

# PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. REED. Mr. President, before I make some comments about the national situation, I express my thanks to Senator CRAIG of Idaho who is the manager on the Republican side of the bill that we considered today. I had the occasion to manage the bill for the Democratic side, and his fairness and his gentlemanlike conduct was deeply appreciated.

I also recognize two of my staff members, Neil Campbell and Steve Eichenauer, who did a superb job. Thank you very much for this opportunity to mention my respect for Senator CRAIG and also my appreciation for my staff.

## IRAQ INTELLIGENCE

Mr. REED. Mr. President, Seamus Heaney, the Irish poet and Nobel laureate, wrote lines that are destined for immortality:

History says, Don't hope on this side of the grave. But then, once in a lifetime the longed for tidal wave of justice can rise up, and hope and history rhyme.

We all long for that day when hope and history rhyme. But it is the special province of statecraft to try to make that rhyme.

As such, one way to look at foreign policy is to determine if our policies do rhyme with history or whether they represent the triumph of hope over history. By history, I do not mean the strictly academic variety. I mean the accumulation of insight and experience that we all carry about. Perhaps it is better described as our rough sense of the way the world works.

It is particularly interesting to pose these questions in light of the Bush foreign policy since so much of it seems to spring from ideological hope, from robust attempts to reshape the world along predetermined lines.

Iraq, of course, is the crucial arena. It has been made so by the administration.

Our immediate response to September 11 was to seek out and destroy the terrorist apparatus that struck us. Our attack in Afghanistan was aimed at the heart of al-Qaida and the rogue regime that provided it sanctuary. We understood very painfully that we could not grant these terrorists safe harbor. We had to act and we had to be prepared to act preemptively to destroy al-Qaida. The threat was clear and in the context of international terrorists like al-Qaida, the doctrine of preemption was not only compelling but also inescapable.

Operation Enduring Freedom, the demolition of the Taliban regime, and the disruption of the al-Qaida infrastructure represented a shrewd use of military power to focus directly on an existential threat. The history, again, using my very nontechnical definition, clearly shows that al-Qaida could not be deterred and toleration would simply invite further attack.

Ironically, having begun the destruction of al-Qaida in Afghanistan, the administration quickly shifted its attention from the complete destruction of the al-Qaida network to Iraq. Only in the past few weeks has the Bush administration begun to realize that Afghanistan is far from secure. They are redoubling their military and political efforts to ensure that Afghanistan does not slide back into a failed state. Still, the President's recent budget request only provides about \$1 billion in funding for that effort, whereas commanders in the field have said they will annually need \$5 billion to ensure success.

Furthermore, regardless of the situation in Afghanistan, and indeed anywhere else, the Bush administration has never lost its preoccupation with Saddam Hussein and his Baathist regime.

Some may recall that in January of 1998, Secretary Rumsfeld, Secretary Wolfowitz, and other prominent neoconservatives wrote to President Clinton urging him to use military force to remove Saddam Hussein. In their words:

The only acceptable strategy is one that eliminates the possibility that Iraq would be able to use weapons of mass destruction. In the near term, this means a willingness to undertake military action as diplomacy is clearly failing. In the long term, it means removing Saddam Hussein and his regime from power. That now needs to become the aim of American foreign policy.

This letter predated the attack on Iraq by 5 years. It predated September 11 by more than 3 years.

With the publication of the first glimpses inside the Bush administration, this preoccupation with Iraq becomes more obvious. Former Secretary of the Treasury Paul O'Neill recounts that at the first meeting of the National Security Council on January 30, 2001, the discussion quickly vaulted over nagging issues of the conflict between Israel and the Palestinian Authority and landed squarely on Iraq. In an apparently scripted exchange, Condoleezza Rice and Vice President CHENEY and George Tenet not only led the discussion but also concluded with an examination of grainy photos purporting to show what the CIA thought was a plant producing chemical or biological materials for weapons manufacture. According to O'Neill, "ten days in, and it was about Iraq."

September 11 did not put Iraq in the administration's gunsights. It was always there. It was there as a challenge, a personal one for the President, and in the view of neoconservatives, it was there as an opportunity to make hope and history rhyme.

But in focusing almost exclusively on Iraq, the administration, in my view, disregarded a great deal of history. Again, I use the term history colloquially. The justification for action was based more on assumptions than evidence. The planning for their actions was based more on hopes than experience. The end of the cold war and

the demise of the Soviet Union unshackled our military power so that we are unbeatable in any conventional battle against any conventional foe.

However, it has not reversed a century in which empires collapsed and foreign colonies began a troubled but independent road. Our military power may be unchecked by any military adversary, but it is exercised in a world that has come to distrust the unilateral use of force and disbelief of the motives of those who wield such force.

The administration's insistence on an essentially unilateral approach to confronting Iraq not only increased our effort both militarily and economically, but it also defied the worldwide consensus that without an immediate threat, the unilateral action of a great power against a lesser state is a vanished aspect of the colonial epic.

Today, the United States is fervently trying to maintain the mantle of liberator and avoid the label of occupier. In large part, this is due to the overwhelming presence of the United States unleavened by a broad array of allies or the significant presence of the United States or United Nations or NATO in Iraq.

