

Carlotta Walls), known as the “Little Rock Nine”, became the first African-American students at Little Rock Central High School;

Whereas the Little Rock Nine displayed tremendous strength, determination, and courage despite enduring verbal and physical abuse;

Whereas Little Rock Central High School was listed in the National Register of Historic Places on August 19, 1977, and was designated a National Historic Landmark on May 20, 1982;

Whereas, on November 6, 1998, Congress established the Little Rock Central High School National Historic Site in the State of Arkansas (Public Law 105-356), which is administered in partnership with the National Park Service, the Little Rock Public School System, the City of Little Rock, and other entities;

Whereas, in 2007, Little Rock Central High School and the Little Rock Central High School Integration 50th Anniversary Commission will host events to commemorate the 50th anniversary of the Little Rock Nine entering Little Rock Central High School;

Whereas these events will include the opening of a new visitors’ center and museum, which will feature exhibits on the Little Rock Nine and the road to desegregation; and

Whereas Little Rock Central High School continues to be regarded as one of the best public high schools in the United States, with students scoring above the national average on the ACT, PSAT, and PLAN tests and receiving an average of \$3,000,000 in academic scholarships each year. Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the extraordinary bravery and courage of the Little Rock Nine, who helped expand opportunity and equality in public education in Arkansas and throughout the United States by becoming the first African-American students at Little Rock Central High School;

(2) commemorates the 50th anniversary of the desegregation of Little Rock Central High School, one of the most significant events in the American civil rights movement;

(3) encourages all people of the United States to reflect on the importance of this event; and

(4) acknowledges that continued efforts and resources should be directed to enable all children to achieve equal opportunity in education in the United States.

SENATE RESOLUTION 302—CENSURING THE PRESIDENT AND VICE PRESIDENT

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 302

Resolved,

SECTION 1. BASIS FOR CENSURE.

(a) IRAQ’S ALLEGED NUCLEAR PROGRAM.—The Senate finds the following:

(1) In December 2001, the intelligence community assessed that Iraq did not appear to have reconstituted its nuclear weapons program.

(2) The October 2002 National Intelligence Estimate assessed that Iraq did not have a nuclear weapon or sufficient material to make one, and that without sufficient fissile material acquired from abroad, Iraq probably would not be able to make a weapon until 2007 or 2009.

(3) On October 6, 2002, the Central Intelligence Agency advised the White House to remove references to Iraq seeking uranium from Africa from a Presidential speech, citing weak evidence.

(4) In November 2002, the United States Government told the International Atomic Energy Association that “reporting on Iraqi attempts to procure uranium from Africa are fragmentary at best.”

(5) On March 7, 2003, the Director General of the International Atomic Energy Association reported to the United Nations Security Council that inspectors had found “no evidence or plausible indication of the revival of a nuclear weapons program in Iraq.”

(6) On March 11, 2003, the Central Intelligence Agency stated that it did not dispute the International Atomic Energy Association conclusions that the documents on Iraq’s agreement to buy uranium from Niger were not authentic.

(7) President George W. Bush and Vice President Richard B. Cheney overstated the nature and urgency of the threat posed by Saddam Hussein by making repeated, unqualified assertions about an Iraqi nuclear program that were not supported by available intelligence, including—

(A) on March 22, 2002, President George W. Bush stated that “[Saddam] is a dangerous man who possesses the world’s most dangerous weapons.”;

(B) on August 26, 2002, Vice President Richard B. Cheney stated that “[m]any of us are convinced that Saddam will acquire nuclear weapons fairly soon.”;

(C) on September 8, 2002, Vice President Richard B. Cheney stated that “[w]e do know, with absolute certainty, that he is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.”;

(D) on September 20, 2002, Vice President Richard B. Cheney stated that “we now have irrefutable evidence that he has once again set up and reconstituted his program, to take uranium, to enrich it to sufficiently high grade, so that it will function as the base material as a nuclear weapon.”;

(E) on October 7, 2002, President George W. Bush stated that “[f]acing clear evidence of peril, we cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.”;

(F) on December 31, 2002, President George W. Bush stated that “[w]e don’t know whether or not [Saddam] has a nuclear weapon.”;

(G) on January 28, 2003, President George W. Bush stated that “[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”; and

(H) on March 16, 2003, Vice President Richard B. Cheney stated that “[w]e believe [Hussein] has, in fact, reconstituted nuclear weapons.”.

