

current \$162 billion deficit and growing deficit with China, which has almost doubled since PNTR was passed in 2000, just a short 5 years ago.

Each new trade agreement, while expanding U.S. markets so slightly, has brought in a flood of new imports that cancels any gains we make. Not only cancels, but pushes us further behind, resulting in the ownership of the rock by foreign investors.

The only action we have seen so far in this administration's efforts to expand the flawed NAFTA in two more countries in this hemisphere was through CAFTA. Look at their effort to muscle that through just about a month ago by one vote here in this chamber, and it was not on the legit. They had to wring arms for every single vote. If the American people were inside these chambers, that never would have passed.

Mr. Speaker, I say to the American people, wake up, America's independence really is at stake.

THE VALERIE PLAME INCIDENT

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I have here a letter which I wrote last month, which is addressed to United States Attorney Patrick Fitzgerald, who is currently conducting an investigation with regard to who it was who revealed the name of Valerie Wilson, who is and was an undercover operator for the Central Intelligence Agency, which I will enter at this point into the CONGRESSIONAL RECORD.

CONGRESS OF THE UNITED STATES,

Washington, DC, September 15, 2005.

Re request to expand investigation.

U.S. Attorney PATRICK FITZGERALD,
Justice Department,
Washington, DC.

DEAR UNITED STATES ATTORNEY FITZGERALD: We hereby request that you expand your investigation regarding who in the Bush Administration revealed to the press that Valerie Wilson, the wife of Ambassador Joseph Wilson, was an undercover agent for the Central Intelligence Agency (C.I.A.). We believe that expansion should include investigating the Administration's false and fraudulent claims in January 2003 that Iraq had sought uranium for a nuclear weapon, which the Administration offered as one of the key grounds to justify the war against Iraq.

President Bush made two uranium claims, one in his State of the Union Address to Congress and another in a report that he submitted to Congress concerning Iraq, and National Security Advisor Condoleezza Rice, Secretary of State Colin Powell, and Secretary of Defense Donald Rumsfeld made three other uranium claims. We request that you investigate whether such claims violated two criminal statutes, 18 U.S.C., Sec. 1001 and 18 U.S.C., Sec. 371, that prohibit making false and fraudulent statements to Congress and obstructing the functions of Congress.

You have broad discretion to conduct this investigation. The issues we raise are directly related to your current investigation and clearly fall under your authority. The desire to discredit the information provided

by Ambassador Wilson regarding the lack of evidence to support the Administration's contention that Iraq sought uranium from Niger is the nearly-universally accepted motive behind the leak of Mrs. Wilson's identity. In order to fully investigate the disclosure of an undercover CIA agent's identity, it is clear that you should fully investigate the reasons for that disclosure.

As we outline below, we believe that members of the Administration may have violated laws governing communications with Congress with respect to assertions about Iraq's nuclear capabilities. Ambassador Wilson's efforts to publicly contradict these assertions seem to be the reason for the uncovering of Mrs. Wilson's identity. It is very likely that you would encounter these assertions during the course of your investigation, and thus their legality should be the subject of your investigation.

THE ADMINISTRATION'S CLAIMS ABOUT IRAQ SEEKING URANIUM WERE FALSE AND FRAUDULENT

The uranium claims of the Administration in January 2003 that Iraq had sought uranium for a nuclear weapon were shown to be false because, after intensive post war investigations, the Iraq Survey Group found no evidence that Iraq had sought the uranium. In the months prior to the war, weapons inspectors of the United Nations (U.N.) conducted extensive inspections in Iraq and found no evidence that Iraq had revived its nuclear weapons program. The Administration has never produced any legitimate actual evidence that Iraq had sought the uranium.

The uranium claims were also fraudulent because although some in the American intelligence community (including the C.I.A.) may have agreed at the time with the British opinion that Iraq had sought uranium, numerous people with the Administration did not tell the whole truth consisting of the contrary views held by the best informed U.S. intelligence officials. C.I.A. Director George Tenet told the White House in October 2002 that C.I.A. analysts believed the reporting on the uranium claim was "weak" and thus the Director told the White House that it should not make the claim. Later that same day, the C.I.A.'s Associate Deputy Director for Intelligence sent a fax to the White House stating that the "evidence [on the uranium claim] is weak." The National Security Council (N.S.C.) believed in January 2003 that the nuclear case against Iraq was weak. Secretary of State Powell was told during meetings at the C.I.A. to vet his U.N. speech of February 5, 2003 that there were doubts about the uranium claim and he therefore kept it out of his speech for that reason. The U.S. government told the U.N. on February 4, 2003 that it could not confirm the uranium reports.

Furthermore, the original draft of the State of the Union Address stated that "we know that [Hussein] has recently sought to buy uranium in Africa," but after the White House consulted with the C.I.A., the White House changed the speech to refer to the British view rather than the American view. The final draft stated that the "British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." The parties involved stated that they had no discussions about the credibility of the reporting and the reason for the switch was to identify the source for the uranium claim.