In contrast, multinational operations in places such as the Balkans managed to avoid the stigma of occupation and insurgency for almost a decade. A multilateral attack is not a talisman that will guarantee success, but it is more congruent with a world that has rejected the colonial solution in favor of multinational action.

The administration's rationale for a preemptive and virtually unilateral operation against Iraq rested on a faithful devotion to their preconceived notions and a strained reading of available intelligence. One of the more thoughtful and evenhanded military analysts, Anthony Cordesman, at the Center for Strategic and International Studies has accurately summarized the record of the administration's intelligence activities leading up to Operation Iraqi Freedom.

In his words:

[T]here are many indications that the U.S. intelligence community came under pressure to accept reporting by Iraqi opposition forces with limited credibility, and in some cases, a history of actively lying to either exaggerate their own importance or push the U.S. towards a war to overthrow Saddam Hussein. In what bore a striking resemblance to similar worst case interpretations of the global threat from the proliferation of ballistic missiles under the Rumsfeld Commission, U.S. policymakers not only seem to have pushed for the interpretation that would best justify military action, but to have focused on this case as if it were a reality, rather than a possibility.

In the U.S., this pressure seems to have come primarily from the Office of the Vice President and the Office of the Secretary of Defense, but it seems clear that the Bush administration as a whole sought intelligence that would support its case in going to war, and this had a significant impact on the intelligence community from 2002-onwards.

The administration did not use intelligence to help make a difficult decision. It used intelligence to sell a preconceived notion. The long-term fixed

view of the administration held that deterrence and international inspectors were inherently incapable of containing Saddam. Only the elimination of the regime could suffice. Moreover, regime change, in their view, could have the added benefit of precipitating a transformation of the entire region.

In effect, what the President and the administration did is present a false dichotomy to the American people—two choices, when there are many more. The two choices were: Attack Iraq or do nothing. In fact, there are many other things we could have done and perhaps should have done, including give the U.N. inspectors more time to search. They might have come to the same conclusion that David Kay did: there are no weapons of mass destruction in Iraq. We could have used not only the legitimacy but also the cooperation of the United Nations if we had pursued a course of diplomacy. But the President saw only two options: Do nothing or attack Iraq.

Of course, we could not do nothing; indeed, we were not doing nothing. We should have been actively engaged in containment, and not just containment but enforcing the U.N. resolution with inspectors on the ground. We should recall there were U.N. inspectors on the ground inside Iraq and the administration, through their actions, had those inspectors recalled prior to the inception of the military operations. That is a result of this preoccupation with Saddam, the destruction of his regime, the triumph of hope over history.

Then in planning for post-hostilities, the administration most clearly let its hopes triumph over history. They bet that Iraqi gratitude, together with a government of exiles, would provide for a cheap and easy exit strategy. They ignored a history of antagonism among the Sunni, the Shia, and the Kurds. They spoke of a rapidly emerging democracy and market economy in Iraq, a country whose civic life and social institutions had been suppressed for many years. They insinuated exiles of dubious reputations, like Chalabi, who do not command the respect of the Iraqi people. The administration entrusted post-hostility planning to the Department of Defense, not for their expertise, but for their ideological correctness.

One other aspect of the administration's hopes is that our operations in Iraq would have a transformative effect on the region, if not the world. They saw a democratic, market-oriented Iraq as an irresistible attraction and example to the masses of Arabs who hunger for a better way of life. Our success in Iraq would be emulated either by enlightened leaders or rebellious streets. Since we have yet to succeed in creating this new Iraq, it is hard to judge its transformative value. In the very short run, the jury seems to be out.

Furthermore, our engagement in Iraq has limited our strategic flexibility and narrowed our strategic focus. We

are paying insufficient attention to a place that is more likely than Iraq to produce that dreaded intersection of "nukes" and terrorists; and that place is North Korea.

We know the North Koreans have nuclear material and the ability to make much more of it, if they have not done so already. Although there does not appear to be any direct links between North Korea and al-Qaida or other terrorist organizations, the North Koreans have a disturbing history of weapons proliferation. Inept at economic development, they have become too adept at trading dangerous weapons to stay afloat or as a means to underscore their demands for international aid.

A few days ago, we concluded another round of international talks with the North Koreans without any apparent breakthrough. As encouraging as these discussions may seem, success—meaning the complete and verifiable elimination of nuclear material and nuclear weapons held by North Korea—can come, in my view, only with more resolute and determined leadership by the President. To date, Iraq seems to have monopolized the effective attention of the President and his inner circle. Failure to resolve the situation in North Korea through diplomacy will result in an intolerable situation that could prompt the consideration of military action. A military option is not appealing, and it may be extraordinarily difficult to carry out with the current open-ended and demanding commitment to Iraq.

In addition, there has been little progress between the Israelis and the Palestinians. In another regional problem area, the Iranians have opened their nuclear program to more robust international inspection but still refuse to moderate their domestic policies and their international rhetoric. Indeed, the hardliners in Iran recently won an election, giving them more clout and marginalizing the reformers within that country, in the wake of our attack against Iraq.

