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109TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
109–223

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

SEPTEMBER 16, 2005.—Referred to the House Calendar and ordered to be printed

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Mr. HYDE, from the Committee on International Relations, submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 375]

The Committee on International Relations, to whom was referred the resolution (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, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to.

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PURPOSE AND SUMMARY

House Resolution 375 requests the President and directs the Secretary of State to transmit to the House of Representatives 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.

BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 375 is a resolution of inquiry, which pursuant to Rule XIII, clause 7 of the Rules of the House, directs the Committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the Committee is in order. H. Res. 375 was introduced and referred to the Committee on International Relations on July 21, 2005, and was ordered reported adversely by the Committee on September 14, 2005.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to Deschler's Procedure it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch." [1]

On July 21, 2005, Rep. Barbara Lee of California introduced H. Res. 375. The resolution requests the President and directs the Secretary of State to turn over all documents, including telephone and electronic mail records, logs, calendars, minutes, and memos, in the possession of the President relating to communications with officials of the United Kingdom from January 1, 2002, to October 16, 2002, relating to the policy of the United States with respect to Iraq, including any discussions or communications between the President or other Administration officials and officials of the United Kingdom that occurred before the meeting on July 23, 2002, at 10 Downing Street in London, England, between Prime Minister Tony Blair of the United Kingdom, United Kingdom intelligence officer Richard Dearlove, and other national security officials of the Blair Administration.

H. Res. 375 apparently was introduced in response to publication of a British document known as the "Downing Street Memo." The Downing Street Memo, as leaked to and published by the press, was apparently written in connection with a meeting between Tony Blair and British officials held on Downing Street on July 23, 2002. The Memo was leaked to a member of the British press and published in London's *The Sunday Times* on May 1, 2005. The heart of the Downing Street Memo is the memo's description of U.S. prewar intelligence that included the view that intelligence was being "fixed" around the policy.

[1] Deschler's Precedents, H. Doc. No. 94–661, 94th Cong., 2d Sess., vol. 7, ch. 24, section 8.

Prior to introduction of H. Res. 375, thorough investigations were conducted and lengthy reports were issued by the Senate Select Committee on Intelligence, the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (known as the Silberman-Robb Commission), the House of Commons Foreign Affairs Committee, and the British Hutton inquiry. None of these reports found any evidence that Administration officials attempted to coerce, influence or pressure members of the intelligence community to "fix" intelligence.

The Senate Select Committee on Intelligence reviewed the record of intelligence on Iraq over the span of a decade stretching back to the first Gulf War. The Senate's report ran over 500 pages and was the product of over twelve months of Committee review of over 45,000 pages of intelligence documents, interviews of over 200 individuals including National Security Council staff members, and four committee hearings. Conclusion number 83 in the Senate Intelligence Committee report entitled "U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq" states: "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."[2] This conclusion, as is true of the entire report, was approved by a unanimous, bipartisan vote by the Senate Committee.

The House Permanent Select Committee on Intelligence reviewed U.S. intelligence regarding the amount or existence of weapons of mass destruction in Iraq, including the issues of bias, dissenting views and how intelligence was disseminated, and the linkages between Iraq and terrorist organizations. The Chairman and Ranking Member of the House Intelligence Committee informed the House International Relations Committee that Members of the International Relations Committee had been granted access to the documentation provided by the Central Intelligence Agency that the Intelligence Committee was studying in its review. Again, no evidence of "fixing" intelligence surfaced in the course of this congressional review.

The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the Silberman-Robb Commission) produced what is viewed as the definitive report on pre-war intelligence. This was a blue-ribbon, bipartisan commission headed by former Senator Charles S. Robb and Judge Laurence H. Silberman, which included a talented and experienced group of commissioners such as Senator John McCain, Walter Slocombe, Judge Patricia Wald, and Lloyd Cutler, and was supported by a bipartisan, experienced staff of 88 professionals and consultants. The following conclusions are particularly relevant to H. Res. 375:

> We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. . . . Its principal causes were the Intelligence Community's inability to collect good information about Iraq's WMD programs, serious errors in analyzing what information it could gather, and a failure

[2] United States Senate Select Committee on Intelligence, *Conclusions of U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, Conclusion 83, p. 25 (July 7, 2004), *available at* http://intelligence.senate.gov/conclusions.pdf

> to make clear just how much of its analysis was based on assumptions, rather than good evidence.
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> . . .
>
> 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 weapons programs. The analysts who worked Iraqi's weapons issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgments.[3]

In light of the number and thoroughness of these previous inquiries made by congressional committees and special commissions especially well-qualified in matters of intelligence, it is unnecessary for the International Relations Committee to repeat such inquiries. The House and Senate Intelligence Committees, after thorough review of large volumes of documents, found no evidence that the Administration improperly used, coerced, manipulated, or "fixed" prewar intelligence. The Silberman-Robb Commission confirmed this conclusion. Senator Pat Roberts, the Chairman of the Senate Select Committee on Intelligence, referring to the numerous reports on prewar intelligence, aptly stated, "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 replow this ground any further. We should now turn our full attention to the future . . ."[4]

Given the extensive, multiple investigations of this issue, the Committee deemed the document requests made in H. Res. 375 to be unnecessary and voted to report it adversely.

HEARINGS

The Committee did not hold hearings on H. Res. 375.

COMMITTEE CONSIDERATION

On September 14, 2005, the Full Committee marked up the resolution, H. Res. 375, pursuant to notice, in open session. The Committee agreed to a motion to report the resolution adversely to the House by a record vote of 22 ayes to 21 nays, with one voting "Present."