However, in response to the uproar over the op-ed article by Ambassador Wilson, C.I.A. Director Tenet issued a statement in which he admitted that C.I.A. officials who reviewed the draft of the State of the Union Address containing the remarks on the

Niger-Iraqi uranium deal "raised several concerns about the fragmentary nature of the intelligence with [White House] National Security Council colleagues" and "[s]ome of the language was changed." Tenet stated that "[f]rom what we know now, Agency officials in the end concurred that the text in the speech was factually correct—i.e. that the British government report said that Iraq sought uranium from Africa."

What this tells us is that although Administration officials, informed by the highest ranking members of our own intelligence operation, knew that the claim of Niger uranium going to Iraq was "weak" and could not be confirmed, they were still determined to use it in the President's address to Congress and fell back on the dubious language of the British report. The Administration clearly sought to cover up their own officials' doubts about Iraq's nuclear capabilities and hide those doubts from the Congress and the U.S. public.

MOTIVE

A motive for making such false and fraudulent uranium claims would have been to thwart Congressional and U.N. efforts to delay the start of the war. Pending at the time that the Administration made its uranium claims in January 2003 was a Congressional resolution, H. Con. Res. 2, submitted by five members of Congress on January 7, 2003, which expressed the sense of Congress that it should repeal its earlier war resolution to allow more time for U.N. weapons inspectors to finish their work. On January 24, 2003, a few days prior to the State of the Union Address, 130 members of Congress wrote to the president encouraging him to consider any request by the U.N. for additional time for weapons inspections. On February 5, 2003, 30 members of Congress submitted another resolution, H.J. Res. 20, to actually repeal the war resolution.

Had it not been for the uranium claims in the State of the Union Address, which sought to squelch congressional concern over the impetus for the pending war, the number of sponsors for H.J. Res. 20 would have been far greater. The influence of the uranium claims can be seen in the fact that 130 members of Congress signed the letter before the State of the Union Address, but only 30 sponsored H.J. Res. 20, which was introduced after the speech. The Administration's uranium claims thwarted the congressional efforts to delay the start of the war since the Administration used the claims to allege that Iraq had a nuclear weapons program—despite the failure of the U.N. inspectors to find such a program—and thus falsely assert that Iraq posed an immediate threat that needed to be nullified without further delay.

Concerning the importance of the uranium claims, the report Iraq On The Record, produced by the Minority Staff of the House Committee on Government Reform, states: "Another significant component of the Administration's nuclear claims was the assertion that Iraq had sought to import uranium from Africa. As one of few new pieces of intelligence, this claim was repeated multiple times by Administration officials as proof that Iraq had reconstituted its nuclear weapons program." A nuclear-armed Iraq was a key reason, if not the most important reason, used by the Administration to justify the need for a preemptive war against Iraq. Rather than allow the U.N. inspectors to finish their inspections, the results of which might have fueled further congressional efforts and resolutions to stop the war, the Administration commenced the war in March 2003.

THE ADMINISTRATION'S FALSE AND FRAUDULENT URANIUM CLAIMS ARGUABLY VIOLATED CRIMINAL LAWS CONCERNING COMMUNICATIONS WITH CONGRESS

The criminal statute, 18 U.S.C., Sec. 1001, prohibits knowingly and willfully making false and fraudulent statements to Congress in documents required by law. The two uranium claims in the State of the Union Address and the report to Congress concerning Iraq were false and fraudulent, and are in documents that the White House submitted to Congress. See House Document 108-1 and House Document 108-23. The law required the president to give such reports. Article II, Section 3 of the constitution requires presidents to give State of the Union Addresses. Section 4 of Public Law 107-243, which is the Congressional resolution authorizing the war against Iraq, requires the president to give reports to Congress relevant to the war resolution and the president submitted said report on Iraq pursuant to that law. Thus 18 U.S.C., Sec. 1001 was evidently violated.

The criminal statute, 18 U.S.C., Sec. 371, prohibits conspiring to defraud the United States and is applicable since the Supreme Court in the case of *Hammerschmidt v. United States*, 265 U.S. 182, 188 (1924) held that to "conspire to defraud the United States means primarily to cheat the government out of property or money, but it also means to interfere with or obstruct one of its lawful government functions by deceit, craft or trickery, or at least by means that are dishonest." Senior Administration officials arguably violated Section 371 because their uranium claims had the effect of obstructing or interfering with the function of Congress to reconsider its war resolution and to allow further time for U.N. weapons inspections. If the whole truth had been told, Congress may well have withdrawn the war resolution or delayed the start of the war to allow further U.N. weapons inspections, which would have shown what we now know; that Iraq had no weapons of mass destruction and had not sought the uranium. However, it should be noted that Section 371 does not require proof that the conspiracy was successful.

Additionally, the Downing Street memos should be part of the investigation as to whether one of the several ways in which the Administration deliberately "fixed" the facts and intelligence on uranium included its switch of the language in the State of the Union Address to justify the war. These documents provide valuable insight into the mindset of the Administration the summer preceding the Iraq invasion.