Libya presents an interesting case. Our military success seems to have focused their attention on repairing their relationship with the West. One must be grateful any time a regime effectively renounces weapons of mass destruction. Nevertheless, Qadhafi's actions seem more like self-preservation than democratization. And, as previously discussed, the "shock and awe" in Iraq did not influence the Afghans to be more cooperative. In fact, we lost ground in Afghanistan to reconstituted insurgent forces. In the longer run, these hopes of democratic reform and economic renewal in the region and throughout the world will battle historic and cultural forces that may yield, but not without a struggle and not without time.

There are signs that even the administration is coming to recognize that history has overtaken some of their hopes. To minimize the stigma of occupier, the Coalition Provisional Author-

ity has accelerated the transition to sovereignty with a target date of June 30, a date that is more difficult to achieve with each passing day. It remains unclear who they will be returning this sovereignty over to. An interim constitution was adopted apparently today, but there is still a great deal of uncertainty as to who will be the ruling authority and ultimately how this sovereignty will be passed—truly passed—to the Iraqi people.

In recognition of the economic reality of Iraq, the CPA has quietly shelved plans to privatize the Iraqi economy, plans they had initially. Now this would be a wrenching exercise in unemployment since almost every Iraqi directly or indirectly seems to work for a state industry or governmental entity.

The CPA is also deferring serious land reform in a country where land was expropriated from traditional owners and bestowed upon supporters of Saddam. The CPA also seems quietly poised to allow the Kurds to develop an autonomous region under a loose federation, belying the initial commitment to a fully integrated Iraqi state. And still outstanding is whether the Shia majority will ultimately accept the governing arrangements for the new Iraq.

And, having assumed the burden of Iraq, none of these recent pragmatic adjustments are themselves without great dangers. A hasty transfer of sovereignty could lead to a government without legitimacy or one that quickly morphs into a religious and authoritarian regime that does not share our enthusiasm for democracy. This political process becomes an inviting target for insurgents who see disorder as their key ally. Leaving economic restructuring to the Iraqis is probably leaving it undone. Allowing the Kurds to create an autonomous or semiautonomous region will cause consternation within Turkey while adding to the difficulties of the new central government in Baghdad.

This administration has committed the Nation to operations in Iraq. And we cannot fail. Let me emphasize that again. We cannot fail. But we need to recognize that these ideological pre-occupations that have led us to Iraq have very real costs. We are spending approximately \$4 billion a month to continue our operations in Iraq and Afghanistan, the bulk of it being spent in Iraq. These costs do not include the heartbreaking loss of American service men and women.

One must question a strategy in which you cannot afford to fail, but you may not win anything. But, questioning aside, one has little choice but to support our forces in the field and insist upon a more pragmatic approach.

First, the administration must increase the overall size of our land forces, not temporarily, but in anticipation of a long deployment in both Afghanistan and Iraq.

Last fall, I was able to propose an amendment with my colleague, CHUCK HAGEL, to increase the size of our Army by 10,000 soldiers. It passed on the floor of the Senate but was stripped out of the conference report at the insistence of the administration. They, at that point, failed to recognize the need for more military personnel. Since that time, the administration has indicated that they now recognize a need for additional forces in the Army. But they still continue to insist that it can be paid for out of supplemental appropriations.

I believe we have to prepare for a long stay in Iraq. These new military personnel should be paid for through the budget process, not supplemental appropriations here and there on an irregular basis.

I believe also that in addition to increasing our overall end strength, the administration must increase the number of forces in Iraq and direct those forces to the protection of the Iraqi people, not just to hunt for insurgents. Today, the greatest threat to the successful reconstruction of Iraq is the rampant violence that engulfs the country. Only a small portion of this violence is directed against American forces. The greatest portion is directed against the Iraqi people, creating a daily climate of violence facing every Iraqi which saps their will to remake their country and support our efforts.

Today is a prime example. Over 140 Shiites were killed when bombs exploded in Karbala and Baghdad during a religious holy day. However, the Department of Defense still stubbornly clings to the proposition that more American troops won't help. Rather, they claim that indigenous Iraqi security forces are the answer. So they have created, mostly on paper, Iraqi security forces that are inadequate and insufficient for the critical months ahead.

"Iraqization" has dim echoes of "Vietnamization." Both are political responses to real security problems. One failed; the other is of dubious value at the moment.

Secondly, the administration must candidly and promptly acknowledge the huge costs that are necessary to pursue our international objectives. The recently submitted Presidential budget does not include any funds for operations in Iraq and Afghanistan. The President is attempting to rely on previous supplemental appropriations until the election. Recently, the chiefs of the Army, the Marine Corps, and the Air Force admitted they would run out of funds on October 1 for operations in Iraq and Afghanistan. More recently, reports have surfaced that the services may indeed run out of these funds sooner than that. They are now robbing Peter to pay Paul as they scavenge other accounts to fund operations in Iraq and Afghanistan.

In addition to funding for our military forces directly, we should understand even at the most optimal success

level, military forces will buy you time to deal with the more fundamental problems that cause terrorism, that cause unstable governments, unstable regions. Those costs are also huge: costs in economic development assistance, costs in educational assistance. Those costs have to be factored in also. They are not included effectively or sufficiently in the budget the President sent to us.

