

109TH CONGRESS
1ST SESSION

H. RES. 635

Creating a select committee to investigate the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, retaliating against critics, and thwarting congressional oversight, and to make recommendations regarding grounds for impeachment.

IN THE HOUSE OF REPRESENTATIVES

Mr. CONYERS submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Creating a select committee to investigate the Administration's intent to go to war before congressional authorization, manipulation of pre-war intelligence, encouraging and countenancing torture, retaliating against critics, and thwarting congressional oversight, and to make recommendations regarding grounds for impeachment.

- 1 *Resolved*, That there is hereby established in the
- 2 House of Representatives a select committee to be known
- 3 as the Select Committee on Administration Predetermina-
- 4 tion to Go to War, Manipulation of Intelligence, Abuse of
- 5 Detainees, Retaliation Against Critics, and Thwarting of



1 Congress (in this resolution referred to as the “Select
2 Committee”).

3 PURPOSES AND FUNCTIONS

4 SEC. 2. (a) The Select Committee is authorized and
5 directed to investigate all relevant government agencies ac-
6 tions and decisions relating to the Administration’s intent
7 to go to war before congressional authorization, manipula-
8 tion of pre-war intelligence, encouraging and counte-
9 nancing torture, retaliating against critics, and thwarting
10 congressional oversight, including:

11 (1) actions by the White House, National Secu-
12 rity Council, Department of State, Department of
13 Defense, and Central Intelligence Agency related to
14 United Nations and Iraq Survey Group inspections
15 of Iraq;

16 (2) knowledge of Iraq’s ability regarding and
17 intentions toward, or lack of ability regarding or in-
18 tentions toward, nuclear weapons capability;

19 (3) knowledge regarding Iraq’s possession of or
20 attempted possession of, or regarding the lack of
21 possession of or attempted possession of, chemical or
22 biological weapons;

23 (4) knowledge of Iraq’s possession of aluminum
24 tubes for conventional rocket programs or for nu-
25 clear weapons development;



2 (5) knowledge regarding Iraq's intent, or lack
3 of intent, toward acquiring yellowcake uranium from
4 Niger;

5 (6) knowledge of any involvement, or lack of in-
6 volvement, by Iraq in the September 11, 2001, at-
7 tacks against the United States;

8 (7) knowledge of any connections or ties, or of
9 any lack of connections or ties, between Iraq and al
: Qaeda;

21 (8) knowledge of any meeting, or lack of any
22 meeting, between Iraqi intelligence officials and Mo-
23 hammed Atta in Prague, Czechoslovakia;

24 (9) preparations for detention, interrogation
25 and treatment of detainees, or lack thereof, made in
26 the planning stages of the Iraq conflict prior to
27 March 19, 2003;

28 (10) knowledge of abuses and mistreatment of
29 detainees during the Iraq conflict after March 19,
2: 2003;

31 (11) the investigation of abuses and mistreat-
32 ment, or lack thereof, the results of these investiga-
33 tions, any sanctions or punishment of offenders, and
34 any efforts to keep these reports either from super-
35 visors, officials or the public;



2 (12) an examination of all prison facilities, in-
 3 cluding the High Value Detainee facility at Baghdad
 4 airport and secret prisons or “black sites,” for de-
 5 taining individuals outside the United States;

6 (13) the extent to which civilian, military, or in-
 7 telligence officials expressly authorized, willingly ig-
 8 nored, or created an atmosphere that condoned the
 9 abuses and mistreatment that occurred at Abu
 : Ghraib, Iraq; and

21 (14) knowledge on the part of any White House
 22 officials of the covert identity of Valerie Plame Wil-
 23 son and any discussion or communication by such
 24 officials with members of the media about such iden-
 25 tity.

26 APPOINTMENT AND MEMBERSHIP

27 SEC. 3. (a) MEMBERS.—The Select Committee shall
 28 be composed of 20 Members of the House to be appointed
 29 by the Speaker, of whom—

2: (1) 10 Members shall be appointed upon the
 31 recommendation of the minority leader as set forth
 32 below;

33 (2) 1 Member he shall designate as chairman;

34 (3) 1 Member he shall designate, upon the rec-
 35 ommendation of the minority leader, as vice chair-
 36 man.



