense to support the administration's decision to invade Iraq when the intelligence assessments of the professional analysts of the intelligence community did not provide the desired compelling case.

The inspector general's report is a devastating condemnation of inappropriate activities by the DOD policy office that helped take this nation to war.

I want to thank the inspector general for his report and completing this review, and his independence. I am concerned, however, that only a two-page executive summary of the inspector general's report is available in unclassified form, and I plan to work with the inspector general and others to obtain declassification of this report.

Senator Inhofe?

INHOFE: Thank you, Mr. Chairman.

First of all, you can read the same report and come up with different conclusions, which is quite obvious and will be obvious. And I think that we, of course, want to hear from Mr. Gimble on the report so we can come to our own conclusions.

I don't think in any way that his report could be interpreted as a devastating condemnation, as you point out, Mr. Chairman.

INHOFE: You know, I've talked to the chairman of the Intelligence Committee, Pat Roberts, on numerous occasions about this. And they've gone over it and over it and over it; had the Intelligence Committee, which is bipartisan; the bipartisan WMD committee -- Silberman and our former colleague Chuck Robb -- separately examine these matters in detail. Each concluded unanimously that no intelligence analysts were pressured.

The Intelligence Committee also found that there was no basis for any allegations that have been made against the undersecretary.

Roberts wrote to the Department of Defense inspector general -- now, he was the first one to make this request, and he did so for this reason -- this is his quote now: "The committee is concerned about persistent and, to date, unsubstantiated allegations that there was something unlawful or improper about the activities of the Office of

Special Plans with the Office of the Undersecretary. I have not discovered any credible evidence or unlawful or improper activity. And yet the allegations persist."

In attempt to stop these allegations once and for all, he had made the request to the inspector general's office.

I would have to say, also, Mr. Chairman, that these matters have been scrutinized at least three times in the last three years by bipartisan, nonpartisan groups. The Intelligence Committee unanimously reported that it found that this process, the policy-makers' probing questions, actually improved the CIA's process.

In other words, what they were doing in getting into this thing and bringing these issues up caused the intelligence community to go back and relook and to reexamine and to do a better job than they were going to do otherwise.

Some intelligence analysts even told the committee that policy-makers' questions had -- and I'm quoting now -- "questions had forced them to go back and review the intelligence reporting," and that during this exercise they came across information that they had overlooked in the initial readings. In other words, they actually provided a service by bringing these things up.

As I mentioned to you, Mr. Chairman, I'll be leaving in 20 minutes to catch a plane, so I won't be bothering you too long here.

Thank you very much.

LEVIN: Thank you very much, Senator Inhofe.

We will make a part of the recorded at this time the Intelligence Committee's decision that the Feith investigation would be left to phase two. They have not completed their investigation or even undertaken their investigation of the Doug Feith operation because, by its own decision, that was left to a future investigation called phase two. We will make that decision of the Intelligence Committee part of the record.

LEVIN: Mr. Gimble?

GIMBLE: Mr. Chairman, thank you for the opportunity to come before you today to brief the results of our review.

On September the 9th of 2005, Senator Pat Roberts, chairman of the Senate Select Committee on Intelligence, requested that my office review whether the Office of Special Plans, OSP, at any time conducted unauthorized, unlawful or inappropriate intelligence activities.

Later that month, on September 22nd, 2005, Mr. Chairman, you requested that my office also review the activities of the Office of the Undersecretary of Defense for Policy, including the Policy Counterterrorism Evaluation Group and the Policy Support Office, to determine whether any of their activities were either inappropriate, improper and, if so, provide recommendations for remedial action.

GIMBLE: And also you provided a list of 10 questions.

Our objective in this review was to determine whether the Office of Undersecretary of Defense Policy activities of any of the former OSP or PTAG (ph) organizations at any time conducted unauthorized, unlawful or inappropriate intelligence activities, from the time of 2001 through June 2003.

We performed this review from November 2005 through November 2006, in accordance with the quality standards for federal offices of inspectors general.

To achieve the objective, we interviewed 75 current or former personnel. We reviewed unclassified and classified documentation produced and available from September 2001 through June 2003. It included DOD directives, testimony, guidance, procedures, reports, studies, briefings, message traffic, e-mails, firsthand accounts, memoranda, and other official data on pre-intelligence in the specific areas of the inquiry posed by Congress.

We assessed information from the Senate Select Committee on Intelligence and documents also from the undersecretary of defense policy.

We found that the Office of the Undersecretary of Defense for Policy developed, produced and then disseminated alternative intelligence assessments on Iraq and Al Qaida relations which included conclusions that were inconsistent with the consensus of the intelligence community and these were presented to senior decision-makers.

While such actions are not illegal or unauthorized, the actions, in our opinion, were inappropriate, given that all the products did

not clearly show the variance with the consensus of the intel community, and in some cases were shown as intel products.

The condition occurred because the role of the Office of the Undersecretary of Defense Policy was expanded from the mission of doing defense policy to analyzing and disseminating alternative intelligence. As a result, the office did not provide the most accurate analysis of intelligence to the senior decision-makers.

I would, at this point, like to just briefly in an unclassified version give a response to the 10 questions that you proposed to us, and the first being: Did the Office of the Undersecretary Feith produce its own intelligence analysis of the relationships between Iraq and Al Qaida and present its analysis to other offices in the executive branch, including the Office of Secretary of Defense and the staffs of the National Security Council and the Office of the Vice President?

Yes, in our report, we discuss that members of USD Policy produced a briefing on terrorism based on intelligence reports and provided such report to the executive branch.

Second question: Did the intelligence analysis produced by Undersecretary Feith's office differ from the intelligence community analysis on the relationship between Iraq and Al Qaida?

GIMBLE: Yes, the undersecretary's office announced -- has included some conclusions that differed from those of the intelligence community.

Third question: Was the alternative OSP policy intelligence analysis supported by underlying intelligence?

We concluded: Partially. Alternative intelligence analysis that the policy office produced were not fully supported by underlying intelligence.

Fourth question: Did the undersecretary, Feith, send CIA ORCON material to the Senate Select Committee on Intelligence in October of 2003 without CIA approval to release it, even though such approval is required by executive order?

Yes. However, both CIA and the undersecretary for policy believe that CIA had approved the ORCON material before sending it to the SSI in October of 2003.

Fifth question: Did Secretary Feith mislead Congress when he read to several congressional committees in January 2004 revised ORCON materials that were represented as containing CIA's requested changes to the October 2003 documents but which were not fully and accurately reflect the CIA's requested changes?

No. The undersecretary did not mislead Congress when he sent the revised ORCON material to the congressional committees in January of 2004.

Sixth question was: Did the Office of the Undersecretary of Defense prepare and present briefing charts concerning the relationship between Iraq and Al Qaida that went beyond available intelligence by asserting that alleged meeting between lead 9/11 hijacker Mohammed Atta and the Iraq intelligence office in Prague on April 2001 was a known contact?

GIMBLE: Yes, the Policy Office produced a briefing assessing the relationship between Iraq and Al Qaida in which one slide discussed alleged meeting in Prague between Mohammed and the Iraqi intelligence office as a known contact.

Did the staff of the undersecretary present a briefing on the Al Qaida relationship to the White House on September 2002 unbeknownst to the director of central intelligence containing information that was different from the briefing presented to the director of central intelligence not vetted by the intelligence community and that was not supported by available intelligence -- for example, the alleged Atta meeting -- without providing the intelligence community notice of the briefing or an opportunity to comment?

Yes, the undersecretary presented three different versions of the same briefing, of which some of the information was supported by available intelligence, to the secretary of defense, the director of central intelligence, the deputy national security adviser and the chief of staff, the Office of the Vice President.

GIMBLE: Question number eight: Did the staff of undersecretary of policy undercut the intelligence community in its briefing to the White House staff with a slide that said there were fundamental problems with the way the intelligence community was assessing information concerning the relationship between Iraq and Al Qaida and inaccurately suggesting that the intelligence community was requiring

legal evidence to support a finding while not providing the intelligence community a notice of the briefing or an opportunity to comment?

Yes, we believe that the slide undercuts the intelligence community by indicating to the recipient of the briefing that there were fundamental problems with the way that the intelligence community was assessing the information.

The ninth question you proposed was: Did the Office of the Undersecretary of Policy briefing to the White House draw conclusions or findings that were not supported by the available intelligence, such as "The intelligence indicates cooperation in all categories as mature, symbiotic relationship or that there were multiple areas of cooperation, shared interest and pursuit of WMD, and some indications of possible Iraqi coordination with Al Qaida specifically related to 9/11"?

Yes, the briefing did draw conclusions that were not fully supported by the available intelligence.

The final question was: Did the undersecretary of policy staff prepare and did the undersecretary, Feith, send to the secretary of defense and the deputy secretary of defense a written critique of a report entitled "Iraq and Al Qaida: Interpreting a Murky Relationship" that was prepared by the director of central intelligence Counterterrorism Center, stating that the CIA's interpretation ought to be ignored without providing CIA notice or opportunity to respond?

Yes, however, there is no requirement to provide an internal OSP document to CIA for their review.

That concludes my statement. I would -- subject to classification, I'd be willing to entertain your questions that I could.

LEVIN: Thank you, Mr. Gimble.

We will start with six-minute rounds, and then we will have more than one round. But this is to accommodate the number of members who, I believe, have to leave immediately.

Mr. Gimble, in my letter of September 2005, I asked you to look into whether the alternative intelligence assessments of the Feith office differed from the intelligence community analysis which was

provided to the Office of the Vice President and to the National Security Council, and whether it differed on the relationship between Iraq and Al Qaida. Your report says that it did differ, and I want to ask you about a few specifics.

Did the intelligence community agree with the following Feith conclusions: one, that it was known that Mohammed Atta, the lead hijacker, and an Iraq intelligence agent met in Prague in April 2001?

GIMBLE: There was a difference. The intelligence community thought that that was not a verifiable meeting. And subsequently, it was proven that it did not occur. But prior to that, there was questions as to whether it did or didn't. It was not as presented.

LEVIN: It was not a known contact.

GIMBLE: Right.

LEVIN: Did the intelligence community agree with the following Feith conclusion: that the relationship between Iraq and Al Qaida was a mature, symbiotic relationship?

GIMBLE: It did conclude that.

LEVIN: Sorry?

GIMBLE: It did conclude that.

LEVIN: The intelligence community did agree with that or did not?

GIMBLE: It did not agree with that.

LEVIN: Did the intelligence community agree with the following Feith conclusion: that intelligence indicates cooperation in all categories between Iraq and Al Qaida? Did they agree?

GIMBLE: Did the intelligence agree? No, they did not.

LEVIN: Did the intelligence community agree that Iraq and Al Qaida had a shared interest in pursuit of WMD?

GIMBLE: The answer is no.

(UNKNOWN): I didn't hear what he said.

LEVIN: The answer is no, you said?

GIMBLE: Correct.

LEVIN: So on four critical issues, you have found -- your report -- that the intelligence community did not agree with the Feith finding and its alternative intelligence assessment presented to the highest policymakers in this country; that it was known that Atta met with the -- the lead hijacker -- met with Iraqi intelligence agency; that there was a symbiotic relationship between Iraq and Al Qaida; that intelligence indicates cooperation in all categories between Iraq and Al Qaida; that Iraq and Al Qaida had a shared interest in pursuit of WMD.

I can't think of much more devastating commentary on an analysis which was presented to the highest levels of this government than what you have found.

And I will stand by the statement that this is devastating because, without the knowledge of the intelligence community, we have an alternative intelligence analysis being presented on war or no-war issues whether or not the people who attacked us on 9/11 had a connection to Saddam Hussein.

These issues are as critical as any issues I have ever seen in the intelligence community. These issues and these assessment that were provided to the highest-level policymakers backed a decision to go to war.

LEVIN: What is more important than that?

I can't think of anything.

What is more devastating than a commentary that we had the second route of intelligent assessments going to the vice president of the United States and the National Security Council?

What commentary can be more essential to the life of this nation and to our citizens than that?

I can't think of many things.

And then when you track the statements made by the policymakers, which made out a greater connection between Al Qaida and Saddam

Hussein than was supported by the intelligence community; and when the American people were told that there was a likely meeting between the lead hijacker and Iraqi secret service in Prague, when the intelligence community did not believe that meeting took place, had grave doubts that that meeting took place, and always did; this is as serious a matter, I believe, as this committee has considered.

And I know the Intelligence Committee has before it, yet undone, a phase two investigation of the operations of the Feith office. That phase two investigation by the intelligence community lies ahead of it.

But these matters, it seems to me, are of the utmost seriousness to this nation. And we are very, very grateful for your decision to look into these and to give us your own independent assessment.

Now, I said there was going to be a six-minute round. I don't want to overdo because I know Senator Inhofe has to leave.

LEVIN: So, Senator Inhofe?

INHOFE: Thank you, Mr. Chairman.

