Mr. Speaker, I come before the House this evening in

this special order representing those of us who have participated in

what we have termed ``Iraq Watch.''

For some period of time now, several of us have come before this

House to try to analyze in a hopefully dispassionate way but in an

informative way what is taking place in Iraq and what the implications

are for us here in the House of Representatives, and by extension for

the Nation in terms of the political ramifications.

I come here tonight by myself because the other members of Iraq

Watch, the gentleman from Pennsylvania (Mr. Hoeffel), the gentleman

from Massachusetts (Mr. Delahunt), the gentleman from Ohio (Mr.

Strickland), the gentleman from Washington (Mr. Inslee), and others who

have joined us periodically are otherwise occupied this evening. But I

come here representing those who have participated because of the

seriousness of the issues that are now confronting us with respect to

Iraq.

I have before me, Mr. Speaker, a copy of the May 3, 2004, issue of

the New Yorker Magazine entitled ``Torture at Abu Ghraib.'' I cite

this, Mr. Speaker, because I am afraid we are going to hear this phrase

on more than one occasion in the days to come. It is written by Seymour

Hersh, subtitled ``American Soldiers Brutalized Iraqis, How Far Up Does

the Responsibility Go?'' I am citing this to the Members this evening,

Mr. Speaker, because this is the only comprehensive report that I, as a

member of the Committee on Armed Services, and as a Member of the

House, have been able to get. I was intrigued by it because it mentions

two reports. The speaker before me, the gentleman from New York,

mentioned a report written by Major General Antonio Taguba, who happens

to be by coincidence from Hawaii, but he did not mention nor have many

other venues that I have observed, television, radio, newspapers,

articles, et cetera, another report. The report from General Taguba

being completed in February of this year, but that followed on a report

that was written and submitted in November of last year, November of

2003, by the Provost Marshal of the Army, the chief law enforcement of

the Army, General Provost Marshal Donald Ryder.

I think that I can begin to account for the tone, at least the

summary of the tone as far as it has been delivered to us, which is one

of outrage. I withdraw that. That is my characterization.

But let me put it this way: I believe it is fair to say if Mr.

Hersh's summary is correct, that General Taguba's report was, at a

minimum very, very intense, and that Mr. Hersh stated as follows: Its

conclusions about institutional failures in the Army prison system were

devastating. I think that is a fair summary.

The reason I am citing this to you, Mr. Speaker, is that at a meeting

this afternoon, at a briefing this afternoon, convened under the

direction of the gentleman from California (Mr. Hunter), chairman of

the Committee on Armed Services, under his auspices, officers appeared.

Given the nature of the hearing, the secret nature of the hearing,

again, for good and sufficient reason, I cannot cite to you and will

not cite to you the exact dialogue that took place, nor those who were

involved in it.

But, suffice to say, it was confirmed to me in that hearing, I should

say in that briefing, that there was indeed a report given to General

Sanchez, the Supreme Commander in Iraq, in November of last year, and

that General Ryder, according to Mr. Hersh, indicated in November, and

this is important. The reason we are going through this now and the

reason I am going through this recitation is these incidents did not

just happen. They did not just appear out of nowhere.

This is not something that the Army was aware of only in February of

this year, that there was some kind of shock recognition by the Army

that this was taking place in February. Because General Ryder clearly

warned, quoting now from the Hersh article, ``that there were potential

human rights training and manpower issues system-wide that needed

immediate attention.''

It also discussed serious concerns about the tension between the

missions of the military police assigned to guard the prisoners and

intelligence teams who wanted to interrogate them.

Again, I will go on, another quotation: ``Army regulations limit

intelligence activities by MPs to passive collection.''

I think this is an important point, because I see some of these

National Guard people who have been identified and who have had their

pictures on television and are being pointed out and being looked to

for responsibility. I think it is important for those who may not be

familiar with the situation in prisons, Army prisons, military prisons,

that Army regulations limit intelligence activities of MPs to passive

collection.

