

REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF STATE TO TRANSMIT TO THE HOUSE ALL INFORMATION RELATING TO COMMUNICATION WITH THE U.K. BETWEEN 1/1/02 AND 10/16/02 RELATING TO THE POLICY OF THE U.S. WITH RESPECT TO IRAQ; REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE ALL DOCUMENTS RELATING TO COMMUNICATIONS WITH THE U.K. RELATING TO THE POLICY OF THE U.S. WITH RESPECT TO IRAQ; AND DIRECTING THE SECRETARY OF STATE TO TRANSMIT TO THE HOUSE DOCUMENTS RELATING TO THE DISCLOSURE OF THE IDENTITY AND EMPLOYMENT OF MS. VALERIE PLAME

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**MARKUP**  
BEFORE THE  
**COMMITTEE ON**  
**INTERNATIONAL RELATIONS**  
**HOUSE OF REPRESENTATIVES**

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

**H. Res. 375, H. Res. 408 and H. Res 419**

SEPTEMBER 14, 2005

**Serial No. 109-114**

Printed for the use of the Committee on International Relations



Available via the World Wide Web: [http://www.house.gov/international\\_relations](http://www.house.gov/international_relations)

U.S. GOVERNMENT PRINTING OFFICE

23-436PDF

WASHINGTON : 2006

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H461-25

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**REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF STATE TO TRANSMIT TO THE HOUSE ALL INFORMATION RELATING TO COMMUNICATION WITH THE U.K. BETWEEN 1/1/02 AND 10/16/02 RELATING TO THE POLICY OF THE U.S. WITH RESPECT TO IRAQ; REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE ALL DOCUMENTS RELATING TO COMMUNICATIONS WITH THE U.K. RELATING TO THE POLICY OF THE U.S. WITH RESPECT TO IRAQ; AND DIRECTING THE SECRETARY OF STATE TO TRANSMIT TO THE HOUSE DOCUMENTS RELATING TO THE DISCLOSURE OF THE IDENTITY AND EMPLOYMENT OF MS. VALERIE PLAME**

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**WEDNESDAY, SEPTEMBER 14, 2005**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:41 a.m., in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order

Pursuant to notice, I call up the resolution, H. Res. 375, requesting the President and directing the Secretary of State to transmit to the House of Representatives all information in their possession relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq, for purposes of markup and move its adverse recommendation to the House.

Without objection, the resolution will be considered as read and open for amendment at any point.

[H. Res. 375 follows:]

109TH CONGRESS  
1ST SESSION

# H. RES. 375

Requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2005

Ms. LEE (for herself, Mr. CONYERS, Ms. BALDWIN, Mr. CLAY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. EVANS, Mr. FARR, Mr. GRJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY) submitted the following resolution; which was referred to the Committee on International Relations

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## RESOLUTION

Requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq.

1       *Resolved*, That not later than 14 days after the date  
2 of the adoption of this resolution—

3           (1) the President is requested to transmit to  
4 the House of Representatives all documents, includ-  
5 ing telephone and electronic mail records, logs, cal-  
6 endars, minutes, and memos, in the possession of  
7 the President relating to communications with offi-  
8 cials of the United Kingdom from January 1, 2002,  
9 to October 16, 2002, relating to the policy of the  
10 United States with respect to Iraq, including any  
11 discussions or communications between the Presi-  
12 dent or other Administration officials and officials of  
13 the United Kingdom that occurred before the meet-  
14 ing on July 23, 2002, at 10 Downing Street in Lon-  
15 don, England, between Prime Minister Tony Blair of  
16 the United Kingdom, United Kingdom intelligence  
17 officer Richard Dearlove, and other national security  
18 officials of the Blair Administration; and

19           (2) the Secretary of State is directed to trans-  
20 mit to the House of Representatives all documents,  
21 including telephone and electronic mail records, logs,  
22 calendars, minutes, memos, and records of internal  
23 discussions, in the possession of the Secretary relat-  
24 ing to communications with officials of the United  
25 Kingdom from January 1, 2002, to October 16,

1       2002, relating to the policy of the United States  
2       with respect to Iraq, including any discussions or  
3       communications between the Secretary of State or  
4       other officials of the Department of State and offi-  
5       cials of the United Kingdom that occurred before  
6       the meeting on July 23, 2002, at 10 Downing Street  
7       in London, England, between Prime Minister Tony  
8       Blair of the United Kingdom, United Kingdom intel-  
9       ligence officer Richard Dearlove, and other national  
10      security officials of the Blair Administration.

○



Chairman HYDE. Today, the Committee will consider three resolutions of inquiry which I intend to call up subsequently. Ms. Lee of California introduced H. Res. 375, requesting the President and directing the Secretary of State to transmit documents related to communications about the United Kingdom between January 1, 2002, and October 16, 2002, regarding the United States policy with respect to Iraq.

Mr. Hinchey of New York introduced H. Res. 408, requesting the President and directing the Secretary of Defense to transmit information related to communications with officials of the United Kingdom between January 1, 2001, and March 19, 2003, regarding the United States policy with respect to Iraq.

Finally, Mr. Holt of New Jersey introduced H. Res. 419, directing the Secretary of State to transmit documents from May 6, 2003, to July 31, 2003, related to the disclosure of the identity and employment of Valerie Plame.

Before calling up the first of the three resolutions, H. Res. 375, I would like to note this Committee has reported adversely five resolutions of inquiry in the recent past, including resolutions either very similar or nearly identical to the resolutions before us today.

H. Res. 375 follows publication of the so-called Downing Street Memo, a memorandum prepared for a meeting on July 23, 2002, between Tony Blair and British officials. The memo was leaked and originally published in the May 1, 2005, edition of London's *The Sunday Times*. The heart of the Downing Street Memo and a political activism surrounding it centers on the author and the memo's description of his impression of United States prewar intelligence on Iraq.

The Downing Street Memo does not raise anything new. The decision to go to war in Iraq and the intelligence surrounding the decision have been examined and reexamined. Even a partial recitation of the studies of the subject is a lengthy exercise, so please bear with me.

The two congressional Select Committees on Intelligence, the Commission on the Intelligence Capabilities of the U.S. Regarding Weapons of Mass Destruction, known as the Silberman-Robb Commission, the House of Commons' Foreign Affairs Committee, and the British Hutton Inquiry all reviewed—in detail—prewar intelligence on Iraq. None found any evidence of Administration officials attempting to coerce, influence or pressure intelligence analysts or "fixing" intelligence.

The Senate and the House Permanent Select Committees on Intelligence have exhaustively investigated our prewar intelligence on Iraq. Both of these Committees, while finding failures in our intelligence assessments and methods, found no evidence that the Administration fixed intelligence to justify its policies.

For instance, Conclusion Number 83 in the Senate Intelligence Committee report entitled, "U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq," states, and I quote:

"The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities."

This conclusion, as is true of the entire report, was approved by a unanimous bipartisan vote by the Senate Committee. The Chairman of the Senate Committee, in his additional views on the Senate's report, noted:

"The Committee set out to examine a number of issues, including whether anyone within the intelligence community was pressured to change their judgments or to reach a specific judgment to suit a particular policy objective. Not only did we find no such pressure, we found quite the opposite; intelligence officials across the community told Members and staff their assessments were solely the product of their own analyses and judgments. They related to Committee staff in interview after interview their strong belief that the only pressure they felt was to get it right. Every individual with whom we spoke felt a deep sense of responsibility to provide the highest quality product possible."

The Senate Committee reviewed the record of intelligence on Iraq over the span of years stretching back more than a decade to the first Gulf War. The Chairman of the Senate Intelligence Committee, Senator Roberts, in his additional views on the Senate's report, noted:

"Nowhere in this process did we find any unexplained gaps or evidence that judgments were changed for any reason other than the logical evolution of the analyses. Had there been a successful attempt to alter the judgments of the intelligence community, there would have been an obvious, unsubstantiated and inexplicable deviation from this progression. We found no such deviation. What we did find was largely good faith, albeit flawed, analyses that were influenced only by the intelligence reporting and the efforts of intelligence professionals trying hard to get it right."

Senator Roberts also notes that no member of the intelligence community, despite public pleas from anyone with concerns about the manipulation of prewar intelligence on Iraq, not one, ever came forward with such concerns, either anonymously or otherwise.

The Senate's report, which runs over 500 pages, is the product of over 12 months of Committee review of over 45,000 pages of intelligence documents, spanning a decade, interviews of over 200 individuals, including National Security Council staff members, and four Committee hearings. As noted by its Chairman, the scope of the Senate Intelligence Committee's 12-month inquiry into the United States intelligence community's prewar assessments regarding Iraq is without precedent in the history of the Committee.

Senator Roberts' conclusion on the issue of intelligence manipulation is worth repeating:

"In the end, what the President used to make the extremely difficult decision to go to war was what he got from the intelligence community and not what he or Administration officials tried to make it."

The House Select Committee on Intelligence reviewed United States intelligence regarding the amount or existence of weapons of mass destruction in Iraq, including the issues of bias, dissenting

views on how intelligence was disseminated, and the linkages between Iraq and terrorist organizations. The Chairman and Ranking Member of the House Intelligence Committee informed the International Relations Committee that our Members have been granted access to the documentation provided by the CIA that the Intelligence Committee was studying in its review; again, no evidence of fixing intelligence surfaced.

The Commission on the Intelligence Capabilities of the U.S. Regarding Weapons of Mass Destruction, the Silberman-Robb Commission, is seen as producing a definitive report on the issue of prewar intelligence on Iraq. This was a Blue Ribbon bipartisan commission headed by former Senator Robb and Judge Silberman as co-chairmen, which included a talented and experienced group of commissioners, such as Senator McCain, Walt Slocum, Judge Wald, and Lloyd Cutler, and was supported by a bipartisan experienced professional staff of 88 professionals and consultants. The final report runs over hundreds of pages and is nothing if not thorough in its scope and depth of review.

Especially important to us today as we consider H. Res. 375 are the following conclusions:

“We conclude that the intelligence community was dead wrong in almost all of its prewar judgments about Iraq’s weapons of mass destruction. . . . Its principle causes were the intelligence community’s inability to collect good information about Iraq’s weapons of mass destruction programs, serious errors in analyzing what information it could gather, and a failure to make clear just how much of its analysis was based on assumptions rather than good evidence. . . . After a thorough review, the commission found no indication that the intelligence community distorted the evidence regarding Iraq’s weapons of mass destruction. What the intelligence professionals told you about Saddam Hussein’s programs was what they believed, they were simply wrong. . . . Finally, we closely examined the possibility that intelligence analysts were pressured by policymakers to change their judgments about Iraq’s nuclear, biological, and chemical programs. The analysts who worked Iraq’s weapons issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgments.”

Senator Roberts perhaps summed up the significance of the Silberman-Robb Commission report best when he stated:

“I don’t think there should be any doubt that we have now heard it all regarding prewar intelligence. I think it would be a monumental waste of time to replot this ground any further. We should now turn our full attention to the future. . . .”

In reviewing this mountain of public evidence found in these reports that refute the notion of any “fixing” of intelligence, we should not ignore the obvious. There was no need for supporters of the war to “fix” intelligence in the run up to the war because the prewar belief among the intelligence community and policymakers that Iraq had weapons of mass destruction was overwhelming. Both the intelligence community, as reflected in its reports, and

policymakers of both political parties believed with certainty that Iraq had weapons of mass destruction. In October 2002, at the request of Members of Congress, it should be noted, the National Intelligence Council produced a national intelligence estimate known as an NIE, which is the most authoritative intelligence assessment produced by the intelligence community. According to the Silberman-Robb report, this estimate concluded—wrongly as it turned out—that Iraq’s biological weapons capability was larger and more advanced than before the Gulf War, that Iraq possessed mobile biological weapons production facilities, that Iraq had renewed production of chemical weapons, including mustard, sarin, GF and VX, that it had accumulated chemical stockpiles of between 100 and 500 metric tons, and that Iraq had unmanned aerial vehicles that were probably intended for the delivery of biological weapons. Such a catalog of assertions from the intelligence community regarding Iraqi weapons of mass destruction required no embellishment or “fixing” by those policymakers seeking to confront Iraq over weapons of mass destruction.

The firm belief that Iraq possessed weapons of mass destruction was shared by leaders of both political parties as early as 1998. President Clinton stated, and I quote:

“There should be no doubt, Saddam’s ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and to the security of the world.”

National Security Adviser Sandy Berger remarked:

“Year after year, in conflict after conflict, Saddam has proven that he seeks weapons, including weapons of mass destruction, in order to use them.”

Senator John Kerry stated in 2003:

“I think Saddam Hussein’s weapons of mass destruction are a threat, and that is why I voted to hold him accountable and to make certain that we disarm him.”

In a 2004 interview, former Weapons Inspector David Kay answered the question whether it was a fair statement that the Administration misled the American people by stating:

“I think it is not fair, and it also trivializes what we did find, and the problem we face. The problem we face is that before the war not only the U.S. Administration and U.S. intelligence but the French, British, Germans, the UN all thought Saddam had weapons of mass destruction. Not discovering them tells us we have got a more fundamental problem.”

David Kay also notes that:

“This view of Iraq was held during the Clinton Administration and didn’t change in the Bush Administration. It is not a political ‘got-you’ issue.”

It is worth noting that the British inquiry into prewar intelligence on Iraq conducted by Lord Hutton made findings similar to those made in all the United States reports. In his summary of conclusions, Lord Hutton dismissed the allegation that the British in-

telligence dossier supporting the use of force against Iraq was “sexed up”:

“I consider that the allegation was unfounded, as it would have been understood by those who heard the broadcast to mean that the dossier had been embellished with intelligence known or believed to be false or unreliable which was not the case.”

H. Res 375 is drafted in such sweeping and overbroad language that it would include Presidential documents of the most sensitive nature involving communications between heads of state. Complying with such inquiries would run contrary to long-established constitutional principles and set a dangerous precedent. George Washington, confronting this Nation’s first resolution of inquiry, was mindful of setting such a precedent. Washington wrote, and I quote:

“The nature of foreign negotiations requires caution, and their success must depend often on secrecy; and even when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic, for this might have a pernicious influence on future negotiations, or produce immediate inconveniences, perhaps danger and mischief in relation to other powers. . . . To admit then, a right in the House of Representatives to demand and to have as a matter of course all the papers respecting a negotiation with a foreign power would be to establish a dangerous precedent.”

That is a quote from George Washington. We can’t afford to be less mindful.

A demand for the communication between heads of state would cripple the President’s ability to act in this country’s interest. H. Res. 375 requests documents that would include the President’s telephone and e-mail records, as well as logs, calendars, minutes and memos. Neither President Bush nor future Presidents of this country could effectively manage our foreign affairs if foreign leaders feared that their supposedly private communications could be made public. A foreign memo based on hearsay is no justification for shackling the Executive Office.

H. Res. 375 would send the wrong signal to our allies in the Middle East and would work to undermine our great enterprise of fighting terrorism and establishing democracy in the Middle East. I urge you to vote to report this resolution adversely, and I am pleased to recognize the Ranking Democrat, Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first commend you for a comprehensive and serious opening statement. My only comment on the opening statement is that the Washington quote in your concluding remarks had to do with treaty negotiations, not diplomatic contacts, which are at issue here.

Mr. Chairman, while the attention of our Nation has been riveted on nature’s fury and the tragic pictures from New Orleans, the war in Iraq continues unabated. Our courageous soldiers and those of Iraq are fighting shoulder-to-shoulder to stop fundamentalist terrorists and to provide stability for the fledgling democracy in Iraq.

Mr. Chairman, the men and women carrying out the mission in Iraq are our constituents, and every Member of this Body fully supports them. We owe it to them—and to all of our constituents—to develop a complete picture of the decision-making that led the United States to go to war to bring down the regime of Saddam Hussein. And the Executive Branch owes it to the American people to make certain that their elected representatives are fully informed.

For some of our Members, reports of the so-called Downing Street Memo have cast a cloud over the Executive Branch's decision-making and public declarations regarding Iraq. At a time when public support for the war is in decline—I will just hold on until my colleagues finish their conversation, Mr. Chairman. At a time when public support for the war is in decline, the refusal of the Executive Branch to do all it can to put these questions to rest only further undermines support.

This bill asserts an appropriate role for the Congress in the foreign policy process, and it provides the Executive Branch with the opportunity to put to rest doubts about its actions in taking our Nation to war. That is why I support this resolution, and urge all of my colleagues to do likewise. Thank you, Mr. Chairman.

Mr. SMITH. Ms. Lee of California.

Ms. LEE. Thank you, Mr. Chairman. I want to thank you and our Ranking Member for your opening statements, and also just want to say to the Committee that today, as we reflect, of course, on the devastation in the aftermath of Hurricane Katrina and the very slow Federal response, I think it is important to consider the lives and resources committed to this unnecessary war in Iraq. We are inevitably reminded of what is at stake when Congress decides to authorize the use of force. We have an enormous commitment of resources and lives as it relates to the war in Iraq, and this of course severely impacts our domestic and our homeland security as we now are witnessing.

The resolution we are considering now goes directly to the heart of our responsibilities as Members of Congress. It requests the President and directs the Secretary of State to provide Congress all documents, e-mails, phone logs, faxes and other communications regarding discussions that may have been held with British officials between January 1, 2002, and during the lead-up to congressional authorization to go to war with Iraq on October 16, 2002.

This resolution is not about bringing our troops home—although this is a position which I personally believe in and I support that position—but this resolution actually, with 82 co-sponsors, basically just asks the questions that the American people deserve the answers to. There is no more solemn decision by a nation and the President than putting our troops in harm's way and going to war. The Congress, however, continues to uncritically accept the Administration's explanation on why the United States is at war with Iraq, and the American people deserve to know the truth about why we rushed into war.

Nearly a year before the Iraq Survey Group first concluded that Iraq had no weapons of mass destruction, Congress has yet to convene a bipartisan investigation on the veracity of prewar intel-

ligence. That is why Members are forced to use procedural tools like this resolution of inquiry to uncover the truth.

Finally, the United States is at war in Iraq under an authority conferred to President Bush by Congress. Consequently, it is not only Congress' prerogative, it is our responsibility to ensure that that authority was not granted under circumstances that were deliberately misleading.

Let's examine the facts: On May 1, 2005, the *Sunday London Times* published the minutes of a secret meeting of British officials, including Prime Minister Tony Blair. This Downing Street Memo, as it has come to be known, stated:

“It seemed clear that President Bush had made up his mind to take military action even if the timing was not yet decided, but the case is thin.”

It also said:

“Intelligence and facts were being fixed around the policy, and there was little discussion in Washington of the aftermath of military action.”

These are some of the serious revelations in this memo, and I would like to ask unanimous consent, Mr. Chairman, to submit these memos into the record.

Chairman HYDE. Without objection.

[The information referred to follows:]

*The Secret Downing Street Memo*

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SECRET AND STRICTLY PERSONAL - UK EYES ONLY

DAVID MANNING  
From: Matthew Rycroft  
Date: 23 July 2002  
S 195 /02

cc: Defence Secretary, Foreign Secretary, Attorney-General, Sir Richard Wilson, John Scarlett, Francis Richards, CDS, C, Jonathan Powell, Sally Morgan, Alastair Campbell

IRAQ: PRIME MINISTER'S MEETING, 23 JULY

Copy addressees and you met the Prime Minister on 23 July to discuss Iraq.