As I said, this is not only poor budget policy with regard to military forces, but if we cannot even honestly budget for military operations, how can we marshal the will and the dollars to reinforce military success with the resources for economic development that will address the root causes of the animosity we are confronting.

One measure of the wisdom of any strategy is whether that strategy is sustainable. The administration's choice of a virtually unilateral preemptive attack followed by long-term and expensive nation building is not a strategy that can be easily duplicated. It is especially difficult to sustain without broad-based international support. Ironically, our preoccupation with Iraq might serve as an inhibition as we confront other adversaries. Moreover, our military advantages simply buy us time, precious time, to deal with fundamental issues that create the climate in which terrorism thrives.

Our attention to these issues of education and economic development is necessary now and not just in Iraq. These, too, are expensive undertakings that require international cooperation with strong American leadership. We face great challenges around the world and here at home. But Americans are not strangers to great challenges. We will endure. And with wisdom and courage, we will prevail—the courage we witness every day in the extraordinary valor of our fighting forces.

But the challenges before us require a strategic vision grounded on attention to the compelling threats we face, not the ideological impulses that stir our hearts. These challenges can best be faced with other nations, not alone. These challenges require huge resources and a long-term commitment, not budgetary gimmicks in the short run.

Until the administration acts on these basic principles, our response to real threats will be hobbled by ideology rather than focused by experience.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Florida is recognized for 30 minutes.

Mr. GRAHAM. Mr. President, I would like to start by saying I believe our

colleagues who scheduled this debate today have done a great service to this body and to the American people. The topic of the United States in the world and specifically the United States in the war on terror is of great importance to the American people. They deserve to have the kind of elevated discussion we are giving this evening.

This should not be a partisan issue. Rather, it is an issue of our national and personal security. Never in our Nation's history have we been so dependent on credible intelligence for our safety and security as we are today.

The real test all of us will face as policymakers on behalf of the people of the United States will be how wise we are in identifying the problems we need to address and how willing we are to cast away the anchor of the status quo and initiate real reforms. In both of those efforts, one of our strongest assets will be our American intelligence.

If we were to ask any person who has a reasonable knowledge of the capabilities of terrorists and the extent of America's vulnerability the question, what is the likelihood the United States of America will suffer another successful terrorist attack on our homeland within the next 5 years, the consensus answer is certainly going to be almost a 100 percent likelihood of a successful attack.

That is a sad but true fact. It is a sad but true fact which is unnecessary. In part, it is unnecessary because we need to initiate the reforms within our intelligence community. Reforms we have learned from the experience of September 11, and learned again in the war against Iraq and, I suggest, we will learn again in the incidents that have led up to the events in Haiti, the lack of transforming our intelligence community to a set of agencies that can effectively understand, interpret, and then assist policymakers in making decisions that will make us more secure, those reforms have not been made.

It is also unfortunately true there has been a lack of accountability. We have had major intelligence failures in the last 3 years. Yet, as of today, virtually no one has been held accountable for those. What signal does that send to our agency and our adversaries, that we are willing to tolerate performance that is less than acceptable, or to benefit by performance which is beyond the call of duty, and the former is not sanctioned and the latter is not recognized.

What I think we are facing this evening is a series of deficits that will prove as significant to the future of the American people as the skyrocketing budget deficit of this administration will be to our economic future. These deficits include a deficit in judgment. The reality is in the spring of 2002, the United States and our coalition partners had the terrorist group which had perpetrated the tragedy of September 11 on the ropes in Afghanistan. But a decision was made in the early spring—a decision which military officials

close to its implementation describe as an ending of the war on terror in Afghanistan and a substitution of a manhunt in Afghanistan and Pakistan, and a redirection of American intelligence and military personnel and resources to commence the war in Iraq.

This was more than a year before the war actually started. If you will read the front page of this past Sunday's New York Times, it talks about the fact that we are now, 2 years later, beginning to reintensify our efforts in Afghanistan, and we are returning to Afghanistan those very military and intelligence resources that were shifted to Iraq in the beginning of the spring of 2002.

So the consequence of making a decision that our greater enemy was Saddam Hussein than the enemy which had already shown the capability, the will, and the presence in the United States to effectively strike us on September 11 has been to allow our greater enemy to become yet stronger.

Al-Qaida is a powerful network today. It is a powerful network which is less hierarchical, more entrepreneurial, more diffuse, more difficult to attack—especially as al-Qaida cells form alliances with other radical Islamic groups. We missed the opportunity in the spring of 2002 to have cut off the head of this snake because we exercised unacceptably poor judgment as to which was the greater danger to the people of the United States.

What is the report card on that decision of judgment? I quote from a statement made by the director of the Central Intelligence Agency, Mr. George Tenet, on Tuesday of last week. This is what the leader of our American intelligence community said:

... We have made notable strides. But do not misunderstand me. I am not suggesting that al-Qaida is defeated. It is not. We are still at war. This is a learning organization that remains committed to attacking the United States, its friends and allies.

