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b3 10 USC 130b

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b3 10 USC 1305

# **Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction**

## **Presidential Action:**

- Intelligence collection has always been difficult against closed, highly secretive, and regimented societies that actively seek to conceal their conduct through denial and deception. The technical challenges for the collection and analysis of intelligence on weapons of mass destruction programs — especially concerning programs carried out by rogue states and terrorist organizations -- are even more difficult and more complex than at any time in the past.
  
- To address this changing threat to our Nation, the President has ordered a thorough review of the way our Nation collects, analyzes, and disseminates intelligence information related to weapons of mass destruction.
  
- The President's Executive Order establishes an independent and bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.
  
- The President has appointed a distinguished group of experts to the Commission:
  - ✓..... Charles S. Robb (Co-Chair), former Senator and Governor of Virginia. Senator Robb served on the Senate Select Committee on Intelligence, among many other committees and responsibilities in the Senate. He also served in the Marine Corps.
  
  - ✓..... Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and served on the Department of Defense Policy Board.

- ✓..... Senator John McCain, of Arizona. Senator McCain is a decorated veteran, serves on the Senate Armed Services Committee, and possesses extraordinary experience concerning the intelligence community.
  - ✓..... Lloyd Cutler, former Counsel to President Carter and President Clinton. He also served as Special Counsel on Ratification of the Salt II Treaty and Senior Consultant to the President's Commission on Strategic Forces in 1983-84.
  - ✓..... Richard Levin, President of Yale University. He has served since 1993 as President of Yale.
  - ✓..... Admiral William Studeman was Deputy Director of Central Intelligence from 1992 to 1995. He previously served as Director of Naval Intelligence and Director of the National Security Agency.
  - ✓..... Judge Patricia Wald, former Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed by President Carter. She also served as a Judge representing the United States on the International Criminal Tribunal for the former Yugoslavia.
- The Commission will have the access, funding, and time needed to conduct a full and thorough review.

### **Mission:**

The President has charged the Commission to:

- Assess whether the intelligence community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support U.S. Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals).
- Examine the capabilities and challenges of the intelligence community to collect,

process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals) relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century.

- Examine the intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction and related means of delivery.
- Evaluate the challenges of obtaining information regarding the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century in closed societies.
- Compare the intelligence community's intelligence concerning weapons of mass destruction programs and other related threats of the 21<sup>st</sup> Century in Libya prior to its recent decision to open its programs to international scrutiny, and in Afghanistan prior to removal of the Taliban government with the current assessments of organizations presently examining those programs.
- The Commission will have full and complete access to relevant information in the possession, custody or control of any executive department or agency to the maximum extent permitted by law.
- The Commission will report its findings and recommendations to the President by March 31, 2005.

# COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION

## PRESIDENTIAL ACTION:

- Intelligence collection has always been difficult against closed, highly secretive, and regimented societies that actively seek to conceal their conduct through denial and deception. The technical challenges for the collection and analysis of intelligence on weapons of mass destruction programs – especially concerning programs carried out by rogue states and terrorist organizations -- are even more difficult and more complex than at any time in the past.
- To address this changing threat to our Nation, the President has ordered a thorough review of the way our Nation collects, analyzes, and disseminates intelligence information related to weapons of mass destruction.
- The President's Executive Order establishes an independent and bipartisan Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction.
- The President has appointed a distinguished group of experts to the Commission:
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  - ✓ Judge Laurence H. Silberman (Co-Chair), senior Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed in 1985 by President Reagan. Judge Silberman has served as Deputy Attorney General, Ambassador to Yugoslavia, and Solicitor of the Department of Labor, among other government positions. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and served on the Department of Defense Policy Board.
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  - ✓ Admiral William Studeman was Deputy Director of Central Intelligence from 1992 to 1995. He previously served as Director of Naval Intelligence and Director of the National Security Agency.
  - ✓ Judge Patricia Wald, former Judge on the U.S. Court of Appeals for the D.C. Circuit, appointed by President Carter. She also served as a Judge representing the United States on the International Criminal Tribunal for the former Yugoslavia.
- The Commission will have the access, funding, and time needed to conduct a full and thorough review.

## **MISSION:**

The President has charged the Commission to:

- Assess whether the intelligence community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support U.S. Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals).
- Examine the capabilities and challenges of the intelligence community to collect, process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals) relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century.
- Examine the intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction and related means of delivery.
- Evaluate the challenges of obtaining information regarding the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of weapons of mass destruction, related means of delivery, and other related threats of the 21<sup>st</sup> Century in closed societies.
- Compare the intelligence community's intelligence concerning weapons of mass destruction programs and other related threats of the 21<sup>st</sup> Century in Libya prior to its recent decision to open its programs to international scrutiny, and in Afghanistan prior to removal of the Taliban government with the current assessments of organizations presently examining those programs.
- The Commission will have full and complete access to relevant information in the possession, custody or control of any executive department or agency to the maximum extent permitted by law.
- The Commission will report its findings and recommendations to the President by March 31, 2005.