VOTE OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amend-

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[3] Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Silberman-Robb Commission), *Report to the President of the United States*, 2, 11 (March 31, 2005).

[4] Press Release, *Senator Roberts' Remarks on the WMD Commission Report* (March 31, 2005), *available at* http://intelligence.senate.gov/050331.htm

ment or motion to report, together with the names of those voting for or against, be printed in the Committee report. The following record vote occurred during consideration of H. Res. 375:

Vote to report to the House adversely:

Voting yes: Hyde, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, and Poe.

Voting no: Leach, Lantos, Berman, Ackerman, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza.

Voting "Present": Paul

H. Res. 375 was ordered reported adversely to the House by a vote of 22 ayes to 21 noes, with one voting "Present."

COMMITTEE OVERSIGHT FINDINGS

The Committee held no oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because H. Res. 375 does not provide new budgetary authority or increased tax expenditures.

PERFORMANCE GOALS AND OBJECTIVES

The rule requiring a statement of performance goals and objectives is inapplicable.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this resolution in article I, section 1 of the Constitution.

NEW ADVISORY COMMITTEES

H. Res. 375 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Res. 375 does not apply to the legislative branch.

FEDERAL MANDATES

H. Res. 375 provides no Federal mandates.

DISSENTING VIEWS

There is no more solemn decision a President or nation can make than that of putting the men and women of our armed forces in harm's way and going to war.

Yet, Congress continues to uncritically accept the Administration's explanation on why the United States is at war in Iraq.

Nearly a year after the Iraq Survey Group first concluded that Iraq had no weapons of mass destruction, As authorizers, this Committee has yet to take any action to further investigate the veracity of pre-war intelligence claims. And the American people deserve to know the truth.

In rejecting H. Res. 375, a resolution of inquiry on pre-war intelligence, the majority has shown its unwillingness to confront the truth. The closeness of the vote (22–21) underscores how important this issue has become.

This resolution would have requested the President and Secretary of State to provide all documents and communications regarding discussions they may have had with British officials between January 1, 2002 and during the lead up to congressional authorization for war with Iraq on October 16, 2002.

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

We are forced to question again the Administration's version of events leading up to war because of documents that have come to light earlier this year.

On May 1, 2005, the Sunday London Times published the minutes of a secret meeting on July 23, 2002 of British officials including Prime Minister Tony Blair. This Downing Street Memo, as it's come to be known states that:

1. "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 is thin";
2. "intelligence and the facts were being fixed around the policy"; and
3. "there was little discussion in Washington of the aftermath of military action".

On May 5, 2005, our colleague Congressman John Conyers and 119 Members of Congress sent a letter to the President asking the administration about the grave and serious questions this memo raises. The administration has yet to answer.

The questions the letter asked included:

(1) during the lead up to war, was there a coordinated effort with the US intelligence community and/or British officials

to "fix" the intelligence and facts around the policy, as the leaked documents state?

(2) At what point in time did President Bush and Prime Minister Blair first agree it was necessary to invade Iraq?

(3) Was there an effort to create an ultimatum about weapons inspectors in order to help with the justification for the war, as the minutes indicate? and

(4) Does the President or anyone in the administration dispute the accuracy of the leaked documents?

With nearly 1,900 American troops killed and $250 billion spent, the cost of this unnecessary war continues to rise. The tough questions the Downing Street Memo forces us to ask are critical as the United States presence in Iraq drags on into its thirty-first month.

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 with the tragic attacks on 9/11, Iraq has since become a haven for terrorists and has made the world less safe.

The Majority argued that information regarding pre-war intelligence has already been studied and is readily available. But this is only half the picture. What has been studied has simply been pre-war intelligence gathering, not intelligence use. Both the report of the Senate's Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq (S. Rep. 108–301) and the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the Silberman-Robb Commission) examined how intelligence before the war was collected and analyzed. The larger question of intelligence use remains unanswered. In the absence of an answer this question, this resolution would have examined a specific instance of intelligence use.

The Majority argued that there is no point in asking the President and Secretary of State to provide these documents—that there will be too many or that they will be classified.

The volume of information we would have received had this resolution been enacted should not be a concern for us. We shouldn't hold up getting to the bottom of these questions simply because there will be too much information.

Regarding classified information, the President and the Secretary of State should provide these documents to Congress first. We in Congress have long had processes in place to deal with sensitive information. This should not be an obstacle to providing this information.

The Majority argued that there's no point in looking backwards; that we are already in Iraq and should be concerned about getting the job done.

But the President's justification to go to war has been proved wrong. The Administration's sole argument for going to war collapsed and so few have questioned how this could have happened.

Our decision-making process for authorizing force has broken down. We have an obligation as Members of Congress to ensure that the process by which Congress grants the authority to use force is never manipulated. Furthermore, we have the right to ask questions to ensure this doesn't happen in the future.

If the Administration has nothing to hide, then the questions this resolution raises should not have been a problem.

This resolution of inquiry would have helped us uncover the truth. Finding out the truth is not a partisan exercise—it's a democratic one.

DONALD M. PAYNE.
SHERROD BROWN.
WILLIAM D. DELAHUNT.
GREGORY W. MEEKS.
BARBARA LEE.
JOSEPH CROWLEY.
GRACE F. NAPOLITANO.
DIANE E. WATSON.
BETTY MCCOLLUM.

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