



## Senator Feinstein Releases Nonpartisan CRS Report that Concludes Congress Did Not Have Access to Full Scope of Prewar Intelligence

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**Washington, DC** – The nonpartisan Congressional Research Service (CRS) has produced a report that clearly rejects White House assertions that Congress had access to the same intelligence as the President in the march to war with Iraq, U.S. Senator Dianne Feinstein (D-Calif.) announced today.

**“There have been a number of claims that Congress had access to all the same intelligence before going to war as did the Administration. The nonpartisan Congressional Research Service study released today indicates that these claims are patently false,”** Senator Feinstein said. **“The report demonstrates that Congress routinely is denied access to intelligence sources; intelligence collection and analysis ‘methods;’ ‘raw’ or ‘lightly evaluated’ intelligence; and the President’s Daily Brief (PDB). This report goes to show that members of Congress were not seeing the same picture as the Administration.**

**When the Senate voted to authorize the use of force in Iraq in 2002, it was based on a more limited scope of prewar intelligence than was available to the Administration. In light of claims of the possible use or misuse of intelligence by policymakers in the march to war with Iraq, the Senate Intelligence Committee voted unanimously on February 12, 2004 to investigate five key questions on pre-war intelligence.**

**I believe that Congress and the American people deserve to know what precisely was known by the President and the Administration before the use of force in Iraq. If the Senate Intelligence Committee is to produce a credible and useful report for its ongoing ‘Phase II’ investigation, it must have access to all the same intelligence as the Administration that it was previously denied, particularly the PDBs.”**

Specifically, the CRS report (<http://feinstein.senate.gov/crs-intel.htm>) lays out the following points:

- **The President has access to all national intelligence collected, analyzed and produced by the Intelligence community, and has the authority to restrict the flow of intelligence to Congress.**

“By virtue of his constitutional role as commander-in-chief and head of the executive branch, the President has access to all national intelligence collected, analyzed and produced by the Intelligence Community,” the report states. “The President’s position also affords him the authority – which, at certain times, has been aggressively asserted – to restrict the flow of intelligence information to Congress and its two intelligence committees, which are charged with providing legislative oversight of the Intelligence Community.”

- **Administration officials routinely have access to more, and to more sensitive, intelligence than do Members of Congress. And through their daily routines and staff, Administration officials are inherently more capable of assessing finished intelligence products.**

“[T]he President and a small number of presidentially designated Cabinet-level officials, including the Vice President – in contrast to Members of Congress – have access to a far greater overall volume of intelligence and to more sensitive intelligence information, including information regarding intelligence sources and methods,” the report states. “They, unlike Members of Congress, also have the authority to more extensively task the Intelligence Community, and its extensive cadre of analysts, for follow-up information. As a result the President and his most senior advisors arguably are better positioned to assess the quality of the Community’s intelligence more accurately than is Congress.”

- **The President has a statutory responsibility to keep Congress “fully and currently informed of all intelligence activities.”**

“The President’s otherwise exclusive control over national intelligence, however, is tempered by a statutory obligation to keep Congress, through its two congressional intelligence committees, ‘fully and currently informed of all intelligence activities ...’” the report states. “Current law also prevents the executive branch from withholding intelligence information from the committees on the grounds that providing the information to the congressional intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.”

- **There are four types of intelligence not routinely shared with Congress.**
  - Tailored intelligence products such as the President’s Daily Brief (PDB);
  - Identities of intelligence sources;
  - Intelligence collection and analysis “methods”; and
  - “Raw” or “lightly evaluated” intelligence.
- **There is precedent for sharing source information and PDBs with Congress (and other groups)**

“Although Congress generally has not had access to information pertaining to intelligence sources and methods, raw intelligence or intelligence products tailored to high-level policymakers – including PDBs – it is noteworthy that Congress occasionally has sought and obtained such intelligence information from the executive branch,” the report

states. “Intelligence committee staffers, occasionally, have successfully obtained access to PDBs, and PDB articles, during the course of conducting investigations and general oversight.

“While denying Congress access to certain PDB articles, the Bush Administration has provided such access – albeit limited – to two commissions: the 9/11 Commission and the Commission of the United States Regarding Weapons of Mass Destruction [or the WMD Commission].”

The full CRS report is available online at: <http://feinstein.senate.gov/crs-intel.htm>

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