Mr. Gimble, as I understand it, the routing that took place of the information that Secretary Feith had went from him to Wolfowitz and Rumsfeld, DOD, and it went from them to Tenet and Jacoby, the DCI and DIA, and then it went on to Hadley.

Is this the routing that you believe took place?

GIMBLE: Yes, sir. If you'd like some dates, I can probably provide some of that.

INHOFE: All right.

If this routing, instead of going from Feith to DOD and then to DCI, DIA, if it had gone to DCI, DIA first, then to DOD and then to Hadley, would that have been more appropriate?

GIMBLE: Let me explain what happened based on the documentation that we see.

There was a tasking put out in January of 2002 from the deputy secretary to Undersecretary Feith to assess the links between Al Qaida and Iraq.

Then the next point where there was a decision point was in July 25th, there was a group of detailees in the policy shop, intel analysts that were detailed over. They compiled a position paper that was later translated into a briefing, OK?

That briefing was on August the 8th, presented to the secretary. At that time, he gave direction to give it to DCI Tenet.

GIMBLE: And before the -- and that was given on August 15th, but on the time frame of August 9th through 14th, the intel community players, that included DIA, CIA and a number of other intel community people, looked at that July 25th memo and critiqued it. And they had significant disagreement. There was some agreement, but there was significant disagreement. There was, like, 26 points.

And, essentially, they disagreed with more than 50 percent of it and either agreed or partially agreed with the remainder.

And I can get into that in the classified...

INHOFE: Well, all right. That's not necessary. I'm just trying to get, in my...

GIMBLE: Well, here's the other part of the flow of the information.

When they had the August 15th briefing, there's reported in some cases where the DCI agreed with the things, saying "This is a useful presentation." And he did, in fact, do that. He said it was useful.

In our interviews with him, he later said -- he only said it was useful because he didn't agree with it and he was just trying to, you know, nicely end the meeting.

As a result of that meeting, he called together all the analysts, which, on August 20th, the intel community and the policy group all met together and they debated the agreements and disagreements.

What happened at that roundtable was the CIA did do some changes on some of their reports -- some minor changes, as I understand it. The other part of it was is that they offered to footnote those disagreements, which is our issue in our report, is you can have different opinions, but you need -- if there's differences, you should -- if you don't vet them, you should at least identify them where the

decision-makers...

INHOFE: All right. We're using up...

GIMBLE: Then the next thing was is that after that they chose not -- the policy group went and did the final briefing to the national security deputy, the National Security Council, and they didn't make the changes that were talked about in that August 20th meeting.

So that's, kind of, my view of the flow of information.

INHOFE: All right.

As I read this material, and I have been around long enough to recognize this when I see it, I see a lot of turf battle taking place here.

INHOFE: And on July the 9th of '04, Senator Rockefeller insinuated that Mr. Feith may have been executing intelligence activities which are not lawful. He said that they were not lawful.

Did you have any evidence that Mr. Feith did anything illegal?

GIMBLE: We had no evidence that he did anything illegal nor did he did anything that was not authorized.

INHOFE: Yes. Well, that was in your report.

Real quickly, it's my feeling, and in my opening statement, as I stated, that these things have been scrutinized many, many times over the past few years. But the interesting thing that I found is that the Intelligence Committee unanimously reported that it found that the process of policymakers' probing questions actually improved the CIA's process.

Now, what they're saying is that there are some things that were improved as a result of being forced to go back and look as a result of whether this was improper or proper, the activities of Mr. Feith.

Do you think that that individual was right when he makes that statement?

GIMBLE: I think the statement is right in this respect: is I think they did go back -- they didn't necessarily change the process

-- they went back and looked at some of their information...

INHOFE: That wouldn't have otherwise looked at perhaps.

GIMBLE: Probably not.

And they did make some adjustments. And I understand those adjustments were minor, but that doesn't -- I have no opinion on that.

INHOFE: All right.

Then it says some analysts even told the committee that the policymakers' questions had forced them to go back and review the intelligence reporting and that during this exercise they came across information that they had overlooked in the initial findings.

INHOFE: Is that what you're saying also?

GIMBLE: I'm saying that they went back -- it did cause them to go back and look, as I understand, and there was some adjustments made.

INHOFE: Your report says that this was not illegal; that in fact it's rather benign the way it characterized the actions of Mr. Feith. Would you say that his actions were -- or that your report is a devastating condemnation against Secretary Feith?

GIMBLE: My report is -- what I view it is as a flat, fact-based report of the events that occurred. I don't have an opinion as to whether it's devastating or not devastating.

INHOFE: Thank you, Mr. Gimble.

Thank you very much.

LEVIN: Thank you very much, Senator Inhofe.

Senator Webb?

WEBB: Thank you, Mr. Chairman.

And thank you, Mr. Gimble, for being here and also for your service, not only in the Pentagon, but in Vietnam. I think it should be noted: You were wounded as a soldier in Vietnam. I have a great respect for your service.

I would like to strongly associate myself with the comments of the chairman. I think this is an issue that is vitally important not only in retrospect, but also today, in terms of how it relates to the health of our society and the functioning of our government.

I was one of those many people outside government as this process was going on. But as someone who had five years in the Pentagon and watching these assessments come out, I and a number of people were actively skeptical and troubled by some of the information that was coming out.

And when you indicate in here that these actions were not illegal or unauthorized -- and I want to get to the unauthorized part in a minute -- but that were inappropriate, you made the point here this morning -- I'm going to quote you as saying that, "In some cases, they were shown as intelligence products."

WEBB: That seems to be your demarcation on the appropriateness of the level. And I would say, that was extremely damaging, not only to the process of government but to the public's understanding of the stakes in the invasion of Iraq.

And that's a misunderstanding that persists to this day and affects the debates that are going on right now.

So I thoroughly agree with the chairman here that this is something that we need to continue to look at in terms of accountability and the health of the process.

I was reading through a list of follow-on questions and answers. If the chairman doesn't mind, I'd like these -- these came from the chairman, but there are a couple here that I would like to ask you a question about.

The first is, when we talk about the notion of being authorized or unauthorized, your answer here was that -- in terms of these actions being unauthorized, is that you said in your written answer, "Many of the activities were authorized by the secretary or deputy secretary. Therefore the activities were not unauthorized."

What does that mean for the ones that weren't authorized by the secretary or deputy secretary?

GIMBLE: The ones that we looked at, we concluded that they were authorized. It was a broad, go forward and do an alternate intel

assessment, even though they didn't use that term.

And we thought the secretary and the deputy secretary have the authority, under DOD Directive 5111.1, to other duties as assigned, essentially.

If you go back to the January 22nd memorandum that went from Dr. Wolfowitz to Undersecretary Feith, it was interesting to us that you're doing -- analyzing and establishing links that were, in our opinion, as an intelligence activity -- it was interesting that that was directed through the policy shop and not back through either, at the time, assistant secretary of defense CCCI, which is the intel group, or through the director of intelligence in the DIA.

GIMBLE: It went down a policy channel; it was taken out of the intel channels. And it appeared to be for us -- and alternative intelligence assessment.

We think that was authorized. We think it's legal. The issue for us -- we said it was inappropriate was we think when you have differing views and unvetted information that it's the responsibility of the presenter to present both sides of it. And that's where we come with our determination that this is inappropriate.

WEBB: Just so I can understand this, you're saying that there were activities that had not been authorized by the secretary or deputy secretary but in your view had been authorized by other portions of the...

GIMBLE: No, sir, we think that what they did was authorized by the department.

WEBB: All.

GIMBLE: I'm not aware of any offhand. The major thrust -- it was all authorized. There may be one or two that the secretary didn't, or deputy secretary...

(CROSSTALK)

WEBB: In your answer you say "many" rather than "all."

GIMBLE: I really think that's an imprecise answer on my part in the written.

WEBB: OK.

You also, at another place here, Q4, state that there were a number of documents -- being loyal to my chairman here -- that were denied access and that three of these documents were relevant to the review, but none were relevant to the finding.

WEBB: But your finding essentially seems to say that the overall problem has been fixed with the new sophistication in the process.

But how were they relevant to the review and not to the finding?

GIMBLE: There were 58 documents that were in question and we had access to all 58 documents. And when we look at the specific question that we're dealing with on this particular report, 55 of them didn't deal with these issues.

Three of them did deal with them, but they were, kind of, background-related. But at the end of the day, they didn't have any impact on our assessment or finding. They were just...

WEBB: But would they have an impact, in your view, on the public's understanding of how we got into this?

GIMBLE: No, sir, I don't believe they would. Otherwise, we would have incorporated the results of them into our review.

WEBB: I thank you.

LEVIN: Thank you, Senator Webb.

Senator Chambliss?

CHAMBLISS: Thank you, Mr. Chairman.

Let me just say, after listening to everything I've heard this morning, I'm trying to figure out why we're here. We're beating this horse one more time.

But let me see if I can, Mr. Gimble, get the record straight.

Did the Office of Special Planning at the Department of Defense gather any intelligence?

GIMBLE: They had access to intelligence databases...

CHAMBLISS: Did they gather any intelligence?

GIMBLE: You mean like in a...

CHAMBLISS: Mr. Gimble, did they gather any intelligence? It's a simple question.

GIMBLE: No, they did not go out and do first-source gathering.

CHAMBLISS: So they did not gather intelligence. They analyzed intelligence that had been gathered by the CIA, the DIA, our intelligence community.

CHAMBLISS: Is that correct?

GIMBLE: That's correct.

CHAMBLISS: All right.

Now, there were a lot of people doing analysis of that information -- is that correct? -- within the CIA, with the DIA, and the other aspect of the intelligence community.

GIMBLE: Yes, sir.

CHAMBLISS: Part of the information that was obtained by the intelligence community was a report with respect to contact between Atta and the Al Qaida. Is that correct?

GIMBLE: Correct.

CHAMBLISS: Now, where'd that come from?

GIMBLE: I need to go back and do that in closed session. That'd be classified. If we could defer that, I'd be more than happy to.

LEVIN: We will have a closed session immediately after this.

CHAMBLISS: I don't believe that's classified. It's been pretty public that it came from the Czech service. Is that correct?

GIMBLE: That's one place, yes.

CHAMBLISS: That's one place? So it came from more than one

place.

GIMBLE: It came from the Czech service. Basically the position of the intel community is it was not verifiable and there were some questions about the...

CHAMBLISS: There was a question -- there was a question in the analysis as to whether it was right or not. Isn't that correct?

GIMBLE: Yes.

CHAMBLISS: Some people in the intelligence community thought it was correct; others thought it was incorrect.

GIMBLE: The consensus...
(CROSSTALK)

LEVIN: Excuse me. What was the answer?

GIMBLE: The consensus of the intel community thought it was not verifiable.

CHAMBLISS: Well, the Czech service was pretty confident about their source, were they not?

GIMBLE: They were.

CHAMBLISS: Can you tell me when the Czech service finally said that they thought their source was not correct?

GIMBLE: It was 2006.

CHAMBLISS: January of 2006; so some, I don't know, six years after the fact.

And my point being that the intelligence community is not exact science. There are differences of opinion.

CHAMBLISS: In our report that the Senate Select Committee on Intelligence made, of which Senator Levin was a member of at the same point in time that I was, we had what I think is a correct conclusion, that Senator Levin and I agreed on: that the intelligence provided by the intelligence community to policymakers and decision-makers pre-the conflict in Iraq was flawed.

And one of the reasons it was flawed is because there were folks at the State Department who had access to information that was different from the information that the CIA had and the DIA had.

Do you recall that?

GIMBLE: Not the State Department.

CHAMBLISS: Well, suffice it to say that's correct. It's in the report.

And there was a disagreement within the intelligence community as to what the reliability of the sources were -- and I'll mention Curveball, because everybody's read about Curveball, now. And that source, at the end of the day, it turned out to be unreliable. But at the time the information was taken by the CIA, they thought he was reliable. But it turns out he was unreliable.

So, again, my point is that this is not exact science.

Now, the I.G. report that you issued cites as evidence Senator Levin's, quote, "report of an inquiry into the alternative analysis of the issue of Iraq-Al Qaida relationship," close quote.

That report claims that administration officials made statements which do not accurately reflect the intelligence assessments that were provided by the intel community.

Now, the community provided to the Senate Intel Committee over 40,000 intelligence assessments on Iraq from the intelligence community which support the administration's statements.

Did you examine the full scope of the intelligence community documents to enable you to conclude that public statements made included information which did not come from the intelligence community?

GIMBLE: What our issue was -- and I think we're getting a little off-point here -- is the briefing was -- for example, the meeting you're talking about was a briefing that was provided without the caveats.

In other words, all we're saying is, we're not -- we don't have a conclusion which side was right or which is wrong.

What we're concluding is if you have disagreements -- significant

disagreements, it's the responsibility of the presenter to make those aware -- make the people you're presenting to aware of those disagreements.

CHAMBLISS: Which is exactly the point that Senator Levin and I made in our report of the intelligence leading up to the conflict in Iraq.

