



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, TUESDAY, NOVEMBER 8, 2005

No. 147

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS.)

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our Lord, the majesty of Your Name fills the Earth. You know every heart and mind, and You always do what is right. You give us peace even when the storms come. You save us from ourselves. You bring strength to our Nation and help keep it strong. Great and marvelous are Your words.

Today, give the Members of this body the wisdom to trust You. May they seek Your guidance for their decisions and lean upon Your loving favor. As they depend upon Your spirit, help them to possess Your truth in their minds, Your love in their hearts, and Your kindness on their lips. Make certain that each step they take is sure.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today, we will begin a period for the

transaction of morning business for up to 1 hour. At approximately 10:45 a.m., we will resume consideration of the Department of Defense authorization bill. There are a number of pending amendments that were offered either on Friday or yesterday, and we expect to begin to schedule votes in relation to those amendments and any additional amendments that will be offered during today's session. Therefore, we expect rollcall votes throughout the day. We will complete work on the Defense bill either today or tomorrow.

This week, we will also consider any available appropriations conference reports that arrive from the House.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, is the Senator from Missouri seeking time in morning business?

Mr. BOND. Yes. If my colleague wants to make a brief statement, I will be happy to yield to him.

Mr. DURBIN. I have about a 10-minute statement. I will yield to the

Senator from Missouri, if he wishes, and then I will ask to go out of order and have it taken out of the Democratic time.

The PRESIDENT pro tempore. Is the Senator making a request?

Mr. DURBIN. Mr. President, I ask unanimous consent that after Senator BOND has spoken in Republican morning business, that I be recognized for up to 10 minutes and that the time be taken from the Democratic morning business period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri is recognized.

IRAQ

Mr. BOND. Mr. President, I rise today to address the valiant efforts of our men and women serving overseas in Iraq. Their service for our country is very close to my heart because I, like thousands of other American parents across the United States, have a son who is fighting for the cause of freedom in Iraq.

Like every American, and especially for those of us with loved ones who are fighting overseas, I have carefully considered our actions in Iraq, and I am as committed to staying the course today as I was when I voted to authorize hostile action less than 3 years ago.

Today, we see the wreckage of roadside bombs plastered across our media screens. We are constantly bombarded by a daily media barrage of every hint of bad news in Iraq. The old adage, "If it bleeds, it leads," seems to be in full effect.

What about the good that is happening as a result of our efforts? I can tell you this is the greatest concern our men and women in Iraq have. They are doing good work, they are making progress, but they don't hear any of the good things that are going on. This is disheartening, as are some of the comments made by a few in the United

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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States who say they are not doing a good job, who denigrate their efforts. We owe them better than that. I could cite for you letters I have seen written to newspapers in my State by men who have served in Iraq saying precisely this.

Has there been any progress made toward democracy this year? The Iraqis themselves answered yes, resoundingly, when last month, on October 15, an overwhelming majority of Iraqis voted peacefully to lay the foundation for their country with a national constitution. Ten days later, on October 25, the Independent Electoral Commission of Iraq announced the approval of a constitution and stated that it had found no evidence of significant voter fraud, as some had alleged.

The United Nations also participated in the referendum process and concurred with the Commission's conclusions. On the day of the vote, Sunni protests were minimal, with no violence reported. Not only did the referendum pass with 15 of 18 provinces providing a majority "yes" vote, but all governorates recorded a high voter turnout, the likes of which would put many of our voter districts in America to shame. I can tell you from personal reports that in Sunni areas, Sunnis were going out in record numbers to register. They were registering at registration places protected solely by Iraqi security forces without any violence against them.

When we look at the election results, the Kurds in Dahuk posted an 86-percent turnout, while the Shi'a in Karbala and Najaf posted a 57-percent turnout. But let's consider the Sunni areas where critics say we are making so little progress toward democracy.

