

REQUESTING THE PRESIDENT OF THE UNITED STATES AND DIRECTING THE SECRETARY OF STATE TO PROVIDE TO THE HOUSE OF REPRESENTATIVES CERTAIN DOCUMENTS IN THEIR POSSESSION RELATING TO THE WHITE HOUSE IRAQ GROUP

NOVEMBER 10, 2005.—Referred to the House Calendar and ordered to be printed

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

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 505]

The Committee on International Relations, to whom was referred the resolution (H. Res. 505) requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

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PURPOSE AND SUMMARY

House Resolution 505 requests the President and directs the Secretary of State to transmit to the House of Representatives, not

later than 14 days after the date of the adoption of the resolution, certain documents in their possession relating to the White House Iraq Group. These include: all documents from 2003 pertaining to the taskforce organized by Andrew Card, known as the White House Iraq Group, consisting of Karl Rove, Karen Hughes, Mary Matalin, Nicholas E. Calio, James R. Wilkinson, Condoleezza Rice, Stephen Hadley and I. Lewis Libby; all drafts of all white papers on the topic of Iraq's nuclear threat assembled in 2003 by the White House Iraq Group; and all documents, including notes from meetings, memos, telephone and electronic mail records, logs and calendars, and records of internal discussions in the possession of the President or the Secretary of State relating to the White House Iraq Group.

BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 505 is a resolution of inquiry, which pursuant to Rule XIII, clause 7 of the Rules of the House of Representatives, 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. 505 was introduced and referred to the Committee on International Relations on October 20, 2005 and was reported adversely by the Committee on November 9, 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."

On October 20, 2005, Rep. Dennis Kucinich of Ohio introduced H. Res. 505. Rep. Kucinich's resolution requests the President and directs the Secretary of State to turn over certain documents relating to the White House Iraq Group: all documents from 2003 pertaining to the taskforce organized by Andrew Card, consisting of Karl Rove, Karen Hughes, Mary Matalin, Nicholas E. Calio, James R. Wilkinson, Condoleezza Rice, Stephen Hadley and I. Lewis Libby, known as the White House Iraq Group; all drafts of all white papers on the topic of Iraq's nuclear threat assembled in 2003 by the White House Iraq Group; and, all documents, including notes from meetings, memos, telephone and electronic mail records, logs and calendars, and records of internal discussions in the possession of the President or the Secretary of State relating to the White House Iraq Group.

On November 4, 2005, on the Floor of the House, Rep. Kucinich spoke in support of H. Res. 505, and stated: "One of the attempted false justifications for the war in Iraq was that Iraq was trying to get uranium from Niger to make nuclear weapons." Mr. Kucinich describes this as a "lie" and "key" to "understanding why we are in Iraq."

Prior to introduction of H. Res. 505, thorough, lengthy reports were issued by the U.S. Senate Select Committee on Intelligence, the U.S. Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (known as the Silberman-Robb Commission), the British 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 intelligence records on Iraq going 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.” 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 Permanent Select Committee on Intelligence 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) has been viewed as producing the definitive report on prewar 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 over 80 professionals and consultants. The following conclusions are particularly relevant to H. Res. 505:

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 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 Hus-

sein'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.

In reviewing the mountain of public evidence that refutes 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 pre-war belief among the Intelligence Community and policymakers that Iraq had weapons of mass destruction was overwhelming. Both the Intelligence Community and leaders of *both* political parties believed with certainty Iraq had weapons of mass destruction.

In 1998, in a speech at the Pentagon, President Clinton stated: "We have to defend our future from these predators of the 21st century. They feed on the free flow of information and technology. They actually take advantage of the freer movement of people, information and ideas. And they will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region and the security of all the rest of us." That same year, National Security Advisor 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."

In 2004, when asked whether it was a fair statement that the Administration misled the American people in building the case for war, former Weapons Inspector David Kay responded: "I think it's 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 U.N. all thought Saddam had weapons of mass destruction." David Kay noted 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."

The British inquiry into pre-war intelligence on Iraq made findings similar to those made in all the U.S. reports. In his summary of conclusions, Lord Hutton dismissed the allegation that the British intelligence 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 broadcasts to mean that the dossier had been embellished with intelligence known or believed to be false or unreliable, which was not the case."

The Senate Select Committee on Intelligence recently announced its intention to complete its second phase of its investigation into the Bush Administration's use of pre-war intelligence in Iraq. This

second phase will focus on the question raised by H. Res. 505, the White House's presentation to the public of its case for Iraq: That is, how Bush administration officials, including the White House Iraq Group, handled prewar intelligence, including whether the information was misrepresented in White House statements to the public.

The Senate Select Committee on Intelligence has collected public statements of Bush administration officials, as well as intelligence data available at the time. The Senators will determine if such public statements were justified by the data.

In light of all of these past and ongoing investigations into the Administration's use of pre-war intelligence on Iraq, the House International Relations Committee need not insert itself into an intelligence issue best addressed by the select committees on intelligence.

Given these circumstances, the Committee deemed the document requests made in H. Res. 505 to be unnecessary and voted to report it adversely.

HEARINGS

The Committee did not hold hearings on H. Res. 505.

COMMITTEE CONSIDERATION

On November 9, 2005, the Full Committee marked up the resolution, H. Res. 505, 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 25 ayes to 23 nays.

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 amendment or motion to report, together with the names of those voting for or against, be printed in the Committee report. The following record votes occurred during consideration of H. Res. 505:

Vote to report to the House adversely:

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

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

H. Res. 505 was ordered reported adversely to the House by a vote of 25 ayes to 23 noes.

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. 505 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. 505 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Res. 505 does not apply to the legislative branch.