(b) SADDAM’S ALLEGED INTENT TO USE WEAPONS OF MASS DESTRUCTION.—The Senate finds the following:

(1) The October 2002 National Intelligence Estimate assessed that “Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war” and that “Iraq probably would attempt clandestine attacks against the United States Homeland if Baghdad feared an attack that threatened the survival of the regime were imminent or unavoidable, or possibly for revenge.”.

(2) President George W. Bush and Vice President Richard B. Cheney made misleading statements, that were not supported by the available intelligence, suggesting that Saddam Hussein sought weapons of

mass destruction for the purpose of an unprovoked, offensive attack, including—

(A) on August 26, 2002, Vice President Richard B. Cheney stated that “. . . there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.”;

(B) on August 26, 2002, Vice President Richard B. Cheney stated that “[t]hese are not weapons for the purpose of defending Iraq; these are offensive weapons for the purpose of inflicting death on a massive scale, developed so that Saddam can hold the threat over the head of anyone he chooses, in his own region or beyond.”; and

(C) on October 2, 2002, President George W. Bush stated that “On its present course, the Iraqi regime is a threat of unique urgency. We know the treacherous history of the regime. It has waged a war against its neighbors, it has sponsored and sheltered terrorists, it has developed weapons of mass death, it has used them against innocent men, women and children. We know the designs of the Iraqi regime.”.

(c) SADDAM’S ALLEGED LINKS TO AL QAEDA AND 9/11.—The Senate finds the following:

(1) Before the war, the Central Intelligence Agency assessed that “Saddam has viewed Islamic extremists operating inside Iraq as a threat, and his regime since its inception has arrested and executed members of both Shia and Sunni groups to disrupt their organizations and limit their influence,” that “Saddam Hussain and Usama bin Laden are far from being natural partners,” and that assessments about Iraqi links to al Qaeda rest on “a body of fragmented, conflicting reporting from sources of varying reliability.”.

(2) President George W. Bush and Vice President Richard B. Cheney overstated the threat posed by Saddam Hussein by making unqualified assertions that were not supported by available intelligence linking Saddam Hussein to the September 11, 2001, terrorist attacks and stating that Saddam Hussein and al Qaeda had a relationship and that Saddam Hussein would provide al Qaeda with weapons of mass destruction for purposes of an offensive attack against the United States, including—

(A) on September 25, 2002, President George W. Bush stated that “[Y]ou can’t distinguish between al Qa’ida and Saddam when you talk about the war on terror.”;

(B) on September 26, 2002, President George W. Bush stated that “[t]he dangers we face will only worsen from month to month and from year to year . . . Each passing day could be the one on which the Iraqi regime gives anthrax or VX—nerve gas—or some day a nuclear weapon to a terrorist ally.”;

(C) on October 14, 2002, President George W. Bush stated that “[t]his is a man that we know has had connections with al Qa’ida. This is a man who, in my judgment, would like to use al Qa’ida as a forward army.”;

(D) on November 7, 2002, President George W. Bush stated that “[Saddam is] a threat because he is dealing with al Qaida . . . [A] true threat facing our country is that an al Qaida-type network trained and armed by Saddam could attack America and not leave one fingerprint.”;

(E) on January 31, 2003, President George W. Bush stated that “Saddam Hussein would like nothing more than to use a terrorist network to attack and to kill and leave no fingerprints behind.”;

(F) on March 16, 2003, Vice President Richard B. Cheney stated that “we also have to address the question of where might these terrorists acquire weapons of mass destruction, chemical weapons, biological weapons,

nuclear weapons? And Saddam Hussein becomes a prime suspect in that regard because of his past track record and because we know he has, in fact, developed these kinds of capabilities, chemical and biological weapons. We know he's used chemical weapons. And we know he's reconstituted these programs since the Gulf War. We know he's out trying once again to produce nuclear weapons and we know that he has a long-standing relationship with various terrorist groups, including the al-Qaeda organization.”;

(G) on March 17, 2003, President George W. Bush stated that “The danger is clear: using chemical, biological or, one day, nuclear weapons obtained with the help of Iraq, the terrorists could fulfill their stated ambitions and kill thousands or hundreds of thousands of innocent people in our country or any other.”;

(H) on May 1, 2003, President George W. Bush stated that “[t]he liberation of Iraq . . . removed an ally of al Qaeda.”;

(I) on September 14, 2003, Vice President Richard B. Cheney stated that “the Iraqi intelligence service had a relationship with al Qaeda that developed throughout the decade of the 90's. That was clearly official policy.”;

(J) on September 14, 2003, Vice President Richard B. Cheney stated that “[i]f we're successful in Iraq . . . we will have struck a major blow right at the heart of the base, if you will, the geographic base of the terrorists who have had us under assault now for many years, but most especially on 9/11.”; and

(K) on March 21, 2003, President George W. Bush said at a press conference, “But we realized on September the 11th, 2001, that killers could destroy innocent life. And I'm never going to forget it. And I'm never going to forget the vow I made to the American people that we will do everything in our power to protect our people. Part of that meant to make sure that we didn't allow people to provide safe haven to an enemy. And that's why I went into Iraq.”.