2 (4) 4 Members shall sit on the Committee on
3 the Judiciary, of whom 2 shall be appointed upon the
4 recommendation of the minority leader;

5 (5) 4 Members shall sit on the Committee on
6 International Relations, of whom 2 shall be ap-
7 pointed upon the recommendation of the minority
8 leader;

9 (6) 4 Members shall sit on the Permanent Se-
: lect Committee on Intelligence, of whom 2 shall be
21 appointed upon the recommendation of the minority
22 leader;

23 (7) 4 Members shall sit on the Committee on
24 Government Reform, of whom 2 shall be appointed
25 upon the recommendation of the minority leader;
26 and

27 (8) 4 Members shall sit on the Committee on
28 Armed Services, of whom 2 shall be appointed upon
29 the recommendation of the minority leader.

2: (b) VACANCIES.—Any vacancy occurring in the mem-
31 bership of the Select Committee shall be filled in the same
32 manner in which the original appointment was made.

33 (c) For purposes of this section, the term “Member”
34 means any Representative in, or Delegate or Resident
35 Commissioner to, the House of Representatives.

36 POWERS OF SELECT COMMITTEE

37 SEC. 4. (a) IN GENERAL.—



2 (1) HEARINGS AND EVIDENCE.—The Select
3 Committee or, on the authority of the Select Com-
4 mittee, any subcommittee or member thereof, may,
5 for the purpose of carrying out this resolution—

6 (A) hold such hearings and sit and act at
7 such times and places, take such testimony, re-
8 ceive such evidence, administer such oaths; and

9 (B) subject to paragraph (2)(A), require,
: by subpoena or otherwise, the attendance and
21 testimony of such witnesses and the production
22 of such books, records, correspondence, memo-
23 randa, papers, and documents, as the Select
24 Committee or such designated subcommittee or
25 designated member may determine advisable,
26 including but not limited to—

27 (i) White House documents (e.g.,
28 memoranda, e-mails, notes of phone calls,
29 handwritten notes);

2: (ii) Department of Defense docu-
31 ments;

32 (iii) Department of Justice materials;

33 (iv) Department of State documents;

34 (v) Central Intelligence Agency anal-
35 yses;



2 (vi) Defense Intelligence Agency anal-
3 yses;

4 (vii) National Security Council memo-
5 randa; and

6 (viii) Special Counsel Patrick
7 Fitzgerald's notes, grand jury materials,
8 and other evidence collected or created as
9 part of the CIA leak investigation.

: (2) SUBPOENAS.—

21 (A) ISSUANCE.—

22 (i) IN GENERAL.—A subpoena may be
23 issued under this section only—

24 (I) by the agreement of the
25 chairman and the vice chairman; or

26 (II) by the affirmative vote of 10
27 members of the Select Committee.

28 (ii) SIGNATURE.—Subject to clause
29 (i), subpoenas issued under this subsection
30 may be issued under the signature of the
31 chairman or any member designated by a
32 majority of the Select Committee, and may
33 be served by any person designated by the
34 chairman or by a member designated by a
35 majority of the Select Committee.

36 (B) ENFORCEMENT.—



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(i) IN GENERAL.—In the case of con-
tumacy or failure to obey a subpoena
issued under subsection (a), the United
States district court for the judicial district
in which the subpoenaed person resides, is
served, or may be found, or where the sub-
poena is returnable, may issue an order re-
quiring such person to appear at any des-
ignated place to testify or to produce docu-
mentary or other evidence. Any failure to
obey the order of the court may be pun-
ished by the court as a contempt of that
court.

(ii) ADDITIONAL ENFORCEMENT.—In
the case of any failure of any witness to
comply with any subpoena or to testify
when summoned under authority of this
section, the Select Committee may, by ma-
jority vote, certify a statement of fact con-
stituting such failure to the appropriate
United States attorney, who may bring the
matter before the grand jury for its action,
under the same statutory authority and
procedures as if the United States attorney
had received a certification under sections