Something obviously went awry here. There was evidence, according to

the Ryder report, evidence going back as far as the war in Afghanistan.

Now we are going back even previous to 2003. We are talking about post-

9/11 and the attack on the Taliban forces in Afghanistan.

According to the Ryder report, as reported by Mr. Hersh, the MPs had

worked with intelligence operatives to ``set favorable conditions for

subsequent interviews,'' a euphemism, according to Mr. Hersh, for

breaking the will of prisoners.

Now, Mr. Hersh indicates that the Ryder report called for the

establishment of procedures to ``define the role of military police

soldiers, clearly separating the actions of the guards from those of

the military intelligence personnel.''

I am citing this detail to you, Mr. Speaker, because I think it is

very important to establish a context here.

General Ryder is the Provost Marshal of the Army. He is the chief law

enforcement officer of the Army, and he in his report indicated serious

questions with regard to the management and operation of the prison

system, and indicated serious reservations about the kinds of

expectations of the MPs with regard to military intelligence activity.

Major General Taguba in his report, and, again, I am relying on the

Hersh document because, to the best of my knowledge, these reports were

not made available even to the intelligence committees, let alone to

the Committee on Armed Services, either in the other body or in the

House of Representatives.

General Taguba was reported as saying, ``Unfortunately, many of the

systemic problems that surfaced during Major General Ryder's assessment

are the very same issues that are the subject of this investigation.''

It amounts to an indictment, Mr. Speaker. I do not know any other way

to put it. That is why I say I feel so badly coming down here today.

Believe me, this brings no sense of satisfaction to me, to have to

report this to you.

If the Army was aware at the highest levels of the difficulties and

challenges that existed, let alone the possibility of abuses or even

undermining of good order within the Army in terms of what is expected

of its personnel in the prison system, and was aware of that in the

fall of 2003, it can hardly have come as a surprise then if General

Taguba was exercised by what he found taking place in February of 2004.

If indeed General Taguba's report is as detailed and as explicit and

its recommendations as clear as it appears to be in the summary given

to us in Mr. Hersh's article, how is it possible for the Secretary of

Defense, who, after all, is in charge of the uniform military, and the

Speaker is well aware of our constitutional circumstances here. The

civilian authority is in charge with regard to what the policies of the

United States military are going to be. How is it possible for the

requisite authority in the Department of Defense not to be aware of

what these issues were?

It is very difficult for me to believe that General Sanchez kept this

to himself, or that General Sanchez failed to act on the clear warning

that General Ryder, his chief law enforcement officer, expressed to him

in writing in November of last year. It is difficult for me to believe

that there was not some awareness in the Department of Defense that

there were possibilities here for disaster, political and military

disaster.

Mr. Speaker, it is fair, I suppose, for someone to ask, well, yes, of

course we can see why you might be upset as a Member of Congress that

you were not informed. And I am, I can assure you of that. In fact, I

will cite to you, Mr. Speaker, in a few moments a letter received by

the ranking member of the committee, the gentleman from Missouri (Mr.

Skelton), from the Secretary of Defense, that at best misleads,

deliberately misleads the ranking member in questions that he had about

private contractors, and at worst is a deliberate subterfuge and

challenge to this Congress. Not to Democrats or Republicans. I am

talking about a challenge to Congressional authority.

I tell you, Mr. Speaker, we are walking on the edge of fascism in

this country if the executive or executive departments think that they

are able to make decisions absent the direction and will of the

Congress of the United States. For good or for ill, Mr. Speaker, you

and I are elected by the people of this country. Secretary Rumsfeld is

not elected by anybody. He is an appointment and serves only because he

has been approved by the Congress of the United States, in this

instance the will of the other body as embodied in their charge in the

Constitution.

For good or for ill, the people of this country have put their faith

and trust in us to make those decisions. We have clear jurisdictional

lines in the Committee on Armed Services. We have clear admonition

under the Constitution as to what our duty is and our obligation is

under that Constitution with respect to funding and managing the United

States military.

