

THE CONSTITUTION IN CRISIS



**The Downing Street Minutes and Deception,
Manipulation, Torture, Retribution, and
Coverups in the Iraq War**

*Investigative Status Report of the House
Judiciary Committee Democratic Staff*

The Constitution in Crisis: The Downing Street Minutes and Deception, Manipulation, Torture, Retribution, and Coverups in the Iraq War

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Chapter I

Executive Summary

Executive Summary

This Minority Report has been produced at the request of Representative John Conyers, Jr., Ranking Member of the House Judiciary Committee. He made this request in the wake of the President's failure to respond to a letter submitted by 122 Members of Congress and more than 500,000 Americans in July of this year asking him whether the assertions set forth in the Downing Street Minutes were accurate. Mr. Conyers asked staff, by year end 2005, to review the available information concerning possible misconduct by the Bush Administration in the run up to the Iraq War and post-invasion statements and actions, and to develop legal conclusions and make legislative and other recommendations to him.

In brief, we have found that there is substantial evidence the President, the Vice President and other high ranking members of the Bush Administration misled Congress and the American people regarding the decision to go to war with Iraq; misstated and manipulated intelligence information regarding the justification for such war; countenanced torture and cruel, inhuman and degrading treatment and other legal violations in Iraq; and permitted inappropriate retaliation against critics of their Administration.

There is a *prima facie* case that these actions by the President, Vice-President and other members of the Bush Administration violated a number of federal laws, including (1) Committing a Fraud against the United States; (2) Making False Statements to Congress; (3) The War Powers Resolution; (4) Misuse of Government Funds; (5) federal laws and international treaties prohibiting torture and cruel, inhuman, and degrading treatment; (6) federal laws concerning retaliating against witnesses and other individuals; and (7) federal laws and regulations concerning leaking and other misuse of intelligence.

While these charges clearly rise to the level of impeachable misconduct, because the Bush Administration and the Republican-controlled Congress have blocked the ability of Members to obtain information directly from the Administration concerning these matters, more investigatory authority is needed before recommendations can be made regarding specific Articles of Impeachment. As a result, we recommend that Congress establish a select committee with subpoena authority to investigate the misconduct of the Bush Administration with regard to the Iraq war detailed in this Report and report to the Committee on the Judiciary on possible impeachable offenses.

In addition, we believe the failure of the President, Vice President and others in the Bush Administration to respond to myriad requests for information concerning these charges, or to otherwise account for explain a number of specific misstatements they have made in the run up to War and other actions warrants, at minimum, the introduction and Congress' approval of Resolutions of Censure against Mr. Bush and



Mr. Cheney. Further, we recommend that Ranking Member Conyers and others consider referring the potential violations of federal criminal law detailed in this Report to the Department of Justice for investigation; Congress should pass legislation to limit government secrecy, enhance oversight of the Executive Branch, request notification and justification of presidential pardons of Administration officials, ban abusive treatment of detainees, ban the use of chemical weapons, and ban the practice of paying foreign media outlets to publish news stories prepared by or for the Pentagon; and the House should amend its Rules to permit Ranking Members of Committees to schedule official Committee hearings and call witnesses to investigate Executive Branch misconduct.

The Report rejects the frequent contention by the Bush Administration that there pre-war conduct has been reviewed and they have been exonerated. No entity has ever considered whether the Administration misled Americans about the decision to go to war. The Senate Intelligence Committee has not yet conducted a review of pre-war intelligence distortion and manipulation, while the Silberman-Robb report specifically cautioned that intelligence manipulation “was not part of our inquiry.” There has also not been any independent inquiry concerning torture and other legal violations in Iraq; nor has there been an independent review of the pattern of cover-ups and political retribution by the Bush Administration against its critics, other than the very narrow and still ongoing inquiry of Special Counsel Fitzgerald.

While the scope of this Report is largely limited to Iraq, it also holds lessons for our Nation at a time of entrenched one-party rule and abuse of power in Washington. If the present Administration is willing to misstate the facts in order to achieve its political objectives in Iraq, and Congress is unwilling to confront or challenge their hegemony, many of our cherished democratic principles are in jeopardy. This is true not only with respect to the Iraq War, but also in regard to other areas of foreign policy, privacy and civil liberties, and matters of economic and social justice. Indeed as this Report is being finalized, we have just learned of another potential significant abuse of executive power by the President, ordering the National Security Agency to engage in domestic spying and wiretapping without obtaining court approval in possible violation of the Foreign Intelligence Surveillance Act.

It is tragic that our Nation has invaded another sovereign nation because “the intelligence and facts were being fixed around the policy,” as stated in the Downing Street Minutes. It is equally tragic that the Bush Administration and the Republican Congress have been unwilling to examine these facts or take action to prevent this scenario from occurring again. Since they appear unwilling to act, it is incumbent on individual Members of Congress as well as the American public to act to protect our constitutional form of government.