CONCLUSION

The above matters are clearly related to your current investigation. Ambassador Wilson's op-ed article focused on the uranium claim made in the 2003 State of the Union Address and he concluded that "intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat." You are investigating whether any laws were violated when Administration officials—in order to discredit Wilson's claim and/or to retaliate against him—leaked to the press the fact that his wife was a CIA agent. As set forth in this letter, Wilson's original charge that the Administration "twisted" the evidence concerns matters that are just as criminal as the Administration's attempts to discredit Wilson and his charge by revealing the identity of Mrs. Wilson as a CIA operative.

Justice Department officials in Washington certainly have the same type of conflict of interest in this matter as they did in the CIA leak case, which resulted in current your assignment. (See 28 CFR, Sec. 45.2(a) prohibiting Department employees from matters in which they have a conflict of interest).

Thank you for your attention to this request. We look forward to your response.

Sincerely,

Maurice D. Hinchey, William D. Delahunt, Bernard Sanders, Pete Stark, George Miller, John Conyers, Jr., Richard E. Neal, Martin Olav Sabo, Marcy Kaptur, Xavier Becerra, Hilda L. Solis, Cynthia McKinney, Doris Matsui, David Wu, Louise Slaughter, Charles B. Rangel, Ed Towns, Jim McDermott, Raúl M. Grijalva, Michael M. Honda.

Albert R. Wynn, Sam Farr, Lynn C. Woolsey, Tammy Baldwin, Chris Cannon, Jerrold Nadler, Carolyn B. Maloney, Jim Moran, Donald M. Payne, Peter J. Visclosky, Carolyn C. Kilpatrick, Dennis J. Kucinich, Neil Abercrombie, Jim McGovern, Maxine Waters, Luis V. Gutierrez, Sheila Jackson-Lee, Barbara Lee, Frank Pallone, Jr., Wm. Lacy Clay, José E. Serrano.

Mr. Speaker, the purpose of this letter is to recognize, first of all, the importance of the investigation as to who it was who revealed the identity of Mrs. Wilson as an operator for the Central Intelligence Agency. Whoever did so violated Federal law, which went into effect in 1968.

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That is a very important question. An even more important question is why that was done. And so in the context of this letter, I and the other 39 Members of the House who signed this letter are asking that this investigation be conducted more deeply, be conducted further into the question as to why that revelation was made.

To recount the events here, back in late 2002, the administration was making claims that Iraq possessed weapons of mass destruction. And on the basis of those claims, it was preparing a final push asking the Congress to support a war against Iraq.

Included in those weapons of mass destruction were references to uranium which allegedly had been imported from Niger in West Africa into Iraq for the purposes of constructing a nuclear weapon. The Central Intelligence Agency and other intelligence operations within the Federal Government expressed serious doubts about the accuracy of that information with regard to enriched uranium coming out of Niger into Iraq.

Nevertheless, the administration continued to press the case, telling the intelligence agencies over and over again to go back and look again, go back and look again, when the intelligence agencies found that they had no evidence, no substantial evidence whatsoever, that that uranium had been imported into Iraq from Niger.

Finally, the Central Intelligence Agency sent a retired ambassador, Ambassador Joseph Wilson, to Niger to investigate whether there was any prospect whatsoever that enriched uranium had been sent from Niger into Iraq. Mr. Wilson conducted a thorough investigation. He came back and reported to the Central Intelligence Agency that no such information was found.

The CIA informed the White House. Nevertheless, the administration continued to assert weapons of mass destruction, including the potential for the creation of a nuclear weapon. Those assertions were made directly to the Congress. It is against the law, it is against Federal law, a criminal violation of Federal law, to misinform the Congress of the United States and to intentionally mislead the Congress.

We believe that that has been done, and that if it had not been for the assertion of nuclear weapons and the belief that there were nuclear weapons being made in Iraq, that this Congress likely would not have passed the resolution authorizing the war in Iraq. If that had not taken place, that resolution had not been passed, we would not be seeing today nearly 2,000 American service men and women having been killed in Iraq; tens of thousands of the others seriously wounded; hundreds, tens of thousands, perhaps as much as 100,000 Iraqis killed, many of them women and children, innocent civilians.

And so this question as to why that revelation was made is seriously important. Furthermore, we need to look into the issue of why this misinformation was given to the Congress, and that ought to be done by the Congress. This House of Representatives ought to be conducting hearings now that we know there were no weapons of mass destruction in Iraq prior to our invasion, and that whatever evidence there might have been was flimsy and weak and not anything to be based on.

Why was that done? That is a question of great seriousness presently before this House of Representatives, and it is not being addressed. The most important question of human rationality is why, why something was done? Was it as a result of a cabal that existed within the administration between powerful people who were determined to present information that would mislead the Congress in the way that they did? Because the Congress was misled, unquestionably so.

The Government of the United States is supposed to be open and transparent. Decisionmaking should be subject to powerful checks and balances. That has not been done, and it must be done. This Congress must fulfill its obligations under the Constitution to investigate these breakages of Federal law.

PRICE-MILLER RESOLUTION ON IRAQ

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE. Mr. Speaker, I rise in support of the Price-Miller resolution, which we have introduced today, to require the President to submit to Congress a plan for the withdrawal of United States troops from Iraq in the wake of the October 15 constitutional