
From the Congress

Conyers Demands Inquiry On 'Impeachable Offenses'

The following document was issued by the House Judiciary Committee Democratic Staff, on December 20, 2005. We publish here the table of contents, and the Executive Summary. The full document can be found at Iraq Report 109th Congress <http://www.house.gov/judiciarydemocrats/iraqrept.html>.

The Constitution in Crisis: The Downing Street Minutes and Deception. Manipulation, Torture, Retribution, and Coverups in the Iraq War

Executive Summary

This Minority Report has been produced at the request of Representative John Conyers, Jr., Ranking Member of the House Judiciary Committee. He made the request in the wake of the President's failure to respond to a letter submitted by 122 Members of Congress and more than 500,000 Americans in July of this year, asking him whether the assertions set forth in the Downing Street Minutes were accurate. Mr. Conyers asked staff, by year end 2005, to review the available information concerning possible misconduct by the Bush Administration in the run up to the Iraq War and post-invasion statements and actions, and to develop legal conclusions and make legislative and other recommendations to him.

In brief, we have found that there is substantial evidence the President, the Vice President, and other high ranking members of the Bush Administration misled Congress and the American people regarding the decision to go to war, with misstated and manipulated intelligence information regarding the justification for such war; countenanced torture and cruelty, inhuman and degrading treatment, and other legal violations in Iraq; and permitted inappropriate retaliation against critics of their Administration.

There is a *prima facie* case that these actions by the President, Vice-President, and other members of the Bush Administration violated a number of federal laws, including (1) Committing a Fraud against the United States; (2) Making False Statements to Congress; (3) The War Powers Resolution; (4) Misuse of Government Funds; (5) federal laws and international treaties prohibiting torture and cruel, inhuman, and degrading treatment; (6) federal laws concerning retaliating against witnesses and other individuals; and (7) federal laws and regulations concerning leaking and other misuse of intelligence.

While these charges clearly rise to the level of impeach-



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Rep. John Conyers, Jr., ranking member of the House Judiciary Committee, requested a Minority Report on possible misconduct by the Administration in the run-up to the Iraq War, and issued resolutions calling for a Select Committee to investigate the Administration, and to censure Bush and Cheney.

able misconduct, because the Bush Administration and the Republican-controlled Congress have blocked the ability of Members to obtain information directly from the Administration concerning these matters, more investigatory authority is needed before recommendations can be made regarding specific Articles of Impeachment. As a result, we recommend that Congress establish a select committee with subpoena authority, to investigate the misconduct of the Bush Administration with regard to the Iraq war detailed in this Report, and report to the Committee on the Judiciary on possible impeachable offenses.

In addition, we believe the failure of the President, Vice President, and others in the Bush Administration to respond to myriad requests for information concerning these charges, or to otherwise account for, or explain, a number of specific misstatements they have made in the run-up to War and other actions warrants, at minimum, the introduction and Congress' approval of Resolutions of Censure against Mr. Bush and Mr. Cheney. Further, we recommend that Ranking Member Conyers and others consider referring the potential violations of federal criminal law detailed in this Report to the Department of Justice for investigation; Congress should pass legislation to limit government secrecy, enhance oversight of the Executive Branch, request notification and justification of presidential pardons of Administration officials, ban abusive treatment of detainees, ban the use of chemical weapons, and ban the practice of paying foreign media outlets to publish news stories prepared by or for the Pentagon; and the House

should amend its Rules to permit Ranking Members of Committees to schedule official Committee hearings and call witnesses to investigate Executive Branch misconduct.

The Report rejects the frequent contention by the Bush Administration that their pre-war conduct has been reviewed and they have been exonerated. No entity has ever considered whether the Administration misled Americans about the decision to go to war. The Senate Intelligence Committee has not yet conducted a review of pre-war intelligence distortion and manipulation, while the Silberman-Robb report specifically cautioned that intelligence manipulation “was not part of our inquiry.” There has also not been any independent inquiry concerning torture and other legal violations in Iraq; nor has there been an independent review of the pattern of coverups and political retribution by the Bush Administration against its critics, other than the very narrow and still ongoing inquiry of Special Counsel Fitzgerald.

While the scope of this Report is largely limited to Iraq, it also holds lessons for our Nation at a time of entrenched one-party rule and abuse of power in Washington. If the present Administration is willing to misstate the facts in order to achieve its political objectives in Iraq, and Congress is unwilling to confront or challenge their hegemony, many of our cherished democratic principles are in jeopardy. This is true not only with respect to the Iraq War, but also in regard to other areas of foreign policy, privacy and civil liberties, and matters of economic and social justice. Indeed as this Report is being finalized, we have just learned of another potential significant abuse of executive power by the President, ordering the National Security Agency to engage in domestic spying and wiretapping without obtaining court approval in possible violation of the Foreign Intelligence Surveillance Act.

