

and Joint Chiefs is one that will lead to transformation and victory in our current engagements and dominance in the decades to come. Perhaps more importantly, Mr. Brownlee has established a gold standard for character to which all of our military personnel should aspire.

I thank him for his service, the time he spent, and the dedication and commitment he made to his country.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL LAMONT NOEL WILSON

Mr. INHOFE. Mr. President, I stand today to honor a brave young American who gave his life defending our Nation. He felt a call to serve his country, to be part of something bigger than himself, and, ultimately, paid the highest price.

LCpl Lamont Wilson, of Lawton, OK, was assigned to 2nd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, from Camp Pendleton, CA. His parents, Lanny and Florence Wilson, still live in Lawton, where he graduated from Eisenhower High School in 2003. By June, he was already serving as a marine, fulfilling a military dream Lamont kept alive since childhood. When asked why he joined the Marines, Lamont explained it was to make his father proud.

On September 6, in Fallujah, Lamont was killed in combat. He gave his life for the freedom of millions of Americans and also for the peace and prosperity of the Iraqi people crippled by a totalitarian regime. His funeral, held at St. John's Missionary Baptist Church in Lawton, was a joyous celebration of Lamont's life and service to God and country. Although the loss of this young man is a loss we all feel, our thoughts and prayers are especially with his family and friends.

Lamont's dedicated service showed the spirit that drives us to fight oppression around the world. He knew that he and his fellow marines were fighting to protect America, to keep their Nation safe. The way Lamont signed letters he wrote home—"Sleep Well, America"—embodied the noble spirit of sacrifice in the hearts of the men and women in our Armed Forces. It is for men like Lance Corporal Wilson that I am proud to be a part of this great country. He was a special marine but, more importantly, a special man.

Several of us who have spent time over in Afghanistan and Iraq have talked to these young people there, the young troops. They sometimes ask the question: Why is it that people don't appreciate us? It is because they get kind of a perverted media over there that doesn't really understand what the war is all about. I gave them my assurance that we understand the sacrifices they make, that we are at the most threatened position today this country has ever been in, and it is people like you who are keeping and preserving our freedom.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

BRIGADIER GENERAL CHARLES "BEN" ALLEN

Mr. INHOFE. Mr. President, it is not very often that one has the opportunity to talk about someone they knew personally. We have so many fallen heroes in Iraq and in this war on terror. Those who have spent any time on the Armed Services Committee know that right now we are in the most threatened position our country has ever been in.

Today, I honor the memory of a really remarkable man whom I had the honor of meeting. In fact, I had the honor of meeting this man over in Iraq. It was around the time the U.N. building was bombed and I happened to be there at the time. He was over there with General Griffin, and I am speaking of BG Charles "Ben" Allen. He was a classic Oklahoman, a hard worker and leader who was dedicated to his family, his faith, and his country.

General Allen was an assistant commander in the 4th Infantry Division and was killed along with six other soldiers in the Blackhawk helicopter crash in central Texas.

Although he was born in Alaska, Ben Allen grew up in the Lawton/Fort Sill, OK, area, an Army town where the artillery is king of battle and familiar to all.

The son of an Army colonel, he graduated from Eisenhower High School in Lawton and went on to study at Lawton's Cameron University where he graduated from the ROTC program and was commissioned into the artillery.

General Allen's career was a long and distinguished one and included assignments with the 9th Infantry Division at Fort Lewis, WA, the 70th Field Artillery Detachment in Greece, the 7th Infantry Division at Fort Ord, CA, and the 9th Field Artillery in Heilbronn, Germany, the 101st Airborne Division at Fort Campbell, KY, where he was the operations officer for division artillery during Desert Shield and Desert Storm, and the 24th and 3rd Infantry Divisions at Fort Stewart, GA.

Allen then served as the J5 Balkans Branch Chief for the Joint staff at the Pentagon, after which he commanded the 4th Infantry Division's artillery and served in several positions under the Army deputy chief of staff for programming before returning to the 4th ID.

It is often said that when a soldier chooses a branch of service, he also is choosing the hometown of his future wife. Ben changed the order of that expectation. He and Cindy were college sweethearts at Cameron. In college,

Cindy was a serious student who shared Ben's competitive spirit. For fun, the couple would compete for the highest GPA.