This record is extremely sensitive. No further copies should be made. It should be shown only to those with a genuine need to know its contents.

John Scarlett summarised the intelligence and latest JIC assessment. Saddam's regime was tough and based on extreme fear. The only way to overthrow it was likely to be by massive military action. Saddam was worried and expected an attack, probably by air and land, but he was not convinced that it would be immediate or overwhelming. His regime expected their neighbours to line up with the US. Saddam knew that regular army morale was poor. Real support for Saddam among the public was probably narrowly based.

C reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the UN route, and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action.

CDS said that military planners would brief CENTCOM on 1-2 August, Rumsfeld on 3 August and Bush on 4 August.

The two broad US options were:

- (a) Generated Start. A slow build-up of 250,000 US troops, a short (72 hour) air campaign, then a move up to Baghdad from the south. Lead time of 90 days (30 days preparation plus 60 days deployment to Kuwait).
- (b) Running Start. Use forces already in theatre (3 x 6,000), continuous air campaign, initiated by an Iraqi casus belli. Total lead time of 60 days with the air campaign beginning even earlier. A hazardous option.

The US saw the UK (and Kuwait) as essential, with basing in Diego Garcia and Cyprus critical for either option. Turkey and other Gulf states were also important, but less vital. The three main options for UK involvement were:

- (i) Basing in Diego Garcia and Cyprus, plus three SF squadrons.
- (ii) As above, with maritime and air assets in addition.



(iii) As above, plus a land contribution of up to 40,000, perhaps with a discrete role in Northern Iraq entering from Turkey, tying down two Iraqi divisions.

The Defence Secretary said that the US had already begun "spikes of activity" to put pressure on the regime. No decisions had been taken, but he thought the most likely timing in US minds for military action to begin was January, with the timeline beginning 30 days before the US Congressional elections.

The Foreign Secretary said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors. This would also help with the legal justification for the use of force.

The Attorney-General said that the desire for regime change was not a legal base for military action. There were three possible legal bases: self-defence, humanitarian intervention, or UNSC authorisation. The first and second could not be the base in this case. Relying on UNSCR 1205 of three years ago would be difficult. The situation might of course change.

The Prime Minister said that it would make a big difference politically and legally if Saddam refused to allow in the UN inspectors. Regime change and WMD were linked in the sense that it was the regime that was producing the WMD. There were different strategies for dealing with Libya and Iran. If the political context were right, people would support regime change. The two key issues were whether the military plan worked and whether we had the political strategy to give the military plan the space to work.

On the first, CDS said that we did not know yet if the US battleplan was workable. The military were continuing to ask lots of questions.

For instance, what were the consequences, if Saddam used WMD on day one, or if Baghdad did not collapse and urban warfighting began? You said that Saddam could also use his WMD on Kuwait. Or on Israel, added the Defence Secretary.

The Foreign Secretary thought the US would not go ahead with a military plan unless convinced that it was a winning strategy. On this, US and UK interests converged. But on the political strategy, there could be US/UK differences. Despite US resistance, we should explore discreetly the ultimatum. Saddam would continue to play hard-ball with the UN.

John Scarlett assessed that Saddam would allow the inspectors back in only when he thought the threat of military action was real.

The Defence Secretary said that if the Prime Minister wanted UK military involvement, he would need to decide this early. He cautioned that many in the US did not think it worth going down the ultimatum route. It would be important for the Prime Minister to set out the political context to Bush.

Conclusions:

(a) We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions. CDS should tell the US military that we were considering a range of options.

(b) The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation.

(c) CDS would send the Prime Minister full details of the proposed military campaign and possible UK contributions by the end of the week.

(d) The Foreign Secretary would send the Prime Minister the background on the UN inspectors, and discreetly work up the ultimatum to Saddam.

He would also send the Prime Minister advice on the positions of countries in the region especially Turkey, and of the key EU member states.

(e) John Scarlett would send the Prime Minister a full intelligence update.

(f) We must not ignore the legal issues: the Attorney-General would consider legal advice with FCO/MOD legal advisers.

(I have written separately to commission this follow-up work.)

MATTHEW RYCROFT

(Rycroft was a Downing Street foreign policy aide)

STRAW

SECRET AND PERSONAL

PM/02/019  
PRIME MINISTER

CRAWFORD/IRAQ

1 The rewards from your visit to Crawford will be few. The risks are high, both for you and for the Government. I judge that there is at present no majority inside the PLP for any military action against Iraq, (alongside a greater readiness in the PLP to surface their concerns). Colleagues know that Saddam and the Iraqi regime are bad. Making that case is easy. But we have a long way to go to convince them as to:

- (a) the scale of the threat from Iraq and why this has got worse recently;
- (b) what distinguishes the Iraqi threat from that of eg Iran and North Korea so as to justify military action;
- (c) the justification for any military action in terms of international law; and
- (d) whether the consequence of military action really would be a compliant, law abiding replacement government.

2 The whole exercise is made much more difficult to handle as long as conflict between Israel and the Palestinians is so acute.

## THE SCALE OF THE THREAT

3 The Iraqi regime plainly poses a most serious threat to its neighbours, and therefore to international security. However, in the documents so far presented it has been hard to glean whether the threat from Iraq is so significantly

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different from that of Iran and North Korea as to justify military action (see below).

WHAT IS WORSE NOW?

4 If 11 September had not happened, it is doubtful that the US would now be considering military action against Iraq. In addition, there has been no credible evidence to link Iraq with UBL and Al Qaida. Objectively, the threat from Iraq has not worsened as a result of 11 September. What has however changed is the tolerance of the international community (especially that of the US), the world having witnesses on September 11 just what determined evil people can these days perpetuate.

THE DIFFERENCE BETWEEN IRAQ, IRAN AND NORTH KOREA

5 By linking these countries together in this "axis of evil" speech, President Bush implied an identity between them not only in terms of their threat, but also in terms of the action necessary to deal with the threat. A lot of work will now need to be done to delink the three, and to show why military action against Iraq is so much more justified than against Iran and North Korea. The heart of this case is that Iraq poses a unique and present danger - rests on the facts that it:

- \* invaded a neighbour;
- \* has used WMD, and would use them again;
- \* is in breach of nine UNSCRs.

THE POSITION IN INTERNATIONAL LAW

6 That Iraq is in flagrant breach of international legal obligations imposed on it by the UNSC provides us with the core of a strategy, and one which is based on international law. Indeed<sup>11</sup> if the argument is to be won, the whole case

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against Iraq and in favour (if necessary) of military action, needs to be narrated with reference to the international rule of law.

7 We also have better to sequence the explanation of what we are doing and why. Specifically, we need to concentrate in the early stages on:

- \* making operational the sanctions regime foreshadowed by UNSCR 1382;

- \* demanding the readmission of weapons inspectors, but this time to operate in a free and unfettered way (a similar formula to that which Cheney used at your joint press conference, as I recall).

8 I know there are those who say that an attack on Iraq would be justified whether or not weapons inspectors were readmitted. But I believe that a demand for the unfettered readmission of weapons inspectors is essential, in terms of public explanation, and in terms of legal sanction for any subsequent military action.

9 Legally there are two potential elephant traps:

- (i) regime change per se is no justification for military action; it could form part of the method of any strategy, but not a goal. Of course, we may want credibly to assert that regime change is an essential part of the strategy by which we have to achieve our ends - that of the elimination of Iraq's WMD capacity; but the latter has to be the goal;

- (ii) on whether any military action would require a fresh UNSC mandate (Desert Fox did not). The US are likely to oppose any idea of a fresh mandate. On the other side, the weight of legal advice here is that a fresh mandate

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may well be required. There is no doubt that a new UNSCR would transform the climate in the PLP. Whilst that (a new mandate) is very unlikely, given the US's position, a draft resolution against military action with 13 in favour (or handsitting) and two vetoes against could play very badly here.

THE CONSEQUENCES OF ANY MILITARY ACTION

- 10 A legal justification is a necessary but far from sufficient pre-condition for military action. We have also to answer the big question - what will this action achieve? There seems to be a larger hole in this than on anything. Most of the assessments from the US have assumed regime change as a means of eliminating Iraq's WMD threat. But none has satisfactorily answered how that regime change is to be secured, and how there can be any certainty that the replacement regime will be better.
- 11 Iraq has had NO history of democracy so no-one has this habit or experience.

(JACK STRAW)

Foreign and Commonwealth Office  
25 March 2002

SECRET AND PERSONAL

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British Embassy Washington

From the Ambassador  
Christopher Meyer RQMG

18 March 2002

Sir David Manning RQMG  
No 10 Downing Street

IRAQ AND AFGHANISTAN: CONVERSATION WITH WOLFOWITZ

1 Paul Wolfowitz, the Deputy Secretary of Defense, came to Sunday lunch on 17 March.

2 On Iraq I opened by sticking very closely to the script that you used with Condi Rice last week. We backed regime change, but the plan had to be clever and failure was not an option. It would be a tough sell for us domestically, and probably tougher elsewhere in Europe. The US could go it alone if it wanted to. But if it wanted to act with partners, there had to be a strategy for building support for military action against Saddam. I then went through the need to wrongfoot Saddam on the inspectors and the UN SCRs and the critical importance of the MEPP as an integral part of the anti-Saddam strategy. If all this could be accomplished skilfully, we were fairly confident that a number of countries would come on board.

3 I said that the UK was giving serious thought to publishing a paper that would make the case against Saddam. If the UK were to join with the US in any operation against Saddam, we would have to be able to take a critical mass of parliamentary and public opinion with us. It was extraordinary how people had forgotten how bad he was.

4 Wolfowitz said that he fully agreed. He took a slightly different position from others in the Administration, who were focussed on Saddam's capacity to develop weapons of mass destruction. The WMD danger was of course crucial to the public case against Saddam, particularly the potential linkage to terrorism. But Wolfowitz thought it indispensable to spell out in detail Saddam's barbarism. This was well documented from what he had done during the occupation of Kuwait, the incursion into Kurdish territory, the assault on the Marsh Arabs, and to his own people. A lot of work had been done on this towards the end of the first Bush administration. Wolfowitz thought that this would go a long way to destroying any notion of moral equivalence between Iraq and Israel. I said that I had been forcefully struck, when addressing university audiences in the US, how ready students were to gloss over Saddam's crimes and to blame the US and the UK for the suffering of the Iraqi people.

5 Wolfowitz said that it was absurd to deny the link between terrorism and Saddam. There might be doubt about the alleged meeting in Prague between Mohammed Atta, the lead hijacker on 9/11, and Iraqi intelligence (did we, he asked, know anything more about this meeting?). But there were other substantiated cases of Saddam giving comfort to terrorists, including someone involved in the first attack on the World Trade Center (the latest New Yorker apparently has a story about links between Saddam and Al Qaeda operating in Kurdistan).

6. I asked for Wolfowitz's take on the struggle inside the Administration between the pro- and anti- INC lobbies (well documented in Sy Hersh's recent New Yorker piece, which I gave you). He said that he found himself between the two sides (but as the conversation developed, it became clear that Wolfowitz was far more pro-INC than not). He said that he was strongly opposed to what some were advocating: a coalition including all outside factions except the INC (INA, KDP, PUK, SCIRI). This would not work. Hostility towards the INC was in reality hostility towards Chalabi. It was true that Chalabi was not the easiest person to work with. Bute had a good record in bringing high-grade defectors out of Iraq. The CIA stubbornly refused to recognise this. They unreasonably denigrated the INC because of their fixation with Chalabi. When I mentioned that the INC was penetrated by Iraqi intelligence, Wolfowitz commented that this was probably the case with all the opposition groups: it was something we would have to live with. As to the Kurds, it was true that they were living well (another point to be made in any public dossier on Saddam) and that they feared provoking an incursion by Baghdad. But there were good people among the Kurds, including in particular Salih (?) of the PUK. Wolfowitz brushed over my reference to the absence of Sunni in the INC: there was a big difference between Iraqi and Iranian Shia. The former just wanted to be rid of Saddam.

7. Wolfowitz was pretty dismissive of the desirability of a military coup and of the defector generals in the wings. The latter had blood on their hands. The important thing was to try to have Saddam replaced by something like a functioning democracy. Though imperfect, the Kurdish model was not bad. How to achieve this, I asked? Only through a coalition of all the parties was the answer (we did not get into military planning).



SECRET - STRICTLY PERSONAL

FROM: DAVID MANNING  
DATE: 14 MARCH 2002

CC: JONATHAN POWELL  
PRIME MINISTER

YOUR TRIP TO THE US

I had dinner with Condi on Tuesday; and talks and lunch with her and an NSC team on Wednesday (to which Christopher Meyer also came). These were good exchanges, and particularly frank when we were one-on-one at dinner. I attach the records in case you want to glance.

IRAQ

We spent a long time at dinner on IRAQ. It is clear that Bush is grateful for your support and has registered that you are getting flak. I said that you would not budge in your support for regime change but you had to manage a press, a Parliament and a public opinion that was very different than anything in the States. And you would not budge either in your insistence that, if we pursued regime change, it must be very carefully done and produce the right result. Failure was not an option.

Condi's enthusiasm for regime change is undimmed. But there were some signs, since we last spoke, of greater awareness of the practical difficulties and political risks. (See the attached piece by Seymour Hersh which Christopher Meyer says gives a pretty accurate picture of the uncertain state of the debate in Washington.)

From what she said, Bush has yet to find the answers to the big questions:

- how to persuade international opinion that military action against Iraq is necessary and justified;
- what value to put on the exiled Iraqi opposition;
- how to coordinate a US/allied military campaign with internal opposition (assuming there is any);
- what happens on the morning after?

Bush will want to pick your brains. He will also want to hear whether he can expect coalition support. I told Condi that we realised that the Administration could go it alone if it chose. But if it wanted company,<sup>11</sup> it would have to take account of the concerns of its potential coalition partners. In particular:

- the UN dimension. The issue of the weapons inspectors must be handled in a way that would persuade European and wider opinion that the US was conscious of the international framework, and the insistence of many countries on the need for a legal base. Remed refused by Saddam to accept unfettered inspections would be a powerful argument;

- the paramount importance of tackling Israel/Palestine. Unless we did, we could find ourselves bombing Iraq and losing the Gulf.

#### YOUR VISIT TO THE RANCH

No doubt we need to keep a sense of perspective. But my talks with Condi convinced me that Bush wants to hear your views on Iraq before taking decisions. He also wants your support. He is still smarting from the comments by other European leaders on his Iraq policy.

This gives you real influence: on the public relations strategy; on the UN and weapons inspections; and on US planning for any military campaign. This could be critically important. I think there is a real risk that the Administration underestimates the difficulties. They may agree that failure isn't an option, but this does not mean that they will avoid it.

Will the Sunni majority really respond to an uprising led by Kurds and Shias? Will Americans really put in enough ground troops to do the job if the Kurdish/Shi'ite stratagem fails? Even if they do<sup>11</sup> will they be willing to take the sort of casualties that the Republican Guard may inflict on them if it turns out to be an urban war, and Iraqi troops don't conveniently collapse in a heap as Richard Perle and others confidently predict? They need to answer these<sup>11</sup> and other tough questions, in a more convincing way than they have so far before concluding that they can do the business.

The talks at the ranch will also give you the chance to push Bush on the Middle East. The Iraq factor means that there may never be a better opportunity to get this Administration to give sustained attention to reviving the MEPP.

DAVID MANNING

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IRAQ: OPTIONS PAPER

SUMMARY

Since 1991, our objective has been to re-integrate a law-abiding Iraq which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam Hussein in power. As at least worst option, we have supported a policy of containment which has been partially successful. However:

- \* Despite sanctions, Iraq continues to develop WMD, although our intelligence is poor. Saddam has used WMD in the past and could do so again if his regime were threatened, though there is no greater threat now than in recent years that Saddam will use WMD; and
- \* Saddam's brutal regime remains in power<sup>1</sup> and destabilises the Arab and wider Islamic world.

We have two options. We could toughen the existing containment policy. This would increase the pressure on Saddam. It would not reintegrate Iraq into the international community.

The US administration has lost faith in containment and is now considering regime change. The end states could either be a Sunni strongman or a representative government.

Three options for achieving regime change are:

- \* covert support to opposition groups to mount an uprising/coup;
- \* air support for opposition groups to mount an uprising/coup; and
- \* a full-scale ground campaign.

These are not mutually exclusive. Options 1 and/or 2 would be natural precursors to Option 3. The greater investment of Western forces, the greater our control over Iraq's future, but the greater the cost and the longer we would need to stay. The only certain means to remove Saddam and his elite is to invade and impose a new government<sup>1</sup> but this could involve nation building over many years. Even a representative government could seek to acquire WMD and build-up its conventional forces, so long as Iran and Israel retain their WMD and conventional armories and there was no acceptable solution to Palestinian grievances.

A legal justification for invasion would be needed. Subject to Law Officers advice, none currently exists. This makes moving quickly to invade legally very difficult. We should therefore consider a staged approach, establishing international support,<sup>1</sup> building up pressure on Saddam, and developing military plans. There is a lead time of about 6 months to a ground offensive.

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CURRENT OBJECTIVES OF UK POLICY

1 Within our objectives of preserving peace and stability in the Gulf and ensuring energy security, our current objectives towards Iraq are:  
 \* the reintegration of a law-abiding Iraq<sup>1</sup> which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam in power; and  
 ‡ hence, as the least worst option, we have supported containment of Iraq, by constraining Saddam's ability to re<sup>2</sup>arm or build up WMD and to threaten his neighbours.

2 Subsidiary objectives are:

- \* Preserving the territorial integrity of Iraq;
- \* improving the humanitarian situation of the Iraqi people;
- \* protecting the Kurds in Northern Iraq;
- \* sustaining UK/US co-operation, including, if necessary, by moderating US policy; and
- \* maintaining the credibility and authority of the Security Council.

HAS CONTAINMENT WORKED?

3 Since 1991, the policy of containment has been partially successful:  
 \* Sanctions have effectively frozen Iraq's nuclear programmes;  
 \* Iraq has been prevented from rebuilding its conventional arsenal to pre-Gulf War levels;  
 \* ballistic missile programmes have been severely restricted;  
 \* Biological weapons (BW) and Chemical Weapons (CW) programmes have been hindered;  
 \* No Fly Zones established over northern and southern Iraq have given some protection to the Kurds and the Shia. Although subject to continuing political pressure, the Kurds remain autonomous; and  
 \* Saddam has not succeeded in seriously threatening his neighbours.

4 However:

\* Iraq continues to develop weapons of mass destruction, although our intelligence is poor. Iraq has up to 20 650km-range missiles left over from the Gulf War. These are capable of hitting Israel and the Gulf states. Design work for other ballistic missiles over the UN limit of 1500km continues. Iraq continues with its BW and CW programmes and, if it has not already done so<sup>1</sup> could produce significant quantities of BW agents within days and CW agent within weeks of a decision to do so. We believe it could deliver CBW by a variety of means, including in ballistic missile warheads. There are also some indications of a continuing nuclear programme. Saddam has used WMD in the past and could do so again if his regime were threatened.

2

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\* Saddam leads a brutal regime, which impoverishes his people. While in power Saddam is a rallying point for anti-Western sentiment in the Arab and wider Islamic world, and as such a cause of instability; and  
 \* despite UN controls over Iraq's oil revenue under Oil for Food, there is considerable oil and other smuggling.

