

What Is 'Phase II' of Senate Committee Investigation?

On Nov. 1, Sen. Richard Durbin (D-Ill.) told reporters that the purpose of the closed session of the Senate "is to discuss the need for a Phase II investigation by the Senate Intelligence Committee" into the pre-Iraq War intelligence failures. A few hours later, at the request of Sen. Carl Levin (D-Mich.) the document that defines Phase II, a Feb. 12, 2004 joint statement by Sen. Pat Roberts (R-Kan.), chairman, and Sen. Jay Rockefeller (D-W.Va.), vice chairman of the Senate Intelligence Committee, was put into the Congressional Record. At Levin's request, parts "C through G" of that document were adopted by unanimous consent, as the official Senate definition of "Phase II" of that investigation. Portions of that document follow here, followed by remarks by several Senators, as reported by the Congressional Record:

A. . . . other issues we mutually identify in the course of the Committee's review;

B. the collection of intelligence on Iraq from the end of the Gulf War to the commencement of Operation Iraqi Freedom;

C. whether public statements and reports and testimony regarding Iraq by U.S. Government officials made between the Gulf War period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information;

D. the postwar findings about Iraq's weapons of mass destruction and weapons programs and links to terrorism and how they compare with prewar assessments;

E. prewar intelligence assessments about postwar Iraq;

F. any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy; and

G. the use by the Intelligence Community of information provided by the Iraqi National Congress (INC).

Sen. Roberts said, "Today's agreement reflects a refinement and to a great extent a restatement of the Committee's ongoing review of pre-war intelligence. The resolution adopted unanimously today illustrates the commitment of all members to a thorough review, to learning the necessary lessons from our experience with Iraq, and to ensuring that our armed forces and policymakers benefit from the best and most reliable intelligence that can be collected. . . ."

Sen. Rockefeller said, "This agreement reflects a difficult and lengthy process, but in the end, we were able to reach

consensus on the need to expand the investigation into several key areas.”

“We will address the question of whether intelligence was exaggerated or misused by reviewing statements by senior policy makers to determine if those statements were substantiated by the intelligence,” Rockefeller said. “We will take a closer look at the shortfalls in our intelligence collection. We will compare pre-war estimates to the situation in postwar Iraq, and we will pursue a better understanding of what role the Policy Counterterrorism Evaluation Group and the Office of Special Plans played in pre-war intelligence. There are definitely a few outstanding issues, but we’ve made a lot of progress, and it’s clear that we’re moving in the right direction.”

Reid Invokes Rule 21 For a Closed Session

On Nov. 1, Sen. Harry Reid (D-Nev.) gave a floor speech to the Senate in which he called for the closed session of Congress. His motion was seconded by Democratic Senators Dick Durbin (Ill.) and Debbie Stabenow (Mich.). Excerpts follow:

Mr. President, just a couple of days ago, my son Leif called me and indicated that his lovely wife Amber was going to have another baby. That will be our 16th grandchild.

. . . I have been in public service a long time. Never have I been so concerned about our country. We have gas prices that are really unbelievable. This year, gas prices have been over \$3 in the state of Nevada. Diesel fuel is still over \$3 a gallon in Nevada. The majority leader of the House of Representatives is under indictment. The man in charge of contracting for the Federal government is under indictment. We have deficits so far you can’t see them. The deficits have been basically run up by President Bush’s administration these last five years. We are the wealthiest nation in the world, but we are very poor as it relates to health care. We have an intractable war in Iraq. Is it any wonder that I am concerned about my family, my grandchildren?

This past weekend, we witnessed the indictment of I. Lewis Libby, the Vice President’s Chief of Staff, also on the President’s staff, a senior advisor to the President. Mr. Libby is the first sitting White House staffer to be indicted in 135 years. Is it any wonder that I am concerned about my grandchildren?

This indictment raises very serious charges. It asserts this administration engaged in actions that both harmed our national security and were morally repugnant. A decision made to place U.S. soldiers, our military, into harm’s way, I believe, is the most significant responsibility the Constitution invests in the Congress and in the President. The Libby indictment

provides a window into what this is really all about: how this administration manufactured and manipulated intelligence in order to sell the war in Iraq and attempted to destroy those who dared to challenge its actions.

These are not just words from Harry Reid. Col. Larry Wilkerson, Colin Powell’s former Chief of Staff . . . said about the war in Iraq:

“In President Bush’s first term some of the most important decisions about U.S. national security, including vital decisions about postwar Iraq, were made by a secretive, little known cabal, made up of a very small group of people led by Vice President Dick Cheney and Defense Secretary Donald Rumsfeld. But the secret process was ultimately a failure. It produced a series of disastrous decisions.”

. . . As a result of its improper conduct, a cloud now hangs over this administration. This cloud is further darkened by the administration’s mistakes in prisoner abuse, Hurricane Katrina, and the cronyism and corruption in numerous agencies throughout this administration. Unfortunately, it must be said that a cloud also hangs over this Republican-controlled Congress for its unwillingness to hold this Republican administration accountable for its misdeeds on these issues.

During the time we had a Democratic President . . . and [Democrats] were in the majority, oversight hearings were held covering the gambit of what went on in that administration. Today, there is not an oversight hearing held on anything.

Let’s take a look back at how we got here with respect to Iraq. The record will show that within hours of the terrorist acts of 9/11, senior officials in this administration recognized those attacks could be used as a pretext to invade Iraq. The record will also show that in the months and years after 9/11, the administration engaged in a pattern of manipulation of the facts and retribution against anyone who had gotten in its way as it made its case for attacking, for invading Iraq.

