

110TH CONGRESS
1ST SESSION

S. RES. 302

Censuring the President and Vice President.

IN THE SENATE OF THE UNITED STATES

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

RESOLUTION

Censuring the President and Vice President.

1 *Resolved,*

2 **SECTION 1. BASIS FOR CENSURE.**

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

5 (1) In December 2001, the intelligence commu-
6 nity assessed that Iraq did not appear to have recon-
7 stituted its nuclear weapons program.

8 (2) The October 2002 National Intelligence Es-
9 timate assessed that Iraq did not have a nuclear
10 weapon or sufficient material to make one, and that
11 without sufficient fissile material acquired from

1 abroad, Iraq probably would not be able to make a
2 weapon until 2007 or 2009.

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

7 (4) In November 2002, the United States Gov-
8 ernment told the International Atomic Energy Asso-
9 ciation that “reporting on Iraqi attempts to procure
10 uranium from Africa are fragmentary at best.”.

11 (5) On March 7, 2003, the Director General of
12 the International Atomic Energy Association re-
13 ported to the United Nations Security Council that
14 inspectors had found “no evidence or plausible indi-
15 cation of the revival of a nuclear weapons program
16 in Iraq.”.

17 (6) On March 11, 2003, the Central Intel-
18 ligence Agency stated that it did not dispute the
19 International Atomic Energy Association conclusions
20 that the documents on Iraq’s agreement to buy ura-
21 nium from Niger were not authentic.

22 (7) President George W. Bush and Vice Presi-
23 dent Richard B. Cheney overstated the nature and
24 urgency of the threat posed by Saddam Hussein by
25 making repeated, unqualified assertions about an

1 Iraqi nuclear program that were not supported by
2 available intelligence, including—

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

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

11 (C) on September 8, 2002, Vice President
12 Richard B. Cheney stated that “[w]e do know,
13 with absolute certainty, that he is using his pro-
14 curement system to acquire the equipment he
15 needs in order to enrich uranium to build a nu-
16 clear weapon.”;

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

24 (E) on October 7, 2002, President George
25 W. Bush stated that “[f]acing clear evidence of

1 peril, we cannot wait for the final proof—the
2 smoking gun—that could come in the form of a
3 mushroom cloud.”;

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

8 (G) on January 28, 2003, President
9 George W. Bush stated that “[t]he British gov-
10 ernment has learned that Saddam Hussein re-
11 cently sought significant quantities of uranium
12 from Africa.”; and

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

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

19 (1) The October 2002 National Intelligence Es-
20 timate assessed that “Baghdad for now appears to
21 be drawing a line short of conducting terrorist at-
22 tacks with conventional or CBW against the United
23 States, fearing that exposure of Iraqi involvement
24 would provide Washington a stronger cause for mak-
25 ing war” and that “Iraq probably would attempt

1 clandestine attacks against the United States Home-
2 land if Baghdad feared an attack that threatened
3 the survival of the regime were imminent or un-
4 avoidable, or possibly for revenge.”.

5 (2) President George W. Bush and Vice Presi-
6 dent Richard B. Cheney made misleading state-
7 ments, that were not supported by the available in-
8 telligence, suggesting that Saddam Hussein sought
9 weapons of mass destruction for the purpose of an
10 unprovoked, offensive attack, including—

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

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

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

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

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

23 (2) President George W. Bush and Vice Presi-
24 dent Richard B. Cheney overstated the threat posed
25 by Saddam Hussein by making unqualified asser-

1 tions that were not supported by available intel-
2 ligence linking Saddam Hussein to the September
3 11, 2001, terrorist attacks and stating that Saddam
4 Hussein and al Qaeda had a relationship and that
5 Saddam Hussein would provide al Qaeda with weap-
6 ons of mass destruction for purposes of an offensive
7 attack against the United States, including—

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

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

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

24 (D) on November 7, 2002, President
25 George W. Bush stated that “[Saddam is] a

1 threat because he is dealing with al Qaida...
2 [A] true threat facing our country is that an al
3 Qaida-type network trained and armed by Sad-
4 dam could attack America and not leave one
5 fingerprint.”;

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

11 (F) on March 16, 2003, Vice President
12 Richard B. Cheney stated that “we also have to
13 address the question of where might these ter-
14 rorists acquire weapons of mass destruction,
15 chemical weapons, biological weapons, nuclear
16 weapons? And Saddam Hussein becomes a
17 prime suspect in that regard because of his past
18 track record and because we know he has, in
19 fact, developed these kinds of capabilities,
20 chemical and biological weapons. We know he’s
21 used chemical weapons. And we know he’s re-
22 constituted these programs since the Gulf War.
23 We know he’s out trying once again to produce
24 nuclear weapons and we know that he has a

1 long-standing relationship with various terrorist
2 groups, including the al-Qaeda organization.”;

3 (G) on March 17, 2003, President George
4 W. Bush stated that “The danger is clear:
5 using chemical, biological or, one day, nuclear
6 weapons obtained with the help of Iraq, the ter-
7 rorists could fulfill their stated ambitions and
8 kill thousands or hundreds of thousands of in-
9 nocent people in our country or any other.”;

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

13 (I) on September 14, 2003, Vice President
14 Richard B. Cheney stated that “the Iraqi
15 intelligen[ce] service had a relationship with al
16 Qaeda that developed throughout the decade of
17 the 90’s. That was clearly official policy.”;

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

1 (K) on March 21, 2006, President George
2 W. Bush said at a press conference, “But we
3 realized on September the 11th, 2001, that kill-
4 ers could destroy innocent life. And I’m never
5 going to forget it. And I’m never going to for-
6 get the vow I made to the American people that
7 we will do everything in our power to protect
8 our people. Part of that meant to make sure
9 that we didn’t allow people to provide safe
10 haven to an enemy. And that’s why I went into
11 Iraq.”.

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

14 (1) The intelligence community judged in Janu-
15 ary 2003 that “[t]he ouster of Iraqi dictator Sad-
16 dam Hussayn would pose a variety of significant pol-
17 icy challenges for whoever assumes responsibility for
18 governing Iraq” including “political transformation,
19 controlling internal strife, solving economic and hu-
20 manitarian challenges, and dealing with persistent
21 foreign policy and security concerns.”.

22 (2) The intelligence community judged in Janu-
23 ary 2003 that “a post-Saddam authority would face
24 a deeply divided society with a significant chance
25 that domestic groups would engage in violent conflict

1 with each other unless an occupying force prevented
2 them from doing so.”.

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

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

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

17 (6) After President George W. Bush declared
18 the end of major combat operations in Iraq, there
19 were insufficient troops to prevent the outbreak of
20 violence and lawlessness that contributed to the
21 flight of millions of Iraqis and the deaths of tens of
22 thousands of Iraqis.

23 (7) The Government Accountability Office pro-
24 vided testimony to the Subcommittee on National
25 Security and Foreign Affairs, House Committee on

1 Oversight and Government Reform, on March 22,
2 2007, that due to insufficient troop levels, United
3 States forces were unable to secure conventional
4 weapons stockpiles in Iraq that continue to pose a
5 threat to American servicemembers.

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

14 (e) STRAIN ON MILITARY AND UNDERMINING HOME-
15 LAND SECURITY.—The Senate finds the following:

16 (1) Retired Major General John Batiste, former
17 commander of the First Infantry Division in Iraq,
18 testified before the House Committee on Foreign Af-
19 fairs on June 27, 2007, that “[o]ur Army and Ma-
20 rine Corps are at a breaking point at a time in his-
21 tory when we need a strong military the most. The
22 cycle of deployments is staggering. American forma-
23 tions continue to lose a battalion’s worth of dead
24 and wounded every month with little to show for it.
25 The current recruiting system falls drastically short

1 of long-term requirements and our all-volunteer
2 force can not sustain the current tempo for much
3 longer. The military is spending over
4 \$1,000,000,000 a year in incentives in a last ditch
5 effort to keep the force together. Young officers and
6 noncommissioned officers are leaving the service at
7 an alarming rate.”.

8 (2) Extended deployments of 15 months, and
9 insufficient time to rest and train between deploy-
10 ments, have undermined the readiness of the Army.

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

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

23 (5) President George W. Bush’s policies in Iraq
24 have undermined homeland security by depleting the

1 personnel and equipment needed by the National
2 Guard.

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

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

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

12 (3) On June 23, 2005, General John Abizaid,
13 in his capacity as head of Central Command, testi-
14 fied before the Senate Armed Services Committee
15 about the state of the insurgency that “[i]n terms
16 of comparison from 6 months ago, in terms of for-
17 eign fighters I believe there are more foreign fighters
18 coming into Iraq than there were 6 months ago. In
19 terms of the overall strength of the insurgency, I’d
20 say it’s about the same as it was.”.

21 (4) President George W. Bush’s Initial Bench-
22 mark Assessment report from July 12, 2007, states
23 that “[a]s a result of increased offensive operations,
24 Coalition and Iraqi Forces have sustained increased

1 attacks in Iraq, particularly in Baghdad, Diyala, and
2 Salah ad Din.”.

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

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

11 (B) on June 19, 2006, Vice President
12 Richard B. Cheney was asked whether he still
13 supported the comment he made in 2005, re-
14 garding the fact that the insurgency in Iraq
15 was in its “last throes,” to which he responded
16 “I do.”

17 **SEC. 2. CENSURE BY THE SENATE.**

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

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

22 (2) failing to plan adequately for the war;

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

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