5 In this context, and against the background of our desire to re-integrate a law-abiding Iraq into the international community, we examine the two following policy options:

\* a 'toughening of the existing containment policy, facilitated by 11 September; and  
 \* regime change by military means: a new departure which would require the construction of a coalition and a legal justification.

#### TOUGHENING CONTAINMENT

6 This would consist of the following elements:

\* full implementation of all relevant UNSCRs, particularly 687 (1991) and 1284 (1999). We should ensure that the Goods Review List (GRL) is introduced in May and that Russia holds to its promise not to block. The signs are positive but continuing pressure is needed. (The GRL focuses sanctions exclusively on preventing shipments of WMD-related and other arms, while allowing other business without scrutiny. As such, it will greatly facilitate legitimate Iraqi commerce under Oil for Food.);  
 \* encourage the US not to block discussions to clarify the modalities of Resolution 1284 once Russian agreement to the GRL has been secured. We should take a hard-line on each area for clarification - the purpose of clarification is not to lower the bar on Iraqi compliance; but  
 \* P5 and Security Council unity would facilitate a specific demand that Iraq re-admit the UN inspectors. Our aim would be to tell Saddam to admit inspectors or face the risk of military action.  
 \* push for tougher action (especially by the US) against states breaking sanctions. This should not discriminate between allies (Turkey), friends (UAE) and others (especially Syria). It would put real pressure on Saddam either to submit to meaningful inspections or to lash out;  
 \* maintain our present military posture, including in the NFZs, and be prepared to respond robustly to any Iraqi adventurism; and  
 \* continue to make clear (without overtly espousing regime change) our view that Iraq would be better off without Saddam. We could trail the rosy future for Iraq without him in a 'Contract with the Iraqi People', although to be at all credible, this would need some detailed work.

7 What could it achieve:

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\* There will be greater pressure on Saddam. The GRIL will make sanctions more attractive to at least some of their detractors. Improving implementation of sanctions would reduce the regime's illicit revenues; and

\* the return of UN weapons inspectors would allow greater scrutiny of Iraqi WMD programmes and of Iraqi forces in general. If they found significant evidence of WMD, were expelled or, in face of an ultimatum, not re-admitted in the first place, then this could provide legal justification for large-scale military action (see below).

8 But:

\* Some of the difficulties with the existing policy still apply;  
 \* those states in breach of sanctions will want compensation if they are to change tack;  
 \* Saddam is only likely to permit the return of inspectors if he believes the threat of large scale US military action is imminent and that such concessions would prevent the US from acting decisively. Playing for time, he would then embark on a renewed policy of non co-operation; and  
 \* although containment has held for the past decade, Iraq has progressively increased its international engagement. Even if the GRIL makes sanctions more sustainable, the sanctions regime could collapse in the long-term.

9 Tougher containment would not re-integrate Iraq into the international community as it offers little prospect of removing Saddam. He will continue with his WMD programmes, destabilising the Arab and Islamic world, and impoverishing his people. But there is no greater threat now that he will use WMD than there has been in recent years, so continuing containment is an option.

US VIEWS

10 The US has lost confidence in containment. Some in government want Saddam removed. The success of Operation Enduring Freedom, distrust of UN sanctions and inspection regimes, and unfinished business from 1991 are all factors. Washington believes the legal basis for an attack on Iraq already exists. Nor will it necessarily be governed by wider political factors. The US may be willing to work with a much smaller coalition than we think desirable.

REGIME CHANGE

11 In considering the options for regime change below, we need to first consider what sort of Iraq we want. There are two possibilities:  
 \* A Sunni military strongman. He would be likely to maintain Iraqi territorial integrity. Assistance with reconstruction and political rehabilitation could be traded for assurances on abandoning WMD

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programmes and respecting human rights, particularly of ethnic minorities. The US and other militaries could withdraw quickly. However, there would then be a strong risk of the Iraqi system reverting to type. Military coup could succeed until an autocratic, Sunni dictator emerged who protected Sunni interests. With time he could acquire WMD; or \* a representative<sup>11</sup> broadly democratic government. This would be Sunni-led but<sup>11</sup> within a federal structure,<sup>11</sup> the Kurds would be guaranteed autonomy and the Shia fair access to government. Such a regime would be less likely to develop WMD and threaten its neighbours. However, to survive<sup>11</sup> it would require the US and others to commit to nation building for many years. This would entail a substantial international security force and help with reconstruction.

OTHER FACTORS TO CONSIDER: INTERNAL

12 Saddam has a strong grip on power<sup>11</sup> maintained through fear and patronage. The security and intelligence apparatus, including the Republican and Special Republican Guard, who protect the regime so effectively are predominantly drawn from the Arab Sunni minority (20-25 per cent of the population); many from Tikrit like Saddam. They fear non-Sunni rule,<sup>11</sup> which would bring retribution and the end of their privileges. The regime's success in defeating the 1991 uprising stemmed from senior Sunni officers looking into the abyss of Shia rule and preserving their interests by backing Saddam. In the current circumstances, a military revolt or coup is a remote possibility.

13 Unaided, the Iraqi opposition is incapable of overthrowing the regime. The external opposition is weak, divided and lacks domestic credibility. The predominant group is the Iraqi National Congress (INC), an umbrella organisation led by Ahmad Chalabi, a Shia and convicted fraudster, popular on Capitol Hill. The other major group, the Iraqi National Accord (INA)<sup>11</sup>, espouses moderate Arab socialism and is led by another Shia, Ayad Allawi. Neither group has a military capability and both are badly penetrated by Iraqi intelligence. In 1996, a CIA attempt to stir opposition groups ended in wholesale executions. Most Iraqis see the INC/INA as Western stooges.

14 The internal opposition is small and fractured on ethnic and sectarian grounds. There is no effective Sunni Arab opposition. There are 3-4m Kurds in northern Iraq. Most live in the Kurdish Autonomous Zone<sup>11</sup> established in 1991. The Kurds depoly at least 40,000 lightly armed militia but are divided between two main parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP). These groups have an interest in preserving the status quo<sup>11</sup> and are more interested in seeking advantage over the other than allying against Saddam. Divide and rule is easy; in 1996 the KDP

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assisted the Iraqi Army's expulsion of the PUK and Iraqi opposition groups from Irbil.

15 The Kurds do not co-operate with the Shia Arabs who form 60 per cent of the population. The main Shia opposition group is the Supreme Council for the Islamic Revolution in Iraq (SCIRI), with 3-5,000 fighters, but it is tainted by Iranian support. Most Shia would like to have a greater say in Iraqi government, but not necessarily control: they do not want secession, Islamic autonomy or Iranian influence.

#### REGIONAL

16 Iraq's neighbours have a direct interest in the country's affairs. Iran and Turkey, in particular, are wary of US influence and oppose some opposition groups. Turkey,<sup>1</sup> conscious of its own restive Kurdish minority, will do anything to prevent the establishment of an independent Kurdish state in northern Iraq, including intervention. Iran, also with a Kurdish minority,<sup>11</sup> would also oppose a Kurdish state and is keen to protect the rights of its co-religionists in the south. (see FCO paper on P5, European and regional views of possible military action against Iraq,<sup>1</sup> attached.)

17 We have looked at three options for achieving regime change (we dismissed assassination of Saddam Hussein as an option because it would be illegal):

#### OPTION 1: COVERT SUPPORT TO OPPOSITION GROUPS

18 The aim would be to bring down the regime by internal revolt, aided by the defection or at least acquiescence of large sections of the Army. A group of Sunni generals probably from within the Republican Guard, might depose Saddam if they decided the alternative was defeat. This option could be pursued by providing covert intelligence, large<sup>11</sup> scale financial and Special Forces support to opposition groups. The Kurds would be persuaded to unite and attack into northern Iraq, tying down some Iraqi forces. Simultaneously, in a greater threat to the regime,<sup>1</sup> the Shia would rise up in the southern cities, and in Baghdad.

19 This option also has a very low prospect of success on its own. The external opposition is not strong enough to overthrow Saddam and would be rejected by most Iraqis as a replacement government. The Kurds could only mount a very limited offensive in the north. Mass uprisings in the south would be unlikely. The US failure to support the 1991 uprising remains vivid. The Republican Guard would move against any opposition and any wavering regular Army units. There would also be a high risk of US/coalition forces being captured. The remaining elements of opposition could be eliminated, buttressing

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Saddam and his reputation as Arab folk hero. On the other hand, this option has never been pursued in a concerted, single-minded way before and should not be dismissed, at least as a possible precursor to Options 2 and 3.

**OPTION 2: AN AIR CAMPAIGN PROVIDING OVERT SUPPORT TO OPPOSITION GROUPS LEADING TO A COUP OR UPRISING**

20 The aim would be to assist an internal revolt by providing strategic and tactical air support for opposition groups to move against the regime. Such support would disable Saddam's military and security apparatus. Suspected WMD facilities would also be targeted. Substantial numbers of aircraft and munitions would need to be built up in theatre over a period of months. Any campaign would take several weeks at least<sup>11</sup> probably several months. Pressure on the regime could be increased by massing ground and naval forces and threatening a land invasion.

21 This option has no guarantee of success. The build up of pressure might persuade other Sunnis to overthrow Saddam and his family, but there is no guarantee that another Sunni autocrat would be better. Comparisons with Afghanistan are misleading. Saddam's military and security apparatus is considerably more potent and cohesive. We are not aware of any Karzai figure able to command respect inside and outside Iraq. Arab states would only back the plan if they were sure Saddam would be deposed. At least the co-operation of Kuwait would be needed for the necessary military build-up. The Arab street would oppose an air attack against Iraq, but visibility of a popular uprising could calm Arab public opinion.

**OPTION 3: A GROUND CAMPAIGN**

22 The aim would be to launch a full-scale ground offensive to destroy Saddam's military machine and remove him from power. A pro-Western regime would be installed which would destroy Iraq's WMD capability, make peace with Iraq's neighbours and give rights to all Iraqis, including ethnic minorities. As in the Gulf War<sup>11</sup> this would need to be preceded by a major air-offensive to soften up defences.

23 US contingency planning prior to 11 September indicated that such a ground campaign would require 200-400,000 troops. The numbers would be roughly half those of 1991 because Iraqi forces are now considerably weaker. Any invasion force would need to pose a credible threat to Baghdad in order to persuade members of the Sunni military elite that their survival was better served by deserting to the coalition than staying loyal to Saddam. Sufficient air assets would need three months and ground forces at least four-five months to assemble<sup>11</sup> so on logistical grounds a ground campaign is not feasible until autumn 2002. The optimal times to start action are early spring

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24 From a purely military perspective, it would be very difficult to launch an invasion from Kuwait since carrier-based aircraft would not be enough because of the need for land-based air-to-air refuelling. To be confident of success, bases either in Jordan or in Saudi Arabia would be required. However, a wider and durable international coalition would be advantageous for both military and political reasons. Securing moderate Arab support would be greatly assisted by the promise of a quick and decisive campaign, and credible action by the US to address the MEFP.

25 The risks include US and others military casualties. Any coalition would need much tending over the difficult months of preparation for an actual invasion. Iran, fearing further US encirclement and that it will be invaded next, will be prickly but is likely to remain neutral. With his regime in danger, Saddam could use WMD, either before or during an invasion. Saddam could also target Israel as he did during the Gulf War. Restraining Israel will be difficult. It could try to pre-empt a WMD attack and has certainly made clear that it would retaliate. Direct Israeli military involvement in Iraq would greatly complicate coalition management and risk spreading conflict more widely.

26 None of the above options is mutually exclusive. Options 1 and/or 2 would be natural precursors to Option 3. All options have lead times. If an invasion is contemplated this autumn, then a decision will need to be taken in principle six months in advance. The greater investment of Western forces, the greater our control over Iraq's future, but the greater the cost and the longer we would need to stay. Option 3 comes closest to guaranteeing regime change. At this stage we need to wait to see which option or combination of options may be favoured by the US government.

27 But it should be noted that even a representative government could seek to acquire WMD and build-up its conventional forces, so long as Iran and Israel retain their WMD and conventional armouries.

#### LEGAL CONSIDERATIONS

28 A full opinion should be sought from the Law Officers if the above options are developed further. But in summary, CONTAINMENT generally involves the implementation of existing UNSCRs and has a firm legal foundation. Of itself, REGIME CHANGE has no basis in international law. A separate note by FCO Legal Advisors setting out the general legal background and the obligations in the relevant UN Resolutions is attached.

SECRET UK EYES ONLY

29 In the judgement of the JIC there is no recent evidence of Iraq complicity with international terrorism. There is therefore no justification for action against Iraq based on action in self-defence (Article 51) to combat imminent threats of terrorism as in Afghanistan. However, Article 51 would come into play if Iraq were about to attack a neighbour.

30 Currently, offensive military action against Iraq can only be justified if Iraq is held to be in breach of the Gulf War ceasefire resolution, 687. 687 imposed obligations on Iraq with regard to the elimination of WMD and monitoring these obligations. But 687 never terminated the authority to use force mandated in UNSCR 678 (1990). Thus a violation of 687 can revive the authorisation to use force in 678.

31 As the ceasefire was proclaimed by the Security Council in 687, it is for the Council to decide whether a breach of obligations has occurred. There is a precedent. UNSCR 1205 (1998), passed after the expulsion of the UN inspectors, stated that in doing so Iraq had acted in flagrant violation of its obligations under 687. In our view, this revived the authority for the use of force under 678 and underpinned Operation Desert Fox. In contrast to general legal opinion, the US asserts the right of individual Member States to determine whether Iraq has breached 687, regardless of whether the Council has reached this assessment.

32 For the P5 and the majority of the Council to take the view that Iraq was in breach of 687:

- \* they would need to be convinced that Iraq was in breach of its obligations regarding WMD, and ballistic missiles. Such proof would need to be incontrovertible and of large-scale activity. Current intelligence is insufficiently robust to meet this criterion. Even with overriding proof China, France and Russia, in particular, would need considerable lobbying to approve or acquiesce in a new resolution authorising military action against Iraq. Concessions in other policy areas might be needed. However, many Western states, at least, would not wish to oppose the US on such a major issue; or
- \* if P5 unity could be obtained, Iraq refused to readmit UN inspectors after a clear ultimatum by the UN Security Council; or
- \* the UN inspectors were re-admitted to Iraq and found sufficient evidence of WMD activity or were again expelled trying to do so.

#### CONCLUSION

33 In sum, despite the considerable difficulties, the use of overriding force in a ground campaign is the only option that we can be confident will remove Saddam and bring Iraq back into the international community.

9

SECRET UK EYES ONLY

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- 34 To launch such a campaign would require a staged approach:
- \* winding up the pressure: increasing the pressure on Saddam through tougher containment. Stricter implementation of sanctions and a military build-up will frighten his regime. A refusal to admit UN inspectors, or their admission and subsequent likely frustration, which resulted in an appropriate finding by the Security Council<sup>11</sup> could provide the justification for military action. Saddam would try to prevent this, although he has miscalculated before;
  - \* careful planning: detailed military planning on the various invasion and basing options, and when appropriate force deployment;
  - \* coalition building: diplomatic work to establish an international coalition to provide the broadest political and military support to a ground campaign. This will need to focus on China, France and particularly Russia who have the ability to block action in the UN Security Council and on the other Europeans. Special attention will need to be paid to moderate Arab states and to Iran;
  - \* incentives: as an incentive guarantees will need to be made with regard to Iraqi territorial integrity. Plans should be worked up in advance of the great benefits the international community could provide for a post-Saddam Iraq and its people. These should be published.
  - \* tackling other regional issues: an effort to engage the US in a serious effort to re-energise the MEPP would greatly assist coalition building; and
  - \* sensitising the public: a media campaign to warn of the dangers that Saddam poses and to prepare public opinion both in the UK and abroad.
- 35 The US should be encouraged to consult widely on its plans.

OVERSEAS AND DEFENCE SECRETARIAT  
 CABINET OFFICE  
 8 MARCH 1991)

SECRET UK EYES ONLY

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IRAQ: LEGAL BACKGROUND

- (i) Use of Force: (a) Security Council Resolutions
  - (b) Self-defence
  - (c) Humanitarian Intervention
- (ii) No Fly Zones
- (iii) Security Council Resolutions relevant to the sanctions regime
- (iv) Security Council Resolutions relating to UNMOVIC
- (i) Use of Force: (a) Security Council Resolutions relevant to the Authorisation of the Use of Force

1 Following its invasion and annexation of Kuwait, the Security Council authorised the use of force against Iraq in resolution 678(1990); this resolution authorised coalition forces to use all necessary means to force Iraq to withdraw, and to restore international peace and security in the area. This resolution gave a legal basis for Operation Desert Storm, which was brought to an end by the cease-fire set out by the Council in resolution 687 (1991). The conditions for the cease-fire in that resolution (and subsequent resolutions) imposed obligations on Iraq with regard to the elimination of WMD and monitoring of its obligations. Resolution 687 (1991) suspended but did not terminate the authority to use force in resolution 678 (1990).

2 In the UK's view a violation of Iraq's obligations which undermines the basis of the cease-fire in resolution 687 (1991) can revive the authorisation to use force in resolution 678 (1990). As the cease-fire was proclaimed by the Council in resolution 687 (1991), it is for the Council to assess whether any such breach of those obligations has occurred. The US have a rather different view: they maintain that the

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assessment of breach is for individual member States. We are not aware of any other State which supports this view.

3 The authorisation to use force contained in resolution 678 (1990) has been revived in this way on certain occasions. For example<sup>11</sup> when Iraq refused to cooperate with the UN Special Commission (UNSCOM) in 1997/8, a series of SCRs condemned the decision as unacceptable. In resolution 1205 (1998) the Council condemned Iraq's decision to end all co-operation with UNSCOM as a flagrant violation of Iraq's obligations under resolution 687 (1991), and restated that the effective operation of UNSCOM was essential for the implementation of that Resolution. In our view these resolutions had the effect of causing the authorisation to use force in resolution 678 (1991) to revive, which provided a legal basis for Operation Desert Fox. In a letter to the President of the Security Council in 1998 we stated that the objective of that operation was to seek compliance by Iraq with the obligations laid down by the Council<sup>11</sup> that the operation was undertaken only when it became apparent that there was no other way of achieving compliance by Iraq, and that the action was limited to what was necessary to secure this objective.

4 The more difficult issue is whether we are still able to rely on the same legal base for the use of force more than three years after the adoption of resolution 1205 (1998). Military action in 1998 (and on previous occasions) followed on from specific decisions of the Council; there has now not been any significant decision by the Council since 1998. Our interpretation of resolution 1205 was controversial anyway;

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many of our partners did not think the legal basis was sufficient as the authority to use force was no explicit. Reliance on it now would be unlikely to receive any support.

USE OF FORCE: (B) SELF-DEFENCE

5 The conditions that have to be met for the exercise of the right of self-defence are well-known:

i) There must be an armed attack upon a State or such an attack must be imminent;

ii) The use of force must be necessary and other means to reverse/avert the attack must be unavailable;

iii) The acts in self-defence must be proportionate and strictly confined to the object of stopping the attack.

The right of self-defence may only be exercised until the Security Council has taken measures necessary to ensure international peace and security<sup>11</sup> and anything done in exercise of the right of self-defence must be immediately reported to the Council.

