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HOUSE OF REPRESENTATIVES
REPORT
109–224

REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES NOT LATER THAN 14 DAYS AFTER THE DATE OF THE ADOPTION OF THIS RESOLUTION ALL DOCUMENTS IN THE POSSESSION OF THE PRESIDENT AND SECRETARY OF DEFENSE RELATING TO COMMUNICATIONS WITH OFFICIALS OF THE UNITED KINGDOM RELATING TO THE POLICY OF THE UNITED STATES WITH RESPECT TO IRAQ

SEPTEMBER 16, 2005.—Referred to the House Calendar and ordered to be printed

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Mr. HYDE, from the Committee on International Relations, submitted the following

ADVERSE REPORT

[To accompany H. Res. 408]

The Committee on International Relations, to whom was referred the resolution (H. Res. 408) requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution not be agreed to.

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PURPOSE AND SUMMARY

House Resolution 408 requests the President and directs the Secretary of Defense to transmit to the House of Representatives all information in the possession of the President and the Secretary of Defense relating to communication with officials of the United Kingdom between January 1, 2001, and March 19, 2003, relating to the policy of the United States with respect to Iraq.

BACKGROUND AND NEED FOR THE LEGISLATION

House Resolution 408 is a resolution of inquiry, which pursuant to Rule XIII, clause 7 of the Rules of the House, directs the Committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the Committee is in order. H. Res. 408 was introduced and referred to the Committee on International Relations on July 28, 2005, and was ordered reported adversely by the Committee on September 14, 2005.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to Deschler's Procedure it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch." [1]

On July 28, 2005, Rep. Maurice Hinchey of New York introduced H. Res. 408. Mr. Hinchey's resolution requests the President to turn over to the House of Representatives all documents, including telephone and electronic mail records, logs, calendars, minutes, and memos, in the possession of the President relating to communications with officials of the United Kingdom from January 1, 2001, to March 19, 2003, relating to the policy of the United States with respect to Iraq, including any discussions or communications between the President, then-National Security Advisor Condoleezza Rice, or other Administration officials and officials of the United Kingdom. The resolution also directs the Secretary of Defense to turn over to the House of Representatives all documents, including telephone and electronic mail records, logs, calendars, minutes, and memos, in the possession of the Secretary of Defense relating to communications with officials of the United Kingdom from January 1, 2001, to March 19, 2003, relating to the policy of the United States with respect to Iraq, including any discussions or communications between any Defense Department official, including Under Secretary of Defense for Policy Douglas J. Feith, and Under Secretary of Defense for Intelligence Dr. Stephen A. Cambone, and officials of the United Kingdom.

H. Res. 408 apparently was introduced in response to publication of a British document known as the "Downing Street Memo." The Downing Street Memo, as leaked to and published by the press, was apparently written in connection with a meeting between Tony Blair and British officials held on Downing Street on July 23, 2002. The Memo was leaked to a member of the British press and published in London's *The Sunday Times* on May 1, 2005. The heart of the Downing Street Memo is the description of U.S. pre-war in-

[1] Deschler's Precedents, H. Doc. No. 94–661, 94th Cong., 2d Sess., vol. 7, ch. 24, section 8.

telligence that included the view that intelligence was being "fixed" around the policy.

Prior to introduction of H. Res. 408, thorough investigations and lengthy reports were issued by the Senate Select Committee on Intelligence, the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (known as the Silberman-Robb Commission), the House of Commons Foreign Affairs Committee, and the British Hutton inquiry. None of these reports found any evidence that Administration officials attempted to coerce, influence or pressure members of the intelligence community to "fix" intelligence.

The Senate Select Committee on Intelligence reviewed the record of intelligence on Iraq over the span of a decade stretching back to the first Gulf War. The Senate's report ran over 500 pages and was the product of over twelve months of Committee review of over 45,000 pages of intelligence documents, interviews of over 200 individuals including National Security Council staff members, and four committee hearings. Conclusion number 83 in the Senate Intelligence Committee report entitled "U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq" states: "The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities."[2] This conclusion, as is true of the entire report, was approved by a unanimous, bipartisan vote by the Senate Committee.