Now, the most famous comment that came out of the issue of WMD and Iraq was "slam-dunk." Director Tenet, when asked by the president as to whether or not there were WMD in Iraq, he said, "It's a slam-dunk." Do you recall that?

GIMBLE: I saw that on TV, yes.

CHAMBLISS: Is there anything in your investigation that indicates that statement by Director Tenet was made based upon information obtained from Mr. Feith?

GIMBLE: We didn't look at that, WMD. We looked at the relationship between Iraq and Al Qaida.

CHAMBLISS: At the time that Mr. Feith made his investigation and gave a briefing, who did he give the briefing to first?

GIMBLE: The first briefing of the series of three was to the secretary and deputy secretary.

GIMBLE: And that, as I was saying earlier, the secretary told them to go brief the DCI, which they did. And then...

CHAMBLISS: Wait, wait, wait, wait a minute. You briefed the secretary of defense and the secretary of defense said, "This is interesting. Go brief George Tenet, the head of the CIA."

GIMBLE: Right.

CHAMBLISS: And did he go brief George Tenet?

GIMBLE: He went and briefed -- yes, he did.

CHAMBLISS: And did Director Tenet make any comment after the briefing?

GIMBLE: The comment that we had in the subsequent interview was

is that he told the -- he dismissed the meeting, saying, "This is useful." And then he immediately kept back the Intel group to include Admiral Jacoby and put together the meeting that came up on August the 20th to get the analysts together to vet out the differences or disagreements. He thought -- his position, the CIA's position was that they didn't agree with the undersecretary's position.

CHAMBLISS: OK, so once again, we had a disagreement in the community over issues of intelligence, is that correct?

GIMBLE: That's correct.

CHAMBLISS: OK.

Thank you, Mr. Chairman.

LEVIN: Thank you, Senator Chambliss.

Senator Reed?

REED: Thank you, Mr. Chairman.

The opinion of the intelligence community in the fall of 2002, with respect to that meeting, the alleged meeting with Atta in Czechoslovakia, was that it was substantiated. Is that fair to say?

GIMBLE: That's correct.

REED: Mr. Feith was aware of that?

GIMBLE: They were aware of that.

REED: His conclusion at his briefing was that this was known, it was a fact. Is that correct?

GIMBLE: That's correct.

REED: So that was a significant departure from the conclusion of the intelligence community, deliberately made by Secretary Feith?

GIMBLE: There was a difference between the consensus opinion of the intel community.

REED: Now, in the series of briefings that Mr. Feith gave, did he provide identical information at every briefing?

GIMBLE: There were some variations of the briefing.

REED: And what are the most significant variations?

GIMBLE: Let me get that -- capture this correctly, because I want...

REED: Can you please bring the microphone?

GIMBLE: Let me get this. I need to make sure what's not classified in this.

Senator, this is marked secret. I mean, I understand the...

(CROSSTALK)

REED: I don't want to go into -- I don't want to go into secret matters here because that's inappropriate.

But in a general sense, he changed the briefing for his audience.

REED: Is that correct?

GIMBLE: Sorry?

REED: He changed the briefing for his audience?

GIMBLE: There were adjustments made depending on the audience.

REED: Well, why would he do that? Why would he change significant -- and without going into details; this is not just paragraph and grammatical changes -- why would he make changes based on the audience?

GIMBLE: I don't think I'm in a position to make a comment on why he would do what he did.

REED: Did you interview Mr. Feith under oath?

GIMBLE: We interviewed Mr. Feith. It was not under oath.

REED: Why would you not interview him under oath?

GIMBLE: Because this is a review, not an investigation. We typically don't -- unless we're doing either administrative or criminal investigation, we typically don't swear people in.

REED: Right.

So Mr. Feith has never, under oath, responded to any of these questions.

You specifically did not ask him why he would change briefings for different audiences. Is that correct?

GIMBLE: Not under oath.

REED: Not under oath.

Well, did you ask him, in terms of an interview, why he changed his briefing?

GIMBLE: Well, one of the changes was that they took a slide out of the briefing to the DCI, to Mr. Tenet, because it was a critical of the intel thing. And according to Secretary Feith, that was the reason they took it out.

REED: Now, some of my colleagues have been talking about improving the process. How do you improve the process when you have a chance to talk to the DCI and you specifically do not criticize what he's doing?

GIMBLE: Again, I think the process is pretty good. There's a vetting of -- there's a process in place by regulation, and when you have differences of opinion, you stand -- the analysts stand those interpretations or their positions up and they either stand or fall on their own merit.

If you still have significant disagreements at the end of that, it's the responsibility, I think, to identify those and document them. And that's actually what was not done in this case.

REED: Right.

I understand -- and you might have more specificity -- that Mr. Feith briefed the White House in 2002, but Director Tenet was not aware of that briefing until approximately two years later. Is that correct?

GIMBLE: That's my understanding.

REED: Pardon?

GIMBLE: That is my understanding.

REED: That's your understanding.

So when Mr. Feith briefs the DCI, my presumption -- and your advice would be appreciated -- is that they would consider this as an ongoing process of trying to reconcile different viewpoints on intelligence.

But unbeknownst to the director of intelligence, a briefing, which he might agree with or disagree with, has already been given to the White House in a manner that suggests it's authoritative and accurate.

Is that a fair assessment?

GIMBLE: Let me clarify a couple points on this.

First of all, the briefing that was done at the National Security Council, that was attended by the chief of staff of the vice president -- Secretary Feith was not present at that briefing. That was staff that gave that briefing.

From looking at the charts, it was a period that there was a briefing -- and I don't know what the discussion was on, but it was briefed and it was authoritative, in my view, as "These are the facts."

REED: And your subsequent conclusion suggests that some of those facts were in serious doubt at that time.

GIMBLE: The intelligence community had some serious issues with some of the facts.

Again, I need to just remind everyone, we didn't make an assessment on the validity of either side of this issue. We're just merely saying that there was a discrepancy out there and we don't think it was reconciled and presented, both sides of it, as the briefings went on.

REED: Well, I must say, I'm very troubled about this. And I think everyone else here understands that intelligence is sometimes an art, not a science. But when you change the picture for your audience, it's deeply suspicious, your motives and your intentions.

Thank you.

LEVIN: Thank you, Senator Reed.

I believe -- make sure I do this right -- Senator Sessions?

(CROSSTALK)

SESSIONS: I'm not a part of the intelligence community and haven't tried to master this brouhaha that's been going on -- blame somebody -- about all of our intelligence issues, and have not tried to fully master it.

I know my feeling about the Iraq war was based on my belief that Iraq was violating the resolutions of the United Nations, the agreements they made after the first Iraq war, and that they were breaching the embargo. We were flying aircraft over them and dropping bombs on them and they were shooting missiles at us on a weekly, almost daily, basis. And we either had to get that brought to a conclusion or not.

And I think my remarks at the time indicate that that was my primary concern. And I think it was a main concern of our foreign policy.

But these were matters of importance.

And so I ask, Mr. Gimble, isn't it true that this -- some staffers in Mr. Feith's shop found some information in the intelligence gathered by our intelligence-gathering agencies that indicated on the surface that there was a connection between Iraq and Al Qaida?

GIMBLE: They did find the information that they concluded that there was.

SESSIONS: And this had been even referred to in the intelligence community assessments of Iraq and Al Qaida.

SESSIONS: Isn't that right?

Even to dismiss it.

GIMBLE: There was a lot of the information out there. Specifically, you know, if you have a specific point, we can go look back...

SESSIONS: This is the point. I'm just trying to put myself in Mr. Feith's shop. His staffers come to him and said, "We found some references to connections between Iraq and Al Qaida, and it's not in the FBI report."

Isn't that basically what they briefed the secretary of defense about and pointed out some other things that hadn't been brought forth in the intelligence community summary of the facts?

If I'm not -- if I'm mistaken, correct me.

GIMBLE: Well, I think what happened there is that they have information. There's a lot of reports out there. As someone said earlier, there's, like, 40,000 pages (inaudible) the intel community reviewed.

So, I don't know what's in each of those 40,000 pages. But what our position is -- what my report says -- is that there was a known disagreement between the intel community and the policy shop...

SESSIONS: No, no, no. If you can't answer this question, just tell me.

But my impression is that they found things that showed a connection that were not referred to in the intelligence community summary and that they felt at least should have been referred to. And they shared that with the secretary of defense. And the secretary of defense said, "Well, why don't you go over and talk to the CIA and talk to them about it, and find out what the facts are?"

Isn't that basically what happened (inaudible)?

GIMBLE: They did. They went over and...

SESSIONS: All right.

GIMBLE: ... the intel agencies disagreed with them.

SESSIONS: All right.

And then they went and gave a briefing to the national security assistant director, Mr. Hadley, and Mr. Libby, right?

GIMBLE: They did.

SESSIONS: And they showed some of the things they had found that had not been referred to in these reports.

GIMBLE: They showed some conclusions that disagreed with...

(CROSSTALK)

SESSIONS: OK, go ahead. Excuse me. I don't want to interrupt you.

I think that's important, what you're saying right...

(CROSSTALK)

GIMBLE: I think that the information was all out there. It's just how you interpret it.

You know, intelligence is not an art, and I think that was said earlier. It's not an art. But the process of evaluating it should be a pretty good science. You need to have rigid things to do.

And when you have disagreements between legitimate people -- and these were legitimate people, they're hardworking people -- you have disagreements between you, the vetting should occur. And if there still can't be agreement on it, it's the responsible thing to let the decision-makers know both sides of the equation. That's...

(CROSSTALK)

SESSIONS: I would assume that's what Mr. Feith's staff did when they briefed the National Security Council.

GIMBLE: They did not show the other, dissenting side.

SESSIONS: Well...

GIMBLE: That's the issue that we had.

SESSIONS: Well, Mr. Gimble, the National Security Council had already been given the intelligence community's consensus opinion, hadn't they?

GIMBLE: We didn't look at that. I'm sure they did.

SESSIONS: Well, I'm sure they had.

GIMBLE: But the point is, is that if you're making a point, you probably need to say, "What we conclude is different from the people that are engaged to do intelligence collection and analysis." All we're saying is give the full picture of it.

(CROSSTALK)

SESSIONS: Well, I'm just trying to follow this through. I just want to get to the bottom of it.

So they go there to the national security assistant, Mr. Hadley, and Mr. Libby, and they present their little presentation that Director Tenet had already said was useful, right?

GIMBLE: And later said the reason he said it was useful because he just wanted to courteously dismiss the thing.

And he later said...

(CROSSTALK)

SESSIONS: Well, in the minds...

LEVIN: I'm sorry, I didn't hear the end of his answer.

You said it was useful and then...

(CROSSTALK)

LEVIN: ... what was the end of the answer?

GIMBLE: He said the term "useful" for the briefing -- he said it was useful -- this is our interview with Mr. Tenet.

(CROSSTALK)

GIMBLE: ... it was a courteous way of ending the meeting. He did not agree with the position, nor did the CIA -- is what he told us -- and he immediately kept Admiral Jacoby back in there and he told him to get this back into analytical channels and get the analysts talking.

Immediately after that, they called a meeting -- they had the intel analysts and Mr. Secretary Feith's policy analysts. And they had a meeting to discuss the differences. They did that.

The CIA made some changes -- categorized to us as somewhat minor. They made the changes in a report. And then he offered to footnote the remaining differences of opinion that the policy folks had. The policy folks said that they didn't think that was appropriate for them because they were policymakers, not intel-makers.

GIMBLE: And then when they didn't do that, approximately three weeks later, the policy group went up and briefed their story and didn't put in the discussion about what happened at that forum on August the 20th to put the other side of the story to get a balanced picture.

And I go back: The only thing we said in our report is this, is that it's legitimate to have disagreements. There's a vetting process in the intelligence community to work those disagreements, and you may still have disagreements at the end of the day,

But it's probably responsible -- in my own personal opinion, it's responsible for someone, if you have differences of opinion, that you show both sides of it so the decision-makers know that the disagreements are out there and they can do their own assessment.

SESSIONS: Well, I'll take a minute, Mr. Chairman. I'd like to complete this line of thought.

So after they shared this with Mr. Tenet, they went over and shared the same findings that they had with the national security assistant, Mr. Hadley, now the national security adviser, and shared that.

You say they presented an authoritative statement that, "These are the facts," I believe is what you said just a few moments ago. Is that the way you understood they presented it?

GIMBLE: The way I understood they presented it.

SESSIONS: Did you talk to Mr. Hadley?

GIMBLE: He was interviewed as a...

SESSIONS: And did he -- what about Mr. Libby?

GIMBLE: I have to stand corrected. He was not interviewed.

SESSIONS: Mr. Hadley was not interviewed.

GIMBLE: Hadley was not interviewed.

SESSIONS: So, are you aware of what was on the slides there that he presented to Mr. Hadley?