Continuing to quote from the director of the CIA:

Successive blows to al-Qaida's central leadership has transformed the organization into a loose collection of regional networks that operate almost autonomously. These regional components have demonstrated their operational prowess in the past year.

The sites of their attacks span the entire reach of al-Qaida—Morocco, Kenya, Turkey, Jordan, Saudi Arabia, Kuwait, Afghanistan, Pakistan, Indonesia.

And al-Qaida seeks to influence the regional networks with operational training, consultations, and money. . . .

You should not take the fact that these attacks occurred abroad to mean the threat to the United States homeland has waned. As al-Qaida and associated groups undertook these attacks overseas, detainees consistently talked about the importance the group still attaches to striking the main enemy: the United States.

In conclusion, the Director of Central Intelligence made this chilling observation:

The steady growth of Osama bin Laden's anti-U.S. sentiment through the wider Sunni

extremist movement, and the broad dissemination of al-Qaida's destructive expertise, ensure that a serious threat will remain for the foreseeable future—with or without al-Qaida in the picture.

That is the residue of the decision to allow the snake of al-Qaida to regenerate itself because we determined that the greater enemy to the United States—the enemy which had the greater capability to threaten the people of the United States of America—was Saddam Hussein. We have paid and we will pay a significant price for that flawed judgment.

There is also a deficit in credibility. Once the administration made the decision at least as early as the spring of 2002—and probably earlier—it used incredible information to convince the Congress and the American people to support that invasion.

To pick one example which has been widely reported, the administration knew, or should have known, that it was using misleading information about Saddam's weapons of mass destruction, about yellow cake from Niger, about the existence of tubes which could be used for centrifuges to make nuclear products, and about the connections of Saddam Hussein's regime with the tragedy of 9/11.

On several occasions, it was a leading figure within the administration, including the Vice President of the United States, who went to the intelligence agencies, asked for further information on the specific charge relative to Saddam Hussein's status as a producer and user of weapons of mass destruction, received from the intelligence agencies a report indicating it was a fabrication, and yet the administration continued to recycle incredible misinformation.

The administration's fondness for calling Iraq the new front in the war on terror has become a self-fulfilling proposition. There is little, if any, evidence that Saddam Hussein had ties to al-Qaida and that terrorist networks were active in the sections of Iraq that were controlled by Saddam Hussein.

What now? Now we have created chaos in Iraq, and in spite of the bravery and professionalism of our troops, we have seen a situation in which the terrorist organizations which did not exist in Iraq prior to the war have now become serious threats to the stability of that country and to the lives of American fighting men and women.

This is how the Director of the Defense Intelligence Agency, VADM Lowell Jacoby, described the situation in Iraq when he testified before the Senate Intelligence Committee on Tuesday of last week:

Foreign fighters who have entered Iraq since the end of the war have carried out some of the most significant attacks, including suicide bombings. Left unchecked, Iraq has the potential to serve as a training ground for the next generation of terrorists.

There was minimal to no al-Qaida influence in Iraq before the war. Now, and this is credible, al-Qaida has found a new base of operations in Iraq. There

is also a deficit of trust in the American people. This great democracy has had, as one of its fundamental values, that the people of America will serve their role as citizens only if they are fully informed about the operations of their Government. But why does this administration not want to let the people know the truth about our foreign policy and about the decisionmaking that takes place in forming that foreign policy?

This President lacks a basic respect for the common sense of the American people and relies excessively on secrecy, not to protect the national interests but to avoid political embarrassment.

I cochaired the House-Senate joint inquiry into the intelligence failures that preceded September 11. Our joint committee produced a lengthy report, some 800 pages, which focused on, among other things, the findings relative to the support which one or more foreign governments had provided to some, if not all, of the 19 terrorists.

The executive branch, after 7 months of examining our report, insisted on censoring the 27 pages of our report that contain the most important findings about that foreign support. It reached this level of absurdity. The Ambassador of the Kingdom of Saudi Arabia, responding to media speculation that it was his government mentioned in those 27 pages, pleaded with the President and his administration that the full report be released. "How can I defend my kingdom against attacks of treacherous nature unless I can know what is the basis of those attacks?" It was not just the Ambassador of the Kingdom of Saudi Arabia. The Foreign Minister of the Kingdom flew to Washington to plead for the declassification, for the release of this information so that he could also defend the honor of the Kingdom.

The President refused that request even before the Foreign Minister had reached the White House. Are we supposed to believe there wasn't some coordination of efforts, that there were private assurances of maintaining the status quo despite public pleas for release?

This President has shown that he does not believe the American people have the right nor the ability to effectively utilize information which will help them to understand who to hold accountable and to participate in reforms necessary for their security.

These are some of the deficits we have seen as a result of the events before and particularly after September 11, that we have seen in the preparation for the war in Iraq, and which we may well see repeated in the circumstances leading up to the current anarchy that grips Haiti.

Again, I conclude by saying how pleased I am that Senator KYL and other colleagues have given us the chance to have this discussion. We, too, have a responsibility to the American people to offer them the best security

that the Government can provide. There is no cave, there is no spider hole that we will be able to hide in to escape that responsibility should there be another terrorist attack on our homeland and we have not utilized the information of our previous failures to make our Nation more secure.