When Ben graduated from Cameron's ROTC program, he asked Cindy to marry him. She has been a partner, a friend, and a source of strength and truth, a cherished wife and beloved mother.

Cindy is a teacher by trade. For her, life in the military was a positive challenge which she took on with the same focused energy Ben showed whenever the Allens arrived at the new assignment. Cindy educated herself about each new duty assignment. She managed each move in an organized and disciplined way.

A lot of people do not understand what this is like for a family to be moved around this way, but Cindy handled it very well. Her leadership, responsibility, duty, love, and calm made her the perfect partner in life and love for this soldier. Even in this dark hour, Cindy is strong, dignified, and helping others cope with their losses as well.

Although General Allen was a man who faced the foes of the world with steely resolve, he stood no chance when it came to his only daughter, Laura, who is a 20-year-old student at George Mason University. Ben and Laura had a special father-daughter relationship fortified by great humor, warmth, understanding, and natural affection, a bond that will endure in her heart forever. She will always be his little girl.

I remember talking to him about this because my youngest daughter Katie and I also have that. To this day, I still call her my little girl. That is the relationship Ben had with Laura.

As the saying goes, like father like son, we likewise send our heartfelt condolences to General Allen's son Brian who is attending the University of Virginia on an ROTC scholarship. So we are talking now about the third generation. Brian and Ben shared many great times together watching their favorite teams, the Boston Red Sox and the Dallas Cowboys, and of course the University of Oklahoma, the No. 1 team in the Nation.

Whatever career path Brian chooses, he will have the life and accomplishments of a great and courageous man to serve as a bright and shining example for selfless service.

I will also share several thoughts about GEN Ben Allen that I have heard from some of my constituents who knew him. Many of these folks attended the memorial service held yesterday at Fort Sill. I was unable to be there because of votes here but I believe their comments say even more about the man, Ben Allen, than the long record of honorable service I just read.

Here are their words:

Ben Allen was known to be a soldier's soldier. He cared about his troops and he enthusiastically led his troops to achieve victory both on and off the battlefield. He was also a soldier's son. Ben was the beloved son of a career Army officer.

His father was a colonel.

Ben had a special talent for maintaining friendships. When he arrived at new duty stations, he made a special effort to seek out and reconnect with friends and colleagues from previous assignments. Whether on the golf course or standing on the bank of one of his favorite fishing holes, Ben could make you feel as though only days had passed since he last saw you.

Ben was a man of faith, with a great sense of humor. He worked hard and expected the best from himself and from his troops. He loved his family, the Army, his life, and his country.

One friend suggested that this quotation from John Ruskin would be fitting in describing the way Ben Allen lived his life:

Tis a good and safe rule to sojourn in many places, as if you meant to spend your life there, never omitting an opportunity of doing a kindness or speaking a true word or making a friend.

In this time of trouble and tragedy, we remember and pay tribute to General Allen and also to the many other Americans who do dangerous work not only overseas in places such as Iraq and Afghanistan, but within our own borders. Soldiering is a risky job. I am a veteran of the U.S. Army. I know there is no time you are not risking your life if you take this career. We should be grateful there are people like General Allen, people committed to defending freedom and truth, who are willing to take those risks on our behalf.

We remember Cindy, Brian, and Laura Allen, as well as General Allen's mother, Christine Allen Harper. We grieve for them, for their fallen husband and father and son. In his life and his death he set a high standard for all of us to follow. As we travel onward together, we will never forget BG Charles "Ben" Allen.

I know it is unusual to say something like this, but I have had occasion, just in the last few minutes, to talk to his wife Cindy. I recall something that he said to me when we were together over in Iraq. I said to him, "Do you know Jesus?"

He was very straightforward, and he said, "Yes."

I talked to his wife about that. There was no doubt in his mind. For some who do not understand this, if you are a man of faith like Ben, we can assure you it is not: Goodbye, Ben. He is with Jesus now. It is: So long, we will see you soon.