(d) INADEQUATE PLANNING AND INSUFFICIENT TROOP LEVELS.—The Senate finds the following:

(1) The intelligence community judged in January 2003 that “[t]he ouster of Iraqi dictator Saddam Hussayn would pose a variety of significant policy challenges for whoever assumes responsibility for governing Iraq” including “political transformation, controlling internal strife, solving economic and humanitarian challenges, and dealing with persistent foreign policy and security concerns.”.

(2) The intelligence community judged in January 2003 that “a post-Saddam authority would face a deeply divided society with a significant chance that domestic groups would engage in violent conflict with each other unless an occupying force prevented them from doing so.”.

(3) These judgments were delivered to the White House and Office of the Vice President.

(4) Then Army Chief of Staff General Shinseki testified on February 25, 2003, that “something on the order of several hundred thousands soldiers” would be needed to secure Iraq following a successful completion of the war.

(5) General Abizaid, then-CENTCOM commander, testified before the Senate Armed Services Committee on November 15, 2006, that “General Shinseki was right that a greater international force contribution, United States force contribution and Iraqi force contribution should have been available immediately after major combat operations.”.

(6) After President George W. Bush declared the end of major combat operations in

Iraq, there were insufficient troops to prevent the outbreak of violence and lawlessness that contributed to the flight of millions of Iraqis and the deaths of tens of thousands of Iraqis.

(7) The Government Accountability Office provided testimony to the Subcommittee on National Security and Foreign Affairs, House Committee on Oversight and Government Reform, on March 22, 2007, that due to insufficient troop levels, United States forces were unable to secure conventional weapons stockpiles in Iraq that continue to pose a threat to American servicemembers.

(8) President George W. Bush failed to ensure that plans were prepared and implemented to address the challenges that the intelligence community predicted would occur after the ouster of Saddam Hussein, and in particular failed to ensure that there were sufficient coalition troops in Iraq after major combat operations ended to maintain security and secure weapons stockpiles.

(e) STRAIN ON MILITARY AND UNDERMINING HOMELAND SECURITY.—The Senate finds the following:

(1) Retired Major General John Batiste, former commander of the First Infantry Division in Iraq, testified before the House Committee on Foreign Affairs on June 27, 2007, that “[o]ur Army and Marine Corps are at a breaking point at a time in history when we need a strong military the most. The cycle of deployments is staggering. American formations continue to lose a battalion's worth of dead and wounded every month with little to show for it. The current recruiting system falls drastically short of long-term requirements and our all-volunteer force can not sustain the current tempo for much longer. The military is spending over \$1,000,000,000 a year in incentives in a last ditch effort to keep the force together. Young officers and noncommissioned officers are leaving the service at an alarming rate.”.

(2) Extended deployments of 15 months, and insufficient time to rest and train between deployments, have undermined the readiness of the Army.

(3) The Army National Guard reported as early as July 2005 that equipment transfers to deploying units “had largely exhausted its inventory of more than 220 critical items, including some items useful to nondeployed units for training and domestic missions.”.

(4) The Government Accountability Office found, in September 2006, that “[a]mong the items for which the Army National Guard had shortages of over 80 percent of the authorized inventory were chemical warfare monitoring and decontamination equipment and night vision goggles”.

(5) President George W. Bush's policies in Iraq have undermined homeland security by depleting the personnel and equipment needed by the National Guard.

(f) INSURGENCY IN “LAST THROES”.—The Senate finds the following:

(1) Multi-National Force-Iraq reports indicate that the number of attacks on coalition forces has increased since the beginning of military action.

(2) The Government Accountability Office, in March 2007, reported that attacks using improvised explosive devices continued to increase between 2005 and July 2006.

(3) On June 23, 2005, General John Abizaid, in his capacity as head of Central Command, testified before the Senate Armed Services Committee about the state of the insurgency that “[i]n terms of comparison from 6 months ago, in terms of foreign fighters I believe there are more foreign fighters coming into Iraq than there were 6 months ago. In terms of the overall strength of the insurgency, I'd say it's about the same as it was.”.