6 For the exercise of the right of self-defence there must be more than "a threat". There has to be an armed attack<sup>11</sup> actual or imminent. The development of possession of nuclear weapons does not in itself amount to an armed attack; what would be needed

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would be clear evidence of an imminent attack. During the Cold War<sup>11</sup> there was certainly a threat in the sense that various States had nuclear weapons which they might, at short notice<sup>12</sup> unleash upon each other. But that did not mean the mere possession of nuclear weapons, or indeed their possession in time of high tension or attempt to obtain them<sup>13</sup>, was sufficient to justify pre-emptive action. And when Israel attacked an Iraqi nuclear reactor, near Baghdad, on 7 June 1981 it was "strongly condemned" by the Security Council (acting unanimously) as a "military attack .... in clear violation of the Charter of the United Nations and the norms of international conduct".

#### USE OF FORCE: (C) HUMANITARIAN INTERVENTION

7 In the UK view<sup>14</sup> the use of force may be justified if the action is taken to prevent an overwhelming humanitarian catastrophe. The limits to this highly contentious doctrine are not clearly defined, but we would maintain that the catastrophe must be clear and well documented, that there must be no other means short of the use of force which could prevent it, and that the measures taken must be proportionate. This doctrine partly underlies the very limited action taken by allied aircraft to patrol the No Fly Zones in Iraq (following action by Saddam to repress the Kurds and the Shia in the early 90s), which involves occasional and limited use of force by those aircraft in self-defence. The application of this doctrine depends on the circumstances at any given time, but it is clearly exceptional.

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(II) NO FLY ZONES (NFZs)

8 The NFZs over Northern and Southern Iraq are not established by UN Security Council Resolutions. They were established in 1991 and 1992 on the basis that they were necessary and proportionate steps taken to prevent a humanitarian crisis. Prior to the establishment of the Northern NFZ the Security Council had adopted resolution 688 (1991) on 5 April 1991 in which the Council stated that it was gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq,<sup>1</sup> including most recently in Kurdish populated areas, which had led to a massive refugee flow<sup>1</sup> and that it was deeply disturbed by the magnitude of the human suffering involved. The resolution condemned that repression of the Iraqi civilian population and demanded that Iraq immediately end the repression. In our view the purpose of the NFZs is to monitor Iraqi compliance with the provisions of resolution 688. UK and US aircraft patrolling the NFZs are entitled to use force in self-defence where such a use of force is a necessary and proportionate response to actual or imminent attack from Iraqi ground systems.

9 The US have on occasion claimed that the purpose of the NFZs is to enforce Iraqi compliance with resolutions 687 or 688. This view is not consistent with resolution 687, which does not deal with the repression of the Iraqi civilian population, or with resolution 688, which was not adopted under Chapter VII of the UN Charter<sup>1</sup> and does not contain any provision for enforcement. Nor (as it is sometimes claimed)

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were the current NFZs provided for in the Safwan agreement, a provisional agreement between coalition and Iraqi military commanders of 3 March 1991, laying down military conditions for the cease-fire which did not contain any reference to the NFZs.

(III) SECURITY COUNCIL RESOLUTIONS RELEVANT TO THE SANCTIONS REGIME

10 The sanctions regime against Iraq was established by resolution 661 (1990) of 8 August 1990, which, following the invasion of Kuwait by Iraq, decides that all states shall prevent the import into their territories of any commodities originating in Iraq, the sale or supply to Iraq of any commodities other than medical supplies, and, in humanitarian circumstances, food stuffs, and that Iraqi funds and financial resources should be frozen. Resolution 661 remains in force. The major exception to the sanctions regime is the oil for food programme<sup>11</sup> which was established by resolution 986 (1995) and permits oil exports (in unlimited amounts following resolution 1284 (1999)) by Iraq on condition that the purchase price is paid into an escrow account established by the UN Secretary-General, and the funds in that account are used to meet the humanitarian needs of the Iraqi people through the export of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs. The escrow account is also used to fund the UN Compensation Commission and to meet the operating costs of the UN, including those of UNMOVIC (see below).

11 The oil for food programme is renewed by the Security Council at (usually) 6 monthly intervals, most recently by resolution 1382 (2001) of 29 November 2001.

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Under that resolution the Council also decided that it would adopt, by 13 May 2002, procedures which would improve the flow of goods to Iraq, other than arms and other potential dual use goods on a Goods Review List. The US are currently reviewing the final details of the list with the Russians.

12. In resolution 687 (1991) the Council decided that the prohibition against the import of goods from Iraq should have no further force when Iraq has completed all the actions contemplated in paragraphs 8-13 of that resolution concerning Iraq's WMD programme. Iraq has still not complied with this condition. Under paragraph 21 of resolution 687, the Council decided to review the prohibition against the supply of commodities to Iraq every 60 days in the light of the policies and practices of the Iraqi government, including the implementation of all the relevant resolutions of the Council, for the purpose of determining whether to reduce or lift them. These regular reviews are currently suspended as a result of Iraqi non-compliance with the Council's demands.

13. The intention of the Council to act in accordance with resolution 687 on the termination of these prohibitions has been regularly reaffirmed, including in resolution 1284 (1999). Paragraph 33 of that resolution also contains a complex formula for the suspension of economic sanctions against Iraq for renewable periods of 120 days, if UNMOVIC and the IAEA report cooperation in all respects by Iraq in fulfilling work programmes with those bodies for a period of 120 days after a

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reinforced system of monitoring and verification in Iraq becomes fully operational. Iraq has never complied with these conditions.

(iv) SECURITY COUNCIL RESOLUTIONS RELATING TO UNMOVIC

14 UNMOVIC was established by resolution 1284 (1999) to replace the UN Special Commission (UNSCOM) established under resolution 687 (1991) (the ceasefire resolution). UNMOVIC is to undertake the responsibilities of the former Special Commission under resolution 687 relating to the destruction of Iraqi CW and ballistic missiles with a range of over 150 kilometres and the on-going monitoring and verification of Iraq's compliance with these obligations. Like the Special Commission, UNMOVIC is to be allowed unconditional access to all Iraqi facilities, equipment and records as well as to Iraqi officials. Under paragraph 7 of resolution 1284 UNMOVIC and the IAEA were given the responsibility of drawing up a work programme which would include the implementation of a reinforced system of ongoing monitoring and verification (OMV) and key remaining disarmament tasks to be completed by Iraq, which constitute the governing standard of Iraqi compliance. There are currently no UNMOVIC personnel in Iraq, and the reinforced OMV system has not been implemented because of Iraq's refusal to cooperate.

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Ms. LEE. Thank you, Mr. Chairman. Now let me mention also what we did last May. One hundred and twenty Members of Congress asked the Administration in a letter about the grave and serious questions which this memo raises. The Administration, unfortunately, has not yet answered; 120 Members of Congress wrote to the President. We asked questions such as: "Was there a coordinated effort with the United States intelligence community or British officials to fix the intelligence and facts around the policy? When did President Bush and Prime Minister Blair first agree it was necessary to invade Iraq? Was there an ultimatum created about weapons inspections to justify the war?" And, "Does the President or the Administration dispute the accuracy of the leaked reports and the leaked documents?" The tough questions which the Downing Street Memo forces us to ask are critical as the United States' presence in Iraq turns into a quagmire with no end in sight, and we have yet, Mr. Chairman, to receive a letter, response from the President by 120 Members of Congress who have asked these very important questions.

Now, back in 2002, this is the situation which I and many Members feared when we opposed this pre-emptive war with Iraq. At that time, if you remember, I offered a substitute to the Use of Force Resolution which this Committee debated. My substitute would have required the United States to work through peaceful means, like continued negotiations and renewed inspections by the United Nations to ensure that Iraq was not developing weapons of mass destruction. In addition, I introduced legislation disavowing adoption of preemptive—because threats of unilateral preemptive strikes only undermine our own diplomatic and security interests.

The Downing Street Memo and other documents make it clear that there was little thought to post-war planning. As a result, while pre-war Iraq had no connection, no connection with the tragic attacks on 9/11, Iraq has since become a haven for terrorists and has made the world less safe.

Chairman HYDE. The gentlelady's time has expired.

Ms. LEE. Thank you, Mr. Chairman, and I hope the Committee passes this in a positive way.

Chairman HYDE. The gentleman from Texas, Mr. Paul.

Mr. PAUL. Thank you, Mr. Chairman.

Mr. Chairman, I have a bit of difficulty with this resolution, although I entirely endorse the right of the people to know, and I strongly compliment the gentlelady from California as well as the gentleman from Iowa in promoting this resolution.

At the same time, though, I feel like this process has been very politicized by others, and that I don't—I am not especially appreciative of. I have been talked to quite a few times in the last several weeks about my vote today, and it has always been for political reasons. I should do such and such, and unfortunately, they don't realize that the political reasons are probably the less important reasons to me. I think we have to deal with it in a much different way.

I think it is sad that we don't have this information, but I think it should happen voluntarily. I am not sure this process is going to end up favorably. I don't expect a vote on the House Floor and then all of a sudden we are going to know the truth. Besides, if the

Administration doesn't come through with the information, it suggests maybe there was a collusion and that the facts were fixed to the policy or whatever. But I don't think this is going to end up helping us in getting to the bottom of this.

I think one thing that our problem has been is that we are locked in on looking at it just in a technical process, and I see our problems that we are facing today more as a philosophic problem, the philosophy of our foreign policy, and that is what I am concerned about and argue my case for, nonintervention overseas. And this involves—a lot has gone on, and it is both parties. In 1998, we had the Iraq Liberation Act come up under suspension, and it was a dramatic change in our foreign policy by the opposition party, not our side, and it was changed, and the purpose was to have regime change. So it was a bipartisan effort even at that time. Under suspension, I took the time in opposition and said, "This will lead to war." And it certainly did. And I argued the case here in this Committee in 2002, that this is a bad way to go to war because we are not declaring war, and therefore it is going to linger, and there won't be an ending, and all the problems that we have faced. And this is exactly what has happened.

So my suggestion is that we ought to look at the foreign policy which now is endorsed by both parties on nation-building, foreign intervention, and policing the world—that is where our problems are. So I think these technical things are important to bring out the debate, but the debate really ought to be on whether or not we believe in the American traditional foreign policy that our early Presidents believed in and the Founders believed in. And they wrote a Constitution that gives us no authority to go to war under these circumstances for nation-building and for the things that we do; that is where the problem is. The problem isn't the technical aspects of this. So we can spend a lot of time on this. And like I said, it is worthwhile talking about it and trying to sort it out because we want to prevent wars, but this is a war that is not going anywhere. Victory isn't going to come tomorrow. No, we are there endlessly. We are building four permanent bases there. We are spending a billion dollars for an Embassy; we are going to be there a long time. So it is important that we try to figure this out and find out why we shouldn't get ourselves into this mess.

More likely, this war is going to spread before it is going to end. Already the Iranians are involved, and the Syrians are involved. And the war-drums are beating, and the war is likely to spread. That is what I am concerned about. And yet we don't look at it in a philosophical way. We unfortunately look at this in a purely partisan political way. And we don't object to the philosophy that drives us into a policy of war that we have had for 50 years, the no-win war in Korea, the no-win war in Vietnam, the no-win war in the Persian Gulf, Somalia, on and on and on, because we don't know what we believe in, other than we should intervene to have our way, maybe to protect oil and who knows what else. That is what I so strongly object to. But I wish this—if I thought for a minute the way I voted today would be beneficial in changing the philosophy, believe me, I would do it. I don't think we are at that point.

And I only take this moment to suggest to all of the Members that someday—let's look at this philosophically and let's ask our questions whether or not the Founders might not have been on the right track and ask ourselves, "Where do we have the authority to do this? And why don't we be more cautious next time and not go to war without declaring the war and have everybody behind it and get it over with?" And I yield back.

Chairman HYDE. The gentleman from Ohio, Mr. Brown.

Mr. BROWN. Thank you, Mr. Chairman, strike the last word.

While our Nation has understandably been focused on Katrina and the tragedy in the Gulf Coast, we must not forget, the war in Iraq continues. Our brave soldiers need our support, and we pray for their safety as they provide stability for the fledgling Iraq democracy. We must not forget, these men and women carrying out the mission in Iraq are our Americans and our constituents; every Member of this Body fully supports them.

For 2 weeks in August, I spent much of my time attending wakes and funerals for Ohio Marines killed in Iraq. One evening in Talmadge, the grandmother of a Marine who was killed took me aside and said, "Congressman, may I ask you a question?" I said, "Certainly." And she said, "Do you have any family members who are serving in the military?" And I said, "I have several family members who have been in the military; no one now is in the armed services." And she said, "That is what I thought." And I said, "I take it you are suggesting that Congressmen's kids and CEOs' kids aren't dying in this war." And she said, "That is exactly what I am suggesting."

We owe, Mr. Chairman, to these Marines, to their families, to all those who are serving and all who have served and to all Americans to investigate the decision-making that led the United States to go to war in Iraq. And the President owes it to the American people to make certain that their elected representatives are fully informed. For many, reports of the Downing Street Memo have cast a cloud over the integrity of the Executive Branch's decisions in public statements regarding Iraq. At a time when public support for the war, as Ms. Lee said, is in decline, the refusal of the Executive Branch to do all it can to put these questions to rest only further undermines our public's support of this war.

This bill asserts an appropriate role for Congress in the foreign policy process. It provides the President with the opportunity to put to rest doubts about his motives and the Administration's motives in taking our Nation to war. That is why I support the Lee resolution. I urge my colleagues to do likewise.

Thank you, Mr. Chairman.

Chairman HYDE. Mr. Berman.

Mr. BERMAN. Thank you very much, Mr. Chairman. If the Majority Party chooses to report this resolution adversely, they no doubt can do that, but I guess I would address my comments to them. Is that really the wise thing to do?

We know for large numbers of Americans the Downing Street Memo is a big deal. I have read it. I have reread it. I am mystified as to why it has become such a big deal, but it is a big deal. It appears that most people who are concerned about this—and the number who are is very large—have seized on one paragraph of the

memo that summarizes a report offered by someone referred to as “C” on his recent talks on Washington. We know that “C” was Richard Dearlove, head of MI-6, Britain’s Foreign Intelligence Agency. According to the memo, “C” reported that “Military action was now seen as inevitable, that Bush wanted to remove Saddam through military action justified by the conjunction of terrorism and WMD. The intelligence and facts were being fixed around the policy.” And finally, “There was little discussion in Washington of the aftermath of military action.”

Let’s take those statements apart for a moment. Military action is now seen as inevitable. The Downing Street Memo was not the first evidence of the Administration’s perceptions on this. The newspapers, all through July 2002, the time in which “C” had his meetings in Washington, are full of stories about the Bush Administration’s preparation for a confrontation with Saddam. On July 4th, the *New York Times* reported a leaked Pentagon planning document for invading Iraq. The July 6th *New York Times* editorial leads off by stating, “President Bush has made no secret of his desire to drive Saddam Hussein from power in Iraq.” *Washington Post*, July 21, Robert Kagan notes that “Europeans increasingly consider American invasion all but inevitable.”

We had debates here in July. I remember talking with Dennis Kucinich, and he said he was going to do it without a vote of Congress. I said, “I think you have got to come to the Congress.” Anybody watching knew, in July 2002, that this was where the Administration was headed. The Downing Street Memo reveals nothing new on that subject.

The second statement, “The intelligence and facts were being fixed around the policy.” For the many, this was the smoking gun, proof that the Bush Administration fabricated intelligence on Iraq’s WMD programs in order to justify war. But I don’t think that interpretation makes sense. When you consider the statements attributed to the head of an intelligence service that, according to other leaked documents from the same period, also believed that Iraq was pursuing WMD. Then the memo itself, later on, it says—the writer of the memo says, “What are the consequences if Saddam used WMD on day one in effect against our soldiers, or if Baghdad did not collapse and urban warfare fighting began?” “You said that Saddam could also use his WMD on Kuwait or on Israel,” added the Defense Secretary. The British believed he had WMDs. We know that three intelligence services of countries that strongly opposed military intervention, France, Germany, and Russia, shared this view. Every National Security official I talked to in the Clinton Administration shared this view. By and large, in the summer of 2002, the debate wasn’t about whether he had WMDs. With the exception of our colleague, Dennis Kucinich, Bob Scheer, Scott Ritter and a few others, everyone felt that way. There was a very strong consensus. The arguing was about whether to use force at that point. Now, of course, it is a totally different story, but that wasn’t—the Downing Street Memo doesn’t really reveal anything new there.

What we now know is that we were wrong about WMDs. The international prewar consensus was understandable given Saddam’s record of aggressively pursuing nuclear, chemical, and bio-



logical weapons programs prior to the 1991 Gulf War, his use of chemical weapons against Iranians and Kurds, and failing to come clean with UN weapons inspectors. "C" was probably trying to make the point that the Bush Administration was aggressively marketing, with over-the-top rhetoric about mushroom clouds, and probably exaggerating what they thought they knew about Iraq's capabilities. They certainly were with respect to Saddam's involvement with September 11th and even with respect to Iraq's ties with al-Qaeda at that particular point.

The memo notes that there was little discussion in Washington of the aftermath of military action. To that I say, "Duh." We know now how little there was, or if there was any, what a low level of quality that discussion was. In other words, I don't see anything earth-shattering in the Downing Street Memo. The comments made there could have been made by just anyone in the paper who read the paper or watched the Sunday talk shows. But I am voting for this resolution, and I would urge the majority to because it is the perception that there is something in here that shows something that I don't think was true that needs to be investigated and looked at, and providing this information helps to clarify the record.

The best way to overturn notions of perhaps conspiratorial theories about what went on is to shed light on them, and this resolution seeks to shed that light. So I think the immediate, defensive, and reflexive action to oppose this resolution is a mistake for those who think that it was quite understandable that this Administration, as so many others, believed certain things were true which turned out later not to be true.

So I am voting for the resolution; I think it makes sense. I think it helps to change the nature of the debate as we turn to the very difficult question of, where do we go from here?

Mr. ROHRBACHER. Would the gentleman yield for a question?

Mr. BERMAN. Sure.

Mr. ROHRBACHER. Do you think if we move forward with this resolution, that it might undermine the confidence of other countries and other governments to work with us in the future if everything that we say into our deliberations are made public?

Mr. BERMAN. I don't believe this resolution requires that everything that has been said may be made public. My assumption is that there is information that would be considered classified that would be delivered to this Committee on a confidential basis—

Chairman HYDE. The gentleman's time has long since expired.

I would like to take three more, and then go to a vote because this can take us until 5 o'clock today. Mr. Crowley, Ms. Berkley, and Mr. Schiff, assuming no Republican wants to debate, so let's go to Mr. Crowley.

Mr. ACKERMAN. Mr. Chairman, I believe my name was on the list.

Chairman HYDE. Oh, Mr. Ackerman, yes, your name is on the list, and if you wish, we will go to you, too.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Chairman HYDE. I don't want to short-circuit this, but I do want to bring it to a close within a reasonable time.

All right. Mr. Crowley of New York.

Mr. CROWLEY. Thank you, Mr. Chairman.

Mr. Chairman, I want to express my support for H. Res. 375 offered by my colleague and friend, Barbara Lee from California.

Mr. Chairman, close to 3 years ago, I voted to give this President the ability to wage war against the heinous dictatorship of Saddam Hussein and bring freedom to the Iraqi people and security to America and our allies around the world. I met with then National Security Advisor Dr. Rice and then CIA Director George Tenet and others from the Administration and heard from them how real they felt the threat of Iraq was to the United States' interests, both here at home and abroad, and why the U.S. needed to act with a coalition of allies to remove Hussein. I heard how Hussein was a threat to not only his own people but to the world, his willingness to secure weapons of mass destruction and his proven use of chemical and biological warfare against his own people. I again voted to give the President authority to invade Iraq and believed that Dr. Rice and the many others who had spent countless hours on planning and preparing for the war had the right intelligence that would vindicate the threat that Saddam Hussein did pose, in short, the success of the Iraqi people and the safety of American troops after the fall of Saddam Hussein. I believed our President.

This Administration has failed on all three points. We can all agree on the fact that Saddam Hussein was an evil person and that the Iraqi people are better off today without him than they were before. But the supposed threats that led us into war have never developed. Since the invasion of Iraq, no weapons of mass destruction have been found and no secret stockpiles have been discovered. No link has existed between Saddam Hussein and 9/11 or between Saddam Hussein and the al-Qaeda terrorists.

A country that was sold to us as one that was yearning for democracy and was inherently secular with a shared contempt for Saddam has turned out to be a country wrecked with sectarian divides where even the Administration admits that building a true democracy may never take hold. The Administration said the Iraqi people would view our soldiers as liberators. Instead, the American troops, who have served so well under the most trying and difficult of conditions, lacking in many respects the newest technology, body armor, and protective vehicles, are at risk of attack up to 60 times a day by Iraqi insurgents. Over 1,800 of our soldiers have lost their lives and thousands more have been critically injured due to this war, a coalition which was never as expansive as what was sold to the American people continues to lose partners, putting more and more of the burden on the American taxpayer.

Why has this war gone in the total opposite direction of what was sold to the American people? Is it a lack of follow-through, poor planning, not having the right intelligence, all of the above? And if so, what can we do to make it better? That is what Mrs. Lee's resolution tries to get to the answer to.

While United States Members of Congress and Pentagon generals were meeting on the reasons and the planning of the war, British intelligence was also meeting and double-checking on what the Administration was saying. British intelligence found, in the summer of 2002, and I quote:

“Military action is now seen as inevitable. Bush wanted to remove Saddam through military action, justified by the conjunc-

tion of terrorism and weapons of mass destruction, but the intelligence and facts were being fixed around policy.”

British Foreign Secretary Jack Straw acknowledged that the cause for war was “thin and that Saddam was not threatening his neighbors.”

A few months ago, in this Committee, during the markup of the State Department authorization, I offered an amendment calling for the Administration to report to Congress with a plan for success in Iraq. That amendment passed. But besides the success of this amendment, I am proud to say it was one of the first bipartisan votes of this Congress expressing our constitutional oversight role to demand from the Administration a plan of how we are going to achieve our goals in Iraq and bring our troops home.

Too often during this war, the Legislative Branch has been silent while the Administration has continued to change the reasons for going to war and the goals this war was supposed to accomplish. All the while, not providing our men and women in the field with adequate protection and placing tremendous burdens on our troops. Our plan for success is being pushed aside because of Secretary Rumsfeld’s plan to cover his behind in response to the almost daily stories of how badly mismanaged this war has been on all levels. This has to stop, and it is time for Congress to stand up and demand answers.

This is why I am supporting my colleague’s resolution of inquiry, demanding that the Administration release to Congress the communications between the Government of the United Kingdom and the United States relating to the policy of the United States with respect to the war in Iraq, and I urge my colleagues to do so.

I can’t speak for all of my colleagues, but I can say that, as an American, I want to believe my President, especially when he talks about threats against our country from foreign enemies, especially as a New Yorker post-9/11. And unless we get to the bottom of this, I believe for myself personally, and for many Americans, our trust in the Office of the Presidency will be severely damaged.

And with that, Mr. Chairman, I yield back the balance of my time.

Chairman HYDE. Mr. Schiff of California.

Mr. SCHIFF. Mr. Chairman, I won’t take the full 5 minutes.

I do want to speak briefly in favor of reporting this resolution favorably out of Committee. I participated in the same meetings that my colleague and Mr. Crowley described at the White House with Condoleezza Rice and George Tenet, where we discussed the nature and quality of the intelligence on Iraq’s WMD program. My primary concern was over Iraq’s nuclear program, and in particular, I was interested in getting to the bottom of the level of confidence the Administration had in its own intelligence. That level of confidence was supremely high and, as it turned out, supremely wrong.

We have a commission that has been established, like the 9/11 Commission, to get to the facts of how we could have been so wrong about Iraq’s WMD program. And I do hope that commission performs its work as thoroughly and in as bipartisan a fashion as the 9/11 Commission did, which really set the mark. But I do have concerns about the limits on the jurisdiction that was established

along with the WMD Commission that may not permit it to go beyond questions of failures of intelligence-gathering or analysis, to broader questions about whether the intelligence was properly represented, whether it was manipulated to reach a predetermined conclusion.

Mr. Berman, I think, is exactly right about a great deal of the Downing Street Memo, much of it is unremarkable. Conclusions in it, for example, about the level of post-war planning are, I think, remarkably accurate and without question. We don't need documents from Britain to confirm that we did very little post-war planning, or that which was done in the past was ignored. But one of the significant questions, that has not been answered by the commission that has been established, that I think this Congress ought to do everything in its power to determine, is how the intelligence was not only erroneous, but how it was used once it was gathered. And I think part of the reason why we are seeing multiple resolutions of inquiry is that on some of the key issues of the day, like this one, we have not had the will in Congress to do the oversight that we should be doing, and it is not simply Democrats that feel that way. Senator Chuck Grassly, Republican Chairman of the Senate Finance Committee, expressed his unease about the lack of oversight in Congress, admitting that Legislative oversight had been better when Democrats controlled the Congress. And I am sure that was not a great comfort to the Clinton Administration or the Democratic Administrations, but as Grassly acknowledged, this Congress has delegated so much authority to the Executive Branch of the Government, and we ought to do more time in oversight than we do. So we see this proliferation of resolutions of inquiry to try to compel the Congress to do the oversight that we really ought to do.

And I, too, regret, as Mr. Paul pointed out, how resolutions like this have become politicized. And I certainly understand the reluctance of my colleagues on the other side of the aisle to oversee an Executive run by their own party, but I think it is in the national interest that we move beyond party and consider what is best for the country. And in this case, I think what is best for the country is resolving any unanswered questions about the Downing Street Memo and also getting to the bottom of our intelligence failures that led to war.

I urge your support, and I yield back, Mr. Chairman.

Chairman HYDE. Mr. Ackerman.

Mr. ACKERMAN. Mr. Chairman, I am a pacifist who believes that war is a total breakdown of all civil process and who nonetheless voted to authorize the President to bring us to the point of war. And I did so because, despite the fact that I might be a pacifist, I am not suicidal. I also believe that people have a right to protect themselves and their families, and we all have an obligation collectively to protect our Nation.

Having said all that, I went to almost every single briefing at every single level of security that was held, as did almost every Member of this Committee and most of the Members of the Congress. There was a meeting I attended, Mr. Chairman, along with 12 other Members of Congress—there were 13 of us—in October 2002 that was held at the Pentagon, a breakfast meeting with the

Secretary of Defense, Mr. Rumsfeld. Present were representatives of branches of the military, top-level officials of the intelligence community, and 13 Members of Congress. We got a very detailed briefing which included slides and a lot of reportage.

One of the Members of Congress asked, citing an article that was in the *New York Times* that morning about a hearing at the Senate Intelligence Committee in which CIA Director Tenet testified, and this was right prior to the vote, "That it was very likely that Saddam Hussein would attack Israel if the United States attacked Iraq." And that being Mr. Tenet's testimony before the Senate, why would we support this war?

The Secretary responded by saying, "Well, you know, Mr. Tenet said that with a very low degree of confidence," and most of us looked very incredulous about that comment. "What do you mean by that?" "Well, you know, when you say these things, it is either a high level of confidence or average level or low level of confidence; he said it with a low level of confidence." I said, "Does that mean we have to question every member of the Administration when they tell Congress something, whether they are saying it was a high level or a low level of confidence?" He laughed. The briefing went on.

We were led to believe that the United States was possibly being subjected to an imminent attack by foreign forces. We were shown evidence, so-called evidence, that there was a nuclear program going on. There was a picture projected on the wall of a nuclear plant, smoke coming out of chimneys, described to us as fully operational, proof positive, the smoking gun, the smoking nuclear plant, if you will, that they had fired up a couple of days before the vote. I questioned the Secretary, and I said, "Mr. Secretary, I don't have a photographic memory, but that picture, that aerial photograph looks much like one that Colin Powell, when he was Head of Joint Chiefs of Staff, showed us prior to the vote in 1991. My question is, is this a recent photograph?" And he said, "I assure you it is a very recent photograph." I half-jokingly said, "Are you saying that with a high or low degree of confidence?" He laughed again. And he said, "I assure you with a high degree of confidence that is a recent photograph." That was a lie. If they have that photograph, they have proof-positive that there was a nuclear program going on right prior to the vote.

I am angry. I am frustrated. I am furious, and I am disappointed in the President and this Administration in which I trusted and cast my vote to enable men and women to go to war and to die in that war. If they had an honest case to make—and they made no case whatsoever about regime change or Saddam is a bad guy or we have to bring democracy to the world, or all those noble purposes, maybe I would have listened—

Chairman HYDE. The gentleman's time has expired.

Mr. Leach—

Mr. ACKERMAN. I urge a positive vote to report this out affirmatively.

Chairman HYDE. Mr. Leach.

Mr. ACKERMAN. Anything else is a whitewash.

Chairman HYDE. The gentleman's time has expired.

Mr. LEACH. I will be very brief.

First, let me say, I think the opening statement of the Chairman of the Committee was the most thoughtful opening statement of a Chairman of a Committee that I have ever listened to. Secondly, I want to explain why I don't find it completely compelling. It is true that this Congress and other Committees and commissions have overseen aspects of the intelligence issue, but this inquiry is partly about intelligence. It is partly about diplomacy. And it is partly about other things. For example, on the post-invasion planning, there is a quote from a British Cabinet paper that says:

“Push for occupation of Iraq could lead to protracted and costly nation-building exercise. U.S. military plans are excellent on this point. This is of extraordinary significance because this is an aspect of the United States policy for which the case for transparency is rather strong.”

There is a clear element of partisanship in this inquiry. On the other hand, all of us should understand that it is the responsibility of the Minority Party to hold the Majority Party accountable. It is also the responsibility of the United States Congress to oversee the Executive Branch, and these two perceptions are far more significant than the partisan advantage.

And I will only conclude with one observation of a statement last week. The former Secretary of State of the United States, Colin Powell, stated that it was a blot on his record that he misused intelligence. I don't want a blot on the Congress' record that we refused the most vigorous oversight of the most extraordinary foreign policy initiative of last generation, that this moment in time appears to have enormously consequential and frail implications for our national security. And I am just hardpressed to do anything except support this inquiry, despite the rather powerful statement of the Chairman.

Chairman HYDE. I thank the gentleman. It is the intention of the Chair to postpone recorded votes on the three resolutions. We have only dealt with one so far. But we will vote on these at 2 o'clock so that everybody who wants to vote on it will have an opportunity to vote on it.

Pursuant to notice, I call up the resolution, H. Res. 408, requesting the President and directing the Secretary of Defense to transmit to the House all documents in their possession relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq for purposes of markup, and I move its adverse recommendation to the House.

Without objection, the resolution will be considered as read and open for amendment at any point, and the Chair recognizes himself for such time as I may consume.

[H. Res. 408 follows:]

109TH CONGRESS  
1ST SESSION

# H. RES. 408

Requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. HINCHEY submitted the following resolution; which was referred to the Committee on International Relations

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# RESOLUTION

Requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq.

- 1       *Resolved*, That not later than 14 days after the date
- 2 of the adoption of this resolution—
- 3           (1) the President is requested to transmit to
- 4       the House of Representatives all documents, includ-

1       ing telephone and electronic mail records, logs, cal-  
2       endars, minutes, and memos, in the possession of  
3       the President relating to communications with offi-  
4       cials of the United Kingdom from January 1, 2001,  
5       to March 19, 2003, relating to the policy of the  
6       United States with respect to Iraq, including any  
7       discussions or communications between the Presi-  
8       dent, then National Security Advisor Condoleezza  
9       Rice, or other Administration officials and officials  
10      of the United Kingdom; and

11           (2) the Secretary of Defense is directed to  
12      transmit to the House of Representatives all docu-  
13      ments, including telephone and electronic mail  
14      records, logs, calendars, minutes, and memos, in the  
15      possession of the Secretary relating to communica-  
16      tions with officials of the United Kingdom from Jan-  
17      uary 1, 2001, to March 19, 2003, relating to the  
18      policy of the United States with respect to Iraq, in-  
19      cluding any discussions or communications between  
20      any Defense Department official, including Under  
21      Secretary of Defense for Policy Douglas J. Feith  
22      and Under Secretary of Defense for Intelligence Dr.  
23      Stephen A. Cambone, and officials of the United  
24      Kingdom.



Chairman HYDE. The Committee now has before it the second of today's resolution of inquiries, H. Res. 408, introduced by Mr. Hinchey of New York. This resolution requests the President and directs the Secretary of Defense to transmit information related to communications with officials of the United Kingdom between January 1, 2001, and March 19, 2003, regarding the United States policy with respect to Iraq. Like H. Res. 375, this resolution follows publication of the so-called Downing Street Memo, a memorandum prepared for a meeting of July 23rd, 2002 between Tony Blair and British officials.

As explained earlier, the Downing Street Memo does not raise anything new. The decision to go to war in Iraq and the intelligence surrounding the decision have been examined and reexamined, and the conclusions set out in these studies clearly support reporting this resolution adversely. No one found any evidence—

Mr. LANTOS. Mr. Chairman, the Committee is not in order. There is conversation going on.

Chairman HYDE. The decision to go to war in Iraq and the intelligence surrounding that decision have been examined and reexamined and the conclusions set out clearly support reporting this resolution adversely. No one found any evidence of Administration officials attempting to coerce, influence, or pressure intelligence analysts or "fixing" intelligence.

Without repeating all the arguments made with H. Res. 375, I can think of no better words in urging you to report H. Res. 408 adversely than Senator Roberts' comments on the Silberman-Robb Commission report:

"I don't think there should be any doubt that we have now heard it all regarding prewar intelligence. I think that it would be a monumental waste of time to replot this ground any further. We should turn our full attention to the future."

H. Res. 408 is drafted in sweeping and overbroad language that would include years of Presidential documents of the most sensitive nature involving communications between heads of state. As pointed out as far back as George Washington himself, complying with such a request would run contrary to constitutional principles and set a very dangerous precedent.

The volume of documents requested under H. Res. 408 covering years worth of documents would represent an unjustified burden on the Executive Office as a practical matter as well. I urge you to vote to report this resolution adversely, and I recognize Mr. Lantos for such time as he may consume.

Mr. LANTOS. Thank you, Mr. Chairman. Mr. Chairman, since my comments with respect to the earlier resolution that we considered and debated are the same as those, I would like to make with respect to this resolution, to save time, I will not repeat them. I urge my colleagues to vote for the resolution and I thank you.

Chairman HYDE. I thank the gentleman. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, here we go again. The only difference between this resolution and the one that we previously considered is that this one seeks information from the President and the Secretary of Defense versus the Secretary of State. The same arguments apply to both. However, this

one is even more troublesome, as it strikes at the very core of some of the most sensitive communications between our officials, the military leadership, and the State Department, all of them based on the opinions of one British officer referenced in a leaked memo.

As policymakers and elected officials, do we honestly want to base our decisions and Legislative action on this small component of a leaked Downing Street Memo and newspaper stories on other leaks? It is ironic that a resolution that calls into question prewar Iraq intelligence, intelligence based on years of analysis and discussion, would seek to legitimize the subjective personal assessment of a staff member of a foreign government. It is troublesome that a measure that speaks to and—in one potentially devastating blow—erodes centuries of Presidential precedent and constitutional authority regarding the conduct of foreign affairs, would do so on the basis of a leaked memo by a foreign government.

Rather than focusing on the future and taking an active role in helping to drive policy to assist Iraq in the transformation into a democratic nation, and as a catalyst for further reforms in the region, there are those who simply wish to focus on partisan political efforts. I would have loved for all of the Members of this Committee to have listened to the testimony of the Subcommittee hearing that I held on Iraq's progress toward democracy. And I am proud that my stepson is serving as a Marine officer in Iraq right now. I would guess that he would prefer that Congress work on the future of a democratic Iraq, rather than participate in yet another partisan inquiry on the same old discredited conspiracy theories. I also don't think that Dougie or any members of his squadron would appreciate hearing, as I heard from a Member on the other side this morning, that their military participation has made Iraq less safe. Please go to Iraq and say that to their faces. I would love to see their reaction.

Prewar assessment and a prewar intelligence, these are issues that have been debated in this Committee time and time again. It is a matter that has been reviewed by the Intelligence Committee in both Chambers, by the independent bipartisan Silberman-Robb Commission, by British entities, and their conclusions are all the same. There is no evidence of undue influence or pressure on intelligence analysts concerning information on Iraq.

When referring to prewar intelligence, we are essentially talking about the same intelligence that was available under 8 years of a Clinton Administration. Intelligence that drove the Congress and this Committee to adopt legislation calling for regime change in Iraq, supporting conclusions regarding unconventional weapons programs pursued by Saddam Hussein's regime. Former President Bill Clinton in 1998 said:

“There should be no doubt, Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and the security of the world. And some day, some way, I guarantee you he will use that arsenal.”

And fast forward to the terrorist attacks of September 11th, the lessons learned from the failure to act during the World Trade Center bombings in 1993, the Khobar Towers in Saudi Arabia, the *USS Cole*, many other terrorist attacks targeting the United States and

numerous UN Security Council resolutions and the UN calls for Saddam to disarm and they went unanswered. Could the U.S. afford to wait until Saddam Hussein used the arsenal? But let's focus on the present and let us look at the future. There is nothing new to discuss. There is no new information in the Downing Street Memo. Personal opinions and impressions of a British aide, unsubstantiated, uncorroborated, very subjective, shouldn't be used to interfere with the privileged direct communications between heads of states or officials of high levels of the United States Government on national and international security. And I hope that our colleagues would report out both of them adversely. Thank you, Mr. Chairman.

Chairman HYDE. Ms. Watson from California.

Ms. WATSON. Speaking as an Ambassador representing the United States, I find it very amazing that there is a consideration on this Committee, who has the jurisdiction for relationships between the United States and foreign nations, to think that it is a dangerous precedent to enlighten us. We are the policymakers. And as an Ambassador, I had to represent the policies of the United States of America. That was done through 2 years, 6 weeks at a time, of being enlightened, being trained, and being made ready to represent our great Nation abroad.

So enlightenment to me is very essential. Truth and trust make democracy what it is all about. Accuracy of information is essential to effectiveness. Understanding the issue thoroughly is a component part. And looking at the mission of international relations, we should always be seeking the truth. Credibility is at stake. Credibility is at stake for our country in light of the way we handled Katrina and American citizens. Credibility is at stake with the way we protect our fighting forces in Iraq. And credibility is at stake when we are relating to other nations and particularly the nations in the Gulf.

So I am highly supportive of getting the facts and the truth. And I would hope this Committee would set the direction for this country and for the President and the Administration, because we are sorely lacking in credibility. And any of you who want to challenge what I am saying, take a trip abroad. Choose any place on the map you want to go, and talk to the people who watch television, who read the news, and who listen to the radio about America's ability to protect its own citizens.

We need to have the facts. It was my feeling from the beginning that this was an unjustifiable invasion of a sovereign nation that we have debated. However, let us arm ourselves with the facts as we know them. Let us seek truth whenever we can. Do not stifle truth if we want to regain credibility and our position among the leading nations of the world. And I say this to you from my experience as an Ambassador representing what I thought was the greatest Nation in the world and shared values that we are trying to share with the rest of the nations.

I would encourage us to vote both of these resolutions out in a positive fashion. Thank you, Mr. Chairman and thank you for allowing these resolutions to be debated today.

Chairman HYDE. You are certainly welcome.

I think I will yield myself some time. I have been listening all morning, and I think certain things ought to be said. The gentlewoman from California has said we need the facts. Of course, we need the facts. But there is a way to get them in an orderly fashion. We have set up Intelligence Committees with bipartisan membership in the House and in the Senate. Both of the Intelligence Committees have gone through this with a fine-toothed comb. They have lived up to their oaths, but they can handle classified information in an appropriate way. In addition to both Intelligence Committees from the House and the Senate, bipartisan, in addition to that, you had the Silberman-Robb Commission set up, again bipartisan, but not Members of this Body. And they have reviewed all the facts and all of the nuances of this.

And so then you had the British doing the same thing, looking at the intelligence process they had. So you have had repeated commissions of outstanding people, honorable people, looking at the question of whether the intelligence was fixed or manipulated and coming out unanimously: No. So here we go again. I cannot help but be convinced this is politics, politics, politics. Somebody sees an opportunity to weaken the President, even though we are at war. We are at war against worldwide terrorism around the globe. Instead of backing the President, we are eroding his integrity and the quality of what he says.

I have never in all of my reading of history seen a Chief Executive get less support in his own country.

Ms. WATSON. Mr. Chairman, would you yield for a question?

Chairman HYDE. Yes.

Ms. WATSON. You articulated the Committees that have gathered information. Do you feel that other Members who are not privy to this information need to have a chance to look at it so that we can then make effective decisions as it relates to the policy?

Chairman HYDE. Yes, and it—

Ms. WATSON. Should we be denied the information that other Members have because of their membership on Committees?

Chairman HYDE. Did the gentlewoman ask the Chairman of the Select Committee on Intelligence to view any evidence or testimony? Are you on record as having done that and been denied?

Ms. WATSON. We have been denied several times, and I am on record of asking in other areas as well. We are told, and I am told, that much of what goes on in the Intelligence Committee is confidential.

Chairman HYDE. Classified. It is classified.

Ms. WATSON. And classified.

Chairman HYDE. You have plenty of Democrats who are intelligent, loyal, patriotic, and honorable, who serve on that Committee. I trust the Republicans on the Committee. I would hope you would trust the Democrats.

Ms. WATSON. May I ask my question for clarity? Are we to—

Chairman HYDE. Go ahead.

Ms. WATSON. For clarity, are we, as Members of this Committee, Committee on International Relations, I am not a Member of those other Committees, are we to be denied information that will help us make effective decisions as it deals with foreign policy and our relations with other countries?

Chairman HYDE. I would suggest that the Chairman and the Vice Chairman of the Intelligence Committee, the House Permanent Select Committee on Intelligence, would meet with you and give you access to any information you want. And I doubt if you have asked them for that. But I do know you said you thought you represented the greatest country in the world. I have no doubt that you did represent the greatest country in the world.

But let me proceed. Why did we go to war? Well, I have copies of quotations from people, from previous Administrations at the highest level who said this man, Saddam Hussein, is a brutal thug, an assassin, and has weapons of mass destruction or will soon have them. They are all here. Madeleine Albright, Sandy Berger, President Clinton, Senator Graham, Senator Kennedy, Senator Rockefeller. All of them, up to 2 years before the war, started saying he is a dangerous person. He has weapons of mass destruction.

Then you are sitting in the White House and you get blind-sided on September 11, 2001, and 3,000 people are wiped out, and you think to yourself, If he had nuclear weapons, as everybody says he does, how many people would we be mourning—3 million instead of 3,000?

And so he came to Congress and we authorized the proceeding into war. And now that we find that it was based on erroneous intelligence—not corrupt intelligence, just flawed, just because it was human, it was wrong—we want to attack the President. And that is what all of this is about.

The Gulf War ended on March 3, 1991. And from that day until when the war started, the UN's contribution to safeguarding the world was 17 resolutions. A blizzard of paper was going to protect everybody. When the World Trade Center was obliterated and we all believed this man had weapons of mass destruction, it was time to do something. And he came to Congress and got the authority and went ahead and did it. And now we should help defeat terrorism, not just weaken and erode the authority of the President.

So now we have three more. We can take the time. Mr. Menendez is recognized.

Mr. MENENDEZ. Thank you, Mr. Chairman. With each of these resolution of inquiries that we will vote on today, the Congress is simply saying we have the right to know and the American people have the right to know. And the Congress of the United States has an obligation to the American people to make sure that the Executive Branch is carrying out its duties and informing the public.

Now, I have a different view. Congress has been less than robust in its oversight of these issues. Certainly, this Committee has jurisdiction over the bilateral and multilateral relationships of the United States and other countries and organizations in the world. So it is not—I can't believe it is a jurisdictional issue.

And you know, I cannot just sit back and accept that because some other entity, the Silberman Commission, which was Executive-appointed, came to the conclusions that the Chairman made. But the other oversights that did take place did not address this issue head on, did not deal with the question of whether or not the intelligence was manipulated.

The foundations for the decision did not deal with the essence of those questions. So it is still fitting and appropriate. And in the

last Administration, we had the most robust oversight of all Committees as to every aspect of the Executive Branch, and of course, it was not “politics, politics, politics” then. It was Congress exercising its oversight. And all of a sudden we have retreated from that dramatically. We are going to have a review by one of the Committees of Katrina and the Majority Leader just decided to cancel it.

So let’s not hear about the right of Members of Congress, and certainly this Committee, to be able to pursue a robust oversight of what the Executive Branch is doing. The particular case of the two resolutions of inquiry we are going to be voting on are simply asking for information on decisions this Administration made when it led this country into an elective war in Iraq. And I think it is past time that responsible Members of Congress not confuse September 11th, where I lost 700 citizens of my State, with Saddam Hussein when the focus should have been and still needs to be in Afghanistan where Osama bin Laden, al-Qaeda, and the Taliban were. Those were the perpetrators of September 11th, they were the ones that caused the death of my fellow New Jerseyans and my fellow Americans, and I think it is irresponsible to talk about September 11th and allude to the fact that Saddam Hussein had anything to do with that terrible day.

The Downing Street Memo, for example, that we are going to be voting on as well as this request for the Department of Defense, it is a summary of high-level meetings with Tony Blair and senior members of his national security team. It is critical information on prewar planning between two bilateral relationships, the United States and Great Britain. And the memo, at least in itself, has been reported in the press. This has all been reported in the press, but we need to ascertain the veracity of all of this. The memo says that President Bush and Prime Minister Blair had already decided to go to war and the U.S. was already involved in detailed war planning in July 2002. That “the intelligence and the facts were being fixed around the policy.” That the real reason for the war was to overthrow Saddam Hussein and had little to do with weapons of mass destruction.

The policymakers knew that the case for war was weak. As reportedly said by the British Foreign Secretary, the case was thin. Saddam was not threatening his neighbors at the time and his WMD capability was clearly less than that of Libya, North Korea, or Iran, and that the United States was doing little or no post-war planning. This is critical information. And all of this was in 2002, 8 months before the start of the war, 3 months before the congressional vote authorizing use of force and 4 months before the British resolution on Iraq in the UN.

All we are asking for is the information to see whether these public statements are accurate. And if so, then ultimately what are the decisions of this Congress that ultimately flow from that?

Chairman HYDE. The gentleman’s time has expired. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you very much Mr. Chairman. Let me remind my friends and colleagues on the other side of the aisle that you have access to almost all of the secret documents that we are talking about, to determine what policies you will support or won’t

support. They are in room S-407 of the Capitol. Every Member of Congress has a security clearance to go there and look at these documents. I don't think that you have availed yourself, I would guess, of what is available to you already, much less demand even higher levels of documents. The fact is, they are there. They are available to us to make our determinations as to what policies we will support.

However, the demand today is to be able to see documents in a way that is different than you would see them if you availed yourself of going to S-407 in the Capitol, because there, if you look at these secret documents that are classified, you are required not to talk about it publicly. Not to politicize it, in other words.

What we are talking about today is a demand to see documents, to see information in order to talk about it publicly and to make public cases which means politicizing the issue. That is why I do not have the sympathy for this particular request. Since 9/11 and the onset of the war on terrorism, I have been impressed with the bipartisanship of this Committee. I have appreciated the absence of political maneuvering which would have undermined the confidence in our military and intelligence commitments overseas. When our troops are under fire being wounded and killed by radical Islamists in Iraq and elsewhere, this Committee has been careful not to politicize the situation. This bipartisanship has been exemplary. I have hoped that this admirable standard would be maintained.

Let me just note today about some of the arguments that have been made.

We keep talking about the President of the United States misinforming the public and misinforming us about the intelligence or about weapons of mass destruction based on the intelligence that he had been handed. Nobody here has said the President made it up and that the CIA had not given him this information. Let's note who the CIA director was who provided this "phony intelligence." We are talking about George Tenet here. He was not appointed by George Bush. He was appointed by President Bill Clinton and he was kept on board by President Bush in order to ensure a bipartisanship of intelligence information that he would have. Let me note, George Tenet wasn't just a President Clinton appointee—Bill Clinton was a Democrat staffer on the Hill—George Tenet was a Democrat staffer on the Hill prior to being appointed.

So all of this talk about the President of the United States giving us false information, it was handed to him by George Tenet. George said, "It's a slam dunk, Mr. President," I seem to remember was the quote. Let's not suggest that this President had anything but the best of motives when he determined what we had to do after 9/11. And yes, 9/11 has something to do with Saddam Hussein—9/11 was a declaration of war on the United States of America by an Islamo-Fascist movement that threatens the world. We need, after 9/11, to make sure that this radical Islam was maneuvered against strategically to make sure that it did not gain the strength internationally that it has as potential.

And in order to make sure that we countered radical Islam, which attacked us on 9/11, this President thought a strategic move would be made in Iraq that would create a democratic alternative

to radical Islam. What other country would better serve as an example to the people of the Islamic world that democracy isn't just for the Westerner, nor just for those people in Europe, but is indeed open as well to people of the Islamic faith? This was a strategic decision on the part of the President, a maneuver on the part of the President and had everything to do with 9/11.

And I would suggest that we do not do anything to undermine this effort that is going on right now—where our boys are being killed by radical Islamists from outside of Iraq because these radical Islamists know what the stakes are and they know that this is a strategic move against them and we should appreciate that fact—and make sure that we are supporting this. Just as we did in World War II against the Japanese and the Nazis.

Chairman HYDE. The gentleman's time has expired. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. And in some ways, I welcome the support for a bipartisan, independent commission that we have heard here today when referring to the Silberman-Robb Commission. I would hope that those that have articulated their confidence in that approach would consider it when a proposal comes from the Minority regarding the establishment of a bipartisan, independent commission to determine what happened before, during, and after Hurricane Katrina, which has devastated the Gulf Coast.

I did not intend to speak, but I would just like to make a comment on some of what I heard today. You know, confidence in our colleagues in the Intelligence Committee, that is fine. I think every Member of that Committee serves there with integrity and interest and dedication. But—and this goes to the point that was being made by Mr. Paul—in terms of the role of Congress, in terms of the role of politics; and again, it is tangential to what Mr. Leach said earlier about an examination that just does not focus on intelligence, it would appear that the so-called smoking gun line, "The intelligence and the facts were being fixed around the policy," is what the focus of many comments has been. But to me there are, as others have said, telling areas that really cry out for review.

One was, "The National Security Council has no patience with the United Nations route and no enthusiasm for publishing material on the Iraqi regime's record." The other line that comes out to me was, "There was little discussion in Washington of the aftermath of military action." These are real policy decisions. But this is not just about information for Members of Congress. At its very core, what I believe we are attempting to do is to go back and reexamine—and, yes, Mr. Chairman, reexamine again and again and again through the years—because it was Mr. Leach who said this is one of the most significant foreign policy developments in generations, it is our responsibility to reexamine the decision-making process. That is what we want to understand. The decision-making process that led us to war, the decision-making process during the war, and the decision-making process post the so-called major combat phase. What went wrong?

Yes, we can run up to room 407 or whatever the number is. But it is the American people that have the right to know, that want to know, that are demanding answers. That is why, in some re-



spects, the confidence of the American people in terms of their support for this war is eroding. Not because of what is being said about the President, but because they want a full examination and explanation of how we got ourselves here and what we are going to do about it.

It is not time to continue to hold hearings behind closed doors in some room in the Capitol. It is time to bring it out. And to my friend from Texas, I think it is important that we secure these documents. And those documents that ought not be disclosed or put forth into the public domain can be handled in a classified manner. But we have failed our responsibility here in this Committee. We have not had oversight hearings again and again and again about the decision-making process. We have not had it. And you know something, maybe what we have learned is that this is the consequence, unfortunate as it is, of having a single party in dominance in the House, in the Senate, and in the White House, whether it be Republicans or Democrats. This is about the Congress of the United States. It is far more than just simply base, crass political politics and our role in our constitutional system.

Chairman HYDE. The gentleman's time has expired. Pursuant to notice, I call up the resolution, H. Res. 419, directing the Secretary of State to transmit to the House documents in his possession relating to the disclosure of the identity and employment of Ms. Valerie Plame for purposes of markup and move its adverse recommendation to the House.

Without objection, the resolution will be considered as read and open for amendment at any point. I have an opening statement.

[H. Res. 419 follows:]

109TH CONGRESS  
1ST SESSION

## H. RES. 419

Directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2005

Mr. HOLT (for himself, Mr. INSLEE, Mr. GRIJALVA, Mr. CONYERS, Mr. KUCINICH, Mr. TIERNEY, Mr. McDERMOTT, Mr. ACKERMAN, Mr. DEFAZIO, Mr. HINCHEY, Mr. DELAHUNT, Mr. DOYLE, Mr. UDALL of Colorado, Mr. VISCLOSKEY, Mr. MCGOVERN, Mr. PALLONE, Ms. LEE, and Ms. MATSUI) submitted the following resolution; which was referred to the Committee on International Relations

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## RESOLUTION

Directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame.

- 1 *Resolved*, That the Secretary of State is directed to
- 2 transmit to the House of Representatives not later than
- 3 the date that is 14 days after the date of the adoption
- 4 of this resolution, all documents, including telephone and

1 electronic mail records, logs and calendars, personnel  
2 records, and records of internal discussions in the posses-  
3 sion of the Secretary of State relating to the disclosure  
4 of the identity of Ms. Valerie Plame as an employee of  
5 the Central Intelligence Agency during the period begin-  
6 ning on May 6, 2003, and ending on July 31, 2003.

○

Chairman HYDE. The Committee now turns its attention to the last of today's three resolutions of inquiry. Mr. Holt of New Jersey introduced H. Res. 419, directing the Secretary of State to transmit documents from May 6, 2003, to July 31, 2003, relating to the disclosure of the identity and employment of Ms. Valerie Plame. If this sounds familiar to you, it is because we voted to report a similar resolution, H. Res. 499, adversely on February 25, 2004.

The reasons that lead us to vote to report the previous resolution adversely still hold today. That is, a criminal investigation by a special prosecutor is ongoing into this matter and this Committee should do nothing that might impede or prejudice this criminal investigation. The Department of Justice opened the criminal investigation September 2003 into whether the Government officials who allegedly identified Valerie Plame to the press violated Federal law that prohibits identifying covert agents, and it remains an ongoing investigation.

On October 3, 2003, White House counsel sent a memo to all White House employees to turn in copies of documents for the ongoing probe into who leaked the name of a CIA operative. The press reported that the investigation soon included the State and Defense Departments as well as the White House and the CIA. Press reports indicate that the FBI has interviewed more than three dozen Bush Administration officials, including senior White House officials.

Reportedly, box loads of documents have been forwarded to the FBI investigation team, including White House phone logs and e-mails. The Attorney General recused himself from the case December 2003. Deputy Attorney General James Comey then appointed U.S. Attorney Patrick Fitzgerald to lead the investigation. Mr. Fitzgerald, a veteran prosecutor with experience in national security matters, enjoys a stellar reputation. According to press reports, Mr. Fitzgerald has more independence than required under the Department of Justice regulations. For instance, he, unlike other U.S. Attorneys, does not have to seek approval from Justice Department officials before issuing subpoenas or granting immunity. Press reports indicate that a grand jury has been convened to hear testimony in this matter. As we all know, grand juries have sweeping authority that allows investigators to accept witnesses and documents, including the same documents requested in H. Res. 419.

By all reports, Mr. Fitzgerald is pursuing the investigation into the Valerie Plame matter aggressively and responsibly. We need to look no further than the jailing of the *New York Times* reporter, Judy Miller, to see how aggressively Mr. Fitzgerald is pursuing the truth in this manner. Under the circumstances, this is a matter best left to the grand jury.

Of equal importance to this Committee is the action taken by the House Permanent Select Committee on Intelligence, the Committee of primary jurisdiction over the subject matter of H. Res. 419. The Intelligence Committee, in a bipartisan vote on the Valerie Plame matter, reported unfavorably without amendment on the resolution. As a former Member of the Intelligence Committee, I am confident the Committee remains committed to the enforcement of the laws and regulations that exist to protect the Nation's classified in-

telligence information, including the enforcement of the Intelligence Identities Protection Act of 1982.

Finally, I would like to mention that Mr. Fitzgerald is the U.S. Attorney for the Chicago region and has, in the recent past, indicted several Republicans including the last Governor of the State of Illinois on 22 counts. I think it is safe to say he is not the least bit moved by political considerations.

In light of all the foregoing, it is my intention to have H. Res. 419 reported adversely, and I am pleased to recognize Mr. Ackerman.

Mr. ACKERMAN. Thank you very much, Mr. Chairman. Mr. Chairman, we find ourselves once more discussing the unconscionable release of the name of a CIA undercover operative in 2003, apparently by White House officials intent on discrediting and punishing a critic of the Administration's Iraq policy. The integrity of our intelligence agency and their ability to recruit foreign agents must not be undermined for political purposes. This leak represents serious misconduct that must be fully investigated, and former agents have emphasized again and again the danger posed by this reckless release.

Last year, Mr. Chairman, when you opposed a very similar resolution, as you cited, you assured us that no congressional investigation was warranted because Special Prosecutor Fitzgerald was indefatigable and would get to the bottom of this dangerous affair. Mr. Chairman, he might be indefatigable, but so far, the only person to be jailed is a reporter determined to protect her sources. She did not even write a story. Yet she has languished for over 2 months in the same prison that houses Zacharias Moussaoui, the so-called 20th September 11th hijacker.