This was what I see -- I've been told. And I don't know. This is what I'm told he had on a slide when he made the presentation, quote, "fundamental problems with how intelligence community is assessing information," close quote.

GIMBLE: I believe that's correct.

SESSIONS: So it seems to me that the essence of it is that he was raising with the national security adviser that their staff -- and only the staffers went over, not even Mr. Feith -- that they had found information they thought was important relating to the Al Qaida-Iraq connection that had not been put in the intelligence community summary.

Isn't that correct?

GIMBLE: The correct -- the correct version, in my view, is that there was a meeting to reconcile differences on August the 20th, where that meeting occurred. OK?

There was some -- the changes on the intelligence side, it's my understanding that those briefing charts went over. There were a couple of additions that were not provided Mr. Tenet. And they were presented.

There was 26 points in the underlying buildup to the...

SESSIONS: Well, I would -- my time is up. I would just...

LEVIN: Complete his answer.

SESSIONS: All right. Go ahead.

GIMBLE: Well, there was 26 underlying points that was in the underlying premise of the briefing. And there was over half of them that the intel community -- the consensus of the intel community did not agree with. And that doesn't -- in my view, doesn't reflect in the charts that were presented.

SESSIONS: But the intelligence community after having been

confronted with information that had not been concluded in a -- previously included in their report, went back at Mr. Tenet's direction and made some changes that were positive and more accurate, did they not?

GIMBLE: I think there were probably some positive changes made.

SESSIONS: My only conclusion is that these guys found some things they were concerned about. They shared it with the secretary of defense. They shared it with the CIA. They shared it with the national security adviser.

And I don't think there was any confusion that they were trying to present themselves as authoritative intelligence officers, based on this slide that they were using, which indicated they were just providing a critique about total reliance on those assessments.

SESSIONS: And as the senator said, sometimes there's a little turf battle going on there, perhaps.

And finally, we know that the CIA is not always perfect, because we didn't find the weapons of mass destruction.

LEVIN: Thank you, Senator Sessions.

Senator McCaskill?

MCCASKILL: Thank you, Mr. Chairman.

Mr. Gimble, to some on this committee it may be beating a dead horse, but I'm new, and I've been out there watching this from afar over the last couple of years.

And I'm very interested in an important part of your report, and that's the responses of this part of the Department of Defense.

Whenever you do either a review as an auditor or any audit, one of the most instructive things that you can learn, having done hundreds and hundreds of these things, is how the agency responds to your report.

It's interesting to me that their first response is what is very common when you get a report that's uncomfortable for you if you're being looked at, is that you ought not enter opinions.

I have looked at your report, and there is no opinion in your report. It is a factual recitation of what did and didn't occur, regardless of who was right or wrong on either side.

The other thing that's really interesting in their response is they're quick to say that they have nothing to do with intelligence activities. In fact, in their response, they actually say, by definition they have nothing to do with intelligence activities.

As has been pointed out, accurately, by Senator Chambliss, this group did not gather intelligence. And this group in fact was supposed to be directing policy. And as part of their policy, they were trying to learn about intelligence.

MCCASKILL: It would seem to me that the better people to know about what is right and wrong about intelligence is, in fact, the intelligence community that's gathered the intelligence.

I mean, doesn't that seem pretty basic?

GIMBLE: Yes, ma'am.

MCCASKILL: So if I understand the timeline here, this information is given to the head of the CIA. He then calls the intelligence community together, the gatherers of intelligence information, the people in our government that are responsible for intelligence. They have a meeting and say, "50 percent of what you are going to say, we believe is wrong."

GIMBLE: That's correct.

MCCASKILL: And at that point and time, when the intelligence gatherers and the intelligence community tell, what is admitted in this response, the policy people, "50 percent of what you're saying is wrong," and they, then, did not share that with the National Security Council?

Is that what your report says?

GIMBLE: The report -- it does say that, in this respect, is that there was -- the counter-balance of the full picture, they didn't identify that. So they just presented what they had and they didn't recognize that there was significant disagreement with the consensus within the intelligence community on most of the 26 points that they raised.

MCCASKILL: And they were, in fact, reporting to the National Security Council about intelligence matters, correct?

GIMBLE: I would characterize it as an intelligence -- alternative intelligence product, OK?

They characterize it as a critique of intelligence. Seems to me like they were just -- it was a statement of, "This is what" -- "These are the issues we have and this is the connection -- analysis of the links," which ran counter, in many respects, to the consensus within the intelligence community.

And I don't think that's altogether bad. I think that can be useful.

However, I think the problem that we had with it, as we say in the report, if you do that, you need to present both sides of the thing to give a balanced presentation.

MCCASKILL: Particularly if both sides is going to, in fact, include disagreements from the intelligence gatherers. Is that a fair statement?

GIMBLE: I think that when you do a presentation on intelligence, you should give the full picture. If there are agreements and disagreements, you should identify them...

MCCASKILL: Lay them out.

GIMBLE: ... and, you know, just lay them out on the table.

MCCASKILL: Was there anything in -- as we move forward, because clearly in some respects, this is -- mistakes have been made. But the purpose of these hearings, obviously, is to try to make sure we don't make them again.

Is there anything in the response from the policy folks at Defense that this report involves -- is there anything in their response that would indicate to you, as the inspector general, that they acknowledge that this was not done correctly; that they acknowledge that in the future, whenever there are differing opinions about an intelligence assessment, when it relates to whether or not we go to war, that in the future they should always include both sides of the issue, when it is given to the ultimate policymakers in terms of a recommendation of us going to war or not going to war?

GIMBLE: I think the proper way to look at that is there are policies and procedures in place in the intelligence community to where you can identify and have disagreements -- because you need -- it's a perfectly good thing to have disagreements and vet those out.

The policies and procedures have been there for a number of years, that you vet those and then you move forward to get the best possible intelligence.

And as the senator's pointed out, this is not a...

MCCASKILL: Not a science.

GIMBLE: ... not a science, it's an art. So you get the best possible position.

In my opinion, I think the processes are in place. You know, these guys got assigned a tasking, and they did it. They did it, in my view, as best they could.

We don't argue with the fact they did it nor how they did it. What we are only pointing out is this: is that they come to a hugely different conclusion than what the consensus of the intelligence community was. That should have been -- as you moved that forward, that should have been expressly explained.

Even though the people may have had information and should have had, we don't know that. The point is that when you have a -- something of this importance, we think it's responsible to have both sides of the picture out there when there are disagreements, if they can't be, you know, vetted and come to a common agreement.

MCCASKILL: My question to you, Mr. Gimble, is there anything in their responses that would indicate to you that they understand that that is an important part of this process that was not followed here and that should be followed in the future?

GIMBLE: No. They view that I have the wrong interpretation of what constitutes intelligence products. We just have a disagreement on that.

MCCASKILL: OK.

GIMBLE: I think the system will take -- if properly followed, and I think it is being properly followed now, you wouldn't have it...

MCCASKILL: Do you believe that this would not happen now?

GIMBLE: I don't think it would.

But this is a fairly -- it's a single incident in a universe of many, many decisions and intelligence reports and so forth that go forward. You know, I don't have the crystal ball and I can't tell you that everything's perfect. I think there's a system in place that will allow us to get the best intelligence information if it's followed in each and every case.

MCCASKILL: I would be a lot more comfortable if their responses reflected that.

Thank you, Mr. Gimble.

LEVIN: Just to be clear, when you say the "systems in place," you mean now in place?

GIMBLE: It is in place.

There has always been a vetting procedure. If you have it in the intelligence channels, there's been a -- you know, the executive orders call it out, the DOD directives call it out. There's a process that you vet and can have a legitimate discussion and disagreement.

And, also, there's a legitimate way to bring that forward and say, "OK, here's our best estimate," and it's based on if we have disagreements you lay those out.

I think there is a process in place to do that, yes, sir.

LEVIN: And was that process, then, not followed?

GIMBLE: The part that we thought was inappropriate -- we thought it was not followed because we thought there should have been a full reporting of both sides of the issue on that.

Again, it goes back to -- we didn't think anything was illegal or unauthorized. We can clearly see that it was authorized by people in authority to authorize it. So we don't have an issue with that.

LEVIN: Thank you.

Senator Warner?

WARNER: Thank you, Mr. Chairman.

Your work product is of no greater value than the thoroughness with which you perform the buildup to reach your conclusions. And I want to direct my questions to the process by which you reached your conclusions.

You've indicated you did debrief Tenet and you did debrief Feith. Did you determine from those debriefings that there were a level of individuals beneath those two principals that may have had a diversity of opinion and that they, then, failed to disclose that diversity in such presentations that Feith made. Is that correct?

GIMBLE: There was a group of individuals under both.

I believe that Secretary Feith knew what the position was. I think he knew both sides of the argument. I think the DCI, Mr. Tenet, knew both sides of it.

WARNER: But we're focusing on Feith, though.

GIMBLE: OK.

WARNER: And it was his failure to disclose evidence that you believe you now have that there was an honest difference of opinion on several or more significant issues leading to the conclusions that Feith presented.

WARNER: Is that correct?

GIMBLE: That is correct.

WARNER: Well, now, I'm struck that you did not interview or debrief Hadley. First you said you did, which I assume is such an integral, important part of your presentation this morning that you did it. And then you had to reverse that.

I find that somewhat troubling because Hadley is a very significant and pivotal role-player in this.

Can you explain how you made that mistake this morning?

GIMBLE: Sir, I would not categorize that as a mistake.

WARNER: I beg your pardon. You've got to speak a little more slowly and directly for me. Thank you.

GIMBLE: Senator, we requested an interview with Mr. Hadley. The lawyers at the National Security Council did not let us interview him. So we requested and were unable to.

Frankly, he is not a member of our department, so we don't have any authority to interview...

WARNER: I understand that. But the simple fact is you made a request, for whatever reason. On counsel's advice, he declined.

GIMBLE: Right.

WARNER: But this morning you said you did it.

GIMBLE: That was my mistake. And I...

WARNER: (inaudible) serious mistake about a very pivotal member of this administration.

Anyway, we'll accept that. You admit the mistake.

Now, my understanding is that Feith had pulled together, in the Department of Defense, a cadre of presumably career civilians and military officers, some of whom were detailed to his staff from DIA. Is that correct?

GIMBLE: That's correct.

WARNER: Now, having had some significant experience for many years as Navy secretary, I know how these things work in that department. And I have a high degree of confidence in the professionalism of those level of workers, be they military or civilian.

Did you interview a wide cross-section of Feith's staff?

I know in the report you gave a figure here.

Do you have any personal knowledge, yourself, of the degree, or shall we have this staff member testify?

GIMBLE: I'm just getting a list of the people that we interviewed.

WARNER: Right.

Can I be allowed a little additional time, given that it's taken the witness a period to get his testimony...

LEVIN: We will surely add that time. If he takes more than another minute, we'll add two minutes.

(CROSSTALK)

GIMBLE: We did interview the members of Mr. Feith's staff.

WARNER: Well, how many were there?

GIMBLE: There was...

WARNER: Well, perhaps, Mr. Chairman, we need to bring to the dais those persons that have this knowledge so that we can directly cross-examine them. Obviously, the witness is not in possession of the facts that I have...

GIMBLE: We have 75 names that I'm trying to get to, Senator, and they're not all in the employ of Mr. Feith.

LEVIN: We will be happy to interview the people that have not been interviewed if you'll give us the list. We have the list of the people who have been interviewed so that we can check it out.

And if there's any that have not been interviewed, we will interview them, and we're going to be interviewing a lot of folks, including, I hope, by the way, people who have refused to talk to you.

Because I think we will, indeed, want to talk Mr. Hadley. We will, indeed, want to talk to the chief of staff of the vice president. We will, indeed, want to talk to people who you have not been allowed to interview or who you failed to interview.

So those interviews will take place.

And, Senator Warner, we agree with you that if there's -- when those names are submitted to us, we'll check them out, and if there's any there that are missing, we will add those to the list.

WARNER: Mr. Chairman, the point I'm trying to make is that these are serious allegations. And I want to have a better understanding --

I think this committee does -- of the process and the thoroughness in which investigation was conducted to reach these important conclusions.

Now, again, in the interviews of those staff members, did any of them indicate that they gave their work or performed it under pressure, contrary to exercise of their own free will?

GIMBLE: They did not, Senator.

WARNER: They did not what?

GIMBLE: Were not pressured to perform or come to any preconceived conclusion. And that comes across the consensus of the interviews that I've looked at.

WARNER: They were able to give their best professional advise to Secretary Feith and his principal assistants. Is that correct?

GIMBLE: That's correct.

WARNER: Now, you have allegation to the effect that when presentations were made either by Feith or his senior staff that you find fault in that they did not provide the opinions which were somewhat contradictory or at variance to the principal points they were stressing. Is that correct?

GIMBLE: That's correct.

WARNER: All right.

Now, at that point in time, did any of these subordinate staff members -- whom I accept for the moment as being people of integrity -- try to bring to anyone's attention that they felt that their work product was being inaccurately portrayed to principals by their principals to others?

