

For the Democrats, there was only one thing on the agenda: a full investigation of the Iraq War lies, led by those of Vice President Cheney and his office.

Senator Durbin told the press, “The purpose of this closed session is to discuss the need for a Phase II investigation by the Senate Intelligence Committee.”

He added that the Democrats would not be deterred from pursuing this vital investigation, saying, “We’re serving notice on them [the Republican majority] at this moment: Be prepared for this motion every day until you face the reality. . . . The Senate Intelligence Committee has a responsibility to hold this administration accountable for the misuse of intelligence information. They have promised this investigation. We will continue to make this request until they do it.”

Durbin also turned the press conference over to Rockefeller, the ranking member of the Senate Select Committee on Intelligence, who said, “The degree of frustration is impossible to explain. . . . I have tried everything and the members of the minority side of the Intelligence Committee have tried everything . . . to get the majority and the chairman of that committee to move on Phase II and other important matters.

“What it really comes down to, in my judgment, is, if there is any subject or any matter which seems to get close to the doings of the administration, that being particularly the White House, *then all of a sudden an iron curtain comes down and we’re no longer able to pursue that, quite literally*” (emphasis added).

At the exact same moment, Republican Frist was railing, “About ten minutes ago or so, the United States Senate has been hijacked by the Democratic leadership.” The man who had acted as Cheney’s agent in preventing every necessary oversight investigation into the torture of prisoners by the United States, and the like, trembled with anger, complaining that Reid had given him “no warning whatsoever.” This was only “a stunt,” and “scare tactics,” Frist screeched.

Reid also released a fact sheet listing the more than 20 times that the investigation of the misuse of intelligence had been requested by the Democrats, and blocked by the Republican leadership. Tragically, the first request by Rockefeller, to the FBI, demanding an investigation of the forged Niger documents was on March 14, 2003, before the war began—just one week after the International Atomic Energy Agency had exposed the forgery at the UN Security Council. not about to answer questions, —and the bombing started on March 19.

After the debate, Reid said that it was “a victory for the American people.” By forcing this showdown, the Republicans agreed to appoint a six-person bipartisan committee to review the status of “Phase II” and report to the leadership by Nov. 14 on its status.

But, already by Nov. 4, three Democrats, Rockefeller, Carl Levin (Mich.), and Dianne Feinstein (Calif.), alleged that there was a serious breach, with Senator Roberts trying to rush a “report” into print without a thorough investigation. The matter is now under review.

Documentation

What Is ‘Phase II’ of Senate Committee Investigation?

On Nov. 1, Sen. Richard Durbin (D-Ill.) told reporters that the purpose of the closed session of the Senate “is to discuss the need for a Phase II investigation by the Senate Intelligence Committee” into the pre-Iraq War intelligence failures. A few hours later, at the request of Sen. Carl Levin (D-Mich.) the document that defines Phase II, a Feb. 12, 2004 joint statement by Sen. Pat Roberts (R-Kan.), chairman, and Sen. Jay Rockefeller (D-W.Va.), vice chairman of the Senate Intelligence Committee, was put into the Congressional Record. At Levin’s request, parts “C through G” of that document were adopted by unanimous consent, as the official Senate definition of “Phase II” of that investigation. Portions of that document follow here, followed by remarks by several Senators, as reported by the Congressional Record:

- A. . . . other issues we mutually identify in the course of the Committee’s review;
- B. the collection of intelligence on Iraq from the end of the Gulf War to the commencement of Operation Iraqi Freedom;
- C. whether public statements and reports and testimony regarding Iraq by U.S. Government officials made between the Gulf War period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information;
- D. the postwar findings about Iraq’s weapons of mass destruction and weapons programs and links to terrorism and how they compare with prewar assessments;
- E. prewar intelligence assessments about postwar Iraq;
- F. any intelligence activities relating to Iraq conducted by the Policy Counterterrorism Evaluation Group (PCTEG) and the Office of Special Plans within the Office of the Under Secretary of Defense for Policy; and
- G. the use by the Intelligence Community of information provided by the Iraqi National Congress (INC).

Sen. Roberts said, “Today’s agreement reflects a refinement and to a great extent a restatement of the Committee’s ongoing review of pre-war intelligence. The resolution adopted unanimously today illustrates the commitment of all members to a thorough review, to learning the necessary lessons from our experience with Iraq, and to ensuring that our armed forces and policymakers benefit from the best and most reliable intelligence that can be collected. . . .”

Sen. Rockefeller said, “This agreement reflects a difficult and lengthy process, but in the end, we were able to reach

consensus on the need to expand the investigation into several key areas.”