FEDERAL MANDATES

H. Res. 505 provides no Federal mandates.

DISSENTING VIEWS

The United States is currently engaged in a war in Iraq that has claimed the lives of over 2000 brave men and women of the U.S. Armed Forces who have made the ultimate sacrifice. Many thousands of others have lost limbs or suffered other grievous wounds from the insurgents who have arisen there. We all honor these patriots and their families for all that they have given for their country.

The Administration presented a case for war based on its view that that Iraq had weapons of mass destruction and ties to al Qaeda, and this committee received briefings on the case for this intelligence. It was on the basis of the perceived threats arising from these claims that the House International Relations Committee voted to authorize the President to go to war with Iraq on October 7, 2002, soon followed by the full House of Representatives on October 16, 2002, and the United States invaded Iraq on March 19, 2003.

We now know that the intelligence contained in these briefings was faulty, based on unsound sources and on information that was subject to debate within the intelligence community. Questions have arisen as to whether the intelligence that was gathered was misused by Administration officials to press aggressively for war.

We owe it to our soldiers and to all our constituents to develop a complete picture of the decision-making and analysis 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 representatives are fully informed. Unfortunately, despite these concerns and despite allegations that Administration officials knew that their claims were questionable, controversial and even false, this Committee has consistently refused to investigate either the pre-war intelligence or its use. Indeed, the House as a whole has not looked at the use of the intelligence, and this matter has been stalled in the other body until recently.

H. Res. 505, a resolution of inquiry, would have required the President and Secretary of State to transmit documents to Members of the House of Representatives which would take steps toward revealing whether or not the Administration was truthful in presenting its case for war in Iraq to Congress and the American people. Specifically, H. Res. 505 would have required the President and Secretary of State to turn over to the House of Representatives all white papers, minutes, notes, e-mails or other communications relating to a high-level White House taskforce known as the White House Iraq Group (WHIG).

The WHIG was created in August 2002 to specifically market a war in Iraq and included high-level advisers of the President and Vice President: Karl Rove, Karen Hughes, Mary Matalin, Nicholas

E. Calio, James R. Wilkinson, Condoleezza Rice, Stephen Hadley and I. Lewis “Scooter” Libby. Reports suggest that many of the Administration’s claims stemmed from WHIG’s work.

The WHIG produced memos that were the basis for talking points for the President and other high-level Administration officials regarding the supposed imminent threat that the United States faced from Iraq. Furthermore, beginning in September 2002, the WHIG launched a public information campaign and bombarded the media with exaggerated and false claims about the threat of Iraq, even though members of the WHIG received reports from intelligence agencies and the Department of Energy that their claims were inaccurate. These claims included the following:

- *Iraq sought uranium from Niger.*

Stephen Hadley, the President’s then-Deputy National Security Advisor admitted that the CIA warned him at least three times in the fall of 2002 that the claim that Iraq was seeking uranium from Africa was not reliable.¹

- *Iraq’s aluminum tubes could only be used for enriching nuclear weapons programs.*

Secretary of State Condoleezza Rice, then-National Security Advisor claimed on CNN on September 8, 2002 that the aluminum tubes were “only really suited for nuclear weapons programs.” But according to reports in the New York Times almost one year before, Secretary Rice’s staff had been told by the Department of Energy that “the government’s foremost nuclear experts seriously doubted that the tubes were for nuclear weapons.”²

Furthermore, the Department of Energy published a dissenting view disputing the claim about the aluminum tubes in the CIA’s October 2002 National Intelligence Estimate.

- *Iraq trained Al Qaeda terrorists.*

According to the Washington Post, in February 2002, the Defense Intelligence Agency (DIA) submitted a report to the National Security Council that questioned the reliability of a captured top Al Qaeda operative whom the Administration had cited to make claims that terrorists had been trained to use chemical and biological weapons in Iraq.³

Despite repeated warnings by intelligence agencies and the Department of Energy about the validity of intelligence claims on Iraq, between September 2002 and March 2003, President Bush, Vice President Cheney, then-National Security Advisor Condoleezza Rice, then-CIA Director George J. Tenet, then-Secretary of State Colin L. Powell, and other top Administration officials, cited faulty intelligence in speeches and public appearances to gather support for the war.

For the good of the nation, these issues need to be pursued and the accuracy of these reports must be investigated and judgments must be made on how these episodes occurred. The release of all the materials surrounding the White House Iraq Group is a nec-

¹Stephen Hadley, White House Briefing, July 22, 2003

²“How White House Embraced Suspect Iraq Arms Intelligence,” *New York Times*, October 3, 2004

³“Newly release data undercut prewar claims,” *Washington Post*, November 6, 2005

essary first step to restore the American people's faith in their government and its conduct of foreign policy.

However, the consequence of the rejection of this resolution by the majority is the failure of Congress to perform its Constitutional duty of oversight of the Executive Branch. As one of the seminal thinkers on democracy has said, "the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable."⁴ We could not agree more strongly with this view and anything less constitutes a basic and dangerous infringement on the system of checks and balances that is guaranteed by the Constitution. We believe the people sent us to ensure that these powers be exercised, not surrendered.

This resolution would have taken one important step in shining the necessary light on the Administration's role in the lead-up to the war in Iraq. Congress owes it to the Constitution, our democratic traditions and the American people to uphold democracy by uncovering the truth.

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DONALD M. PAYNE.
SHERROD BROWN.
BARBARA LEE.
JOSEPH CROWLEY.
EARL BLUMENAUER.
GRACE F. NAPOLITANO.
DIANE E. WATSON.
ADAM SMITH.
BETTY MCCOLLUM.

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⁴John Stuart Mill, *Considerations on Representative Government* 104 (1861)