For any executive, or anyone in the executive branch, to assume that

he or she can take legislative authority unto themselves, particularly

when it comes to oversight, is something that is anathema to the

constitutional order. Executive authority, ruling by executive

authority, has a fascist tinge to it that I find very, very troubling.

I do not think it can be excused by the idea that we would be better

off without knowing.

I do not know if this is true, Mr. Speaker. I have only the media

representations to me, seen in fleeting images and heard in passing

tonight. But if I understood correctly and if the information is

correct, the President of the United States found out about this from

the media. The President of the United States was not informed that

these issues were already underway and about to break in the public

press.

We are told, at least I am informed, again by media presentation,

because we have not had any briefing or explanation of this in the

Committee on Armed Services to my knowledge or to the Congress as a

whole, that General Myers, the Chairman of the Joint Chiefs of Staff,

in fact asked a broadcast network, I believe the CBS network, not to

publish or broadcast news of these events that it had before it and was

prepared to bring forward.

This is a startling development in our country, that this kind of

censorship can take place, because we are not talking here about

putting members of the United States military in harm's way because of

the revelation of immediate plans of attack or the assumption of

military planning that would otherwise bring aid and comfort or

information to forces that might attack us or do us harm. This was not

an instance of that.

On the contrary, if what has been presented so far is true and is an

accurate reflection of what took place, these are clear violations of

regulations in the good order in the United States military and a

severe blow to the activities of the United States with respect to the

reconstruction of the physical facilities in Iraq and the establishment

of civil government in the wake of the collapse of the Hussein regime.

It strikes me that when the ranking member makes a request, as he did

on April 2, and the ranking Member, as you know, is the senior minority

member, in this instance the gentleman from Missouri (Mr. Skelton). He

serves as the senior Democratic member on the Committee on Armed

Services under the leadership of the gentleman from California (Mr.

Hunter).

On April 2 Mr. Skelton wrote a letter to Mr. Rumsfeld, the Secretary

of Defense. I would like to quote it to you in some length.

``Dear Mr. Secretary. I would like to first extend my sympathy and

display over the recent brutal killings in Fallujah. All of the

killings in Iraq, both of our troops and of contractors and civilians,

have been unacceptable and tragic, but the murder and desecration of

the four Americans working for Blackwater USA was particularly

barbaric. I would hope that plans are being prepared for a measured but

powerful response. One of the issues raised by this tragedy is the role

played by private military firms such as Blackwater.

``Media reports indicate at the time of the ambush the personnel in

question were providing security for a food delivery convoy. I

understand that Blackwater provides personal security for Ambassador

Paul Bremer. I would like to request that you provide my office with a

breakdown of information regarding private military and security

personnel in Iraq.''

That bears repeating, Mr. Speaker: ``I would like to request you

provide my office with a breakdown of information regarding private

military and security personnel in Iraq. Specifically, I would like to

know which firms are operating in Iraq, how many personnel each firm

has there, what specific functions they are performing, how much they

are being paid, and from which appropriations account. Additionally, I

would like to understand what the chain of command is for these

personnel, what rules of engagement govern them, and how disciplinary

or criminal accusations are handled, if any such claims are levied

against them.''

This is in April, early April. These questions, these measured,

sober, serious questions regarding the privatization of this war are

being asked by the

senior minority member of this House of the Committee on Armed

Services.

``Firms like Blackwater are clearly serving important functions in

Iraq and putting themselves at risk. It is important that the Congress

have a clear sense of the roles they are playing so that we can conduct

effective oversight. I appreciate your assistance in this matter.

Sincerely, Ike Skelton, Ranking Democrat.''

I think by any measure, Mr. Speaker, this would be seen as a letter

that, as I have already indicated, is sober and serious and measured in

its content and specifically and particularly on the mark with respect

to the role and responsibility of private contractors.

Why am I bringing that up? Because it appears, Mr. Speaker, that

there are serious instances of perhaps a blurring of institutional and

responsibility lines, with private contracting, military intelligence,

and the conduct of the prison guards and those in charge of the Army

prisons.

Why I am particularly exercised even more than I was this afternoon?

Because I thought this afternoon, well, we have to try and determine

where we are going to go, and I put out a release to that effect in

order to answer to my constituents as to what the thoughts were on this

issue at this time. I thought, well, we better be careful about making

grand pronouncements about what we need to do and where we are going to

go until we find out all of the facts and see where they lead. But I

will tell my colleagues, Mr. Speaker, I have come to the conclusion

that the Secretary of Defense has to think very seriously about

resigning. I have come to that conclusion only since this afternoon,

late this afternoon, early this evening, rather, when I became aware of

the answer to the gentleman from Missouri (Mr. Skelton) dated May 4,

the date that I received this, May 4 is printed on here; whether it was

written May 4 or whether it was received in the office of the gentleman

from Missouri (Mr. Skelton) on May 4 is difficult for me to determine.

It may be that that is a stamp to indicate to my office that it was

received in my office on May 4.

But here is the answer given by Donald Rumsfeld, the Secretary of

Defense: ``Thank you for your letter of April 2 regarding private

security personnel. A discussion paper provided by the Coalition

Provisional Authority responding to the points that you raised is

attached,'' and it is.

Now, here is the answer given by the Secretary of Defense with regard

to private companies, knowing, knowing now, this is April, knowing

about the report of November 5, knowing about the 30-plus or 35

investigations under way, according to reports that we have received in

the press, which I think reflect accurately some of the conversation

that was held this afternoon. Multiple, let me put it this way,

multiple investigations under way. Knowing that, knowing that he had

the report of General Taguba before him, knowing that this material had

been deliberately asked to be censored and withheld from publication in

the network news.

Here is what he says: ``Some private security companies called PSC,

private security companies, under contract in Iraq provide, one,

personal security services for senior civilian officials, as well as

some visiting delegations. Two, they also provide physical security for

nonmilitary facilities inside the green zone and convoy protection for

nonmilitary goods. Three, they provide protection for government

support teams consisting of Coalition Provisional Authority personnel

and government contractors who team with local Iraqi officials to

develop local government structures and functions.''

Not a word, Mr. Speaker, about the role of private contractors and

military intelligence or in the prison system. How is it possible for

the Secretary of Defense not to mention this, given the context in

which this answer was given to the gentleman from Missouri (Mr.

Skelton)? That is why I am so exercised about the contempt that the

Secretary is showing for the Congress and yes, indeed, for the

President of the United States. How is it possible for the Secretary of

Defense to face Mr. Bush, let alone this Congress, and say that he

deliberately, I cannot think of any way else to characterize it,

deliberately kept us from understanding what it was that these private

contractors were doing in this prison context.

He goes on to say: ``It is my understanding that most of these

private security companies doing business in Iraq do not work directly

for the U.S. Government.'' Well, who are they working for then? They

work under subcontracts to prime contractors to provide protection for

their employees, as if there is some benign presence. We are in the

middle of a war on terror, we are told. We are in the middle of a war

in Iraq. The Speaker is well aware that I characterized this more than

a year ago in May when we returned, when we were among the first group

to go with the gentleman from California (Mr. Hunter), some of us went

with him, among the first group to enter Baghdad after the initial

attack on Baghdad and some of us said, yes, there was an attack on

Baghdad and now the war is starting.

Unfortunately, that has proven to be only too true, for the Secretary

of Defense to pretend in the middle of a war situation in which our

troops are put at risk, that somehow, there is this semi-benign

presence in Iraq, of private contractors to go about their business

without the supervision or the oversight of the Department of Defense

and the United States military. I mean, it is an insult.

``A draft CPA order, Coalition Provisional Authority order, on

regulating the private security companies which will require certain

data from each firm has been prepared with input from the Iraqi

Ministry of the Interior.''

I mean, the contempt of this letter is incredible.

``The Iraqi Ministry of the Interior and Ministry of Trade will be

largely responsible for the administration of this and any revisions

that may be promulgated by the Iraqi interim government after June 30.

Finally, the Department of Defense is drafting uniform guidance

regarding private security companies employed in Iraq under contract

using U.S. appropriations.''

It is as if it does not even exist at this point.

``I hope this is useful. We can provide additional information or

briefing if you would like.''

Then we have a summary here in the attachment which includes a list,

Mr. Speaker, of the private security companies operating in Iraq.

Now, I believe that there was a company called CACI. I do not

precisely have that because I do not have the report here; I am looking

for it in this list of private security companies operating in Iraq.

Perhaps it is listed here, but I cannot find it among the 60, the 60

companies that are listed here. It may be that I am not sufficiently

conversant with the actual names and acronyms of the security companies

that were working intelligence privately in Iraq. I would be more

familiar with it had we been briefed on it, had we been given the

information, as is not only our right, but our obligation to have in

the Committee on Armed Services.

I cannot find it. It is very, very difficult for me to believe that

we are in a situation, post-Watergate in which it is necessary to know

the answer ahead of time in order to ask the right question. It seems

to me the questions posed by the gentleman from Missouri (Mr. Skelton)

are clear enough. It seems to me that the answer here, while probably

technically correct, leaves out valuable information. This is clearly

not an exhaustive list of the private companies that were involved.

I concentrate on this, Mr. Speaker, because I think we face a serious

crisis here in the Congress. If we are going to allow the executive to

conduct this war in our name, the name of the people of the United

States, and we constitutionally have not only the authority, but the

responsibilities of legislating the policies associated with arming and

supporting our military, our United States military as well as

establishing the policies of this Nation to be carried out by the

executive. The executive does not tell us what to do. We again, for

better or for ill, are given and required by the Constitution to

exercise that legislative authority.

The legislation we have put together, the policies that we have

assume by virtue of a majority activity in both Houses of this

Congress, are what constitutes the policies of this country that will

be carried out by the executive. The executive can inform of his or

her desires in this regard, but we are the ones that have to decide

this. We are the ones that have to exercise the oversight.

So I say to you, Mr. Speaker, that these are very, very serious

allegations. No question about that. I do not come here this evening

speaking with any kind of relish or enjoyment of what is required of us

here. But I can tell you I was a probation officer in my life. I have

been an officer of the court. I have had professional responsibilities

in county jails, in San Quentin Prison. I know what it is like to have

to conduct drug tests. I know what it is like to appear at a booking

desk every morning year in and year out. I know what is involved in

investigations in arrests and prosecutions.

I know what is involved in making reports on what needs to be done

and how it should be done and what the conducts of officers of the

courts are with respect to the management and maintenance of jails and

prison systems.

I have legislative responsibilities with regard to how prison systems

are run and under what circumstances and what is required of the

personnel as a legislator. I have been the chairman of a committee with

responsibility for the police departments in Honolulu, the Honolulu

Police Department, under the jurisdiction of the committee that I was

privileged to serve on and chair in the city and counties of Honolulu.

I understand what is at stake in prison system, and I know this from my

own personal experience, what is required in a prison system is, first

of all, certainty, certainty.

You must know from the top to the bottom exactly what the rules are.

Certainty and activity. Those are the two fundamentals. Once you have

those established in a prison system, then you know where you stand.

Nobody can talk to me about failure to train some National Guard

operatives on the jail cell level and tell me that they were operating

on their own. That does not happen, Mr. Speaker. It does not happen in

the county jail. It does not happen in a state prison. And it does not

happen in a Federal prison system. Certainty from top to bottom is

required. If it does not exist that is failure of leadership that has

to be accounted for and responsibility has to be taken.

So far as I can see right now, there is some reprimands being handed

out. There are some court-martials being held at the lowest possible

level. And yet we have two reports, the Ryder report and the Taguba

report, that I do not believe for a moment did not see the light of day

at the general officer level and at the highest levels of the

Department of Defense.

If it is true that the President of the United States was not

informed by his Secretary of Defense as to what the situation was and

what was likely to happen, that is dereliction of duty on the part of

the Secretary vis-a-vis the President of the United States. It is far

worse in my estimation that you let down the person who has entrusted

you, entrusted you with the responsibility for carrying out the

executive policies of this Nation.

It is bad enough that the Congress of the United States was not

informed. But they have the President of the United States left in the

dark on something that was sure to have incredible negative

ramifications with respect to Iraq and the position of the United

States is unforgivable. It is intolerable. But I know as sure as my own

experience indicates, that it is not possible for the leadership at the

levels that I have discussed not to have been aware that at minimum the

possibilities of this disaster was there and needed to be addressed. At

a minimum. And worse, that they knew it was going on and tolerated it.

We need to have a full exposure of exactly who knows what. Not

because, Mr. Speaker, I wanted to have some kind of a media field day

or some kind of a tabloid extravaganza, but because the very

responsibility of this Congress is at stake. Either we are informed,

Mr. Speaker, about what the situation is and where we are going so that

we can make a decision with regard to oversight or we are not.

So, Mr. Speaker, in conclusions, I want to ask you in your role as

Speaker, to acknowledge the facts that this is a requirement of the

Congress of the United States, that we exercise oversight on behalf of

the people of this Nation and the values of this Nation. If we do not

do it, Mr. Speaker, who is going to do it?

It is apparent that no one wants to take responsibility in the

Department of Defense. No one wants to take responsibility in the

military at the present time. No one is exploring right now exactly

what the boundaries were or were not. No one is examining the role of

private security corporations in the intelligence gathering on behalf

of the United States military and on behalf of the security interests

of this Nation. No one asked me about it, I can assure you on the

Committee on Armed Services as to whether I thought that was a good

idea. I cannot speak about the Permanent Select Committee on

Intelligence, but I am hard pressed to think that the Permanent Select

Committee on Intelligence, Republican or Democrat, this has nothing to

do with the partisan nature of any kind of political discussion we

might be having, but it is difficult for me to believe that anybody on

the Permanent Select Committee on Intelligence sanctioned such a thing

or that there was knowledge of it in the Permanent Select Committee on

Intelligence or that it would not have been shared with the Office of

the Speaker at a minimum with the leadership of both sides of the

aisle.

We have to have an understanding of whether our role as overseers of

the United States strategic interests is going to be honored. If we do,

then perhaps we can reestablish some credibility. If we do not, then I

fear that the role that Secretary Rumsfeld has assumed for himself,

namely, chief operating officer of the United States, without any

responsibility to the chief executive of this Nation, the President of

the United States, or any responsibility to the Congress of the United

States. He gets to decide what we will do and what we will not do. He

gets to decide whether or not this country is going to be put into a

series of circumstances and situations that are totally untenable in

terms of the values of this Nation or what the goals and aspirations we

have with regards to our security interests and the peace of the world.

I think that we need to have a clear understanding that unless the

Secretary can answer these questions he has to consider resigning. He

has to consider whether or not we are going to have a cleansing of the

way in which this war is being conducted, in the manner in which it was

being reported to us in the Congress and by extension to the people of

the United States.

I appreciate the fact, Mr. Speaker, that these are difficult

questions, that I have only been able to present a summary of what is

at stake here; and I appreciate your patience and forbearance as I

have enunciated it.

I do think very, very clearly, Mr. Speaker, that there this is

something that has to be addressed, and I would hope that the

leadership of the House, both majority and minority, will settle on the

proper venue, which I personally believe to be the Committee on Armed

Services, but perhaps a joint committee situation, in which these

issues are explored; and I hope that the Secretary of Defense will be

able to answer adequately what his responsibility and obligation is.