“We will address the question of whether intelligence was exaggerated or misused by reviewing statements by senior policy makers to determine if those statements were substantiated by the intelligence,” Rockefeller said. “We will take a closer look at the shortfalls in our intelligence collection. We will compare pre-war estimates to the situation in postwar Iraq, and we will pursue a better understanding of what role the Policy Counterterrorism Evaluation Group and the Office of Special Plans played in pre-war intelligence. There are definitely a few outstanding issues, but we’ve made a lot of progress, and it’s clear that we’re moving in the right direction.”

Reid Invokes Rule 21 For a Closed Session

On Nov. 1, Sen. Harry Reid (D-Nev.) gave a floor speech to the Senate in which he called for the closed session of Congress. His motion was seconded by Democratic Senators Dick Durbin (Ill.) and Debbie Stabenow (Mich.). Excerpts follow:

Mr. President, just a couple of days ago, my son Leif called me and indicated that his lovely wife Amber was going to have another baby. That will be our 16th grandchild.

. . . I have been in public service a long time. Never have I been so concerned about our country. We have gas prices that are really unbelievable. This year, gas prices have been over \$3 in the state of Nevada. Diesel fuel is still over \$3 a gallon in Nevada. The majority leader of the House of Representatives is under indictment. The man in charge of contracting for the Federal government is under indictment. We have deficits so far you can’t see them. The deficits have been basically run up by President Bush’s administration these last five years. We are the wealthiest nation in the world, but we are very poor as it relates to health care. We have an intractable war in Iraq. Is it any wonder that I am concerned about my family, my grandchildren?

This past weekend, we witnessed the indictment of I. Lewis Libby, the Vice President’s Chief of Staff, also on the President’s staff, a senior advisor to the President. Mr. Libby is the first sitting White House staffer to be indicted in 135 years. Is it any wonder that I am concerned about my grandchildren?

This indictment raises very serious charges. It asserts this administration engaged in actions that both harmed our national security and were morally repugnant. A decision made to place U.S. soldiers, our military, into harm’s way, I believe, is the most significant responsibility the Constitution invests in the Congress and in the President. The Libby indictment

provides a window into what this is really all about: how this administration manufactured and manipulated intelligence in order to sell the war in Iraq and attempted to destroy those who dared to challenge its actions.

These are not just words from Harry Reid. Col. Larry Wilkerson, Colin Powell’s former Chief of Staff . . . said about the war in Iraq:

“In President Bush’s first term some of the most important decisions about U.S. national security, including vital decisions about postwar Iraq, were made by a secretive, little known cabal, made up of a very small group of people led by Vice President Dick Cheney and Defense Secretary Donald Rumsfeld. But the secret process was ultimately a failure. It produced a series of disastrous decisions.”

. . . As a result of its improper conduct, a cloud now hangs over this administration. This cloud is further darkened by the administration’s mistakes in prisoner abuse, Hurricane Katrina, and the cronyism and corruption in numerous agencies throughout this administration. Unfortunately, it must be said that a cloud also hangs over this Republican-controlled Congress for its unwillingness to hold this Republican administration accountable for its misdeeds on these issues.

During the time we had a Democratic President . . . and [Democrats] were in the majority, oversight hearings were held covering the gambit of what went on in that administration. Today, there is not an oversight hearing held on anything.

Let’s take a look back at how we got here with respect to Iraq. The record will show that within hours of the terrorist acts of 9/11, senior officials in this administration recognized those attacks could be used as a pretext to invade Iraq. The record will also show that in the months and years after 9/11, the administration engaged in a pattern of manipulation of the facts and retribution against anyone who had gotten in its way as it made its case for attacking, for invading Iraq.

There are numerous examples of how the administration misstated, and manipulated the facts as it made the case for war. . . . The American people were warned time and time again by the President, the Vice President, the current Secretary of State in her other capacities, about Saddam’s nuclear weapons capabilities. The Vice President said: Iraq has reconstituted its nuclear programs.

Playing upon the fears of Americans after Sept. 11, these officials and others raised the specter that if left unchecked, Saddam could soon attack America with nuclear weapons. Obviously, we know now that their nuclear claims were wholly inaccurate. But more troubling is the fact that a lot of intelligence experts were telling the administration then that its claims about Saddam’s nuclear capabilities were false—the situation very similar with respect to Saddam’s links to al-Qaeda.

The Vice President told the American people: We know he’s out trying once again to produce nuclear weapons and we know he has a longstanding relationship with various terrorist groups including the al-Qaeda organization. *These assertions*