CORPORAL BRYAN WILSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Otterbein, IN. Corporal Bryan Wilson, twenty-two years old, died on December 1 as a result of injuries sustained in a Humvee crash in the Al Anbar Province. With his entire life before him, Bryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Seeger Memorial High School in 2001, Bryan joined

the Marines. His mother-in-law, Linda, told the Lafayette Journal & Courier that Bryan "knew when he graduated that he was going to be a Marine . . . He was very brave, and we're so proud of him. He made the ultimate sacrifice for all of us."

Bryan was the fortieth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. This brave young soldier leaves behind his wife Samantha; his parents Charles and Brenda Wilson; his brothers Lonnie and Adam; and his 20-month-old daughter Breanne. May Bryan's daughter grow up knowing that her father fought bravely, giving his own life so that young Iraqis can some day know the freedom she enjoys.

Today, I join Bryan's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bryan, a memory that will burn brightly during these continuing days of conflict and grief.

Bryan was known for his dedication to serving others and his love of family and country. When looking back on Bryan's life, his wife Samantha told the Associated Press that he had been determined to serve his country and that "he would never have changed his mind about going." Today and always, Bryan will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bryan Wilson in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bryan's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory;

and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bryan.

LANCE CORPORAL ADAM R. BROOKS, USMC

Mr. GREGG. Mr. President, I rise today to remember and honor LCpl Adam R. Brooks of Manchester, NH for his service and supreme sacrifice for his country.

Lance Corporal Brooks demonstrated a willingness and dedication to serve and defend his country by joining the United States Marine Corps. His enthusiasm and devotion to service were indicated early on by his decision to enlist in the Delayed Entry Program which obligated him to the Marines well before he graduated from Central High School in 2003. Just as many of America's heroes have taken up arms in the face of dire threats, Adam, too, dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life, but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Adam reported to recruit training at Marine Corps Recruit Depot Parris Island in August 2003. Following his basic training, he volunteered for and received further training as a rifleman in the infantry. Upon completion of this training, he became a member of 1st Battalion, 2d Marines, 2d Marine Division. From this unit's home base in Camp Lejeune, NC, he would deploy to Iraq in pursuit of those who would threaten our way of life.

Tragically, on November 28, 2004, Lance Corporal Brooks gave his last full measure for our Nation during combat with the enemy in the Babil Province of Iraq. Throughout his short career, Adam earned a series of accolades which testify to the dedication and devotion he held for the Marine Corps, his fellow Marines, and his country. Adam's hard work and dedication contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Adam was recognized for his service by the Purple Heart Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Sea Service Deployment Ribbon.

My condolences and prayers go out to Adam's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their Marine, Lance Corporal Adam R. Brooks. Adam exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST ALAN J. BURGESS

Mr. GREGG. Mr. President, the United States of America was founded on a passion for freedom, personal liberties, and equality for all its citizens. In a fierce battle for freedom and independence, the citizens of this new

world cast off the shackles of tyranny and built for themselves a land of hope and promise. So fervently held were the beliefs and ideals of this country, that a son of New Hampshire, General John Stark, reminded us of the price of our liberties with his admonishment to "live free or die." The heroes and Founding Fathers of that long ago time have been joined by another noble son of New Hampshire, SPC Alan J. Burgess of Landaff. It is in his memory that I rise today to honor Alan for his service and supreme sacrifice in the continuing defense of this country and for his relentless defense of freedom.

Specialist Burgess demonstrated a willingness and dedication to serve and defend his country by joining the National Guard after this country was attacked in September 2001 and we had begun the task of destroying the enemies of our country. Just as many of America's heroes have taken up arms in the face of dire threats, Alan too dedicated himself to the defense of our ideals, values, freedoms, and way of life. His valor and service cost him his life but earned him a place on the roll call of honor within the pantheon of heroes this country has produced.

Following basic training, Alan joined his comrades in 2nd Battalion, 197th Field Artillery Brigade, Army National Guard as a military policeman and began training for his deployment to Iraq in support of Operation Iraqi Freedom. From this unit's home base in Woodsville, NH, he would deploy in March 2004 to Iraq in pursuit of those who would threaten our way of life.