There are numerous examples of how the administration misstated, and manipulated the facts as it made the case for war. . . . The American people were warned time and time again by the President, the Vice President, the current Secretary of State in her other capacities, about Saddam’s nuclear weapons capabilities. The Vice President said: Iraq has reconstituted its nuclear programs.

Playing upon the fears of Americans after Sept. 11, these officials and others raised the specter that if left unchecked, Saddam could soon attack America with nuclear weapons. Obviously, we know now that their nuclear claims were wholly inaccurate. But more troubling is the fact that a lot of intelligence experts were telling the administration then that its claims about Saddam’s nuclear capabilities were false—the situation very similar with respect to Saddam’s links to al-Qaeda.

The Vice President told the American people: We know he’s out trying once again to produce nuclear weapons and we know he has a longstanding relationship with various terrorist groups including the al-Qaeda organization. *These assertions*

have been totally discredited—not a little bit, totally discredited. But again the administration went ahead with these assertions in spite of the fact that the government's top experts did not agree. . . . Again, Wilkerson is a person in point.

What has been the response of this Republican-controlled Congress to the administration's manipulation of intelligence that led to this protracted war in Iraq? Nothing.

Did the Republican-controlled Congress carry out its constitutional obligations to conduct oversight? No.

Did it support our troops and their families by providing them the answers to many important questions? No. . . .

Unfortunately, the unwillingness of the Republican-controlled Congress to exercise its oversight responsibilities was not limited to just Iraq. We see it with respect to the prison abuse scandal. We see it with respect to Katrina. We see it with respect to the cronyism and corruption that permeates this administration. . . .

There is also another disturbing pattern; namely, about how this administration responded to those who challenged its assertions. Often this administration's activity sought to attack and undercut those who dared to raise questions about its preferred course. For example, when General Shinseki indicated several hundred thousand troops would be needed in Iraq, his military career was ended, he was fired, relieved of duty, when he suggested it would take 200,000 troops. Well, it has taken a lot more than that.

When the OMB Director Larry Lindsey suggested the cost of this war would approach \$200 billion, he was dumped, fired. When the UN chief weapons inspector Hans Blix challenged the conclusion about Saddam's weapons of mass destruction capabilities, the administration simply pulled out its inspectors.

When Nobel Prize winner and head of the IAEA Mohamed ElBaradei raised questions about the administration's claims of Saddam's nuclear capabilities, the administration attempted to remove him from his post.

When Ambassador Joe Wilson stated there was no attempt by Saddam to acquire weapons from Niger, the administration not only went after him to discredit him, they launched a vicious and coordinated campaign, going so far as to expose the fact that his wife worked as a CIA spy. These people now have 24-hour protection, fearing for their own safety.

Given this administration's pattern of squashing those who challenge its misstatements—and I have only mentioned a few—what has been the response of the Republican-controlled Congress? Absolutely nothing. And with their inactions, they provide political cover for this administration at the same time they keep the truth from our troops who continue to make large sacrifices. . . .

This behavior is unacceptable. The toll in Iraq is as staggering as it is solemn. More than 2,000—2,025 now—Americans have lost their lives. Over 90 Americans have paid the

ultimate sacrifice in the month of October alone, the fourth deadliest month in this ongoing three-year war. More than 15,000 have been wounded. More than 150,000 remain over there in harm's way. Enormous sacrifices have been made and continue to be made. . . .

This behavior is unacceptable. I am a patient man. . . . I know things don't happen overnight. I am a patient man. But the call from my son has put this in perspective. I am worried about my family. The toll in Iraq is as staggering, I repeat, as it is solemn. The troops and the American people have a right to expect answers and accountability worthy of that sacrifice. . . .

America deserves better than this. They also deserve a searching, comprehensive investigation into how the Bush Administration brought this country to war. Key questions that need to be answered include: How did the Bush Administration assemble its case for war against Iraq?

. . . Who did the Bush Administration listen to and who did they ignore?

How did the senior administration officials manipulate or manufacture intelligence presented to the Congress and the American people?

What was the role of the White House Iraq Group, or WHIG, a group of senior White House officials tasked with marketing the war and taking down its critics? We know what Colonel Wilkerson says. How did the administration coordinate its effort to attack individuals who dared challenge the administration's assertions?

. . . Why has this administration failed to provide Congress with the documents which will shed light on their misconduct and misstatements? Unfortunately, the Senate committee that should be taking the lead in providing these answers is not. Despite the fact that the chairman of the Senate Intelligence Committee publicly committed to examine these questions more than a year and a half ago, he has chosen not to keep that commitment. . . .

We need a thorough investigation that that committee is capable and tasked to do. At this point, we can only conclude he will continue to put politics ahead of our national security. If he does anything at this point, I suspect it will be playing political games by producing an analysis that fails to answer any of these important questions. Instead, if history is any guide, this analysis will attempt to disperse and deflect blame away from this administration. . . .

[After detailing more than a dozen attempts by the Democrats to pursue the investigation, Reid continued:]

There have been letters written to the committee. A press release was issued even saying they were going to go forward with this. Mr. President, enough time has gone by. I demand, on behalf of the American people, that we understand why these investigations are not being conducted. And in accordance with Rule 21, I now move that the Senate go into closed session.