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## Mens Rea and WMD

(Monday, 06 June 2005) - Contributed by Rep. John Conyers, Jr.

The article below appeared on the blog of John Conyers. If you want to join Rep. Conyers in taking action please visit [www.JohnConyers.com](http://www.JohnConyers.com) - sign his letter to President George W. Bush. We have reached a point where all but the most delusional enthusiasts of the Iraq war have now acknowledged that Iraq did not possess weapons of mass destruction at the time of the U.S. invasion and likely for over a decade preceding the war. Fox News and the President were slow to acknowledge this fact, but now have.

Unfortunately, it seems this rare consensus has lulled many into failing to ask the follow-up question: why were the President and other high-ranking administration officials so definitive in their statements that Iraq possessed WMD? This question is not of a merely historical significance: we deserve to know whether these statements were the result of a "massive intelligence failure" as some have contended or a deliberate deception of the Congress and the American people.

Essentially, the question boils down to what lawyers call "mens rea". Before a defendant can be convicted of a crime the judge or jury must find not only that the defendant committed the wrongful act but also did so with a state of mind indicating culpability. In the case of a fraud, the jury must find that there was intent to deceive. In the case of Iraq, the weight of evidence continues to accumulate indicating that the American people and Congress may well have been the victims of a deliberate deception.

On page A26 of the Sunday, May 22 edition of the Washington Post, under the headline "Prewar Findings Worried Analysts," we learned that four days before the President made the now retracted claim that Iraq was trying to buy "significant quantities" of uranium from Africa, the National Security Council thought this case was so weak that it put out a frantic call for new intelligence.

In the same article, we learned that before an Oct. 7, 2002 Presidential speech in which the President claimed there was a potential threat to the U.S. by Iraq through unmanned aircraft "that could be used to disperse chemical or biological weapons," and a contemporaneous claim to Congress by Vice President Cheney and then-CIA Director George Tenet that this was the "smoking gun" justifying the war, "the CIA was still uncertain whether he was lying."

On page A1 of the Saturday, May 28 edition of the Washington Post, under the headline "Analysts Behind Iraq Intelligence Were Rewarded", we learned that the analysts who pushed the now discredited claim that Iraq's purchase of aluminum tubes was for the purpose of furthering a nuclear weapons program, have been richly rewarded for this conspicuous failure, receiving job performance rewards in each of the three years since this grave error.

The same article quotes "some current and former officials" as generally stating "the episode shows how the administration has failed to hold people accountable for mistakes on prewar intelligence."

Early this morning on the Associated Press wire, under the headline "Bolton Said to Orchestrate Unlawful Firing," we learn that the President's nominee to be Ambassador to the United Nations once again exercised his unique diplomatic talents, flying "to Europe in 2002 to confront the head of a global arms-control agency and demand he resign, then orchestrated the firing of the unwilling diplomat in a move a U.N. tribunal has since judged unlawful, according to officials involved." The diplomat's sin? He was "trying to send chemical weapons inspectors to Baghdad. That might have helped defuse the crisis over alleged Iraqi weapons and undermined a U.S. rationale for war."

Thus, absent any contradictory evidence, in the past two weeks alone (leaving out the reports of the last three years), we have a pretty clear pattern. This Administration had a cover story, namely that a clear and present danger to the United States was posed by Iraq's WMD, for something they knew they wanted to do: go to war with Iraq. Those who brought forward the weight of evidence disputing these claims were first ignored and later punished. Those who assisted in the cover story were rewarded.

Sounds like the intelligence and facts were being "fixed" around the policy, as the Downing Street Minutes claim. That sounds like deliberate deception to me.

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