During his all too brief career, Alan accumulated a significant list of accolades and experiences which testify to the dedication and devotion he held for the Army, his fellow soldiers, and his country. Alan's expertise contributed greatly to his unit's successes and cemented his place as a participant in the great endeavor known as America. Alan was recognized for his service by the Bronze Star Medal, the Purple Heart Medal, the Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Army Reserve Overseas Service Ribbon.

I offer Alan's family my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, Specialist Alan Burgess. Alan exemplified the words of Daniel Webster who said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Because of his efforts, the liberty of this country is made more secure.

SPECIALIST DARYL DAVIS

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a heroic American, SPC Daryl Davis, a fellow Iowan originally from Spencer, IA. A member of the 144th Transportation Company of the Florida Army National Guard, Specialist Davis was killed November 29, 2004 when his Humvee was involved

in an accident traveling between military camps in Iraq. Specialist Davis was serving as a gunner when the accident occurred. Daryl Davis graduated from Spencer High school and enlisted in the Iowa National Guard at age 17 before transferring to Florida earlier this year. Specialist Davis is survived by his mother and father, Dana Davis and Richard Rosado, as well as two brothers. I know that he will be deeply missed by his family and friends. My thoughts and prayers are with them.

I ask my colleagues in the Senate and my fellow Americans to join me in remembering Specialist Davis and the enormous sacrifice he made for his country. Many people thought very highly of Specialist Davis and he will always be remembered for his willingness to serve others. The United States owes its continued prosperity to Specialist Davis and others like him who are willing to advance our ideals at great personal cost. Daryl Davis will be remembered as a great patriot and it is fitting that we honor him today.

MARINE SERGEANT NICK NOLTE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nick Nolte of Falls City, NE, a sergeant in the United States Marine Corps. Sergeant Nolte died November 24, 2004 at the Walter Reed Army Medical Center from wounds he received on November 9 when his Humvee drove over a bomb near Baghdad, Iraq. He was 25 years old.

Sergeant Nolte graduated from Falls City Sacred Heart High School in 1998. After graduating, he enlisted in the U.S. Marine Corps and became a member of the Presidential Helicopter Squadron HMX-1, guarding Presidents Clinton and Bush. In June 2004, Nolte joined Operation Iraqi Freedom as a rifleman, Marine and personal security expert. Sergeant Nolte will be remembered as a loyal Marine who believed in his mission and who had a strong sense of duty, honor and love of country. Thousands of brave Americans like Sergeant Nolte are currently serving in Iraq.

Sergeant Nolte is survived by his mother, Anita Nolte; his wife, Melina and 3-year-old daughter, Alanna of Cherry Point, NC and sister, Jessica Nolte of Omaha. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Nick Nolte's service and mourns his loss.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring Sergeant Nick Nolte.

STAFF SERGEANT ROBERT S. DOUGHTY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentucky hero, SSG Robert S. Doughty. Sergeant Doughty, an 11-year-veteran of the U.S. Army and from Paducah, KY, went to Iraq last spring as a member of the 3rd Battalion, 5th Special Forces Group. On July 8, 2004, Sergeant Doughty was riding in the passenger seat of a Humvee deep in the Sunni Triangle.

His team's mission was to deliver laptop computers and a new vehicle to another Special Forces team. They didn't make it.

A 155mm-mortar struck Sergeant Doughty's vehicle. Shrapnel tore through both of his legs. Two medics began treating him immediately, and Sergeant Doughty believes they saved his life by preventing him from bleeding to death. He was rushed by helicopter to a surgical hospital in Balad, Iraq, then to Germany, and finally to Walter Reed Army Medical Center here in the Nation's Capital. Doctors were able to save his life, but not his legs.

Sergeant Doughty's incredible courage has not diminished one iota since that July day. Two months to the day of that vicious attack, he stood for the first time on two prosthetic legs. Since then, he has graduated from using a walker to crutches to canes, and intends to walk without difficulty by Christmas. I have no doubt he will succeed.

I had the pleasure of meeting Sergeant Doughty and his family in my office on September 9. I told him how grateful America is for his service to our country. This amazing man has not let his injury hamper his love for his country, her military, or the cause of freedom and justice we fight for in Iraq. If he could, he would go back. He serves as a model of heroism to us all.