Let us look in the mirror. The face we see will share the responsibility for the loss of life and for the deficits I have outlined which are unacceptable in our democratic society.

Before I conclude, I would like to say that I believe the value of this debate has indicated the value of similar debates on other issues that have wide public concern. I will soon seek unanimous consent that we schedule time for a debate of this nature on the floor of the Senate on a regular basis for the remainder of this session.

I propose that the next issue to be discussed be our budget deficit, the inheritance of debt that we are going to leave to our people. The suggestion made recently by the Chairman of the Federal Reserve Board that we make tax cuts permanent while we also cut benefits for Social Security and Medicare could help in framing the choices that we will have in dealing with this budget deficit.

The American people deserve from this, the greatest deliberative body in the world, to pay attention to their future. They deserve to know that we serve their interests with sound judgment, with credibility, and with respect for those who have given us the opportunity to serve them.

Thank you, Mr. President.

**THE PRESIDING OFFICER.** The Senator from Florida yields the floor. Does the Senator suggest the absence of a quorum?

Mr. GRAHAM of Florida. I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

Under the previous order, the Senator is recognized for 20 minutes.

Mr. DAYTON. Mr. President, I thank my colleagues from the other side of the aisle for giving us this opportunity to discuss the matters surrounding the Iraq war, a war in which we are still engaged, a war in which Americans are losing their lives and their limbs on an almost daily basis. I am sure my colleagues have attended funerals, as I have in my own State, of brave men who did not return from that war alive. We all know the human cost that has been involved.

A number of us were at Walter Reed Hospital 2 weeks ago for an evening with brave men and women who have lost limbs and health, and in some cases will not ever be able to live fully normal lives because of the terrible

devastation wreaked on their bodies by the war in Iraq. So what we are talking about tonight is something of enormous importance, something we should have talked about far more often in the past months and year than we have. I attempted back in the first months of 2003 to get this body to address some of these critical issues, questions about the information we had been provided even though we had voted previously in October of 2002 on this resolution that the President requested the majority of this body authorize, along with the House, to initiate a war at a time of his determination. But in the weeks preceding that I tried in vain, as did some of my colleagues, to ask the majority leader to bring this matter before the Senate, before the American people again. Unfortunately we were not able to. The decision was made not to create the time and the opportunity to do so.

Better late than never. This is much later than it should have been. I look forward to this opportunity in the weeks and months ahead because, as I understood from the Senator from Arizona, who was coordinating the time the Republican caucus used before we were given a chance to reply, that whenever the questions were raised, challenges were raised about the use or the misuse of intelligence information by the President of the United States and by his administration, there would be these occasions to discuss those matters again in the future. If that is the case, then I look forward to those opportunities because those questions should be raised. They have been raised before.

The American people have a right to know the truth, the facts about these matters. Those who have lost sons and daughters over in Iraq, those whose sons and daughters are serving there now, all of us whose lives, whose children, and grandchildren will bear the consequences of these profoundly important decisions that have affected not only the United States and our national security but the stability of the entire world have a right to know the truth.

Let's have these debates and these considerations as frequently as possible and air these matters fully, particularly since the commissions that have been established—the most recent one, by the President himself singlehandedly—are being precluded from addressing many of these issues like the misuse, as has been alleged, of intelligence information by high intelligence officials. That commission will not be allowed to investigate those matters. It will not have the authority to subpoena documents and information, investigating those matters. We will remain in the dark as those of us on the Senate Armed Services Committee on which I serve will remain in the dark despite our requests repeatedly to have that committee investigate these matters under its jurisdiction. At one point the distinguished

chairman of that committee, Senator WARNER, a man for whom I have the greatest respect, one of the finest of the men and women with whom I have had the privilege of serving in this body over my 3 years, suggested on a Sunday talk show that would be the appropriate purview of the committee and that should be investigated to its determination of the facts and truth and then, from all accounts, was forcefully dissuaded from that position by higher level officials in the administration who did not want that kind of investigation.

So if we can't get the facts because we can't get committees of the Senate to look into these matters, if we can't get the facts because the President's own hand-picked commission is going to be prevented by him from investigating and reviewing these matters, then let's use these occasions here on the Senate floor, even if we are going to be, as the word was used, ambushed by the Republican caucus on these matters. That was reported last week. This was going to be a big surprise last Thursday. It was reported in one of the Hill newspapers and evidently it was decided to postpone it.

Today, after we talked, even at our caucus lunch today, the Democratic caucus lunch at 1 o'clock today, based on the information the Democratic leader received from the majority leader, we were going to finish the resolution of the bill before us and then we were going to turn to another piece of legislation. Lo and behold, we found out literally as members of the Republican caucus took the floor this afternoon that this was going to be the subject for debate.

But so be it. If you want to ambush us on this topic, then do it as frequently as possible so we can present to the American people all the facts, facts they may not receive in any other way.