Let's compare the percentage of voter turnout from last January's elections to the October referendum last month. In Anbar, voter turnout rose from 2 percent to 40 percent; in Diyala, from 33 percent to 67 percent; in Nayniwah, from 17 percent to 54 percent; and in Salahaldin, from 29 percent to 91 percent.

Only two of those governorates voted overwhelmingly against the referendum, and all of them saw record numbers of citizens exercising their voices at the polls.

This, Mr. President, is progress toward democracy. Have we forgotten that under Saddam, the Iraqi people had no vote, no opportunity to express themselves?

I am not discouraged, as the critics say we should be, that there was not near universal agreement on the referendum in Iraq. We have had a hard enough time in our own country, the world's model for democracy, in achieving overwhelming agreement on anything. And certainly this body with its recent record of activity shows that democracies often generate strong disagreements. The only time a national vote purports to show universal agreement is when the election is held under the tight control and dictation of a dictator such as Saddam Hussein.

So how do the critics explain this massive increase in voter turnout and still maintain that democracy is dead in the water in Iraq, when the people of Iraq for the first time in centuries now have a voice and a common marketplace of ideas in which to express themselves? And why isn't more attention given to the progress in Iraq for which our sons and daughters overseas are fighting?

As for the media, it is my belief that the greatest threat to our efforts in Iraq today is the enemy's ability to manipulate press coverage of the conflict in order to influence U.S. public opinion to force a premature withdrawal of our forces.

Last month, I spoke on the floor of the Senate about the acquisition of a letter written by Osama bin Laden's principal deputy, Ayman al-Zawahiri, to al-Qaida's foremost lieutenant on the ground in Iraq, Abu Mus'ab al-Zarqawi. The letter underscored that al-Qaida will not relent in pursuing its Sunni Islamofascist, extremist agenda, and it revealed al-Qaida views its jihad in Iraq as the focal point in its effort to establish a worldwide neofascist global caliphate. Zawahiri's recipe for creating this Sunni extremist state is in this order: evict the Americans from Iraq, create an Islamic extremist state in Iraq, swallow up Iraq's neighbors and then destroy Israel, and from there go on to bigger and better things. And how did Zawahiri advise Zarqawi to achieve these goals? By augmenting his terror campaign with political warfare and by manipulating the media. Zawahiri urged Zarqawi to tone down egregious actions, such as beheadings, because they do not play well on television screens. He approved of the violence but cautioned him to execute Americans with a bullet to the head instead. Isn't that nice of him?

The Zawahiri letter so clearly unveils the insidious nature of this clever enemy we are up against. Therefore, I urge every American with access to the Internet to read the letter. Go to the Web site www.dni.gov, and look under "News Releases." But Americans shouldn't have to go to a Web site to discover its content. It should have been dissected in painstaking detail on the nightly news or at least given a fraction of the time allotted to the critical coverage of the war.

It amazes me how there is such a blinding skepticism about anything that supports our effort in Iraq today. Last week, my staff spoke to a respected scholar in London about what he thought about the Zawahiri letter. He said it must have been a fabrication. When asked what evidence he had for that assertion, he responded: None, but it just makes Bush's case, so the letter can't be genuine.

As a member of the Senate Select Committee on Intelligence, I can tell you that we have absolutely no indication at all this letter was a fabrication. So I ask again, why isn't the media delving into this?

We ought to take a brief look at the nature of the enemy we are fighting in Iraq. I believe President Bush said it well last week during his speech in Norfolk when he called their evil form of Islamic radicalism Islamofascism.

We are fighting a radical ideology that has crept up over the past few decades that is taking hold in countries around the world. We see it in Palestine, in Indonesia, the Philippines and, yes, now even in Europe. For the past week, we have seen the signs of it with riots outside Paris. Rioters burned areas of the country for over a week, lashing out against the Western society in which they live. Arab experts explain the violence as an identity problem among young Arabs who see themselves first as Muslims looking for a country of their own, rather than French, English, or American citizens.