GIMBLE: We did not find evidence of that.

WARNER: Did you inquire -- because I have to believe, given the number of presentations that were made by either Feith or his staff, that sooner or later the subordinates were of the opinion that the whole story was not being told. Did you make that inquiry?

GIMBLE: We made the inquiry to see -- we believe that all the

staff was assigned to Mr. Feith did, in good conscience, do what they thought was right. And they had a position, and they probably disagreed with the counterposition.

All we're pointing out is there's two groups of people that are professional and well-intentioned and hard-working servants of the government and they had differing conclusions. The process for intelligence, though, is you should marry those differences up and reconcile them and vet them. And that's what we think didn't occur in this.

WARNER: I cannot believe that these persons, a number of them -- there's -- what? -- 30 or 40 them.

GIMBLE: We interviewed 75.

WARNER: Seventy-five -- that someone within that group, or some individuals wouldn't say...

GIMBLE: The 75 is...

WARNER: Beg your pardon?

GIMBLE: The 75 was the total interviews. They didn't all work for Mr. Feith.

WARNER: All right.

But do you get my point? I'm trying to suggest that people have good intentions at those levels; they have their own self-respect, and their own interest in America, to see that things are being handled right.

Now, you said that some of those staff, or members of Feith's staff, did some of the briefing, as opposed to Feith, which means that staff were involved and they intentionally, I presume, did not bring forward the dissenting opinions.

GIMBLE: The briefings -- I think you've all seen the three sets of charts. They speak for themselves.

They made their position. All we're saying is there were other positions behind the underlying analysis that there was considerable disagreement with the very community that were charged with providing intel.

That's not to say that alternative intelligence is not a viable thing to do. We certainly agree that it is.

However, when you have a disagreement, our position was, it should be put into the briefing when you make the presentation.

WARNER: I understand that.

But the someone, or some several people, made the decision not to include the dissenting opinions.

And was that done by Feith personally or was it done by subordinates or some of these professional -- a structure (ph) that worked with him?

GIMBLE: Well, there's memo out that we can provide to you that says that, "We don't have to have a consensus."

WARNER: All right. This is new evidence. Where is this memo? And who issued it? And what's the date-time group of it?

GIMBLE: The date is August...

WARNER: It's obviously not classified.

GIMBLE: It is not classified.

August 8, 2002.

WARNER: August what?

GIMBLE: Eighth, 2002. It is a sum-up of -- "Today's Briefing" is the subject -- a memo from Paul Wolfowitz to Tina Shelton, Jim Thomas, Chris Carney, Abe Shulsky (ph), cc: Doug Feith.

"This is an excellent briefing. The secretary was very impressed. He asked us to think about some next possible steps so we can eliminate the differences between us and CIA. The goal is not to produce a consensus product, but to scrub each other's arguments."

It goes on: "One possibility would be to present the briefing to senior CIA people with their Middle East analysts present.

"Another possibility would be for the secretary and DCI to agree on a small group with our people combined with their people to work

through these points on which we agree and those points on which disagree, and then have a session in which each side may make the case for their assessment.

"Those are just suggestions. I would very much like to get the ideas back from you when I get together, some time after August 19th."

WARNER: Mr. Chairman, let's put that in the record.

But we'll need to have that, Mr. Chairman.

You're reading from a book marked "secret," aren't you?

GIMBLE: There's a -- we've got it bookmarked.

WARNER: I beg your pardon? We're very careful about classified material on this committee.

GIMBLE: We have secret material here, but that particular...

WARNER: So you commingled classified and unclassified.

GIMBLE: We have classified and unclassified.

LEVIN: We will make that part of the record. Thank you.

WARNER: Are there other pertinent parts of this briefing book which the committee does not have at this time?

GIMBLE: I'm not sure what you have. But I would be more than happy to take -- we can go back in closed session and let you all review it.

WARNER: You'll see that that's done, Mr. Chairman?

LEVIN: What we will do is, also, we are going to ask you to provide us all of the unclassified material that is in your report in a single document, or to give us the report redacting the classified material -- one or the other. Because most of that report that you've marked "classified" is unclassified.

WARNER: Now, back to the witness again...

LEVIN: I think we have to go back to our time here, Senator Warner.

WARNER: Could I just ask one single additional question, Mr. Chairman, because I got quite a few interruptions?

Your conclusions are reached on the basis of a number of briefings given either by Feith or his staff to principals within our executive branch, correct?

GIMBLE: Correct.

WARNER: Do you know whether or not you have had the opportunity to examine all the briefings, or if not, how many of the briefings? And for what reason did you not, if you didn't, do all of the briefings?

GIMBLE: We examined each of the three briefings in question.

WARNER: Are there only three briefings in question?

GIMBLE: The three briefings -- we've got all the underlying data that builds up to that, but that's the...

(CROSSTALK)

WARNER: Let me -- I'm having difficult listening to what you say.

What's this again?

GIMBLE: The basic issue and thrust of our report deals with the events that were captured in three briefings. It went, one, to the secretary of defense, to the DCI, Mr. Tenet, and then subsequently to the national security...

WARNER: Were there other briefings?

GIMBLE: We have a lot of documentation, but these are the briefings that we were focused in on.

WARNER: But if we're going to judge three, it seems to me in fairness you might judge other briefings so that you have the full context and spectrum of the briefings.

GIMBLE: These were the briefings that when we did the tasking of this particular task, it evolved out to be these three briefings.

And there's a host of other reports, memorandum. We have many,

many pages of documentation that we went through. But when it all boiled out to where you're pushing things forward, it was captured in three briefings.

WARNER: In any of this other documentation, or to the extent you examined other briefings, did you find a similar pattern of what you characterize as intentional deception by virtue of not including contradictory views?

GIMBLE: We did not classify anything as intentional deception.

What we just said was it was an omission that we thought should have been in there to give the balance.

WARNER: So it was an error of judgment, then, by the principals -- a good-faith error in judgment...

GIMBLE: One could categorize...

WARNER: ... or an intentional deception?

GIMBLE: I wouldn't categorize -- I don't know whether it was intentional or whether it was good-faith judgment. That's not my position and I wouldn't have a thought on that.

All I can tell you is at the end of the day when those things went forward, there was two sets of facts out there; one of them got passed over, and it would happen to be the one that's in the very community that we look to to have this kind of information.

WARNER: I know my time is up. I thank the chair.

But I do have serious reservations about the manner in which it was conducted and the thoroughness. And I do hope...

LEVIN: The manner that which was conducted?

WARNER: The manner in which this investigation was conducted and the thoroughness of it. And I do hope...

LEVIN: Well, we will make up for any shortfalls. You can be very sure. We will take your suggestion that any shortfalls in this investigation will be made up for by this committee.

Mr. Gimble, you talked about three different presentations.

There were three different versions of the same presentation, is that correct?

GIMBLE: That's what I was referring to.

LEVIN: All right.

So we -- instead of telling the CIA, when this assessment was given to the CIA, that the Feith operation had, quote, "fundamental problems with how the intelligence community is assessing information" -- that is the title of a slide which was presented to the White House -- that slide was left out -- was it not? -- when this assessment was given to the CIA.

GIMBLE: It was left out.

LEVIN: Now, you can say that was a matter of judgment. You can say that was unintentional.

It's damn suspicious to me that, if you're telling the CIA -- you're giving them an assessment that disagrees in a number of respects with theirs but leave out a slide that says that you have fundamental problems with how intelligence community is assessing information and you remove it when you're talking to the CIA and then you re-insert it when you present this same assessment to the White House, that's mighty bloody suspicious.

LEVIN: Now, I know, that's not your job to assess suspicion or...

GIMBLE: Suspicion of what?

LEVIN: Suspicion of intent.

WARNER: But it was his job to determine under what circumstance (inaudible) who made the decision...

(CROSSTALK)

LEVIN: I agree with -- I couldn't agree with you more. And we're going to talk to Mister -- if you haven't asked Mr. Feith why that was left out -- have you?

GIMBLE: I did.

LEVIN: You did?

GIMBLE: We did. Yes, sir.

LEVIN: And what did he say?

GIMBLE: He said it was left out because it was critical of the intelligence community.

LEVIN: Oh, he intentionally left it out. There you go. How's that for intention? That's not...

(CROSSTALK)

(UNKNOWN): Allow the witness to...

LEVIN: He intentionally let out this slide.

(LAUGHTER)

(UNKNOWN): Oh, Lord.

(UNKNOWN): Well, anyway...

LEVIN: But wait a minute...

WARNER: Can we have order in this...

LEVIN: Yes, now, we're going to have order here.

Mr. Gimble, Mr. Gimble, did Mr. Feith say he intentionally left out this slide when presenting this to the CIA?

WARNER: Can we have the witness that interviewed Feith address...

LEVIN: I'll first ask Mr. Gimble, and then he can refer to her if he wishes. And we will ask her to identify herself.

Mr. Gimble, did Mr. Feith tell you or your staff that he intentionally left this slide out because it was critical of the CIA?

GIMBLE: He said it was left out because it was critical of the intelligence community.

LEVIN: OK. That's all I said.

(UNKNOWN): Of course.

LEVIN: Oh, now, it's "of course." Before there was question about what's the relevance, whether it was intentional or not intentional.

The point is it was intentional.

Now, Mr. Gimble, was this slide reinserted when this assessment was given to the White House?

GIMBLE: It was reinserted.

LEVIN: All right. Next -- next question.

When the presentation was made, this assessment was made, one of the statements that was made about the meeting in Prague -- was it not? -- in something called "Summary of Known" -- Known -- "Known Iraq Al Qaida Contacts" that 2001, Prague, IIS -- that's the intelligence service -- Chief Alani (ph) meets with Mohammad Atta in April. Flat-out statement, right? Is that correct? Am I reading correctly from that slide?

GIMBLE: Yes, sir.

LEVIN: All right.

Now, at the same time -- this isn't 2006 -- this is September of 2002, exact same time when the slide show was being presented to the White House, was it not true that the intelligence community, in its report called "Iraqi Support for Terrorism," they had assessed that, quote -- excuse me, I'm sorry -- January 2003. January 2003 -- that the CIA assessed that the most reliable reporting to date cast doubt on this possibility?

GIMBLE: Yes, sir.

LEVIN: Pardon?

GIMBLE: Yes, sir.

LEVIN: Thank you.

We're going to have a six-minute round here, by the way.

Now, the reason we're here -- and that question was raised, is why are we here? -- is it not true that we're here because the then-chairman of the Intelligence Committee, Senator Roberts, asked you to undertake this investigation? Is that correct?

GIMBLE: He asked the -- at that time, the inspector general wasn't me, but he asked our office to undertake...

LEVIN: Well, I mean your office.

GIMBLE: Yes, sir.

LEVIN: Your office was asked to undertake this investigation by the Intelligence Committee chairman, is that correct?

GIMBLE: That's correct.

WARNER: Might the record show he was at that time also a member of this committee. Senator Roberts was a member of both committees.

LEVIN: The record will show that.

WARNER: And as chairman, I was aware and supported his inquiry on this matter.

LEVIN: The record will reflect that statement.

Now, I asked you to investigate whether the policy office undercut the intelligence community in its briefing to the White House with a slide that said there were fundamental problems with the way the intelligence community was assessing the relationship between Iraq and Al Qaida.

And is it true that your report, on page 33, confirms that, in fact, they did in that manner undercut the intelligence community?

GIMBLE: Yes, sir. That's what our report says.

LEVIN: The 9/11 Commission report -- this goes to a different report -- discusses a meeting of what they called the president's war council. And it took place at Camp David on September 15th and 16th of 2001, just days after the 9/11 attacks.

LEVIN: The report states that a Defense Department paper

produced for that meeting, quote, "argued that Iraq posed a strategic threat to the United States. Iraq's longstanding involvement in terrorism was cited," close quote.

Now, a footnote in that 9/11 report cites -- and again, this is -- OK, cites a September 14th Department of Defense -- this is September 14th, 2001 -- Department of Defense memo from the Feith office, entitled "War on Terrorism: Strategic Concept."

That report, according to the 9/11 Commission, was presented to the president at Camp David four days after September 11th.

Did you review the September 14th, 2001, DOD memo that was prepared by Secretary Feith?

GIMBLE: I do not believe we reviewed that.

LEVIN: Did you try to review that?

GIMBLE: I'm just not familiar with that document, Senator.

LEVIN: All right.

We will ask the secretary of defense for a copy of the September 14th, 2001, Feith memo which, according to the 9/11 Commission report, was discussed at Camp David on September 15th and 16th, 2001.

We will ask that, not of you, but of the secretary of defense.

My time is up.

WARNER: Mr. Chairman, could the chair ask that this memorandum which is in question and that was read by the witness now be duplicated and given to the members of the committee so that, in our next round, we might have the benefit of that?

LEVIN: Absolutely.

WARNER: I think it would be helpful.

LEVIN: Do you know which exactly -- what the document that Senator Warner is talking...