(4) President George W. Bush's Initial Benchmark Assessment report from July 12,

2007, states that “[a]s a result of increased offensive operations, Coalition and Iraqi Forces have sustained increased attacks in Iraq, particularly in Baghdad, Diyala, and Salah ad Din.”.

(5) Vice President Richard B. Cheney made misleading statements that the insurgency in Iraq was in its “last throes,” including—

(A) on May 30, 2005, Vice President Richard B. Cheney said, “The level of activity that we see today from a military standpoint, I think, will clearly decline. I think they're in the last throes, if you will, of the insurgency.”; and

(B) on June 19, 2006, Vice President Richard B. Cheney was asked whether he still supported the comment he made in 2005, regarding the fact that the insurgency in Iraq was in its “last throes,” to which he responded “I do.”

SEC. 2. CENSURE BY THE SENATE.

The Senate censures President George W. Bush and Vice President Richard B. Cheney for—

(1) misleading the American people about the basis for going to war in Iraq;

(2) failing to plan adequately for the war;

(3) pursuing policies in Iraq that have strained our military and undermined our homeland security; and

(4) misleading the American people about the insurgency in Iraq.

Mr. FEINGOLD. Mr. President, today I am introducing two censure resolutions condemning the President, Vice President, and Attorney General for their misconduct relating to the war in Iraq and for their repeated assaults on the rule of law. These censure resolutions are critical steps to hold the administration accountable for the misconduct and egregious abuses of the law that we have witnessed over the past 6½ years.

When future generations look back at the misbehavior of this administration, they need to know that an equal branch of Government stood up and formally repudiated that misbehavior. They need to know that this administration was not allowed to violate with impunity the principles on which our Nation was founded.

Some have said that censure does too little. Others protest that it goes too far. I understand the concerns of those who believe that this administration deserves worse than censure. I agree that censure is not a cure for the devastating toll this administration's actions have had on this country. But it is a step in the right direction and it most certainly is important for the historical record. Because censure does not require multiple impeachments in the House and trials in the Senate, or the support of two-thirds of Senators, it is far less cumbersome than impeachment. We can pass these resolutions without taking significant time away from our efforts to address other pressing matters.

The first resolution, S. Res. 302, co-sponsored by Senators Harkin and Boxer, censures the President and Vice President for their misconduct relating to the war in Iraq. It cites their misleading pre-war statements, which

were not based on available intelligence, exaggerating the threat posed by Saddam Hussein and the likelihood that he had nuclear weapons, and falsely implying that he had a relationship with al Qaeda and links to 9/11. This resolution also condemns the President's appalling failure to ensure that adequate plans were in place to address the post-Saddam problems predicted by the intelligence community, and in particular his failure to ensure that sufficient troops were deployed to maintain order and secure weapons stockpiles in Iraq. The resolution censures the President for pursuing policies in Iraq that have placed unfair burdens on our brave men and women in uniform and undermined our homeland security. The resolution censures the Vice President for his misleading statements about the Iraqi insurgency being in its "last throes." The Vice President's recent, belated concession that he was incorrect does not mitigate his efforts to mislead the American people on this point.

The second resolution, S. Res. 303, co-sponsored by Senator HARKIN, censures the President and Attorney General for undermining the rule of law. The President and Attorney General have shown flagrant disregard for statutes, for treaties ratified by the United States, and for our own Constitution—all in an effort to consolidate more and more power in the executive branch. In the process, they have repeatedly misled the American people. Among the abuses of the rule of law that this censure resolution addresses are the illegal warrantless wiretapping program at the National Security Agency, the administration's interrogation policy, extreme positions taken on treatment of detainees that have been repeatedly rejected by the Supreme Court, misleading statements by the President and the Attorney General on the USA PATRIOT Act, the refusal to recognize and cooperate with Congress's legitimate responsibility to conduct oversight, and the use of signing statements that further demonstrate this President does not believe he has to follow the laws that Congress writes.

More than a year ago, I introduced a resolution to censure the President for breaking the law with his warrantless wiretapping program and for misleading the public and Congress before and after the program was revealed. This time, I am taking a broader approach because evidence of the administration's misconduct, misleading statements and abuses of power has only mounted since then.

While I do not believe impeachment proceedings would be best for the country, I share the public's deep anger at this administration's repeated and serious wrongdoing and its refusal to acknowledge or answer for its actions. These two resolutions give Congress a way to condemn the administration's actions without taking time and energy away from the other critically important work before us.

Passing these resolutions would also make clear, not only to the American people today, but also to future generations, how this President and this administration misserved the country. History will judge them, and us, by our actions, so we must formally condemn the malfeasance of this President and his administration.