Mr. Chairman, it is time for us to launch our own investigation and determine how and why Administration officials leaked classified information and forever compromised Mrs. Plame's cover with chilling effects for agents and sources everywhere. We must determine what procedures need to be instituted to ensure that a release of information like this never happens again. We also need to consider what changes in law may be necessary to make enforcement of current criminal laws more practical.

Indeed, Mr. Chairman, it may be that Mr. Fitzgerald is unable to indict anyone for the underlying misconduct because of the strict standards in current law. He may be getting to the point that he will end his investigation without any report to us that would allow us to address this matter appropriately.

Finally, Mr. Chairman, since we last took up this matter it has become clear that the triggering event of the leak of an agent's name may have been a memorandum prepared by the State Department which describes the operative's relationship to Ambassador Wilson, and came to the attention of senior White House officials. This creates an even clearer nexus with the work of this Committee.

Mr. Chairman, we are not asking for any law enforcement materials, even as this Body, for the last 10 years, has been used to investigate critical misconduct during criminal investigations, as we did during the Enron affair and as this very Committee is doing

currently in the UN Oil-for-Food scandal. For the sake of our national security, we should do no less here.

I urge an affirmative vote for this and a vote against any notion recommending a negative reporting.

Chairman HYDE. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. And let me first say that I have the utmost confidence in Mr. Fitzgerald. I do not believe that he would be motivated by any political considerations. During the course of my previous career in law enforcement, I have become aware of his reputation. He is a professional. His integrity is beyond any reproach. I can empathize and understand that it requires considerable time to secure information, and clearly, the securing of that information is most difficult.

I can speculate that there have been roadblocks that he has had to deal with and address. Hopefully, he will conclude his investigation, and if it is necessary that indictments be issued, that they will be issued and those responsible will be brought to justice.

But this is not about Mr. Fitzgerald and his competence. In the course of your opening remarks, you alluded to the existence of a grand jury. I think I am confident that you are aware, as am I, there have been numerous congressional inquiries that have been undertaken contemporaneously with grand jury investigations. There is absolutely no impediment whatsoever to a congressional Committee's exercise of its oversight because there is a concurrent criminal investigation, whether a grand jury is being utilized or not. So let's be very clear about that. And if there is any disagreement, I would welcome the expression of that disagreement now.

Let me make the point further, and I happen to have a section of the Justice Department's own *Federal Grand Jury Practice Manual* that explains, and I am quoting now from the Department of Justice's *Grand Jury Practice Manual*, "Material created independently of the grand jury has long been held to be outside of the grand jury secrecy rules."

There is no impediment whatsoever to either the Fitzgerald investigation or a grand jury investigation for this Committee to honor the resolution.

And for the reasons that were articulated by the gentleman from New York, Mr. Ackerman, I support that. But let me just, before I conclude, and I will try to be brief, let's examine the record of what has occurred here in Congress in terms of the exercise of oversight.

In 1979 and 1999, the Government Affairs Committee investigated campaign financing while the FBI and the department's Campaign Finance Task Force were constructing a criminal investigation. No problem there.

In 2002, the House Energy and Commerce Committee investigated the collapse of Enron and its outside auditor, Arthur Andersen, while the FCC investigated possible criminal investigations.

The House Energy and Commerce Committee investigated Martha Stewart, we all remember that, for insider trading allegations involving ImClone stock. Martha Stewart and ImClone were under investigation. And, of course, we know what happened to Martha Stewart. In 2002, the House Financial Services Committee investigated the WorldCom scandal while criminal and civil cases were

pending. In fact, its CEO is currently serving some 25 years, but it did not stop Congress then.

But you know what? The bottom line is, we do not have the political will—and I say this sadly—to exercise our constitutional responsibility when it comes to this particular Administration because we have a single-party state. And I dare say to try to make this bipartisan in tone, I dare say that if it were Democrats that controlled the White House, the House, and the Senate, we would have the same situation. And with that I yield.

Chairman HYDE. Ms. Lee.

Ms. LEE. Thank you very much, Mr. Chairman. Let me just say first that many believe that disclosure of an agent's name for political reasons is inexcusable and it is dangerous. Confidential information should never be the subject of political game-playing. These questions rise to very high levels of the Executive Branch and they raise allegations of serious abuse of political power in order to embarrass Administration critics and to deflect attention, quite frankly, from the real truth about the absence of weapons of mass destruction in Iraq. This resolution requires the Administration to provide Congress with the information it needs to fulfill its constitutional oversight obligations.

And, Mr. Chairman, in listening to the debate earlier with regard to the previous two resolutions, I am very concerned about the erosion of our three Branches of Government, and also in terms of the diminution of the importance of the role of Congress in its oversight responsibilities. We have three Branches of Government. Democracy dictates that we ask these questions and that we receive the appropriate information.

With regard to the previous resolutions of inquiry, for example, we wrote to the President of the United States; to date, we have not received the answers to the question. We filed a Freedom of Information Act request; to date we have not received a response to that filing. This Committee authorized the use of force. This Committee did that, and this Committee certainly has the duty and responsibility to ask these important questions. Taxpayers, in addition, have paid for this war, 300-and-some billion dollars. And I am listening to those who are saying this is politicizing this whole war effort.

Well, the American people are paying for this war. People call our offices, if they come to meet with us, if they engage in public discussion about the war, they have the right to do that. This is democracy. So politicizing such a critical effort as a war that has killed over 1,900 of our young men and women and countless Iraqis to me speaks to the unfortunate place many see our democracy now, and that is very much, if you ask me, it has very much eroded in terms of the fundamentals of democracy.

People deserve to have the answers to their questions, not only Members of Congress. Many Americans know that there was no connection between 9/11 and Saddam Hussein and the war in Iraq. And because they know this, they are trying to understand why in the world did this Committee, for example, authorize the use of force with this information now coming out? So we have an obligation to the American people to provide this information again. It should not be partisan. This should be about democracy. This

should be about getting the taxpayers the information they need because they know they have funded a war that was based on distorted information.

Again, we should report these resolutions favorably. This Committee is the Committee of jurisdiction that unfortunately authorized the use of force. It authorized war. And so why in the world would we be stonewalled and not receive the information that we asked for?

The world is not any safer as we see. Yes, we all agree that we must fight a war to end terrorism. But we cannot fight a war in such a way that it creates a world that is less safe and more dangerous. Iraq has become a haven for terrorists and it was not that before the invasion and the occupation.

And so, Mr. Chairman, I think that all the questions are very legitimate that we are asking. That the American people deserve this; that any reference to politicizing this effort is incorrect; that democracy is about the involvement of people; the demand of the American people to ask their Government to petition their Government for information that they so desire.

Again, we have seen the devastation in the wake of this horrific hurricane, Katrina. Where are the resources—where are the resources to protect our American people and protect our domestic security and economic security? Those resources are not there because of many reasons, and one of those reasons is the funding of this war, 300-and-some billion, which has been authorized.

And so today, Mr. Chairman, I say people deserve the right to know where their taxpayer dollars are going. They deserve this information. And finally, let me just request, Mr. Chairman, the customary 2 days to submit additional or dissenting views on all three resolutions.

Chairman HYDE. Without objection, it is so ordered. The Chair would like to state for the record that Mr. Royce and Mr. Payne are both absent on official business, representing us at the United Nations. When the Committee reconvenes at 2 p.m., the motions pending will be to order all three resolutions, H. Res. 375, H. Res. 408, and H. Res. 419, adversely.

The Committee stands in recess until 2 p.m.

[Recess.]

Chairman HYDE. The Committee will come to order.

When the Committee recessed, we had concluded debate on the three resolutions of inquiry, H. Res. 375, H. Res. 408, and H. Res. 419. We will now proceed to vote on the pending motions to report each resolution adversely.

The question occurs on H. Res. 375 on the motion to report the resolution adversely.

All in favor say aye.

All opposed say no.

Mr. LANTOS. Mr. Chairman, I request a recorded vote.

Chairman HYDE. The gentleman requests a recorded vote and the clerk will call the role.

Ms. RUSH. Mr. Leach.

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Smith of New Jersey.



Mr. SMITH OF NEW JERSEY. Yes.  
Ms. RUSH. Mr. Smith of New Jersey votes yes.  
Mr. Burton.  
Mr. BURTON. Aye.  
Ms. RUSH. Mr. Burton votes yes.  
Mr. Gallegly.  
Mr. GALLEGLY. Aye.  
Ms. RUSH. Mr. Gallegly votes yes.  
Ms. Ros-Lehtinen.  
Ms. ROS-LEHTINEN. Yes.  
Ms. RUSH. Ms. Ros-Lehtinen votes yes.  
Mr. Rohrabacher.  
Mr. ROHRABACHER. Yes.  
Ms. RUSH. Mr. Rohrabacher votes yes.  
Mr. Royce.  
[No response.]  
Ms. RUSH. Mr. King.  
[No response.]  
Ms. RUSH. Mr. Chabot.  
Mr. CHABOT. Yes.  
Ms. RUSH. Mr. Chabot votes yes.  
Mr. Tancredo.  
Mr. TANCREDO. Yes.  
Ms. RUSH. Mr. Tancredo votes yes.  
Mr. Paul.  
Mr. PAUL. Present.  
Ms. RUSH. Mr. Paul votes present.  
Mr. Issa.  
Mr. ISSA. Yes.  
Ms. RUSH. Mr. Issa votes yes.  
Mr. Flake.  
Mr. FLAKE. Yes.  
Ms. RUSH. Mr. Flake votes yes.  
Mrs. Davis.  
Mrs. DAVIS. Aye.  
Ms. RUSH. Mrs. Davis votes yes.  
Mr. Green.  
Mr. GREEN. Yes.  
Ms. RUSH. Mr. Green votes yes.  
Mr. Weller.  
Mr. WELLER. Yes.  
Ms. RUSH. Mr. Weller votes yes.  
Mr. Pence.  
[No response.]  
Ms. RUSH. Mr. McCotter.  
Mr. MCCOTTER. Yes.  
Ms. RUSH. Mr. McCotter votes yes.  
Ms. Harris.  
Ms. HARRIS. Yes.  
Ms. RUSH. Ms. Harris votes yes.  
Mr. Wilson.  
Mr. WILSON. Yes.  
Ms. RUSH. Mr. Wilson votes yes.  
Mr. Boozman.

Mr. BOOZMAN. Yes.  
Ms. RUSH. Mr. Boozman votes yes.  
Mr. Barrett.  
Mr. BARRETT. Aye.  
Ms. RUSH. Mr. Barrett votes yes.  
Mr. Mack.  
Mr. MACK. Aye.  
Ms. RUSH. Mr. Mack votes yes.  
Mr. Fortenberry.  
Mr. FORTENBERRY. Yes.  
Ms. RUSH. Mr. Fortenberry votes yes.  
Mr. McCaul.  
Mr. MCCAUL. Yes.  
Ms. RUSH. Mr. McCaul votes yes.  
Mr. Poe.  
[No response.]  
Ms. RUSH. Mr. Lantos.  
Mr. LANTOS. No.  
Ms. RUSH. Mr. Lantos votes no.  
Mr. Berman.  
Mr. BERMAN. No.  
Ms. RUSH. Mr. Berman votes no.  
Mr. Ackerman.  
Mr. ACKERMAN. No.  
Ms. RUSH. Mr. Ackerman votes no.  
Mr. Faleomavaega.  
[No response.]  
Ms. RUSH. Mr. Payne.  
[No response.]  
Ms. RUSH. Mr. Menendez.  
Mr. MENENDEZ. No.  
Ms. RUSH. Mr. Menendez votes no.  
Mr. Brown.  
Mr. BROWN. No.  
Ms. RUSH. Mr. Brown votes no.  
Mr. Sherman.  
Mr. SHERMAN. No.  
Ms. RUSH. Mr. Sherman votes no.  
Mr. Wexler.  
Mr. WEXLER. No.  
Ms. RUSH. Mr. Wexler votes no.  
Mr. Engel.  
Mr. ENGEL. No.  
Ms. RUSH. Mr. Engel votes no.  
Mr. Delahunt.  
Mr. DELAHUNT. No.  
Ms. RUSH. Mr. Delahunt votes no.  
Mr. Meeks.  
Mr. MEEKS. No.  
Ms. RUSH. Mr. Meeks votes no.  
Ms. Lee.  
Ms. LEE. No.  
Ms. RUSH. Ms. Lee votes no.  
Mr. Crowley.

Mr. CROWLEY. No.  
 Ms. RUSH. Mr. Crowley votes no.  
 Mr. Blumenauer.  
 Mr. BLUMENAUER. No.  
 Ms. RUSH. Mr. Blumenauer votes no.  
 Ms. Berkley.  
 Ms. BERKLEY. No.  
 Ms. RUSH. Ms. Berkley votes no.  
 Ms. Napolitano.  
 [No response.]  
 Ms. RUSH. Mr. Schiff.  
 Mr. SCHIFF. No.  
 Ms. RUSH. Mr. Schiff votes no.  
 Ms. Watson.  
 Ms. WATSON. No.  
 Ms. RUSH. Ms. Watson votes no.  
 Mr. Smith of Washington.  
 Mr. SMITH OF WASHINGTON. No.  
 Ms. RUSH. Mr. Smith of Washington votes no.  
 Ms. McCollum.  
 Ms. MCCOLLUM. No.  
 Ms. RUSH. Ms. McCollum votes no.  
 Mr. Chandler.  
 Mr. CHANDLER. No.  
 Ms. RUSH. Mr. Chandler votes no.  
 Mr. Cardoza.  
 Mr. CARDOZA. No.  
 Ms. RUSH. Mr. Cardoza votes no.  
 Chairman Hyde.  
 Chairman HYDE. Aye.  
 Ms. RUSH. Chairman Hyde votes yes.  
 Chairman HYDE. Have we all voted? Anybody wish to change their vote? If not, would the clerk announce the roll?  
 Ms. RUSH. Mr. Poe.  
 Mr. POE. No—I vote aye, Mr. Chairman.  
 Chairman HYDE. The clerk will reflect the vote.  
 Ms. RUSH. Mr. Poe votes yes.  
 There are 22 ayes, 21 noes, and 1 voting present.  
 Chairman HYDE. The ayes have it and the motion to vote adversely is adopted.  
 And the question occurs on the vote to report the resolution H. Res. 408 adversely.  
 All those in favor say aye.  
 All opposed, no.  
 The ayes have it.  
 Mr. LANTOS. Mr. Chairman, I respectfully request a rollcall.  
 Chairman HYDE. The clerk will call the roll.  
 Ms. RUSH. Mr. Leach.  
 Mr. LEACH. No.  
 Ms. RUSH. Mr. Leach votes no.  
 Mr. Smith of New Jersey.  
 Mr. SMITH OF NEW JERSEY. Yes.  
 Ms. RUSH. Mr. Smith of New Jersey votes yes.  
 Mr. Burton.

Mr. BURTON. Aye.  
 Ms. RUSH. Mr. Burton votes yes.  
 Mr. Gallegly.  
 Mr. GALLEGLY. Aye.  
 Ms. RUSH. Mr. Gallegly votes yes.  
 Ms. Ros-Lehtinen.  
 Ms. ROS-LEHTINEN. Yes.  
 Ms. RUSH. Ms. Ros-Lehtinen votes yes.  
 Mr. Rohrabacher.  
 Mr. ROHRABACHER. Yes.  
 Ms. RUSH. Mr. Rohrabacher votes yes.  
 Mr. Royce.  
 [No response.]  
 Ms. RUSH. Mr. King.  
 Mr. KING. Yes.  
 Ms. RUSH. Mr. King votes yes.  
 Mr. Chabot.  
 Mr. CHABOT. Yes.  
 Ms. RUSH. Mr. Chabot votes yes.  
 Mr. Tancredo.  
 Mr. TANCREDO. Yes.  
 Ms. RUSH. Mr. Tancredo votes yes.  
 Mr. Paul.  
 Mr. PAUL. Present.  
 Ms. RUSH. Mr. Paul votes present.  
 Mr. Issa.  
 Mr. ISSA. Yes.  
 Ms. RUSH. Mr. Issa votes yes.  
 Mr. Flake.  
 Mr. FLAKE. Yes.  
 Ms. RUSH. Mr. Flake votes yes.  
 Mrs. Davis.  
 Mrs. DAVIS. Aye.  
 Ms. RUSH. Mrs. Davis votes yes.  
 Mr. Green.  
 Mr. GREEN. Yes.  
 Ms. RUSH. Mr. Green votes yes.  
 Mr. Weller.  
 Mr. WELLER. Yes.  
 Ms. RUSH. Mr. Weller votes yes.  
 Mr. Pence.  
 [No response.]  
 Ms. RUSH. Mr. McCotter.  
 Mr. MCCOTTER. Yes.  
 Ms. RUSH. Mr. McCotter votes yes.  
 Ms. Harris.  
 Ms. HARRIS. Yes.  
 Ms. RUSH. Ms. Harris votes yes.  
 Mr. Wilson.  
 Mr. WILSON. Yes.  
 Ms. RUSH. Mr. Wilson votes yes.  
 Mr. Boozman.  
 Mr. BOOZMAN. Yes.  
 Ms. RUSH. Mr. Boozman votes yes.

Mr. Barrett.  
Mr. BARRETT. Aye.  
Ms. RUSH. Mr. Barrett votes yes.  
Mr. Mack.  
Mr. MACK. Aye.  
Ms. RUSH. Mr. Mack votes yes.  
Mr. Fortenberry.  
Mr. FORTENBERRY. Yes.  
Ms. RUSH. Mr. Fortenberry votes yes.  
Mr. McCaul.  
Mr. MCCAUL. Yes.  
Ms. RUSH. Mr. McCaul votes yes.  
Mr. Poe.  
Mr. POE. Yes.  
Ms. RUSH. Mr. Poe votes yes.  
Mr. Lantos.  
Mr. LANTOS. No.  
Ms. RUSH. Mr. Lantos votes no.  
Mr. Berman.  
Mr. BERMAN. No.  
Ms. RUSH. Mr. Berman votes no.  
Mr. Ackerman.  
Mr. ACKERMAN. No.  
Ms. RUSH. Mr. Ackerman votes no.  
Mr. Faleomavaega.  
[No response.]  
Ms. RUSH. Mr. Payne.  
[No response.]  
Ms. RUSH. Mr. Menendez.  
Mr. MENENDEZ. No.  
Ms. RUSH. Mr. Menendez votes no.  
Mr. Brown.  
Mr. BROWN. No.  
Ms. RUSH. Mr. Brown votes no.  
Mr. Sherman.  
Mr. SHERMAN. No.  
Ms. RUSH. Mr. Sherman votes no.  
Mr. Wexler.  
Mr. WEXLER. No.  
Ms. RUSH. Mr. Wexler votes no.  
Mr. Engel.  
Mr. ENGEL. No.  
Ms. RUSH. Mr. Engel votes no.  
Mr. Delahunt.  
Mr. DELAHUNT. No.  
Ms. RUSH. Mr. Delahunt votes no.  
Mr. Meeks.  
Mr. MEEKS. No.  
Ms. RUSH. Mr. Meeks votes no.  
Ms. Lee.  
Ms. LEE. No.  
Ms. RUSH. Ms. Lee votes no.  
Mr. Crowley.  
Mr. CROWLEY. No.

Ms. RUSH. Mr. Crowley votes no.  
 Mr. Blumenauer.  
 Mr. BLUMENAUER. No.  
 Ms. RUSH. Mr. Blumenauer votes no.  
 Ms. Berkley.  
 Ms. BERKLEY. No.  
 Ms. RUSH. Ms. Berkley votes no.  
 Mrs. Napolitano.  
 Mrs. NAPOLITANO. No.  
 Ms. RUSH. Mrs. Napolitano votes no.  
 Mr. Schiff.  
 Mr. SCHIFF. No.  
 Ms. RUSH. Mr. Schiff votes no.  
 Ms. Watson.  
 Ms. WATSON. No.  
 Ms. RUSH. Ms. Watson votes no.  
 Mr. Smith of Washington.  
 Mr. SMITH OF WASHINGTON. No.  
 Ms. RUSH. Mr. Smith of Washington votes no.  
 Ms. McCollum.  
 Ms. MCCOLLUM. No.  
 Ms. RUSH. Ms. McCollum votes no.  
 Mr. Chandler.  
 Mr. CHANDLER. No.  
 Ms. RUSH. Mr. Chandler votes no.  
 Mr. Cardoza.  
 Mr. CARDOZA. No.  
 Ms. RUSH. Mr. Cardoza votes no.  
 Chairman Hyde.  
 Chairman HYDE. Aye.  
 Ms. RUSH. Chairman Hyde votes yes.  
 Chairman HYDE. Have we all voted? Anybody wish to change their vote? If not, the clerk will report the roll.  
 Ms. RUSH. On this vote there are 23 ayes, 22 nos, and 1 voting present.  
 Chairman HYDE. The ayes have it. The motion to report adversely is adopted.  
 And the question occurs on the motion to report the resolution H. Res. 419 adversely.  
 All in favor say aye.  
 All opposed, no.  
 The clerk will call the roll.  
 Ms. RUSH. Mr. Leach.  
 Mr. LEACH. Yes.  
 Ms. RUSH. Mr. Leach votes yes.  
 Mr. Smith of New Jersey.  
 Mr. SMITH OF NEW JERSEY. Yes.  
 Ms. RUSH. Mr. Smith of New Jersey votes yes.  
 Mr. Burton.  
 Mr. BURTON. Aye.  
 Ms. RUSH. Mr. Burton votes yes.  
 Mr. Gallegly.  
 Mr. GALLEGLY. Aye.  
 Ms. RUSH. Mr. Gallegly votes yes.

Ms. Ros-Lehtinen.  
 Ms. ROS-LEHTINEN. Yes.  
 Ms. RUSH. Ms. Ros-Lehtinen votes yes.  
 Mr. Rohrabacher.  
 Mr. ROHRABACHER. Aye.  
 Ms. RUSH. Mr. Rohrabacher votes yes.  
 Mr. Royce.  
 [No response.]  
 Ms. RUSH. Mr. King.  
 Mr. KING. Yes.  
 Ms. RUSH. Mr. King votes yes.  
 Mr. Chabot.  
 Mr. CHABOT. Yes.  
 Ms. RUSH. Mr. Chabot votes yes.  
 Mr. Tancredo.  
 Mr. TANCREDO. Yes.  
 Ms. RUSH. Mr. Tancredo votes yes.  
 Mr. Paul.  
 Mr. PAUL. Yes.  
 Ms. RUSH. Mr. Paul votes yes.  
 Mr. Issa.  
 Mr. ISSA. Yes.  
 Ms. RUSH. Mr. Issa votes yes.  
 Mr. Flake.  
 Mr. FLAKE. Yes.  
 Ms. RUSH. Mr. Flake votes yes.  
 Mrs. Davis.  
 Mrs. DAVIS. Aye.  
 Ms. RUSH. Mrs. Davis votes yes.  
 Mr. Green.  
 Mr. GREEN. Yes.  
 Ms. RUSH. Mr. Green votes yes.  
 Mr. Weller.  
 Mr. WELLER. Yes.  
 Ms. RUSH. Mr. Weller votes yes.  
 Mr. Pence.  
 Mr. PENCE. Yes.  
 Ms. RUSH. Mr. Pence votes yes.  
 Mr. McCotter.  
 Mr. MCCOTTER. Yes.  
 Ms. RUSH. Mr. McCotter votes yes.  
 Ms. Harris.  
 Ms. HARRIS. Yes.  
 Ms. RUSH. Ms. Harris votes yes.  
 Mr. Wilson.  
 Mr. WILSON. Yes.  
 Ms. RUSH. Mr. Wilson votes yes.  
 Mr. Boozman.  
 Mr. BOOZMAN. Yes.  
 Ms. RUSH. Mr. Boozman votes yes.  
 Mr. Barrett.  
 Mr. BARRETT. Aye.  
 Ms. RUSH. Mr. Barrett votes yes.  
 Mr. Mack.

Mr. MACK. Aye.  
Ms. RUSH. Mr. Mack votes yes.  
Mr. Fortenberry.  
Mr. FORTENBERRY. Yes.  
Ms. RUSH. Mr. Fortenberry votes yes.  
Mr. McCaul.  
Mr. McCAUL. Yes.  
Ms. RUSH. Mr. McCaul votes yes.  
Mr. Poe.  
Mr. POE. Yes.  
Ms. RUSH. Mr. Poe votes yes.  
Mr. Lantos.  
Mr. LANTOS. No.  
Ms. RUSH. Mr. Lantos votes no.  
Mr. Berman.  
Mr. BERMAN. No.  
Ms. RUSH. Mr. Berman votes no.  
Mr. Ackerman.  
Mr. ACKERMAN. No.  
Ms. RUSH. Mr. Ackerman votes no.  
Mr. Faleomavaega.  
[No response.]  
Ms. RUSH. Mr. Payne.  
[No response.]  
Ms. RUSH. Mr. Menendez.  
Mr. MENENDEZ. No.  
Ms. RUSH. Mr. Menendez votes no.  
Mr. Brown.  
Mr. BROWN. No.  
Ms. RUSH. Mr. Brown votes no.  
Mr. Sherman.  
Mr. SHERMAN. No.  
Ms. RUSH. Mr. Sherman votes no.  
Mr. Wexler.  
Mr. WEXLER. No.  
Ms. RUSH. Mr. Wexler votes no.  
Mr. Engel.  
Mr. ENGEL. No.  
Ms. RUSH. Mr. Engel votes no.  
Mr. Delahunt.  
Mr. DELAHUNT. No.  
Ms. RUSH. Mr. Delahunt votes no.  
Mr. Meeks.  
Mr. MEEKS. No.  
Ms. RUSH. Mr. Meeks votes no.  
Ms. Lee.  
Ms. LEE. No.  
Ms. RUSH. Ms. Lee votes no.  
Mr. Crowley.  
Mr. CROWLEY. No.  
Ms. RUSH. Mr. Crowley votes no.  
Mr. Blumenauer.  
Mr. BLUMENAUER. No.  
Ms. RUSH. Mr. Blumenauer votes no.



Ms. Berkley.

Ms. BERKLEY. No.

Ms. RUSH. Ms. Berkley votes no.

Mrs. Napolitano.

Mrs. NAPOLITANO. No.

Ms. RUSH. Mrs. Napolitano votes no.

Mr. Schiff.

Mr. SCHIFF. No.

Ms. RUSH. Mr. Schiff votes no.

Ms. Watson.

Ms. WATSON. No.

Ms. RUSH. Ms. Watson votes no.

Mr. Smith of Washington.

Mr. SMITH OF WASHINGTON. No.

Ms. RUSH. Mr. Smith of Washington votes no.

Ms. McCollum.

Ms. MCCOLLUM. No.

Ms. RUSH. Ms. McCollum votes no.

Mr. Chandler.

Mr. CHANDLER. No.

Ms. RUSH. Mr. Chandler votes no.

Mr. Cardoza.

Mr. CARDOZA. No.

Ms. RUSH. Mr. Cardoza votes no.

Ms. RUSH. Chairman Hyde.

Chairman HYDE. Aye.

Ms. RUSH. Chairman Hyde votes yes.

Chairman HYDE. Have all voted who wish? Anybody wish to change their vote? If not, the clerk will report.

Ms. RUSH. On this vote there are 26 yeses and 21 noes.

Chairman HYDE. And the ayes have it. The motion to report adversely is adopted. And, without objection, the staff is directed to make any technical and conforming changes.

Ladies and gentlemen, before you leave, the Chair would like to announce that it is not customary to introduce people in the audience at Committee meetings, but occasionally we break that rule; and we break the rule now to introduce a visitor, Mr. James Sheridan, a member of the British Parliament House of Commons, the Labor Party, and he is visiting us. Mr. Sheridan.

The Committee stands adjourned.

[Whereupon, at 2:23 p.m., the Committee was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE GRACE F. NAPOLITANO, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

H. RES. 375

Mr. Chairman, I was unable to attend the vote on H.Res. 375, *Requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq*. I would like the record to reflect that I would have voted NO on H.RES. 375.

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PREPARED STATEMENT OF THE HONORABLE EARL BLUMENAUER, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF OREGON

H. RES. 375, H. RES. 408, AND H. RES. 419

Today was another missed opportunity for Congress to do its duty in oversight of the Bush Administration's actions in the lead-up to war in Iraq. Our House International Relations Committee had resolutions of inquiry about the "Downing Street" Memo and the illegal identification of CIA agent Valerie Plame. These issues raise serious questions about the administration's behavior. As a member of the Subcommittee on Oversight and Investigations, I am embarrassed that Congress gets more accurate information from the news media than we do from our own oversight and investigative activities and high-level administration briefings.

We must heed the admission of former Secretary of State Colin Powell, who recently referred to his false descriptions of Iraqi weapons programs before the United Nations Security Council as a permanent "blot" on his record. This Congress is at risk that our failure to provide this essential oversight will be a "blot" on our record as well.

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PREPARED STATEMENT OF THE HONORABLE BETTY MCCOLLUM, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF MINNESOTA

H. RES. 375, H. RES. 409, AND H. RES. 419

Mr. Chairman, I want to express my support for H. Res. 375, as well as H. Res. 408 and H. Res. 419, all requesting information from the Administration regarding plans and communication leading up to the war in Iraq, as well as requesting information regarding the leak of CIA Agent Valerie Plame's name to the media. These resolutions highlight a disturbing trend within the Bush Administration to hide critical information from Congress and the American people. The President owes Americans the truth, especially when it involves the lives of our sons and daughters.

Like so many of my colleagues, and so many of my constituents in the 4th District of Minnesota, I was profoundly disturbed when I learned of the so-called Downing Street Memo in May 2005. This document details minutes of a July 2002 meeting between British Prime Minister Tony Blair and his cabinet. The minutes of the meeting indicate that British officials believed President Bush had already decided to pursue war with Iraq. The minutes further appear to indicate that the Bush Administration was intentionally distorting intelligence information to justify the case for invading Iraq.

Concern by Congress and the American people regarding the Downing Street Memo have escalated since first reported. Earlier this year, over ninety Members of the House sent a letter to President Bush requesting a full accounting of these allegations. The President has yet to respond to this letter. However, the British government has not disputed the authenticity of the Downing Street Memo, and a former senior Bush Administration official has confirmed the accuracy of this account to the press. The failure of the Administration to address these concerns and to adequately investigate the leak of an undercover CIA agent's name to the media is obstructionist. This is a meter of accountability and transparency, and I support all three of these resolutions.

While all Americans stand united in support of our troops, President Bush has offered no plan for success in Iraq. In fact, most Americans now agree that the President's complete mishandling of the war in Iraq has transformed Iraq into a terrorist haven and made our own nation less safe. As a member of the minority party in Congress, I will continue to hold the Bush Administration accountable for the flawed and dangerous policy in Iraq.

H. Res. 375, H. Res. 408, and H. Res. 419 should be favorably reported out of the House International Relations Committee, and the citizens of this country should finally be told the truth by this Administration.

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PREPARED STATEMENT OF THE HONORABLE JAMES A. LEACH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

H. RES. 375

First, let me say that the opening statement of the Chairman was one of the most thoughtful opening statements of a Chairman that I've ever listened to. Secondly, I want to explain why I don't find it completely compelling.

It is true that this Congress and other committees and commissions have overseen aspects of the intelligence issue. But this inquiry is partly about intelligence and partly about diplomacy and it's partly about other things. For example, on the post-invasion planning, there's a quote from a British cabinet paper which says post-war occupation of Iraq could lead to a protracted and costly nation-building exercise and that U.S. military plans are virtually silent on this point. This British assessment at the time is of extraordinary significance. It is an aspect of United States policy for which the case for transparency is rather strong.

There is a clear element of partisanship in this inquiry. On the other hand, all of us should understand that it is the responsibility of the minority party to hold the majority party accountable. It's also the responsibility of the United States Congress to oversee the Executive Branch. And these two perspectives are far more significant than the partisan advantage.

I will conclude with one observation about a statement last week. The former Secretary of State Colin Powell stated that it was a blot on his record that he misused intelligence. I don't want it to be a blot on the Congress' record that we refused the most vigorous oversight of the most extraordinary foreign policy initiative of the last generation, an initiative that at this moment in time appears to have enormously consequential and frail implications for our national security. Accordingly, I'm hard-pressed to do anything except support this inquiry despite the powerful statement of the Chairman.

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PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

H. RES 419

Mr. Chairman, on February 25, 2004—over a year and a half ago—this Committee convened to discuss a very similar piece of legislation to what we are discussing today.

Over a year and a half ago, Members of this Committee made what should have been a very simple request—they asked that Congress and this Committee be given the information needed to conduct its own investigation into the unauthorized naming of a CIA operative.

And over a year and a half ago, this resolution was defeated on a purely partisan basis—perhaps by some who believed election year politics were more important than discovering the truth about a felony.

Mr. Chairman, the questions I asked the Committee back in February 2004 are still relevant today.

Do we support the law of the land which clearly states that disclosing the name of a covert agent is a crime?

Will we stand up for the men and women who risk their lives as covert agents around the world to protect the national security of the United States?

Do we believe that Congress must fulfill its own oversight function?

If you answer yes to each of these questions, then you should join me and support this resolution, which would simply give the Congress and this Committee the tools it needs to conduct an independent Congressional investigation.

Mr. Chairman, the way this case has been allowed to languish and fade from the American consciousness is unacceptable. Congress has an obligation to the American people and to the intelligence community to investigate this issue ourselves.

I have several serious concerns regarding the manner in which the administration has handled this case, and recently released information this summer only deepened those concerns.

First, in this case, the Executive branch should not be allowed to investigate itself. There is an inherent conflict of interest which underscores the need for Congressional oversight.

This is particularly true given the serious allegations that Valerie Plame's name was leaked in retaliation for her husband's comments on the administration's policy on the Iraq war. If these allegations are correct, the administration is playing a dangerous and illegal game, risking the lives of covert operatives and the nation's national security in a petty drive to silence critics.

Secondly, I am deeply concerned by allegations that arose this past summer that Karl Rove, the Deputy Chief of Staff at the White House, was the source of the leak.

This administration has stated multiple times that anyone who was found to be involved with the leak would be fired. And yet, Karl Rove remains in his post. Whether Karl Rove violated the law or not is a question for the special prosecutor—but the White House said they had a higher standard. I call on the White House to make good on its pledge and ask for Rove's resignation. The White House should not aid and abet those within it in if they expose CIA agents who work for this country and defend it from danger.

The time is passed when Congress should have taken the reins of this investigation and ensured its integrity and impartiality.

And so I ask my colleagues now, a year and a half after this resolution was first brought before us—how long will we continue to abrogate our responsibility?

How long will we continue to fail to uphold the law of the land?

How long will we continue to fall short of providing full protection for our intelligence community?

We have already wasted a year and a half of time, when the Congress could have been conducting its own independent investigation.

We have already allowed partisanship to supersede obligation, when this resolution failed on a strictly party-line vote last February.

CIA agents operate in secret so they can protect America from its enemies, from terrorism here at home. When their identities are revealed, not only are they put at risk but America is also put at risk.

Today we are being given the chance to right this wrong, to exercise our obligation of oversight. And after what we have witnessed during the past year and half of this investigation, every Member of Congress should be willing and ready to do so.

#### H. RES. 375 AND H. RES. 408

- H. Res. 375—Resolution of Inquiry requesting transmission of documents from Secretary of State relating to communication of officials in UK on Iraq between Jan. 1, 2002 and Oct. 16, 2002
- H. Res. 408—Resolution of Inquiry, requesting transmission of documents from Secretary of Defense relating to communications with UK officials on policy of US to Iraq

Mr. Chairman, with each of the Resolutions of Inquiries we will vote on today, the Congress is simply saying:

We have the right to know.

The American people have the right to know.

And the Congress of the United States has an obligation to the American people to make sure that the Executive branch is carrying-out its duties and informing the public.

In the particular case of the two resolutions of inquiry related to Iraq, we are simply asking for information on the decisions this administration made when it led our country into an elective war in Iraq.

The Downing Street Memo is a summary of a high level meeting with Tony Blair and senior members of his national security team. This memo seems to have critical information on pre-war planning in the US and Britain.

Most importantly, the memo, as reported in the press, indicates that:

- President Bush and Prime Minister Blair had already decided to go war and the US was already involved in detailed war planning in July 2002;
- “the intelligence and the facts were being fixed around the policy;”<sup>1</sup>
- the real reason for the war was to overthrow Saddam Hussein and had little to do with weapons of mass destruction;
- policy makers knew that the case for war was weak. As was reportedly said by the British foreign secretary, “The case was thin. Saddam was not threatening his neighbours, and his WMD capability was less than that of Libya, North Korea or Iran.”<sup>2</sup>
- the British Attorney General doubted whether international law would support the US case for war; and
- the US was doing little or no post-war planning.

And all of this was in 2002—eight months before the start of the war, three months before the Congressional vote authorizing force, and four months before the British/US resolution on Iraq at the UN.

All we are asking is to know whether this information is accurate. All we are asking is to be allowed to see this information ourselves, so that we can know what really happened.

All we are asking is that the American public be given the facts so they can make their own judgments.

Since the administration’s main reasons for the war have proven false, the Downing Street Memo, and other documents, may provide answers to the most critical questions about why we went to war.

If the Administration has nothing to hide, then they should be happy to let the Congress and the American public sees this information and has the answers to these important questions.

There is no more sacred trust that we give our President than the decision to go to war—the decision to send our young men and women into harm’s way. As Members of Congress and as Americans, we must learn the true story behind this President’s decision to take this country into an elective war.

It has become clear to everyone that the Administration’s claims that we were in immediate danger from Saddam’s weapons of mass destruction were untrue. This President, preemptively and without solid justification, led our country into a war that has killed almost 1,900 soldiers and will cost us over \$200 billion dollars, and all without a plan to win the peace.

Mr. Chairman, with these resolutions we are simply saying that Congress, and America, has the right to know what the Administration knew, when they knew it, and how and why they made their decisions.

At a time when so many of our country’s bravest and brightest have died in this war and continue to be in harm’s way, the American people deserve to have real answers to these serious questions.

Vote *No* on the motion.




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<sup>1</sup>Statement attributed to Sir Richard Dearlove, Chief of MI6. Downing Street Memo, To: David Manning, From: Matthew Rycroft, 23 July 2002, as published by The Sunday Times of London.

<sup>2</sup>Statement attributed to Geoff Hoon, Foreign Secretary. Downing Street Memo, To: David Manning, From: Matthew Rycroft, 23 July 2002, as published by The Sunday Times of London.