

and too little. We lost American soldiers' lives and many were injured because we did not have the right equipment in place.

So now what we are saying is that this administration must be held accountable, to report to Congress every 90 days to tell us in Congress the progress that is being made in protecting our troops, in preparing the Iraqis to defend their own country, in moving that country toward stability, and in moving us to the point where American soldiers can start coming home. That was passed yesterday, 79 to 19.

As the President stood on Veterans Day and in an unprecedented political speech attacked his Democratic critics for saying they did not agree with his war policy, this Senate, on a bipartisan basis yesterday, 79 to 19, said to the President: Your policy in Iraq must change. We need to start looking to bring American soldiers home. And 2006 is the year to begin that process in earnest.

That is why it was a historic vote. Of course, as we look at the statements made in the lead-up to the invasion of Iraq, there is a recurring theme. It turns out that the major sources of intelligence that were passing through the administration and to the American people were passing across the desk of Vice President CHENEY.

Lieutenant Colonel Wilkerson, chief of staff to Secretary of State Colin Powell, referred to a cabal, a cabal led by Vice President CHENEY and Secretary of Defense Rumsfeld, a cabal which set the stage for the invasion of Iraq. The man speaking was not a partisan Democrat. He was the chief of staff to the Secretary of State in the Bush administration, Colin Powell. I think it makes clear that throughout the lead-up to the invasion of Iraq, our Vice President, RICHARD CHENEY, was making statements that did not reflect the truth of what was occurring in Iraq.

Repeatedly, he said Iraq had links to al-Qaida, and that was proven false. Repeatedly, he said Iraq was an imminent threat to the United States, and that was proven false. Repeatedly, Vice President CHENEY said Iraq was trying to acquire nuclear weapons, and that was proven false.

On "Meet the Press," on March 16, 2003, the Vice President said: "And we believe he [Saddam Hussein] has, in fact, reconstituted nuclear weapons." False.

In addition, there were statements made about whether Iraq was trying to acquire uranium from Africa, statements made by the Vice President which turned out to be false, and statements, of course, relative to aluminum tubes. I knew something about that debate because as a member of the Senate Intelligence Committee, I listened as the Department of Defense and the Department of Energy debated whether these aluminum tubes were really all about nuclear weapons. There was a

real division within the administration, and I would walk outside the Senate Intelligence Committee room and hear statements made by the Vice President saying: There is no debate. It is all about nuclear weapons.

Now, I could not repeat what I had heard in the Senate Intelligence Committee. I was prohibited from saying it publicly. I knew what he said was false. It is one of the reasons I voted against that resolution to go to war in Iraq.

But again and again the Vice President was taking information, intelligence information, giving it to the American people selectively, making certain that it was always the strongest spin toward the immediate need for a war, and that is how we ended up in the position we are in today.

It is a lot easier to get into a war than it is to get out of one. And we have learned that with the cost in human lives and the cost to America's Treasury.

#### AMERICA'S ENERGY CRISIS

Mr. DURBIN. Mr. President, the second story on the front pages of this morning's newspapers relates to the energy crisis in America. You do not have to describe that to any American who has filled up their gas tank in the last several months. And in the weeks ahead, when you start paying your home heating bills, if you live in one of the colder parts of America, you will see the energy problems we are facing.

Of course, it reflects the fact we have no energy policy in this country. In the White House, with the President and Vice President, we have two men who have long careers with the energy industries and with oil companies, and the energy policy they are pushing reflects it.

What did we have in the so-called Energy bill signed by the President just in August of this year? A \$9 billion subsidy to oil companies, a \$9 billion subsidy to companies which are realizing record-breaking profits at this very moment.

Why in the world would we be sending subsidies, Federal taxpayers' dollars, to these oil companies at a moment in time when they are realizing the largest profits in history? I think every American knows why. When you go to the gas station to fill up your car or your truck, and you put that charge on your credit card, the money from your credit card is going directly to the boardrooms of these oil companies that are realizing more money than they ever have in history.

We wanted to know who wrote the administration's energy bill, and we could not find out. Neither the President nor the Vice President, who was leading the effort to create this energy policy, would tell the American people who was part of it.

This morning's front page story in the Washington Post tells us who was part of it. A document obtained by the Washington Post this week shows that

officials from ExxonMobil, Conoco before its merger with Phillips, Shell Oil, and BP America met in the White House complex with Cheney aides who were developing the national energy policy, parts of which became law and parts of which are still being debated.

It comes as no surprise. We suspected as much. A lawsuit was filed to specifically determine whether the oil company executives wrote this Energy bill. That lawsuit was fought all the way to the Supreme Court, and the Supreme Court ruled that the White House didn't have to tell the American people who was involved. Now this memo tells us.

The reason it is important is that last week the executives of these oil companies came before Congress. You probably heard about the hearing before the Senate Commerce Committee. Senator Maria Cantwell of Washington insisted that these oil company executives be sworn in and testify under oath, as the tobacco company executives did a few years ago. But Senator STEVENS, chairman of the committee, refused to allow them to be sworn in. Why? So they couldn't be held accountable if they didn't tell the truth.

Unfortunately, some of the statements made in responses to questions by Senator LAUTENBERG raised serious questions as to whether those oil company executives were candid and forthcoming in terms of their involvement in this very bill, the Energy bill, which this memorandum tells us was prepared with the oil company executives. Once again, the special interests trumped America's families and consumers, businesses and farmers. The Energy bill was written with the Vice President's direction that rewarded oil companies at a time when we should have been sensitive to protecting American consumers. Unfortunately, it reflects what has been happening in this capital for too long.

#### LEWIS LIBBY INDICTMENT

Mr. DURBIN. The third issue is one which everyone is aware of; that is, the fact that for the first time in over a century, some high-level staffer in the White House has been indicted. Lewis "Scooter" Libby was indicted a few weeks ago, charged with perjury and obstruction of justice related to the Valerie Plame affair. Everyone is aware of it now. Joe Wilson, former Ambassador, sent to Africa to determine whether assertions by the administration about yellow cake uranium coming from Africa to Iraq were true, reached the conclusion they were not. When he published that conclusion, he was attacked in the press by Robert Novak in a column where Mr. Novak said two White House sources had told him that Joseph Wilson's wife Valerie Plame was a CIA agent.

In fact, she was an undercover agent whose identity was being protected. But the White House, in an effort to discredit its critics and to silence

them, attacked Joe Wilson's wife Valerie Plame and, in the process, disclosed the identity of a CIA agent. There is a question raised as to whether that violates the law. The fact that people work in covert activities and risk their lives for America is something we should never take for granted. The law is designed to protect them. But the White House decided, for political reasons and in order to protect against the disclosure that they were manufacturing intelligence to justify the war, they would attack Joseph Wilson's wife Valerie Plame. For that action and for the statements he made to the FBI and the grand jury, Mr. Libby was indicted. The investigation continues.

#### AHMED CHALABI

Mr. DURBIN. The last issue, which is one that is topical, relates to a man by the name of Ahmed Chalabi. What a fascinating man he is. Ahmed Chalabi is an Iraqi exile, now back in Iraq after the fall of Saddam Hussein. What an interesting history this man has.

In 1992, Ahmed Chalabi was convicted of bank fraud and embezzlement of over \$230 million for a bank he was running in Jordan. To escape the sentence of 22 years in prison, he fled to London and then to the United States, and certainly that wasn't the last we heard of him. He created something called the Iraqi National Congress, which ingratiated itself with the Bush administration to the point where the Bush administration paid to Ahmed Chalabi's Iraqi National Congress \$39 million. Then Mr. Chalabi gave us misleading information about the situation in Iraq, saying there were mobile biological weapons labs, which turned out to be false, information from a source named "Curveball," of all things, one of most discredited sources of intelligence we have ever had who happened to be the brother of one of Chalabi's aides. It turned out that the information he was feeding us all along about Iraq, by and large, was false.

Mr. Chalabi was unrepentant when he was confronted with this. From the London Daily Telegraph, in an article on February 19, 2004, I quote:

Mr. Chalabi, by far the most effective anti-Saddam lobbyist in Washington, shrugged off charges that he deliberately misled U.S. intelligence. "We are heroes in error," he told the Telegraph in Baghdad.

He goes on to say:

As far as we're concerned, we've been entirely successful. That tyrant Saddam [Hussein] is gone and the Americans are in Baghdad. What was said before is not important. The Bush administration is looking for a scapegoat. We're ready to fall on our swords if he wants.

That was not the end of the story. Now that he has misled the Americans into invading Iraq, now that he has us in a position where our American forces are there, he is trying to build up his political fortunes. In May of last year, Iraqi security forces raided his

home for documents, accusing him of passing American secrets to the Iranians and endangering American troops and security. He is currently under active investigation.

You might expect this man would be in hiding. He is not. He is in Washington. He is not being served with a subpoena. He is being served lunch. Do you know whom he has visited with in the last week, this man under active investigation? Vice President CHENEY is one; Secretary of State Condoleezza Rice; Secretary of Defense Donald Rumsfeld; the National Security Adviser, Stephen Hadley; the Treasury Secretary, John Snow. And he is under active investigation by the FBI for having sold American secrets to the Iranians.

I don't understand this. It seems to me that if this man is suspected of endangering our troops, he should be called in for questioning, if not more. Instead, he is being called in for a cup of coffee and a cookie. That is what this administration thinks is playing straight with Iraq.

The American people know better. I am glad yesterday, by a vote of 79 to 19, we told this administration their policies in Iraq have to change.

It is long overdue for the Vice President of the United States to hold a press conference and answer questions. It is long overdue for him to speak truth to the American people, to be candid about the misuse of intelligence leading to the invasion of Iraq, to be candid about his role in disclosing the identity of Valerie Plame to Lewis "Scooter" Libby, to be candid about his role in terms of meeting with oil company executives to create this Energy bill, and to be honest about his relationship with Ahmed Chalabi. The American people deserve straightforward, honest answers.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak for 15 minutes to complete my statement.

Mr. ENZI. I object. We have the pension bill scheduled on a very tight time schedule.

Mr. SCHUMER. It is only an additional 3 or 4 minutes. We have 8½ left, so it would be an additional 5.

Mr. ENZI. OK.

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

#### SAMUEL ALITO

Mr. SCHUMER. Mr. President, 1 month ago, I expected to be on the Senate floor sometime about now engaged in a debate over the pros and cons of President Bush's nominee to the Supreme Court. Of course, I thought it would be Harriet Miers we would be debating. But that never occurred. As the Senate takes up the nomination of Harriet Miers' replacement, Judge Samuel Alito, we should all continually bear in mind how we got to this

point because recent history goes a long way in explaining why the American people want us to examine every portion of Judge Alito's record with great care.

Harriet Miers' nomination was blocked by a cadre of conservative critics who lambasted her at every turn. Why? Because they were not satisfied that her judicial ideology matched their conservative extremism. They were not certain that her legal philosophy squared with their political agenda. In the end, Harriet Miers' nomination was blocked before she could explain her judicial philosophy, before she could have a full and fair hearing to answer the doubters, before she could have an up-or-down vote on the Senate floor. She was blocked by conservatives and Republicans, not Democrats. She was not given an up-or-down vote by many of the same people who are clamoring for an up-or-down vote on Samuel Alito.

The standards seem to change with the nominee. Many of the very people who denied Harriet Miers an up-or-down vote are now saying that there is an imperative to give Samuel Alito one. So before we even begin examining Judge Alito's record, a natural cause for concern is that he was picked to placate a group of vocal and hard-right activists who have been lobbying for him for many years. Many of those who now call for an up-or-down vote are the same ones who denied that vote to Harriet Miers.

Anyone who thinks that this nomination is a foregone conclusion is sadly mistaken. There are too many questions still to be answered, too many doubts still to be alleviated to say this nomination is a slam dunk. The most important thing we must look at is Judge Alito's judicial record. And at least on first perusal, there are reasons to be troubled. In case after case after case, Judge Alito gives the impression of applying meticulous legal reasoning, but each time he happens to reach the most conservative result. That is why he apparently dissented more than most judges in his circuit.

I met with Judge Alito. I found him to be bright and capable and down to earth. He has an impressive life story and history of accomplishment. And his family story is not unlike mine and that of millions of Americans whose families came to these shores in the last two generations and, due to this great system of ours, climbed the ladder of success. But this is about more than legal achievement. In case after case, Judge Alito seems to find a way to rule on the side of business over the consumer, on the side of employer over employee, and often against civil rights, against workers' rights, against women's rights.

Though any analysis is still preliminary—and, of course, we must all wait for the hearings because those will be the most important thing—a quick review of some cases reveals a troubling pattern and warrants tough questioning at Judge Alito's hearing.