Let's go back a minute and review the bidding on this whole matter. Let's go back to January of 2002. Mr. Karl Rove, senior adviser to the President, political strategist, was quoted as telling a Republican political gathering that the winning issue for the Republicans in November of 2002, at the midterm election, would be "the war." By that at the time he meant the war against al-Qaida, against the Taliban in Afghanistan. But evidently in June of 2002, according to published reports based on an interview with the chief of staff of the White House, Andrew Card, published in the New York Times on September 7 of 2002, but referring back to a decision that was, according to Mr. Card, made in June of that year, 3 months earlier, to bring the spotlight onto this supposed immediate, desperate, urgent threat to the national security of the United States and the safety of our people by Saddam Hussein and his regime in Iraq, the question was asked of Mr. Card by the reporter, why, then, was there this delay until then right before and then right after

Labor Day of 2002, a good 3 months later, to bring this matter to the attention of Congress and to the American people. Mr. Card's answer, and I quote, was, "Well, from a marketing standpoint you don't bring out your new products in August."

About two sentences later he indicated also the President was on vacation in August. So, instead, we were all, I think, startled—this Senator was certainly surprised to hear from the Vice President, Vice President CHENEY, at two conventions of former men and women of the armed services in the last week of August of 2002, where he spoke to the Veterans of Foreign Wars, and he announced, "Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction."

The President himself then elaborated on these claims time and time again. He conjured up the most serious of threats to this country. On September 26 of 2002, at the time when this body was being pressured to rush to a vote about authorizing a war in Iraq, the President, after meeting with Members of Congress on that date, said:

The danger to our country is grave. The danger to our country is growing. The Iraqi regime possesses biological and chemical weapons. . . . The regime is seeking a nuclear bomb, and with fissile material, could build one within a year.

He continued on that day to say:

The dangers we face will only worsen from month to month and from year to year. To ignore these threats is to encourage them. When they have fully materialized, it may be too late to protect ourselves and our friends and our allies. By then the Iraqi dictator would have the means to terrorize and dominate the region. Each passing day could be the one on which the Iraqi regime gives anthrax or VX or someday a nuclear weapon to a terrorist ally.

On October 7, just 4 days before the October 11 vote in the Senate on the war resolution, the President said:

We know that Iraq and the al-Qaida terrorist network share a common enemy—the United States of America. We know that Iraq and al-Qaida have had high-level contacts that go back a decade.

He continued:

We've learned that Iraq has trained al-Qaida members in bombmaking and poisons and deadly gases. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints.

He also elaborated on claims of Iraq's nuclear weapons program when he said on October 7 of that year:

The evidence indicates that Iraq is reconstituting its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his "nuclear mujahideen"—his holy warriors. If the Iraqi regime is able to produce, buy, or steal an amount of highly-enriched uranium a little larger than a single softball, it could have a nuclear weapon in less than a year.

At that time, 4 days thereafter, the Senate voted historically and, I believe, having voted against that resolution, erroneously to authorize the war with the determination of the Presi-

dent—on a resolution which I believed and still believe is unconstitutional, was premature and, which has ultimately turned out to be the case, unfounded.

These assertions continued during the fall and then into the new year. Of course, Secretary of State Colin Powell went before the United Nations and stated that there were thousands of tons of these strains of botulism, of nerve gas agents, of botox, and other substances that were of such enormous quantities that they would have been easily identified by satellite surveillance or by the United Nations weapons inspectors then in Iraq, though at the time none had been found.

The Vice President again on March 16, just before the eve of the decision by the President to invade Iraq, leveled a serious new allegation that Hussein already had nuclear weapons. He said, "We know he has been absolutely devoted to trying to acquire nuclear weapons," and "We believe he has in fact reconstituted nuclear weapons."

Subsequent events, of course, have proven all of those assertions to be almost totally incorrect.

Thank God. When United States and British forces invaded Iraq just a few days later, there were no chemical or biological or nuclear weapons used against them. None were found on the battlefield unused or in caches hidden and ready for use or even those weapons materials anywhere in Iraq, as the chief weapons inspector, David Kay, has now indicated in his public statements. He said to our Senate Armed Services Committee that he does not believe they will be found. But the more important fact, the irrefutable fact, is that they did not exist to be used against our Armed Forces. I am grateful for that. But that was the overriding premise—at least I know from a number of my colleagues on this side of the aisle—the overriding factor in their decision to support the resolution in October.

Under the United Nations charter, under international law, the only justification legally for invading another country, for launching a preemptive attack against another country, starting war against another country, is either an actual attack itself or the imminent danger or threat of an attack against a country.

It was certainly on that assertion by the administration repeatedly that Members of Congress were persuaded to support the resolution in October. It was that assertion that was made by the President himself and others leading up to and even in the speech the President gave to the Nation the night he authorized that invasion of forces.

In his State of the Union Address, he made assertions that Iraq had sought to buy uranium in Africa to reconstitute its nuclear weapons program. It was not until July 7 of 2003—almost 6 months later, or over 5 months later—that the administration acknowledged for the first time that the President

should not have made that statement even though the reports were they knew conclusively as early as March. Some allegations are that they knew even prior to the time, or at the time of that statement, that that was not substantiated, or, in fact in March, a report even said it was false.

There are other statements that have been made by former CIA intelligence officials, reports made by investigative reporters that refer to information that was available to the administration at the time these various assertions were made that were contrary to facts as they were being reported.