The House Permanent Select Committee on Intelligence reviewed U.S. intelligence regarding the amount or existence of weapons of mass destruction in Iraq, including the issues of bias, dissenting views and how intelligence was disseminated, and the linkages between Iraq and terrorist organizations. The Chairman and Ranking Member of the House Intelligence Committee informed the House International Relations Committee that Members of the International Relations Committee had been granted access to the documentation provided by the Central Intelligence Agency that the Intelligence Committee was studying in its review. Again, no evidence of "fixing" intelligence surfaced in the course of this congressional review.

The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (the Silberman-Robb Commission) produced what is viewed as the definitive report on pre-war intelligence. This was a blue-ribbon, bipartisan commission headed by former Senator Charles S. Robb and Judge Laurence H. Silberman, which included a talented and experienced group of commissioners such as Senator John McCain, Walter Slocombe, Judge Patricia Wald, and Lloyd Cutler, and was supported by a bipartisan, experienced staff of 88 professionals and consultants. The following conclusions are particularly relevant to H. Res. 408:

> We conclude that the Intelligence Community was dead wrong in almost all of its pre-war judgments about Iraq's weapons of mass destruction. . . . Its principal causes were the Intelligence Community's inability to collect good

[2] United States Senate Select Committee on Intelligence, *Conclusions of U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq*, Conclusion 83, p. 25 (July 7, 2004), *available at* http://intelligence.senate.gov/conclusions.pdf

> information about Iraq's WMD programs, serious errors in analyzing what information it could gather, and a failure to make clear just how much of its analysis was based on assumptions, rather than good evidence.
>
> . . .
>
> After a thorough review, the Commission found no indication that the Intelligence Community distorted the evidence regarding Iraq's weapons of mass destruction. What the intelligence professionals told you about Saddam Hussein's programs was what they believed. They were simply wrong.
>
> . . .
>
> Finally, we closely examined the possibility that intelligence analysts were pressured by policymakers to change their judgments about Iraq's nuclear, biological, and chemical weapons programs. The analysts who worked Iraqi's weapons issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgments.[3]

In light of the number and thoroughness of these previous inquiries made by congressional committees and special commissions especially well-qualified in matters of intelligence, it is unnecessary for the International Relations Committee through this resolution agree to demand this wide-range of documents and to repeat such inquiries. The House and Senate Intelligence Committees, after thorough review of large volumes of documents, found no evidence that the Administration improperly used, coerced, manipulated, or "fixed" pre-war intelligence. The Silberman-Robb Commission confirmed this conclusion. Senator Pat Roberts, the Chairman of the Senate Select Committee on Intelligence, referring to the numerous reports on pre-war intelligence, aptly stated, "I don't think there should be any doubt that we have now heard it all regarding pre-war intelligence. I think that it would be a monumental waste of time to replow this ground any further. We should now turn our full attention to the future . . ."[4] Given the extensive, multiple investigations of this issue, the Committee deemed the document requests made in H. Res. 408 to be unnecessary and voted to report it adversely.

HEARINGS

The Committee did not hold hearings on H. Res. 408.

COMMITTEE CONSIDERATION

On September 14, 2005, the Full Committee marked up the resolution, H. Res. 408, pursuant to notice, in open session. The Committee agreed to a motion to report the resolution adversely to the House by a record vote of 23 ayes to 22 nays, with one voting "Present."

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[3] Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Silberman-Robb Commission), *Report to the President of the United States*, 2, 11 (March 31, 2005).

[4] Press Release, *Senator Roberts' Remarks on the WMD Commission Report* (March 31, 2005), *available at* http://intelligence.senate.gov/050331.htm

VOTE OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the Committee report. The following record vote occurred during consideration of H. Res. 408:

Vote to report to the House adversely:

Voting yes: Hyde, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, King, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, and Poe.

Voting no: Leach, Lantos, Berman, Ackerman, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza.

Voting "Present": Paul

H. Res. 408 was ordered reported adversely to the House by a vote of 23 ayes to 22 noes, with one voting "Present."

COMMITTEE OVERSIGHT FINDINGS

The Committee held no oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because H. Res. 408 does not provide new budgetary authority or increased tax expenditures.

PERFORMANCE GOALS AND OBJECTIVES

The rule requiring a statement of performance goals and objectives is inapplicable.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this resolution in article I, section 1 of the Constitution.

NEW ADVISORY COMMITTEES

H. Res. 408 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Res. 408 does not apply to the legislative branch.

FEDERAL MANDATES

H. Res. 408 provides no Federal mandates.

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