Censure is a measured approach that both holds this administration accountable and allows Congress to focus on ending the war in Iraq, protecting the rule of law and addressing the many other needs of the American people. I am pleased to be working with Congressman MAURICE HINCHEY, who is introducing companion legislation.

SENATE RESOLUTION 303—CENSURING THE PRESIDENT AND THE ATTORNEY GENERAL

Mr. FEINGOLD (for himself and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 303

Resolved,

SECTION 1. BASIS FOR CENSURE.

(a) NATIONAL SECURITY AGENCY WIRETAPPING.—The Senate finds the following:

(1) Congress passed the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and in so doing provided the executive branch with clear authority to wiretap suspected terrorists inside the United States.

(2) Section 201 of the Foreign Intelligence Surveillance Act of 1978 states that it and the criminal wiretap law are the "exclusive means by which electronic surveillance" may be conducted by the United States Government, and section 109 of that Act makes it a crime to wiretap individuals without complying with this statutory authority.

(3) The Foreign Intelligence Surveillance Act of 1978 both permits the Government to initiate wiretapping immediately in emergencies as long as the Government obtains approval from the court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) within 72 hours of initiating the wiretap, and authorizes wiretaps without a court order otherwise required by the Foreign Intelligence Surveillance Act of 1978 for the first 15 days following a declaration of war by Congress.

(4) The Authorization for Use of Military Force that became law on September 18, 2001 (Public Law 107-40; 50 U.S.C. 1541 note), did not grant the President the power to authorize wiretaps of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978.

(5) The President's inherent constitutional authority does not give him the power to violate the explicit statutory prohibition on warrantless wiretaps in the Foreign Intelligence Surveillance Act of 1978.

(6) George W. Bush, President of the United States, authorized the National Security Agency to wiretap Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978 for more than 5 years.

(7) Alberto R. Gonzales, as Attorney General of the United States and as Counsel to the President, reviewed and defended the legality of the President's authorization of wiretaps by the National Security Agency of

Americans within the United States without the court orders required by the Foreign Intelligence Surveillance Act of 1978.

(8) President George W. Bush repeatedly misled the public prior to the public disclosure of the National Security Agency warrantless surveillance program by indicating his Administration was relying on court orders to wiretap suspected terrorists inside the United States.

(9) Alberto R. Gonzales misled Congress in January 2005 during the hearing on his nomination to be Attorney General of the United States by indicating that a question about whether the President has the authority to authorize warrantless wiretaps in violation of statutory prohibitions presented a "hypothetical situation," even though he was fully aware that a warrantless wiretapping program had been ongoing for several years.

(10) In statements about the supposed need for the National Security Agency warrantless surveillance program after the public disclosure of the program, President George W. Bush falsely implied that the program was necessary because the executive branch did not otherwise have authority to wiretap suspected terrorists inside the United States.

(11) Attorney General Alberto R. Gonzales, despite his admitted awareness that congressional critics of the program support wiretapping terrorists in accordance with the Foreign Intelligence Surveillance Act of 1978, attempted to create the opposite impression by making public statements such as "[s]ome people will argue that nothing could justify the Government being able to intercept conversations like the ones the Program targets".

(12) President George W. Bush inaccurately stated in his January 31, 2006, State of the Union address that "[p]revious Presidents have used the same constitutional authority I have, and federal courts have approved the use of that authority.", even though the Administration has failed to identify a single instance since the Foreign Intelligence Surveillance Act of 1978 became law in which another President has authorized wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978, and no Federal court has evaluated whether the President has the inherent authority to authorize wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978.

(13) At a Senate Judiciary Committee hearing on February 6, 2006, Attorney General Alberto R. Gonzales defended the President's misleading statements in the January 31, 2006, State of the Union address.

(14) Attorney General Alberto R. Gonzales has misled Congress and the American people repeatedly by stating that there was no serious disagreement among Government officials "about" or "relate[d] to" the National Security Agency program confirmed by the President.

(15) According to testimony from former Deputy Attorney General James Comey, Alberto R. Gonzales, while serving as Counsel to the President, participated in a visit to then-Attorney General John Ashcroft in the intensive care unit of the hospital in an attempt to convince Mr. Ashcroft to overturn the decision by Mr. Comey, then serving as Acting Attorney General due to Mr. Ashcroft's illness, not to certify the legality of a classified intelligence program, in what Mr. Comey described as "an effort to take advantage of a very sick man".

(b) DETAINEE AND TORTURE POLICY.—The Senate finds the following: