

recognizes the vitality of tribal life throughout the world. This vitality is clearly evident in my State of Wisconsin, which is home to eleven federally recognized tribal governments: the Brad River Band of Lake Superior Chippewa Indians, the Forest County Potawatomi Indian Community, the Ho-Chunk Nation of Wisconsin, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, the Oneida Tribe of Indians of Wisconsin, the Red Cliff Band of Lake Superior Chippewa Indians, the Sokaogon Chippewa (Mole Lake) Community of Wisconsin, the St. Croix Chippewa Indians of Wisconsin, and the Stockbridge Munsee Community of Wisconsin.

I am proud to represent the members of Wisconsin's tribes, many of whom are gathering here to support and participate in this important occasion. The influence of the Native Americans who have lived in Wisconsin for so many years is evident in the names of our cities and towns, lakes and rivers, and counties and parks. Wisconsin's native peoples' traditions are part of who we are and these vibrant communities make vast contributions to Wisconsin's culture.

Congress authorized the Smithsonian's National Museum of the American Indian on November 28, 1989 with passage of the National Museum of the American Indian Act. I congratulate my colleagues, the senior Senator from Colorado, Mr. CAMPBELL, who championed the creation of this museum as a member of the other body, and the senior Senator from Hawaii, Mr. INOUYE, for their vision in writing the legislation that made this museum a reality.

The Museum opens today with a celebration that is expected to draw as many as 20,000 Native Americans to Washington. Many are calling the grand opening today the largest tribal gathering in history.

I commend the Congress and the Nation for finally recognizing our Native people and their past, present, and future contributions to America's culture, history, and tradition.

#### PEACE IN SUDAN

Mr. LUGAR. Mr. President, today I submit an amendment in the form of a substitute to S. 2781. I want to thank the majority leader for his support of our efforts to authorize assistance for the Darfur crisis and a final peace in Sudan. I also want to take this opportunity to express my appreciation to Senator BIDEN for his cooperation in introducing the bill, as well as in refining its language.

Our Committee recently held a historic hearing on Sudan. In that hearing Secretary Powell declared Sudan and the Janjaweed responsible for genocide. This important event reinforced congressional concern for African affairs and pursuing peace in Sudan.

Senator BIDEN and I have improved S. 2781 in the pending amendment by clarifying several elements. These improvements include an update to language that directly reflects the comments of Secretary Powell in his declaration of genocide in the Sudan. Further, the amendment clarifies that neither of the regions administered by the Government of Sudan nor the SPLM will be authorized to receive assistance unless the President certifies that they are complying with specific requirements.

Finally, upon receipt of the testimony and reports from Secretary Powell and the State Department, as well as the recent eyewitness account of the USAID Administrator Natsios, we want to redouble our commitment to support the African Union Mission in Sudan. The value of the reports from the small African Union Observer Force now in Darfur is evident and the international community must recognize its own responsibility in enabling the African Union to continue in this assertive and positive role. In my view the bill states that the United States should provide, to the extent practicable, all assistance necessary to ensure the African Union Mission in Sudan is capable of carrying out its mandate.

I urge my colleagues to support this important legislative initiative.

#### REMARKS TO THE COUNCIL ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, last week, at the invitation of the Council on Foreign Relations and the family of the late Paul Warnke, I gave the second annual Paul Warnke Lecture on International Security here in Washington. I spoke to the council about the ongoing efforts here in the Congress to address the issue of the reform of the intelligence community as recommended by the 9/11 Commission and others.

I told the council that to my mind, at least as important as the structural reforms of our intelligence community, and arguably even more so, is the need to protect the independence, objectivity and integrity of intelligence analyses. Too many times in our past, including most recently in the Iraq war, intelligence has been manipulated and politicized to support a specific policy.

I am willing to support the creation of a more powerful National Intelligence Director with greater authority over intelligence budgets and personnel, but only if this increased power is used to help ensure the accuracy, independence, objectivity and integrity of intelligence analyses, and not used to promote policy. I don't want a National Intelligence Director to be a more powerful "yes man" for the administration in power.

Mr. President, I ask unanimous consent that the full text of my speech to the Council on Foreign Relations on September 13, 2004, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### REMARKS OF SENATOR CARL LEVIN AT THE PAUL WARNEKE LECTURE ON INTERNATIONAL SECURITY AT THE COUNCIL ON FOREIGN RELATIONS

Thank you, Alton [Frye, Presidential Senior Fellow Emeritus at the Council on Foreign Relations]. Your connection with the Council since 1972 makes you a more enduring figure in Washington than just about anybody besides Senator BYRD.

It is a pleasure to be back at the Council, and an honor to be giving the second annual Paul Warnke Lecture on International Security. Paul was a great public servant and a tireless advocate for a wise and balanced approach to international security. I know there are some members of the Warnke family here, and I want to start by acknowledging their presence and thanking them for joining in the invitation to me.

Tonight I want to share some thoughts with you on the reform of our Intelligence Community, which is topic number one in the Senate right now. My remarks are subtitled "No more slam-dunks please, where nuance is needed."

With the end of the Cold War the greatest threats we face are from terrorists. We are less likely to be attacked by nations and armies with tanks and missiles, and more likely to be attacked by terrorists with bombs in trucks or strapped to their bodies.

Since terrorists are not deterred by the threat of their own destruction, and because terrorist networks are so diffuse, accurate intelligence is absolutely essential to preventing terrorist attacks.

The release of the 9/11 Commission's Report fueled a debate about how our intelligence community should be reformed to better respond to the terrorist threat. This is a debate we need to have. But in taking on structural reform involving stove-pipes and budget authority, we should not lose sight of the fundamental problem that was dramatically demonstrated not by the pre-9/11 intelligence failures but by the pre-Iraq War intelligence failures.

The intelligence failures before 9/11 related to intelligence agencies not using information they had and not sharing that information with others. The Report of the 9/11 Commission retold the story of people in the CIA and FBI, for instance, who failed to do their jobs in sharing information. And that Report noted the failure to hold anyone accountable. But there is no evidence in the more than 500-page 9/11 Commission Report that those failures were caused by inadequate budget power in the Director of Central Intelligence or his lack of authority to hire and fire intelligence personnel in other agencies than the CIA.

The failures to use and share intelligence have begun to be corrected with the formation of the Terrorist Threat Integration Center (TTIC). Coordination and sharing might be further enhanced by creation of a National Intelligence Director.

The massive intelligence failures before the Iraq War were of a totally different kind. To a significant degree, they were the result of the CIA shaping and manipulating intelligence to support Administration policy. The CIA's errors were all in one direction, invariably making the Iraqi threat clearer and sharper and more imminent, thereby promoting the Administration's determination to remove Saddam Hussein from power. Nuances were dropped; a slam-dunk was the assessment.

The CIA was saying to the Administration and to the American people what it thought the Administration wanted to hear.

The problem of intelligence being manipulated and politicized is not new. Forty years ago, Secretary of Defense McNamara claimed classified communications intercepts supported passage of the Gulf of Tonkin Resolution, which was used by President Johnson as the legislative foundation for expanding the war in Vietnam.

Those intercepts proved later to be very dubious. Regardless, the presidential decision had been made, and so intelligence was used to support that decision.

Intelligence was heavily manipulated by CIA Director William Casey during the Iran-Contra period. The Iran Contra Report cited evidence that Director Casey "misrepresented or selectively used available intelligence to support the policy he was promoting."

The Iran Contra Report urged strongly that "The gathering, analysis, and reporting of intelligence should be done in such a way that there can be no question that the conclusions are driven by the actual facts, rather than by what a policy advocate hopes these facts will be."

Former Secretary of State George Shultz, in his memoir *Turmoil and Triumph*, recalled Director Casey's actions and concluded that "The CIA should have nothing to do with policy. You have to keep objectivity in analyses."

History repeated itself with the pre-war Iraq intelligence. Before the war, top administration officials asserted that Saddam Hussein definitely had weapons of mass destruction and had close links to the al Qaeda terrorists who had attacked us on 9/11.

The President said in March of 2002 that "[Saddam Hussein] possesses the world's most dangerous weapons."

The Vice President in August of 2002 said "... we know that Saddam has resumed his efforts to acquire nuclear weapons. Many of us are convinced that Saddam will acquire nuclear weapons fairly soon."

National Security Advisor Rice said on September 8, 2002 that "We do know that there have been shipments going ... into Iraq, for instance, of aluminum tubes that really are only suited ... for nuclear weapons programs, centrifuge programs."

A few weeks later, Secretary of Defense Rumsfeld said that "Very likely all they need to complete a weapon is fissile materials—and they are, at this moment, seeking that material—both from foreign sources and the capability to produce it indigenously."

On September 19th, 2002, Secretary Rumsfeld said that Saddam Hussein "has, at this moment, stockpiles of chemical and biological weapons, and is pursuing nuclear weapons."

Regarding al Qaeda links to Saddam Hussein, President Bush made the unqualified link between al-Qaeda and Saddam Hussein on September 25th, 2002, when he said "you can't distinguish between al-Qaeda and Saddam when you talk about the war on terror."

Following those kind of strong public statements of senior administration leaders, qualifications and cautious words in previous Intelligence Community reports were dropped, and intelligence was shaped more and more to reflect and support the certainty of the administration's policy statements.

For instance, on February 11, 2003, DCI Tenet publicly stated, as though it were fact, that Iraq "has provided training in poisons and gases to two al-Qaeda associates." However, in his then-classified testimony on September 17, 2002, which reflected the underlying intelligence analysis, Director Tenet acknowledged that the information on training was "from sources of varying reliability." The underlying intelligence also acknowledged that the information was "at

times contradictory." As the Senate Intelligence Committee report makes clear, DCI Tenet's public testimony could lead people to believe incorrectly "that the CIA believed the training had definitely occurred."

That Senate Intelligence Committee 500-page unanimous report set out dozens of instances like that where the CIA or its leaders made statements about Iraq's WMD which were significantly more certain than the underlying classified intelligence reporting or than their previous classified statements.

The first overall conclusion of that Senate Intelligence Committee report is that "Most of the major key judgments in the Intelligence Community's October 2002 National Intelligence Estimate (NIE), Iraq's Continuing Programs for Weapons of Mass Destruction, either overstated or were not supported by, the underlying intelligence reporting."

The CIA's efforts to support Administration policy instead of doing what they are supposed to do—which is to inform Administration policy makers—wasn't limited to WMD issues. DCI Tenet also helped support the Administration's contention that Saddam Hussein and al Qaeda were closely linked, or as President Bush had said on September 28, 2002, "each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group." This took a special contortion on DCI Tenet's part because the CIA's then-classified analysis was that there were no significant links between Saddam Hussein and al Qaeda.

Here is some background on that: on October 7, 2002, at our request, the CIA in a letter to the Senate Intelligence Committee declassified its assessment and indicated Iraq was unlikely to provide WMD to terrorists, and that providing WMD to terrorists would be an "extreme step" for Saddam Hussein, likely to be taken by him only in response to an attack against him by us. However, DCI Tenet told the New York Times that there was "no inconsistency" between the views in that CIA letter and the President's views on the subject. His statement was clearly incorrect, but it supported the Administration by trying to blur the inconsistency. The Senate voted on the authorization to use force a few days later on October 11.

And the CIA went along with the Administration's repeated references to a reported meeting in Prague between an Iraqi intelligence officer and the lead hijacker in April of 2001. At a hearing in February of this year, I asked Director Tenet about that alleged meeting. He told me that the CIA had "not gathered enough evidence to conclude that it happened," and that "I don't know that it took place. I can't say that it did." What he neglected to say, again bending over backwards to protect Administration policy, was that the CIA did not believe the meeting had happened. He finally acknowledged that publicly a few weeks ago when the CIA said that there was an "absence of any credible information that the April 2001 meeting occurred."

Again, in all of these cases, and many others, where public statements of the CIA varied from the underlying classified intelligence before the war, the Iraqi threat became clearer and more dire and the presence of WMD more certain. In public statements and reports, the CIA leadership had effectively become a political arm of the White House. There is no other explanation which has any ring of truth.

That is not the only rational inference. It also has some explicit evidentiary support. You remember the scene in Bob Woodward's book, *Plan of Attack*, after the Intelligence Community's case regarding Iraqi WMD was

presented to the President in the Oval Office on December 21st, 2002:

"Bush turned to Tenet. 'I've been told all this intelligence about having WMD and this is the best we've got.'

"From the end of one of the couches in the Oval Office, Tenet rose up, threw his arms in the air. 'It's a slam-dunk case!' the director of central intelligence said.

"Bush pressed. 'George, how confident are you?'

"Tenet, a basketball fan who attended as many home games of his alma mater Georgetown University as possible, leaned forward and threw his arms up again. 'Don't worry, it's slam-dunk!'

George Shultz's admonition about the fundamental need to separate intelligence from policy as the only way to obtain objective and independent intelligence, had been dramatically proven again. Other experts have reminded us of this point.

Former DCI Judge William Webster told the Senate Governmental Affairs Committee a few weeks ago that:

"With respect to relations with the president, while the leader of the intelligence community must be the principal advisor on intelligence to the president, he must work hard—very hard—to avoid either the reality or the perception that intelligence is being framed—read "spun"—to support a foreign policy of the administration."

Former chief weapons inspector David Kay put it this way before the Senate Intelligence Committee:

"Intelligence must serve the nation and speak truth to power even if in some cases elected leaders chose, as is their right, to disagree with the intelligence with which they are presented. This means that intelligence should not be part of the political apparatus or process."

How does all of this affect the pending consideration of intelligence reform? I have the good fortune (I guess) to be the only Senator to serve on all three Senate Committees which are considering intelligence reform legislation issues. We have held about 10 hearings since the 9/11 Commission report was presented, and are expected to have legislation prepared for the Senate by October. Most of the focus so far has been on fixing the pre-9/11 type failures; that is, the failures of information sharing and coordination.

To my mind, at least as important as the structural reforms, and arguably even more so, is the need to protect the independence, objectivity and integrity of intelligence analyses.

I am willing to support the creation of a more powerful National Intelligence Director, with greater authority over intelligence budgets and personnel, but only if this increased power is used to help ensure the accuracy, independence, objectivity and integrity of intelligence analyses, and not used to promote policy. I don't want a National Intelligence Director to be a more powerful "yes man" for the Administration in power.

One way to promote more objective and independent intelligence is to put Congress on a roughly equal basis with the executive branch as a primary consumer of intelligence. The National Intelligence Director and the entire Intelligence Community must understand that their analyses are just as much for Congress as for the President. It also means that senior intelligence leaders should be subject to Senate confirmation. And it surely means that the National Intelligence Director should not be established in the Cabinet or in the Executive Office of the President.

And giving both the Chairman and Vice Chairman of the House and Senate Intelligence Committees the power to obtain documents and initiate investigations—much

like the current Permanent Subcommittee on Investigations of the Governmental Affairs Committee—would also strengthen congressional oversight.

The bottom line is that terrorism is currently our number one threat, and intelligence is our most essential tool to deal with that threat. Before we create a stronger National Intelligence Director, in a position which has too often produced intelligence shaped to promote policy, we must take steps to ensure that a strengthened National Intelligence Director—and indeed our entire Intelligence Community—is free to provide objective, independent intelligence analyses. Our future security depends on it.

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#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

In September 2004, Michael Hughes, a 58-year old man, was arrested after he verbally assaulted a man he believed was gay, then slashed him repeatedly with a small knife. Upon checking his rap sheet, police discovered that Hughes was wanted in Baltimore for the 1974 Christmas Eve killing of another man.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

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#### WEST VIRGINIA'S 2004 ANGELS IN ADOPTION

Mr. ROCKEFELLER. Mr. President, today I wish to recognize a very special family from my home state of West Virginia. I am delighted that Pam and Morgan Lacefield of Moundsville, WV, will be recognized later this month as "Angels in Adoption," a special award created by the Congressional Adoption Caucus.

I would like to take a moment to tell you more about Pam, Morgan, and the entire Lacefield family. Pam and Morgan Lacefield are the proud parents of nine wonderful children. This large, loving bunch is typical of many: they are involved in a host of sports and activities. They do homework. They enjoy family meals together. There is one quality, however, that makes the Lacefield family special: Pam and Morgan have adopted every one of their nine children. It is not surprising that such a loving couple would also run a shelter for homeless animals with no where else to turn.

In 1991, Pam and Morgan were managing a successful group of restaurants that they owned while also raising two

children, whom they had previously adopted. They soon became aware of four siblings who were in need of a loving permanent home and who did not want to face separation. Pam and Morgan adopted them, too, bringing to six the total number of children in their home under the age of five. Later, they adopted another "sibling group" of three children, and they have been on the go ever since!

True leaders in their community, Pam and Morgan have been involved in a number of charitable organizations within West Virginia, and were named West Virginia Parent Teachers' Association's Partners in Education for 1999-2000. And, eleven years after adopting their first sibling group, Pam and Morgan opened a "no-kill" animal shelter, which they named Webark Estates. Their examples of selflessness and commitment have not been lost on the youngest members of their family—each of their children now helps at the shelter in some capacity, and it has become a labor of love for all of the Lacefields. It is a lucky child who can claim over 20 dogs and 80 cats as his pets, and it is a luckier child still who can claim Pam and Morgan Lacefield as parents. As you can see, they are clearly "angels."

The Angels in Adoption Award recognizes individuals like the Lacefields who open their hearts and homes to children in foster care. On September 23, the Lacefields and other Angels will come to Washington in order to be recognized for their good works. The Lacefield family and the other Angel in Adoption nominees from around the country can help inspire everyone to continue efforts to ensure that every child has a safe, healthy, and permanent home and that, for some children, this is only possible through adoption.

I have worked for many years in bipartisan coalitions to promote adoption and improved services for abused and neglected children. While these issues rarely command headlines, they change the lives of children and families across our country. People like the Lacefields and programs like Angels in Adoption remind us of the importance of our adoption and child welfare programs. In 1997, Congress passed the Adoption and Safe Families Act to ensure that a child's health and safety are paramount, and to express the belief that every child deserves a permanent home. Since then, adoptions from foster care have nearly doubled. While this is wonderful news, more than 100,000 children remain in foster care. As the Lacefields and other adoptive parents would tell us, we clearly have more work to do.

Mr. President, I am delighted to have had this opportunity to tell you more about the Lacefield family. I have long believed that the people of West Virginia are its greatest resource; individuals such as the Lacefields prove this point again and again.

#### SUPPORTING CHILDREN IN CRISIS

Mr. GRASSLEY. Mr. President, I rise today to give praise to a great non-profit organization, Santa's Children Christmas Village, run by Orien Hodges in Walnut, IA. This organization has been supporting children in crisis for years both by raising money for other nonprofit organizations dedicated to children in crisis and by organizing Santa visits to bring joy to children, helping them escape briefly from the reality of serious illness. Santa's Children Christmas Village has been able to visit over 7,500 children in Iowa as well as neighboring states since the program started in 1998.

Santa's Children Christmas Village is currently expanding its efforts to help underprivileged children by working with a fellow organization, Kids In Distressed Situations, Inc. KIDS's main goal is to prevent the cycle of poverty that is started in childhood from continuing into adulthood. KIDS has been successful in its efforts because of the help it receives from leading retailers, manufacturers, licensors and other charity organizations such as Santa's Children Christmas Village. I am proud of the efforts of my fellow Iowans and the organizations that they are working with in order to better the lives of children in America.

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#### ENDORSEMENT OF THE PUBLIC SAFETY OFFICERS' DEFENSE ACT

Mr. KYL. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD. The letter expresses the strong support of the Fraternal Order of Police for S. 2760, the Public Safety Officers' Defense Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAND LODGE,  
FRATERNAL ORDER OF POLICE,  
Washington, DC, September 17, 2004.

Hon. JON KYL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KYL: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong support for S. 2760, the "Public Safety Officers' Defense Act," which will restore balance to the criminal justice system by ensuring a reasonable and timely Federal review of State convictions for the murder of a law enforcement officer.

This issue is of particular importance to the F.O.P. because we have, tragically, first-hand knowledge of how such delays affect the families of slain officers. One case in particular always comes to mind—the slaying of Philadelphia Police Officer Daniel Faulkner on 9 December 1981. He was murdered in cold-blood by Wesley Cook, who is better known by his alias, Mumia Abu-Jamal. This killer was convicted of murder and sentenced to death by a jury in July 1982. After exhausting nearly all State appeals, and having had two appeals to the U.S. Supreme Court rejected, Faulkner's murderer filed a petition for habeas corpus in October 1999. Just days after marking the twentieth anniversary of Danny Faulkner's death, Judge William Yohn of the United States District Court for