It is tragic that our Nation has invaded another sovereign nation because “the intelligence and facts were being fixed around the policy,” as stated in the Downing Street Minutes. It is equally tragic that the Bush Administration and the Republican Congress have been unwilling to examine these facts or take action to prevent this scenario from occurring again. Since they appear unwilling to act, it is incumbent on individual Members of Congress as well as the American public to act to protect our constitutional form of government.

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Call for Investigation By Select Committee

The following is House Resolution 635, submitted Dec. 18, 2005, which was referred to the Committee on Rules by Rep. John Conyers, Jr., Ranking Member of the House Judiciary Committee, calling for the creation of a Select Committee to investigate the Bush/Cheney Administration.

Resolution

Creating a select committee to investigate the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, retaliating against critics, and to make recommendations regarding grounds for possible impeachment.

Resolved, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Administration Predetermination to Go to War and Manipulation of Intelligence (in this resolution referred to as the "Select Committee").

Purposes And Functions

SEC. 2. (a) The Select Committee is authorized and directed to investigate all relevant government agencies actions and decisions relating to the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, and retaliating against critics, including:

- (1) actions by the White House, National Security Council, Department of State, Department of Defense, and Central Intelligence Agency related to United Nations and Iraq Survey Group inspections of Iraq;
- (2) knowledge of Iraq's ability regarding and intentions toward, or lack of ability regarding or intentions toward, nuclear weapons capability;
- (3) knowledge regarding Iraq's possession of or attempted possession of, or regarding the lack of possession of or attempted possession of, chemical or biological weapons;
- (4) knowledge of Iraq's possession of aluminum tubes for conventional rocket programs or for nuclear weapons development;
- (5) knowledge regarding Iraq's intent, or lack of intent, toward acquiring yellowcake uranium from Niger;
- (6) knowledge of any involvement, or lack of involvement, by Iraq in the September 11, 2001, attacks against the United States;
- (7) knowledge of any connections or ties, or of any lack of connections or ties, between Iraq and al Qaeda;
- (8) knowledge of any meeting, or lack of any meeting,

between Iraqi intelligence officials and Mohammed Atta in Prague, Czechoslovakia;

(9) preparations for detention, interrogation and treatment of detainees, or lack thereof, made in the planning stages of the Iraq conflict prior to March 19, 2003;

(10) knowledge of abuses and mistreatment of detainees during the Iraq conflict after March 19, 2003;

(11) the investigation of abuses and mistreatment, or lack thereof, the results of these investigations, any sanctions or punishment of offenders, and any efforts to keep these reports either from supervisors, officials or the public;

(12) an examination of all prison facilities, including the High Value Detainee facility at Baghdad airport and secret prisons or 'black sites,' for detaining individuals outside the United States;

(13) the extent to which civilian, military, or intelligence officials expressly authorized, willingly ignored, or created an atmosphere that condoned the abuses and mistreatment that occurred at Abu Ghraib, Iraq; and

(14) knowledge on the part of any White House officials of the covert identity of Valerie Plame Wilson and any discussion or communication by such officials with members of the media about such identity, and any failure to enforce Executive Order 12958.

Appointment and Membership

SEC. 3. (a) Members—The Select Committee shall be composed of 20 Members of the House to be appointed by the Speaker, of whom—

- (1) 10 Members shall be appointed upon the recommendation of the minority leader as set forth below;
- (2) 1 Member he shall designate as chairman;
- (3) 1 Member he shall designate, upon the recommendation of the minority leader, as vice chairman.
- (4) 4 Members shall sit on the Committee on the Judiciary, of whom 2 shall be appointed upon the recommendation of the minority leader;
- (5) 4 Members shall sit on the Committee on International Relations, of whom 2 shall be appointed upon the recommendation of the minority leader;
- (6) 4 Members shall sit on the Permanent Select Committee on Intelligence, of whom 2 shall be appointed upon the recommendation of the minority leader;
- (7) 4 Members shall sit on the Committee on Government Reform, of whom 2 shall be appointed upon the recommendation of the minority leader; and
- (8) 4 Members shall sit on the Committee on Armed Services, of whom 2 shall be appointed upon the recommendation of the minority leader.

(b) Vacancies—Any vacancy occurring in the membership of the Select Committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term 'Member' means

any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

Powers of Select Committee

SEC. 4. (a) In General—

(1) **HEARINGS AND EVIDENCE**—The Select Committee or, on the authority of the Select Committee, any subcommittee or member thereof, may, for the purpose of carrying out this resolution—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Select Committee or such designated subcommittee or designated member may determine advisable, including but not limited to—

(i) White House documents (e.g., memoranda, e-mails, notes of phone calls, handwritten notes);

(ii) Department of Defense documents; (iii) Department of Justice materials; (iv) Department of State documents; (v) Central Intelligence Agency analyses;

(vi) Defense Intelligence Agency analyses;

(vii) National Security Council memoranda; and

(viii) Special Counsel Patrick Fitzgerald's notes, grand jury materials, and other evidence collected or created as part of the CIA leak investigation.

(2) **SUBPOENAS**—

(A) **ISSUANCE**—

(i) **IN GENERAL**—A subpoena may be issued under this section only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 10 members of the Select Committee.

(ii) **SIGNATURE**—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Select Committee, and may be served by any person designated by the chairman or by a member designated by a majority of the Select Committee.

(B) **ENFORCEMENT**—

(i) **IN GENERAL**—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the

court as a contempt of that court.

(ii) **ADDITIONAL ENFORCEMENT**—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Select Committee may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) **Contracting**—The Select Committee may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Select Committee to discharge its duties under this resolution.

(c) **Information From Federal Agencies**

(1) **IN GENERAL**—The Select Committee is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this resolution. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the select committee, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Select Committee, or any member designated by a majority of the Select Committee.

(2) **RECEIPT, HANDLING, STORAGE, AND DISSEMINATION**—Information shall only be received, handled, stored, and disseminated by members of the Select Committee and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) **Assistance From Federal Agencies**

(1) **GENERAL SERVICES ADMINISTRATION**—The Administrator of General Services shall provide to the Select Committee on a reimbursable basis administrative support and other services for the performance of the Select Committee's functions.

(2) **OTHER DEPARTMENTS AND AGENCIES**—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Select Committee such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) **Gifts**—The Select Committee may accept, use, and dispose of gifts or donations of services or property.

(f) **Postal Services**—The Select Committee may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

Administrative Provisions

SEC. 5. (a) Subject to the adoption of expenses resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the Select Committee may incur expenses in connection with its functions under this resolution.

(b) In carrying out its functions under this resolution, the Select Committee, is authorized to—

(1) appoint, either on permanent basis or as experts or consultants, such staff as the Select Committee considers necessary;

(2) prescribe the duties and responsibilities of such staff;

(3) fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) terminate the employment of any such staff as the Select Committee considers appropriate; and,

(5) reimburse members of the Select Committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the Select Committee, other than expenses in connection with any meeting of the Select Committee, or a subcommittee thereof, held in the District of Columbia.

(c) The Select Committee and all authority granted in this resolution shall expire 30 days after the filing of the report of the Select Committee with the House.

Reports of Select Committee

SEC. 6. (a) The Select Committee shall report to the House as soon as practicable during the present Congress, but not later than six months after the date of passage of this resolution, the results of its investigation and study, together with such recommendations as it deems advisable. The Select Committee shall report to the Committee on the Judiciary as soon as practicable during the present Congress, but not later than six months after the date of passage of this resolution, of any substantial and credible information which such Select Committee receives in carrying out its responsibilities that may constitute grounds for possible impeachment.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees which have jurisdiction over the subject matter thereof.

(d) The records, files, and materials of the Select Committee shall be transferred to the Clerk of the House but, if the report of the Select Committee is referred to only one committee under the provisions of subsection (c), the records, files, and materials of the Select Committee shall be transferred instead to the committee to which the final report is referred.

Censure George W. Bush

The following is House Resolution 636 submitted Dec. 18, 2005, which was referred to the Committee on the Judiciary by Rep. John Conyers, Jr., Ranking Member of the House Judiciary Committee, calling for the censuring of President George W. Bush.

Resolution

Censuring President George W. Bush for failing to respond to requests for information concerning allegations that he and others in his Administration misled Congress and the American people regarding the decision to go to war in Iraq, misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of his Administration, for failing to adequately account for specific misstatements he made regarding the war, and for failing to comply with Executive Order 12958.

Whereas President George W. Bush has failed to respond to requests for information concerning allegations that he and others in his Administration misled Congress and the American people regarding the decision to go to war in Iraq (including his failure to respond to a letter signed by 122 Members of Congress on July 12, 2005, asking him whether the assertions set forth in the Downing Street Minutes are accurate), misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of his Administration;

Whereas President George W. Bush has failed to account for or explain misstatements he made in preparation for the United States military invasion of Iraq, including—

(1) his October 7, 2002, statement that “[w]e’ve learned that Iraq has trained al-Qaeda members in bomb-making and poisons and deadly gases,” notwithstanding the fact that a February 2002 Defense Intelligence Agency document found that the source for the information “was intentionally misleading the debriefers” in making claims about Iraqi support for al-Qaeda’s work with illicit weapons;

(2) his January 28, 2003, State of the Union Address assertion that “the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa,” notwithstanding the fact that the Central Intelligence Agency had repeatedly expressed concerns with the basis for such assertions; and

(3) his January 28, 2003, State of the Union Address assertion that, as a result of information provided by defectors from

Iraq, “we know that Iraq, in the late 1990s, had several mobile biological weapons labs . . . designed to produce germ warfare agents, and can be moved from place to a place to evade inspectors,” notwithstanding the fact that numerous United States and foreign intelligence officials had discredited the information; and

Whereas President George W. Bush has failed to comply with his obligations under Executive Order 12958 concerning the protection of classified national security information in that, notwithstanding the fact that several officials within his Administration disseminated classified national security information to the media concerning the status of Valerie Plame Wilson at the Central Intelligence Agency, the President has not disciplined or taken any corrective action against any of these officials, including officials in his Administration that continue to have access to classified information: Now, therefore, be it

Resolved, That the House of Representatives does hereby censure President George W. Bush for—

(1) failing to respond to requests for information concerning allegations that he and others in his Administration—

(A) misled Congress and the American people regarding the decision to go to war in Iraq;

(B) misstated and manipulated intelligence information regarding the justification for the war;

(C) countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq; and

(D) permitted inappropriate retaliation against critics of his Administration;

(2) failing to adequately account for specific misstatements he made regarding the war; and

(3) failing to comply with Executive Order 12958.

Censure Dick Cheney

The following is House Resolution 637 submitted Dec. 18, 2005, which was referred to the Committee on the Judiciary by Rep. John Conyers, Jr., Ranking Member of the House Judiciary Committee, calling for the censuring of Vice President Richard B. Cheney.

Resolution

Censuring Vice President Richard B. Cheney for failing to respond to requests for information concerning allegations that he and others in the Administration misled Congress and the American people regarding the decision to go to war in Iraq, misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of the

Administration and for failing to adequately account for specific misstatements he made regarding the war.

Whereas Vice President Richard B. Cheney has failed to respond to requests for information concerning allegations that he and others in the Administration misled Congress and the American people regarding the decision to go to war in Iraq (including failing to respond to a letter from several Members of Congress, dated November 3, 2005, requesting that he explain his involvement in the disclosure of the identity of Valerie Plame Wilson as a covert Central Intelligence Agency operative), misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of the Administration; and

Whereas Vice President Richard B. Cheney has failed to account for or explain misstatements he made in preparation for the United States military invasion of Iraq, including—

(1) his December 9, 2001, statement that the report that Mohammed Atta had met with the Iraq intelligence authorities in Prague in April 2001 had “been pretty well confirmed,” notwithstanding the fact that the Vice President repeatedly learned that the Federal Bureau of Investigation and the Central Intelligence Agency both concluded that the meeting did not take place and the Vice President did not then withdraw his statement;

(2) his August 26, 2002, statement the United States had learned that Iraq had resumed efforts to acquire nuclear weapons “from first hand testimony from defectors, including Saddam’s own son-in-law,” notwithstanding the fact that Saddam’s son-in-law had been killed in 1996 and United States officials had been briefed to the effect that the individual had not provided such first-hand testimony; and

(3) his September 8, 2002, statement that we know “with absolute certainty, that [Saddam Hussein] is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon,” notwithstanding the fact that the Department of Defense, the Department of Energy, and the Department of State, as well as other credible intelligence sources, had contradicted his statement: Now, therefore, be it

Resolved, That the House of Representatives does hereby censure Vice President Richard B. Cheney for—

(1) failing to respond to requests for information concerning allegations that he and others in the Administration of President George W. Bush misled Congress and the American people regarding the decision to go to war in Iraq, misstated and manipulated intelligence information regarding the justification for the war, countenanced torture and cruel, inhuman, and degrading treatment of persons in Iraq, and permitted inappropriate retaliation against critics of the Administration; and

(2) failing to adequately account for specific misstatements the Vice President made regarding the war.