The linkage to al-Qaida, between Iraq and al-Qaida, is one that I certainly can say from my own direct experience, being involved in probably two dozen top secret briefings in the fall of 2002 and early 2003 with members of the administration, that was something that was repeated, was raised in a most speculative way from other intelligence sources.

Then it is reported in June of 2003, after all this has been underway, according to the New York Times, two high officials of al-Qaida now in U.S. custody told interrogators, told them before the war in fact, that the organization did not work with Mr. Hussein. Several intelligence officials said no evidence of cooperation had been found in Iraq.

It caused the CIA Director, George Tenet, to state that:

"it was not at all clear there was any coordination or joint activities," a CIA source told the Washington Post.

An article in the Baltimore Sun went on to say:

Last fall, in a classified assessment of Iraq, the CIA said the only thing that might induce Mr. Hussein to give weapons to terrorists was an American invasion. But month after month, unconstrained by mere facts, the president trumpeted a danger that his own intelligence officials dismissed.

Yes, there are very serious questions and a most profoundly serious matter reflecting on the veracity of the President of the United States and his officials at the highest levels. The debate should be undertaken here and the American people should have a right to all the facts but they will not get them.

One of the most disgusting ploys tonight has been to blame President Clinton and Senate Democrats during the 1990s for the supposed curtailment of our Nation's military preparedness and its intelligence operations. Some people are masters at this kind of slander.

In 2002, there were Republican campaign commercials that put Senator Max Cleland, a Democratic Senator from Georgia, upon the television screen next to pictures of Osama bin Laden and Saddam Hussein, claiming that all three of them were enemies of the national security of the United States.

Senator Cleland was a triple amputee and sat in this chair next to me during my first 2 years of the Senate, the

most amazing demonstration of human courage I have ever heard. I could scarcely imagine a man who lost three limbs serving in the military in Vietnam, a member of the Senate Armed Services Committee, who had voted for every single dollar of President Bush's requested military increases for military spending, for homeland security, every dollar, being smeared as an enemy of this Nation along with Saddam Hussein and Osama bin Laden.

Here they go again, smearing President Clinton and even Senator JOHN KERRY. I heard President Clinton attacked by colleagues across the aisle from the day I joined the Senate Armed Services Committee in January of 2001 for supposed military weaknesses. That continued up until the military that President Clinton commanded for 8 years routed the Taliban and al-Qaida in Afghanistan 10 months later. Now he is accused of emasculating the Intelligence Agency, causing the failures to prevent September 11, 2001, and the failures to inform us properly about the absence of weapons of mass destruction in Iraq.

Unfortunately, we cannot find out who is and who is not responsible for whatever failures occurred. We cannot find out because President Bush has blocked the 9/11 Commission access to the information that bipartisan group of distinguished Americans has been requesting for months from the administration.

We will not get to the truth about who misused intelligence information about weapons of mass destruction in Iraq because the President refused to appoint an independent commission, refused to grant them subpoena powers, and refused to authorize them to investigate the use of intelligence in-

formation by himself and his administration.

If the former administration is the one that is so culpable and if the current administration is so blameless, why wouldn't this administration want those two commissions to have access to all relevant information? Why would this administration block the 9/11 information that its cochairman, former Republican Governor of New Jersey, Thomas Kean, has requested for months on behalf of his Commission? Why won't the President allow his own handpicked Commission to assess the misinformation about weapons of mass destruction in Iraq that was provided to Congress and to the American people to investigate all the questions about that colossal misrepresentation of the truth as we later discovered it to be?

Those are critical questions that affect the future safety of our country and our citizens, whatever flaws existed before September 11, whatever errors were made after September 11, whatever mistakes, whatever lack of communication, whatever misreporting, misunderstanding, misrepresenting, exaggerating, or improper influencing of information, whatever or wherever it occurred, which weakened our national security, must know what that was in order to prevent it from ever happening again.

That imperative should transcend partisan politics. It should transcend Presidential reelections. It should transcend any consideration except for the safety of this country and of the American people.

If my colleagues on the other side of the aisle want to strengthen our national security, as I know they do—as we all do, because we are Americans first, and we are partisans after that—

then I ask them to join us in insisting that the President unshackle those two commissions. Let them find the truth, the whole truth, whatever it might be, wherever it is, whoever it helps, whoever it hinders, so that we can know what we must do to ensure that the horrors of 9/11 never, ever occur again, and to ensure that the serious misinformation about weapons of mass destruction in Iraq, which influenced Members of this body to support a resolution to authorize the President to start a war against that country—to make sure that kind of misinformation used to justify a war to the American people never, ever happens again.

So, yes, let's debate these matters as frequently as possible. Let's get out all of the facts. And then let's let the American people decide.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota yields the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., tomorrow morning.

Thereupon, the Senate, at 8:52 p.m., adjourned until Wednesday, March 3, 2004, at 9:30 a.m.

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#### NOMINATIONS

Executive nomination received by the Senate March 2, 2004:

##### DEPARTMENT OF TRANSPORTATION

DEBORAH HERSMAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2008, VICE JOHN GOGLIA, TERM EXPIRED.