GIMBLE: Yes, the one I read -- yes, sir, we'll...

LEVIN: OK.

Senator Chambliss?

CHAMBLISS: Mr. Gimble, let's go back to this infamous slide here.

You said that it was omitted from the DCI briefing because it was critical of the intelligence community. Is that correct?

GIMBLE: That's what Secretary Feith provided us in writing, yes, sir.

CHAMBLISS: OK. So he admitted that was the case.

Now, even without that omitted slide, did you form a conclusion that it was very clear, from the overall content, that the draft briefing was suggesting insufficient attention and analysis by the intelligence community to a number of intelligence reports on contacts between Iraq and Al Qaida?

CHAMBLISS: And is it not also correct that you concluded that that point was explicitly made at a subsequent meeting at the CIA on August 20, 2002?

GIMBLE: I, kind of, got lost in your question.

CHAMBLISS: Did you make any conclusion about the content of the briefing as it related to contacts between Al Qaida and Iraq, even without the slide that was left out of the briefing of the DCI?

GIMBLE: Senator, we didn't conclude one way or the other.

The only thing we concluded: that there were differences of opinion that were not reported and not reconciled. And our position was that those differing opinions, with the consensus of the intelligence community, should have been included and they were not included.

CHAMBLISS: OK.

Now, with all due respect to my colleague from Missouri, you do have opinions in this report. Did you conclude that there was anything illegal about what Mr. Feith's office did?

GIMBLE: We concluded there was nothing illegal. We also

concluded there was nothing unauthorized.

CHAMBLISS: And you then went on to conclude that it was inappropriate. And as I understand what you've said is that it was inappropriate because alternative views were not included -- alternative views within the intelligence community were not included.

GIMBLE: That's correct.

CHAMBLISS: Now, Mr. Gimble, can you tell this committee that every time the director of central intelligence gets a briefing, that every alternative view on the issue that he's being briefed on is presented to him?

GIMBLE: No, sir, I usually don't deal much with the director of central intelligence.

GIMBLE: I'm a DOD person, so I can't tell you that.

CHAMBLISS: Well, let's go to DOD.

Can you tell this committee that every time the secretary of defense is briefed on an issue, that every possible alternative view is given to him?

GIMBLE: I certainly cannot.

CHAMBLISS: Then why are you -- you could criticize every single briefing that's given to the secretary of defense? If that's not the case, could you...

GIMBLE: We only looked at this one set of briefings; this one briefing that was presented in three versions. And we are reporting what happened on that briefing.

There were significant disagreements. The disagreements were not posed and presented at the same time and we thought that was inappropriate.

And you're right. I do have an opinion and that was my opinion.

CHAMBLISS: Lastly, it has been communicated to me that one of the members of your staff told a person that was being interviewed during the course of this investigation that, because of the political nature of this inquiry, that your office was going to have to balance

the results and that the final report was going to have something for everyone.

Are you aware of those comments?

GIMBLE: No, sir, I'm not aware of those comments and I'd be very interested in who made them and who they made them to.

CHAMBLISS: Is it appropriate for your staff to take political sensitivities into account when drafting a report?

GIMBLE: No, sir. We take the facts and we try to bring them down to an objective conclusion, and that's what we did in this report.

CHAMBLISS: Thank you, Mr. Chairman.

LEVIN: Thank you very much, Senator Chambliss.

Senator Webb?

WEBB: Mr. Gimble, I want to clarify something that goes to the exchange that Senator McCaskill had with you and Senator Chambliss just mentioned to you.

My understanding from reading your summary here is that when there was a finding of the inappropriate nature of this activity, it was not simply that it failed to mention alternate views, that it was specifically, as you said -- and I quoted you in the earlier round -- that in some cases -- I think you were being very careful how you answered that.

In some cases, this information was being shown as intelligence products from an office that's a policy office rather than an evaluation, an assessment of intelligence products.

WEBB: Was that correct?

GIMBLE: That's correct.

WEBB: So it is something more than simply not presenting both sides. It is a policy office that is not an intelligence office presenting information as an intelligence product.

I want to say something else, too, in defense of your report to the extent that it now exists. There's been a lot of conversation here about Mr. Feith. But you specifically said, in a comment to the chairman here, that although Mr. Feith is mentioned in the review, he's not the subject of the review. The review is focused on the organization. I think that's very important for us to continue to understand here.

This is not a report that was directed specifically at Mr. Feith. It was directed at the office, the total office -- and, in fact, how the Department of Defense at this level was evaluating information and presenting it in a run-up to the Iraq war.

Would you agree with that?

GIMBLE: Senator, I would agree with that. It was not directed at any one individual. It was a review of the facts surrounding an issue, a fairly narrow-scoped issue. And it's how intelligence is...

WEBB: I think that's important, from my perspective here, too. I'm not sitting here in direct condemnation of one individual. I had concerns, as I mentioned, about how this information was presented. And Mr. Feith will have to accept accountability for his part in this, but this is not directed at him personally.

And it would seem to me, just from listening to the exchange -- obviously not having been on this committee in the preceding years -- that the two agreed upon -- perhaps there are others; my esteemed senior senator from Virginia might raise others -- but the two most glaring weaknesses in this report seem to be that Mr. Feith was not interviewed under oath, given some inconsistencies, and that people such as Mr. Hadley declined to be interviewed at all.

WEBB: Neither of those omissions would seem to argue in favor of a report that further excused the conduct in this office.

And, Mr. Chairman, that's all I have to say.

LEVIN: Thank you.

Senator Sessions?

SESSIONS: Well, it seems to me that the only thing that would justify a conclusion that you've made would be the briefing to the national security assistant, Mr. Hadley.

Because, surely, there's nothing wrong when a group of people in the Department of Defense are going to the secretary of defense and saying that they're concerned about the CIA product because they've left out some things that they have discovered in their evaluation of the supporting data. Would you agree?

GIMBLE: I think internally, in the Department of Defense, it's OK to have the same views and have discussion. When you disseminate those, when you take it out -- and I would say that when you take an alternate intel assessment outside the department...

SESSIONS: Will you answer my question?

Now, he's going off to something else I didn't ask, Mr. Chairman. I asked him was it wrong to share, and he said it wasn't anything wrong to share that with the secretary of defense.

Now, my question is, if you've got a complaint with the CIA, and you go and meet with the director of the CIA and his staff, and you raise those same complaints, is anything wrong with that briefing?

GIMBLE: The next part of that is, though, when he calls together the community to vet this out and then you vet it out and then you carry the briefing further...

SESSIONS: Well, then you're answering my question. Is nothing wrong with saying that to the CIA director?

(CROSSTALK)

SESSIONS: And the result of that...

LEVIN: You allowed him to finish the answer to that question.

SESSIONS: You can interpret it as you want to, Mr. Chairman. I see it as a defensive answer, not responsive to a plain and simple question.

Go ahead.

GIMBLE: Well, OK. Let me...

SESSIONS: Yes or no: Is it OK to brief the CIA on the problems you have with their work product?

GIMBLE: It is OK to brief. But remember, he took the chart out saying they had a problem. That's the...

SESSIONS: So we're getting to that.

Now, the next briefing is the one you complain about, right? That's the one to the National Security adviser. And you contend that in that briefing he did not give a full analysis of the CIA's competing views.

GIMBLE: That's correct.

SESSIONS: And I just -- forgive me if I think that's pretty weak.

I mean, here Mr. Wolfowitz, assistant secretary of defense, right after the briefing to the secretary of defense, said, "We need to meet with the senior CIA people, their Middle Eastern analysts. Another possibility would be for the director of Central Intelligence to agree to set a small group of people with our people to work through these points on which we can agree and those we can't agree."

Isn't that a responsible way to deal with a problem of a very important issue?

GIMBLE: It's absolutely a very responsible way. And when they did that, and then when they had the meeting on August the 20th, the next line of briefing, they didn't -- they chose to ignore those things that were discussed.

And then when the points that were made of disagreement, I think it would have been responsible to provide the decision-makers with that alternate position.

SESSIONS: All right.

Now, so the next event that occurred was that they were asked, these staffers -- as Senator Warner has pointed out, these are professionals. You've not doubted their integrity or their honest belief in what they discovered.

SESSIONS: They were asked to go and share this information with Mr. Hadley and Mr. Libby, and they presented their information under a slide entitled, "Fundamental Problems with How the Intelligence

Community is Assessing Information."

Now that seems to me that they are sharing some concerns that they have with the national security adviser that he may not be getting full and complete information from CIA.

One of these turf, little, battles, but it important matter sometimes.

GIMBLE: And I don't disagree with it.

It would seem to me, though, that if you were going to make that presentation, you'd do a full-blown, "This is one side, this is the other side."

SESSIONS: Well, he was presenting the problems, it seems to me if you read this.

And surely, Mr. Hadley was not unaware that the CIA consensus report, presumably, was different, else he wouldn't be pointing out what the differences were.

GIMBLE: I'm not aware of what Mr. Hadley knew or didn't know.

SESSIONS: This is important because Mr. Hadley -- isn't it true that Mr. Feith, he didn't even go to this briefing with Mr. Hadley?

His professionals, these young folks who dug up this information, made the briefing. And Mr. Feith contends vigorously -- does he not? -- and his staff, that the purpose of that briefing was not to state an intelligence estimate, but to point out problems with the analysis they were working from. Isn't their defense to your complaint that?

GIMBLE: Our interpretation of that was, and it's my opinion, that...

SESSIONS: Wait a minute, no, now what -- isn't their position? You stated it earlier.

Isn't it their position that they were not stating an intelligence estimate, they were pointing out problems with a CIA product?

GIMBLE: One slide, they made that point.

SESSIONS: All right. They made that point. They shared that with you when you asked them about what was going on, did they not? I mean, you said that earlier in your remarks.

GIMBLE: We had full access to all information, yes, sir.

SESSIONS: Mr. Gimble, in your remarks earlier at this meeting, you indicated that their concern with your report about whether what they did was appropriate or not was that you didn't seem to understand that they weren't, for many, presenting an entirely new work product to the assistant national security adviser but they were pointing out problems with the CIA work product.

GIMBLE: The reminder that comes to some pretty hard -- pretty definitive conclusions about intelligence. So they can say yes. They can say -- they want to characterize this as a critique, but it also is characterized as an alternate intelligence product...

SESSIONS: You have concluded that. Now, the people at the briefing did not agree with that, and Mr. Hadley had not been interviewed.

So how have you made that conclusion?

GIMBLE: I've got a copy of the report and the briefing. And we've interviewed the people that put it together. We've looked at the degree of disagreement within the community and how that was handled. And that's really our issue, is the degree of disagreement and how it was handled.

SESSIONS: I don't see a problem with it. To me, it's right (inaudible) then Senator Levin says that this somehow undercut the intelligence community. I don't see how it's undercutting the intelligence community, correct me if I'm wrong, if you point out things they left out that should have been in their analysis and that, after they made these references, a number of them were put in that report, including the Atta -- was the Atta report from the Czech Republic that he had met with the Iraqi intelligence group in the CIA report before it was dug up by Feith's professional staff?

GIMBLE: It's been in a number of reports. The issue there is that...

SESSIONS: No.

GIMBLE: The issue is, that briefing came to some conclusions that were not supported by the underlying intelligence community assessments. That was our point.

SESSIONS: Well, is there anything wrong with another group going into Mr. Hadley and saying we've got some disagreements, we've read all these documents, we've found things they've left out, and we're not in agreement with it?

GIMBLE: Well, it was not characterized that. If you look at the briefing charts, here are the conditions and conclusions and there's no thought about where the same view is.

SESSIONS: Look, the whole point was that they were raising concerns with the CIA's analysis is obviously, is a given, that they were providing information that was somewhat in disagreement with parts of the CIA analysis?

GIMBLE: Surely. When we were looking in June, there was a statement in the CIA reports that says that this is contradictory. So...

SESSIONS: And I'll ask you one more time. I think it's kind of important. At the CIA, consensus opinion at the time this all began to occur did not include reference to the Czech Republican matter. Is that correct?

GIMBLE: It's incorrect.

WARNER: Are we getting testimony from a witness who hasn't been identified?

LEVIN: Let's identify the lady to your left please.

GIMBLE: This is Commander Tammy Harsett (ph). She's one of our senior analysts.

LEVIN: You want to just say whatever you were saying and then tell us...

WARNER: She could just grab the other microphone and then both of you can keep a mike.

Thank you. We welcome you, Commander. And, obviously, as a Naval person, I can see that you've had quite a distinguished career.

LEVIN: Can you give us the answer you were giving us, Commander?

HARSETT (ph): Yes, sir. The reports of the meeting, the Czechs, before that you were discussing.

WARNER: I'm not able to hear.

LEVIN: Can you talk a little louder, please?

HARSETT (ph): Yes, sir. The Czech report of the meeting was in a CIA product in June of 2002, prior to the production of the briefings.

SESSIONS: Well, obviously, because it was found by these people in Mr. Feith's office.

SESSIONS: But was it in their consensus analysis because they had some doubt about it?

HARSETT (ph): It was described as being contradictory at best.

SESSIONS: In the...

HARSETT (ph): In the June...

SESSIONS: In the analysis that Mr. Hadley would have had?

HARSETT (ph): I don't know, sir, what Mr. Hadley would have had. That was what was in the CIA product on the 21st of June.

LEVIN: Of what year? Sorry, what year?

HARSETT (ph): 2002.

SESSIONS: Well, it's pretty obvious, would not you agree, that the Feith staff presented, based -- to Mr. Hadley, information that came out of either raw reports or CIA summaries and DIA information, that put a different context on some of the matters relating to the Iraq-Al Qaida connection, or lack of it?

HARSETT (ph): Yes.

SESSIONS: And I don't see how that's inappropriate. And I don't believe they are required to present the whole CIA conclusion before you present a contrary conclusion, when people -- everyone hearing

would have known that this represented a divergent view from the CIA.

And I think not only has Mr. Feith not violated a law as you've found, that he acted with authority, but I think he acted appropriately. I when you -- I think, perhaps, we ought to -- I do not believe the CIA has an absolute right and a monopoly on conclusions about intelligence.

LEVIN: Thank you, Senator Sessions.

Senator Warner?

WARNER: Thank you, Mr. Chairman.

Could the witness remain that was testifying? I might have a question for you. Thank you.

But first, Mr. Gimble, I have the highest respect for the whole inspector general system. I collaborated with the preparation of the various bills and so forth to establish the laws. For the some many years that I've been on the committee with our distinguished chairman -- we're in our 29th year -- we've seen and dealt with many very able inspector generals.

WARNER: So in no way am I trying to discredit in any way your professionalism. But this is such an important case that we have to bear down and determine just what procedure you use and so forth.

Would you say -- and given -- and you've had a long career. How many years, Inspector General?

GIMBLE: In the Inspector General's Office, I was moved over in 1976, and that was...

WARNER: You've got to talk -- I'm sorry, but...

GIMBLE: I've been with the DOD inspector general since the day it was formed and I was in a predecessor organization before that, so I have over 35 years.

WARNER: Thirty-five years. And we've dealt together in years past. And I have a high respect for you professionally.

Would you regard this as one of the most important cases that you've dealt with?

GIMBLE: I would.

WARNER: Fine.

Did you personally interview any of the witnesses, the principal witnesses, given the importance and the criticality of this?

GIMBLE: I did not.

WARNER: So you delegated all of that to others?

GIMBLE: Correct.

WARNER: Secretary Rice was then the head of the security council. Was she -- her views sought?

GIMBLE: We didn't attempt to interview her.

WARNER: Beg your pardon?

GIMBLE: We did not attempt to interview her.

I just need to make a quick point on -- when we get outside of the Department of Defense employees, it's, kind of, if they want to be interviewed, we can. We don't really have any authority to interview anybody outside the department. So we wouldn't necessarily have any authority to interview her.

WARNER: Well, could you go to others to try and see whether or not they could induce the various principals to...

GIMBLE: We've had some...

WARNER: Go to the secretary and say, "Mr. Secretary, you're a part of the department which you operate. I'd like to interview some witnesses but I'm having difficulty. Would you assist me in getting those witnesses?"

GIMBLE: We interviewed a lot of people outside the department, and got -- without good cooperation. We just did not attempt to interview Secretary Rice.

WARNER: Did you interview Secretary Wolfowitz?

GIMBLE: We did.

WARNER: Now, this very able commander -- your portfolio. You were detailed to the Inspector General's Office. Is that correct?

HARSETT (ph): Yes, sir. I transferred there.

WARNER: Now, you did a lot of the interviews and debriefings of these principals yourself.

HARSETT (ph): I did several...

WARNER: A little louder.

HARSETT (ph): Yes, sir, I did...

(CROSSTALK)

WARNER: I've had a cold, and some of the medicine's impaired the hearing.

But what's that again?

HARSETT (ph): I did participate in some of the interviews.

WARNER: Which ones did you...

HARSETT (ph): None of the principals that you would expect.

WARNER: Well, who did the principals?

HARSETT (ph): We had representation from our former team chiefs, and also OGC went on several of those interviews, as well.

WARNER: So perhaps, Mr. Gimble, you want to clarify, who were the principals under your jurisdiction that did the actual interviews of the principals?

GIMBLE: Most of the interviews were done by Lieutenant Colonel Eddie Edge (ph), who is...

WARNER: Is he present today?

GIMBLE: He is not.

WARNER: Fine.

Well, the question that -- wait a minute, you're getting advice from your colleague. Did you want to get more information? I hear

him speaking to you. Did you finish your answer?

GIMBLE: No, sir. We were just talking about where Eddie was.

WARNER: I beg your pardon?

GIMBLE: We were just talking about where Lieutenant Edge (ph) is. He's in the process of retiring, so that's the reason he's not here.

WARNER: I see.

Well, Commander, let me just ask you a question.

No one's questioning any patriotism. It seems to me we're questioning judgment. And the issue was why did certain individuals make the decision not to make full disclosure of dissenting perspectives on these critical intelligence questions.

Do you agree that's, sort of, the issue before us this morning?

HARSETT (ph): Why did certain...

WARNER: I guess my question is, having listened very carefully -- now, I've seen at least a dozen exchanges between you and Mr. Gimble, which is fine. I've occupied that seat in years past, when I was secretary of the Navy, and I know you have to rely on staff. But it was an unusual number of consultations.

Do you have any information with which you could give this committee to explain why this material was intentionally withheld in the various briefings we've talked about?

HARSETT (ph): I don't think I know anything that would answer that question, sir.

WARNER: All right.

Do you know of any individual within the staff that might have knowledge -- Mr. Gimble's staff -- that could help this committee understand why certain materials were deleted during these critical briefings?

HARSETT (ph): As far as why the fundamental issue slide was deleted for the DCI brief...

WARNER: Yes.

HARSETT (ph): ... that I'm certain, because Mr. Feith submitted a written statement to us prior to his debrief, or his interview. And in that statement...

WARNER: Is that the statement that we're referring to today?

HARSETT (ph): No, sir. Well...

WARNER: It's another statement?

HARSETT (ph): It's other than what you have in front of you there, sir.

WARNER: And this is a document?

HARSETT (ph): Yes, sir. It's a very...

WARNER: Does the committee have possession of this document?

HARSETT (ph): Probably not. But it's unclassified and can be provided.

WARNER: Well, do you know where it is?

HARSETT (ph): Yes, sir, it's in our building.

WARNER: But it is not here in the hearing room today?

HARSETT (ph): No, sir.

WARNER: Could we have that document?

LEVIN: Of course.

Are you able to quote from that document?

GIMBLE: We have that document.

HARSETT (ph): Pretty closely, sir.

And Mr. Feith has said in a number of different letters, as well, that the reason that slide was removed was because it was critical in tone and it may distract from the dialogue between the analysts. He said that more than once, in writing.

WARNER: Well, we'll need to explore that, Mr. Chairman.

I think the chair's anxious to go to the second part of this hearing. Is that correct?

LEVIN: We're anxious, but we also have a few additional questions which we're going to ask. Each of us can perhaps take a couple minutes.

First of all, you've made reference to the fact that the Czechs reached a conclusion in 2006 that the meeting did not take place, as a matter of conclusion.

I would urge you to go back, look at the classified material, because I think you're wrong on that. They suggested, or reached a conclusion, long before 2006, but it's classified as to when exactly they did reach it.

So we would ask you to review, for the record, the time in which -- the point at which the Czechs concluded that the meeting did not exist. This is just a statement and a request.

Secondly, you indicated that at the meeting following the slide presentation, that there then was, I believe, a date where the 26 points were identified -- the date of that meeting with the CIA personnel.

LEVIN: What was the date of that?

GIMBLE: August the 20th, 2002.

LEVIN: And they identified the 26 points where they disagreed with, perhaps half of what the presentation said. Is that correct?

GIMBLE: That is correct. But the 26 points were ferreted out before then. This was the meeting when they came and had the discussion immediately after the briefing with Mr. Tenet.

LEVIN: OK.

And then after that meeting they had another meeting. Is that correct?

GIMBLE: As a result, when they said, "Let's get this back in the

analytical channels," they had his analysts and the policy folks from Mr. Feith's shop all gathered up on August the 20th.

LEVIN: August 20th, and the Feith shop folks were there?

GIMBLE: Yes, sir.

LEVIN: And they identified the differences?

GIMBLE: It's my understanding they discussed the differences. There were some things they agreed on, things they didn't agree on. There were some adjustments made, and then there was still disagreement at the end of the day.

LEVIN: All right.

Then were those disagreements identified, presented, in any way that you know of in the slideshow that was presented to the National Security Council?

GIMBLE: No, sir.

LEVIN: Now, when you answered my question that the slide undercuts the intelligence community by indicated to the recipient of the briefing that there are fundamental problems with the way the intelligence community was assessing information, you gave as evidence of the fact that that slide undercut the intelligence community, you said, by observing the vice president's words during an interview in which he describes a memorandum that was obtained and published by the Weekly Standard that was a memorandum from the undersecretary of defense, Mr. Feith, to members of the SSCI -- which is the Intelligence Committee of the Senate -- as quote, "your best source of information."

Is that correct? That was your answer to my question?

GIMBLE: Yes, sir. That was (inaudible).

LEVIN: Now, I'm going to put in the record at this time the statement of Vice President Cheney that you make reference to.

And here's what he said: "With respect to the general relationship" -- he's referring to whether there was one, et cetera, between Al Qaida and Saddam -- "on place you ought to go look," the vice president said, "is an article that Stephen Hayes did in the Weekly Standard. That goes through and lays out in some detail, based

on an assessment that was done by the Department of Defense and forwarded to the Senate Intelligence Committee some weeks ago. That's your best source of information."

That's significant for a number of reasons. Number one, that's what he said was the best source of information.

LEVIN: Number two, he described the report of the Feith operation as an "assessment." The vice president, himself, called that an assessment.

So when there's argument here from some of my colleagues as to whether you're correct in calling that an assessment, it seems to me it was understood as an assessment by as high a person as the vice president of the United States; not just simply a critique of something else, but an assessment.

And what you have told us here today, Mr. Gimble, is that intelligence products, intelligence assessments are supposed to indicate where there are disagreements. Is that correct?

GIMBLE: They are supposed to be vetted and if there are disagreements...

LEVIN: They're supposed to be vetted?

GIMBLE: Right, to reconcile and mitigate any disagreements. But at the end of the day if there are disagreements, both points should be presented.

LEVIN: Thank you.

Can we, perhaps, each have a few more questions if you'd like, Senator Chambliss?

CHAMBLISS: Sure. Just very quickly, Mr. Chairman.

Mr. Gimble, let me just go back to this slide and your answer to question number eight from Senator Levin.

Your answer is that: "We believe the slide undercuts the intelligence community by indicating to the recipient of the briefing that there are fundamental problems with the way that the intelligence community was assessing information."

Fact is, Mr. Gimble, that's a very, very accurate statement, is it not?

GIMBLE: I'm sorry, Senator, I was trying to read this.

CHAMBLISS: In your response to question number eight from Senator Levin, you say that the slide that's referenced in that question "undercuts the intelligence community by indicating to the recipient of the briefing that there are fundamental problems with the way that the intelligence community is assessing information."

And now, we know, because of what happened on September 11, and because of the intelligence that was given to the decision-makers prior to the decision of whether or not to go into Iraq, that statement is absolutely truthful, is it not?

GIMBLE: I think the statement's truthful, yes.

CHAMBLISS: There were fundamental problems with the way the community was assessing information. Is that right?

GIMBLE: I don't think that's what our answer says. We were just saying that the slide that was put out there, saying that it -- were fundamental problems.

CHAMBLISS: But my question is, is that not a very, very accurate statement that there were fundamental problems?

GIMBLE: You can find examples of having problems. I'm not sure that I can make an overall assessment of the overall intelligence processes based on this one review.

CHAMBLISS: Let me go back to your comment in response to Senator Webb, when he asked you as to whether or not this was an intelligence product. Are you contending that is actually the case now, Mr. Gimble, that the Feith report was an intelligence product?

GIMBLE: Yes, sir. I am contending that.

CHAMBLISS: Well, now, I thought you told us that he did not gather any intelligence.

GIMBLE: He didn't, but it was analyzed and disseminated, and when you do the production, that results in an intel product.

CHAMBLISS: And that's what you would consider an intelligence product?

GIMBLE: Yes, sir.

CHAMBLISS: OK.

And, lastly, the commander and you both stated that you utilize the Office of General Counsel to participate in the interview process. Now, OIG has independent authority. Why would you go to the Office of General Counsel for assessments?

GIMBLE: That's our Office of General Counsel.

CHAMBLISS: I got you. OK.

That's all I have, Mr. Chairman.

GIMBLE: Thank you, Senator Chambliss.

Senator Sessions?

SESSIONS: There seem to be implicit in your remarks that there's some sort of sanctity given to the CIA conclusions and that to criticize those or disagree with those is improper. You're not saying that though, are you?

GIMBLE: No, we're not saying that at all. It's proper to criticize, but when you have a vetted intelligence product and you have somebody who's doing an alternate intelligence product, if there's differences, we think those should be discussed.

SESSIONS: All right.

Now, so isn't it true that after the policy staffers found some of this information and when they took it to the CIA, defensive as any agency is -- and I've been in the federal government for many years as a United States attorney and a prosecutor and I worked with them, I know people are defensive -- they accepted a good deal of what they asked them and pointed out to them, did they not?

GIMBLE: There was common agreement on issues...

SESSIONS: They accepted a good deal of what they suggested there had not been in their previous reports and estimates.

GIMBLE: There was 26 points of discussion. And a little less than half of them were agreed to.

SESSIONS: OK.

So a little bit less than half of these 26, they admitted that they could have put in there and would have given a better report, and they accepted that. Some they didn't accept.

But some of the guys in the Feith shop disagreed on that. They thought they should have been accepted, correct?

GIMBLE: The points that -- what happened, there was a paper put together. The analysts went and looked at it, critiqued it, came up with 26 points that they had either agreement on or disagreement on. And those, the best I can tell, didn't change any of the Feith briefings.

SESSIONS: Well, I'll just draw my own conclusion.

My own conclusion is that they raised a number of points and that the CIA admitted a number of those points were valid and accepted, and it made the report better. And the report would not have been made better had it not been for Feith's staff digging into the raw documents and finding this information and bringing it forward.

Then I do not see anything unusual that they would not want to -- when they talked to the CIA about their disagreements, that they would not have a slide that said "Fundamental Problems With how the Intelligence Community is Assessing Information" -- I'd say it's just, sort of, a matter of courtesy that you might not do that.

But I think, if you have a concern that CIA is not properly assessing information, you should take it to the national security adviser and maybe be a little but more explicit when you make that briefing.

And as I understand the difference in you -- let me back up.

So you've said they've done nothing illegal. You said they acted with authority.

You say that this briefing at the national security adviser, the assistant, Mr. Hadley, was inappropriately done, in your opinion, because they did not give both sides of all these issues, and that's based on, fundamentally, the slides that you had?

You don't know the exact words these staffers used?

GIMBLE: The exact words of the briefing?

SESSIONS: Yes.

GIMBLE: I wasn't there.

SESSIONS: All you had was the slides.

GIMBLE: We got the slides and we got the detail that underlies the slides.

And the issue is...

SESSIONS: Wait a minute now, wait a minute now, wait a minute.

So, but you don't know what they said.

GIMBLE: I was not in the room.

SESSIONS: But they say to you that the nature of the briefing was not to present a counter-case or a counter-substantive analysis of these issues, but a fundamental raising of concerns about the CIA analysis and pointing out some of the errors they thought the CIA had made. Isn't that what they say?

GIMBLE: They say that. They do.

SESSIONS: That's what they say. OK.

And so I don't know -- surely, the national security adviser, Mr. Hadley, the deputy, was aware that this -- by its very nature of the briefing, it was more of a critique and objection to some of the things in the CIA analysis.

PROTESTER: (OFF-MIKE)

LEVIN: Excuse me, excuse me. We will not allow any additional outbreaks. I would ask that you now leave. And I'm going to have to ask whoever did that to please leave the room now.

SESSIONS: And I would just say, Mr. Chairman, thank you. I guess that's the appropriate thing to do.

But I think there are a group of people that think that somehow these staffers were part of some cabal to start a war for oil or some such thing as that and that they weren't committed to the decency and the -- of America and try to make country better.

PROTESTER: (OFF-MIKE)

SESSIONS: And that they cooked up all of this stuff.

PROTESTER: (OFF-MIKE)

SESSIONS: I think your report shows that is absolutely untrue and that there were basis for what these issues were raised. These issues are often in dispute and difficult to know what the real facts are.

And we had an open discussion. And the secretary of defense and the assistant secretary of defense ordered that they get with CIA and work out the differences and discuss them. And I'm sure the results of that eventually found its way to policymakers.

Thank you, Mr. Chairman.

LEVIN: Thank you, Senator Sessions.

Senator -- I think we'll go back and forth here now...

(CROSSTALK)

LEVIN: Senator Webb? You have additional...

(CROSSTALK)

LEVIN: Senator Warner?

WARNER: Let the record reflect my conversation with my colleague from Virginia was relating to a state matter, not this hearing. We rescheduled a meeting that we have together here today.

LEVIN: The record will so reflect.

WARNER: Beg your pardon?

(LAUGHTER)

LEVIN: The record will now so reflect.

WARNER: Right.

We keep coming back to this very pivotal phrase, that you rendered a professional judgment that the conduct of certain principals in the administration was inappropriate with regard to the compilation, preparation and ultimate delivery of briefings.

To what extent in your work did you go down into the system to try and find out why they did this?

WARNER: Because I still visualize a cadre of very patriotic, very loyal members of the -- I assume most of them professional staff of the Department of Defense, detailed officers from the Defense Intelligence Agency, and that that was the team that brought up the information that came to Secretary Feith's office.

And did you probe? Did they have knowledge that some of their conclusions was not being delivered and, if so, what were their opinions, why their principles were not doing this?

In other words, to support your conclusion, it would seem to me you would have wound up going back into the system to find out why this occurred.

GIMBLE: Well, let me just characterize it this way.

First off, we weren't looking at individuals. We were looking at the end product, the process, OK?

I agree with you. We have no reason to doubt the professionalism, the dedication of all the employees, because we think they are, and they do things with good intentions. We have no problem with it. It's not an issue for us.

What we've reported is that when the process came up and the decision came up, there was a disagreement -- there were known disagreements on both sides -- and when it funneled down to go up to the final presentation to the policymakers, one side didn't appear in these briefings.

And we're saying that, in our view, that that was inappropriate. It should have been balanced because you had a non-intel operation that was doing intel analysis, and that's probably OK. We don't have

a problem with it. We thought, because the secretary and deputy secretary authorized it, that was fine.

However, you've got the professional intelligence community, and then you can say that people disagree with what they do or don't do. That's OK too.

We're just saying that when you get the two fairly different opinions on a number of issues going forward to a decision-maker, we think it's important to have a balance on that and to do less than that would be considered...

WARNER: No, we understand that and you've presented that in your charts.

But take, for example, the briefing that was conducted by Mr. Feith's staff. I have to assume that those who conducted that briefing were out of this cadre of what I call dedicated career professionals. But they are equally culpable in the sense that they didn't present the other side.

Did you ask why they didn't do it? Were they told not to do it? Or did they draw on their own professional expertise and decide not to do it?

In other words, the wrong -- if it is a wrong -- alleged by you was performed by human beings. Why did they do what they did?

GIMBLE: I believe that what they did...

WARNER: You believe. Do you know? Do you have facts to back up?

GIMBLE: Well, if you let me just...

WARNER: You've got a very significant assertion here. What is the body of fact...

GIMBLE: The body of fact...

WARNER: ... that gives rise to -- I realize factually it wasn't done, but what was the reason it was not done?

GIMBLE: Well, the issue for us is that when you have intelligence-gathering responsibilities and you're an intelligence operation, you have certain guidelines you have to follow.

The policy shop was directed and authorized by the secretary to do that.

GIMBLE: And we don't believe they followed the prescribed intelligence vetting processes and they had information that was not vetted and it was not shown to be divergent from the other in these briefing charts.

OK, we think that's inappropriate. That's my opinion.

And was it mal-intent? I'll leave that to the able body up here or whoever else investigates. I'm not in the position to make a call on somebody's intent of why they did something.

We were not looking -- you know, the question's been why do we not swear people in? This was not an investigation of people. This was an investigation of process.

WARNER: All right.

GIMBLE: Or a review of process; not even an investigation of anything.

WARNER: Some of Feith's staff gave one of these three critical briefings, is that correct?

GIMBLE: They did.

WARNER: Did your debriefers or interrogators ask them why they deleted certain material?

GIMBLE: Are you talking about the changes between briefing-to-briefing?

Sir, there's two issues here. The chart -- the briefing got changed three times. For each of the three, there was differences in that, OK? That's one issue.

The real underlying issue that I'm more concerned with is there was an amount of disagreement on the basic fact of the presentation, and that's what we think should have been presented in all three versions and it simply wasn't done.

WARNER: All right. You have your opinion it should have been.

Did you inquire as to why it wasn't done from the individuals that did not?

GIMBLE: What we asked Secretary Feith, as an example, why that chart didn't appear in the briefing to Mr. Tenet.

WARNER: Yes, and we have before us his letter and whatever.

But I'm going back to these professional staff people. Apparently they did one of the briefings, chart was not included. My question: Did you ask any of these individuals -- not you, because you've decided not to interview -- but your staff?

Did they ask the individuals, "Why did you delete this?"

GIMBLE: They did not ask that.

First, it wasn't just deleted. The underlying issue of the 26 points was never in to be deleted to start with.

WARNER: I think at this point, we'd just best go to the classified session and see what we can gain.

LEVIN: Thank you, Senator Warner.

Senator Webb?

WEBB: Just one final comment, Mr. Gimble.

I understand the motivation of your report. And I think it's important for us to reinforce that: that you were asked to present certain conclusions without getting into political motivation.

WEBB: And I certainly have my political views about why this was done. And I was stating them at the time: that there was a group of people who wanted very much for this country to get involved in a unilateral war against a country that was troublesome but was not directly threatening us.

And that became clear very early on after 9/11.

That's not the issue that is before us. That's not the issue that was in the report that you were asked to be giving us.

And in terms of staffs in the Pentagon, Senator Warner and I both have long experience in the Pentagon. I have five years in the Pentagon, as I mentioned earlier; one year, actually, on Senator Warner's staff when he was undersecretary and then secretary of the Navy.

And it's important to say that, first of all, these staffs are comprised of a mix of people, in terms of their backgrounds. Some of them are political appointees. Some of them are career. Some of them are military, as we know.

But very, very often, the make-up of a staff is reflected by the motivations and the character of the leadership on the staff. They select people. Even in terms of people who are career, they interview; they select. And the staff, over a period of time, comes to reflect the views of the leadership. And I wouldn't be surprised if that were the case in this staff.

But the most important thing that you have done here is to provide opinions that are devoid of political judgment. And I think that's why your report, to this extent, is so valuable.

And if we want more information, if the chairman wants more information, if Senator Warner and others want more information -- I certainly would like information on this because I'd like to see some accountability.

But to the extent that you have been able to compile information, I find it to be credible.

GIMBLE: Thank you.

LEVIN: We will put in the record the request, if it's not already in the record, of Chairman Roberts, of September 9, asking you, or your predecessor, to know whether -- to ascertain whether the personnel assigned to the Office of Special Plans, which was part of the Feith operation, at any time conducted inappropriate intelligence activities.

LEVIN: Your finding is clear that they did.

As to why they did not do what the process required then to do in making an intelligence assessment is something that we will find out, either with the Intelligence Committee or on our own. If they're looking into that aspect of it, we're not going to duplicate that

aspect of it.

But the why these inappropriate activities were undertaken is an important question.

It was not the question you looked at because that gets into motive. You focused on whether or not the activities were inappropriate. You reached your conclusion. I think the evidence is overwhelming that your conclusion is correct.

We will now do the following: Any of us who have questions of you will put those questions in writing that can be answered in open. We're now going to go to a closed session, but we will have a period of, let's say, 48 hours to put together questions for you for the open record.

In addition, we will be talking to witnesses who presented that slide presentation to the Vice President's Office and to the National Security Council. So if you would supply us with the names of the people from the Feith office that did make this presentation, we will be interviewing those folks.

We will also seek interviews with Mr. Hadley, Mr. Libby, and see whether or not they will be willing to meet with us.

You said that Mr. Hadley declined to meet with you?

GIMBLE: The counsel over there declined to make him available.

LEVIN: All right.

Did you seek to talk to Mr. Libby as well?

GIMBLE: No, sir, we did not.

LEVIN: OK, since the presentation was to his staff, we will try to either talk to him or to his staff.

LEVIN: I believe he was, though, at the presentation, if I'm not -- is that correct, Mr. Libby was there?

GIMBLE: He was at the presentation.

LEVIN: So we will seek to talk to then, both Mr. Hadley, Mr. Libby. And we would appreciate your letting us know who it was, on

behalf of the Feith office, that made this presentation.

We're now going to remove to the classified portion. It will not take long.

I think you have a obligation to be at a different presentation. At what time is that?

GIMBLE: After the hearing ends, sir.

LEVIN: After this hearing. OK.

We thank you all for your presence. We'll move to Room 236.

END

Feb 09, 2007 13:59 ET
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