Al-Qaida preys on such youth, encourages their unjustified acts of violence, and is now telling them that their new home will be in Iraq. This is why in Iraq today we see so many foreign fighters flocking to a radical cause. An insurgent fights within his country's borders to defend it from occupation or to oust a government with which he does not agree. This is the definition of an insurgent. A terrorist is one who travels outside his country to wage politically motivated violence elsewhere.

While there remain many Sunni Baathist insurgents who would like to bring back Saddam, there is an ever growing and a proportionally lethal number of terrorists flooding into Iraq to fight what they see as the ultimate jihad, identified as their extremist neofascist interpretation of Islam.

These are the terrorists who are fueling simmering insurgencies. These are truly the Islamofascists. Iraq has become the epic battle with the West that al-Qaida has been looking for and we must win it. We cannot afford to lose. This enemy cannot be negotiated with and will never reform its ways or be deterred from its path of violence. The only option we have with such an enemy who wants to slaughter American men, women, and children is to eliminate them.

Last week former President Jimmy Carter appeared on "Larry King Live" and criticized President Bush for his policy of preemption in the war on terror. He claimed this policy was a break in U.S. national policy from all previous Presidents and administrations. Therefore, he declared our actions in Iraq radical.

It is radical precisely because we find ourselves in dire circumstances. It is a break from the past because in the past we were not facing organized, ruthless bands of terrorists with declared intentions to annihilate Americans, whose acquisition of weapons of mass destruction was a distinct possibility.

Every student of national security understands that threat equals capability plus intent. The intent of the

terrorists to annihilate us is indisputable, as is their stated intention to acquire weapons of mass destruction to do so. Their power is only limited by their current capability.

As David Kay said, in the Iraqi Survey Report which we discussed in the Intelligence Committee and has now been released, Iraq, despite our inadequate intelligence, was a far more dangerous place even than we knew because radical terrorists were running loose in an unorganized country that had the potential to produce weapons of mass destruction for them.

We must erode the capability of those terrorists for if we sit back and allow it to grow, we will face threats to the future such as we have never seen before. Long-distance runners say there comes a time in the race when their bodies yearn to succumb to the temptation to give up the fight but they must press on. That is when they remind themselves of the reasons for their struggle and when they remind themselves why they run; they find strength to press on. Only those who are resolute and full of conviction win the race. Let us hold to our conviction that democracy is better than tyranny, achieving peace is worth our struggle, and those who are counting on us in Iraq have a reason to hope.

We must maintain the course and be ready to fight neofascists and Islamofascism, wherever it exists. Right now it is Iraq, but there are other theaters as well. Southeast Asia could become one added to the list. Let us press on, for only if we do so will we one day win this long distance race. It is not a short one, but it is one we cannot afford to lose if we want to ensure that we have no more 9/11s or we at least reduce the likelihood we will have such tragedy on our shore.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. I ask for the indulgence of the Chair to notify me when I have 3 minutes remaining on my statement.

The PRESIDENT pro tempore. Very well.

MOTION TO CLOSE SENATE SESSION

Mr. DURBIN. Mr. President, it was a week ago today when the Democratic leader in the Senate, HARRY REID, made a motion that the Senate move into closed session under rule XXI. It is a rule that is rarely used, but I was glad it was used that day because the purpose was absolutely essential for America to learn the truth about what happened before the invasion of Iraq.

Senator REID made that motion in order to make certain that the Senate Intelligence Committee keeps its word to the American people. Some 20 months ago, the Senate Intelligence Committee promised they would have a thorough professional investigation of several major elements relative to in-

telligence. One of the most important is whether any elected official or member of this administration in any way used intelligence or made statements that were not substantiated. In other words, were we misled, purposely or deliberately, by any elected official or member of the administration before the invasion of Iraq. It is an absolutely critical question.

I am glad the Senate Intelligence Committee made a commitment to initiate this investigation. We found, after waiting 20 months, little or nothing was happening. Fifteen months ago, the chairman of the Senate Intelligence Committee, Senator PAT ROBERTS of Kansas, called this phase II investigation a top priority. Yet, on March 11 of this year, speaking to the Woodrow Wilson Center, Senator ROBERTS said this investigation was "on the back burner."

Then a few days later on March 31, Senator ROBERTS issued a press release, after we had the report of a commission relative to this intelligence, in which he said all prewar intelligence—it would be a monumental waste of time to replot the ground.

It was very unclear whether the commitment was still there from Senator ROBERTS and the Intelligence Committee to keep their word to the American people to investigate this critical question.

Yesterday, the junior Senator from Texas came to the floor arguing, I believe, that it was unnecessary to go forward with this investigation. I think he is wrong. He argued that if we find any member of the administration misled the American people into believing a war in Iraq and an invasion were necessary, somehow this would discredit the bravery and heroism of America's troops. I cannot follow his logic.

The men and women in uniform are doing their country proud every day. They are risking their lives for America. They stand up for values that are essential, such as family, faith, and truth. Why would this Senate be reluctant to tell the American people the truth?

This is not just a test of the Intelligence Committee; this is a test of the Senate. It is a test of our constitutional responsibility, the responsibility of Congress, to protect the American people from an abuse of power by the executive or any elected official. It is a matter of the gravest importance. If an elected official deliberately or recklessly misled the American people into believing there was cause for the invasion of Iraq, that is a serious abuse of power.

We know Senator ROBERTS promised this investigation almost 2 years ago. Because of our motion to go into closed session, a bipartisan agreement was reached, and under that agreement, in 6 days, Senator ROBERTS and two of his designees will announce with three Democratic designees the schedule for completing this important investigation.

When we closed the Senate, we accomplished more in 2 hours than we had accomplished in 2 years in moving this investigation forward. When the junior Senator from Texas came to the floor and said this investigation was unnecessary because an earlier group had investigated it, he referred specifically to the Silberman-Robb Commission. What he did not put into the record should be included, and I quote from the commission:

[W]e were not authorized to investigate how policymakers used the intelligence assessments they received from the Intelligence Community. Accordingly, while we interviewed a host of current and former policymakers during the course of our investigation, the purpose of those interviews was to learn about how the Intelligence Community reached and communicated its judgments about Iraq's weapons programs—not to review how policymakers subsequently used that information.

That is the question. That is the issue. For the Senator from Texas to say the Silberman-Robb Commission has dealt with that issue is not factual and it is not accurate, based on the words of that commission.

He went further to say that the phase I investigation of the Intelligence Committee about the failings of the intelligence agencies to understand the threat in Iraq also took care of the question before us. It did not. I served on the Intelligence Committee. We purposely divided this into two investigations: First, any failings or shortcomings of intelligence agencies; second, any misuse of this intelligence information by policymakers and elected officials. That is the responsibility we have to go forward.

It is not clear when the Senate Intelligence Committee would have finished its work had we not filed this motion to have a closed session in the Senate. Now the promise has been made not just to fellow colleagues, not just to the Congress, but to the American people. I think we need to know the truth. If a policymaker in this administration deliberately misled the American people, we should know that. If we find from the evidence it did not occur, we should also know that.

Let us pursue the truth. Let us make sure the Senate Intelligence Committee keeps its promise to the American people.

We know there are many areas of statements made by the President, by the Vice President, the Secretary of State, and the Secretary of Defense that were just plain wrong. There were no weapons of mass destruction. When it came to the aluminum tubes, there was a serious disagreement within the administration, between the CIA and the Department of Energy, as to whether those aluminum tubes were evidence of a buildup of nuclear weapons. We also know that statements by the administration about a connection between Saddam Hussein and 9/11 were false. There was no evidence to back it up. We know now about the notorious statements in the President's State of