Today I ask my colleagues to join me in honoring SSG Robert S. Doughty for his supreme valor. My prayers, and those of millions of grateful Americans, are with him as he recovers from his injuries. With other fine men and women like him in our Armed Forces, we are sure to succeed as we continue ridding the newly liberated Iraq of the terrorists trying to drive that country back into the hands of tyranny.

LCPL JOSEPH WELKE

Mr. JOHNSON. Mr. President, I rise today to pay tribute to LCpl Joseph T. Welke, a resident of Rapid City, SD who died on November 20, 2004, while serving in Operation Iraqi Freedom.

Lance Corporal Welke was a member of the 3rd Battalion of the 1st Marine Regiment based out of Camp Pendleton, CA. He was killed while fighting insurgents in Fallujah, Iraq.

Answering America's call to the military, Lance Corporal Welke joined the Marines after graduating from Rapid City Stevens High School in 2003. As a fullback for the varsity football team, Joe earned Greater Dakota All Conference team honors. He enjoyed riding his motorcycle and spending time with his family. Friends and family remember him as having a love for life and as an inspiration to all those who knew him best.

Lance Corporal Welke served our country and, as a hero, died fighting for it. He served as model of the loyalty and dedication that comes with preservation of freedom. The thoughts and prayers of my family, as well as the rest of the country, are with his family during this time of mourning.

Our thoughts continue to be with all of those families with loved ones serving overseas.

Lance Corporal Welke led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Lance Corporal Welke's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and family.

Mr. President, I join with all South Dakotans in expressing my sympathies to the friends and family of LCpl Joseph Welke. I know that he will always be missed, but his service to our Nation will never be forgotten.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. DORGAN. Will the Senator yield for a unanimous consent request?

Mr. LEAHY. Of course I yield for that purpose.

Mr. DORGAN. I ask unanimous consent to be recognized following the presentation by Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

#### NOMINATION OF ALBERTO GONZALES TO BE ATTORNEY GENERAL

Mr. LEAHY. Mr. President, soon after we return in January, the Senate Judiciary Committee will begin consideration of the nomination of Alberto Gonzales for the position of Attorney General of the United States. I met with Judge Gonzales on November 17, soon after his designation as the President's nominee. I had that meeting in preparation for our hearings. I look forward to working with Senator SPECTER and the other members of the Judiciary Committee to assure a prompt and fair and thorough hearing on this important nomination in early January.

There is no secret that Judge Gonzales will be called upon to explain not only his vision of what the role of the Attorney General should be, but also how he would distinguish it from that of the White House Counsel. And he is also going to be asked about the role he has played in formulating the administration's policy on the treatment and interrogation of prisoners in U.S. custody overseas.

The scandal of Abu Ghraib, allegations of mistreatment in Guantanamo, investigations and charges from cases in Iraq and Afghanistan are serious matters. There are lingering questions. There is unresolved accountability left in their wake.

The Bush administration circled the wagons long ago. It has continually maintained that the abuses were simply the work of a few bad apples. But we know that the photos from Abu Ghraib do not depict an isolated incident. Abuses have occurred in many locations, including Afghanistan, Guantanamo Bay, and in a number of other facilities within Iraq.

I have long said that somewhere in the upper reaches of the executive branch, a process was set in motion that rolled forward until it produced this scandal. Even without a truly independent investigation, we now know the responsibility for abuse runs very high into the chain of command. Senior officials in the White House, the Justice Department, and the Pentagon set in motion a systematic effort to minimize, distort, and even ignore laws, policies, and agreements on torture and the treatment of prisoners. Defense Secretary Rumsfeld and later LTG Ricardo Sanchez authorized the use of techniques that were contrary to both U.S. military manuals and international law.

Former CIA Director Tenet requested, and Secretary Rumsfeld approved, the secret detention of a ghost detainee in Iraq so he could be hidden from the International Committee of the Red Cross.

These issues, especially when they involve the greatest democracy history has known, are a significant concern. But there are also issues in which the administration has been far less than forthcoming. In letters dated May 17 and June 15 of this year, long before the fall elections, long before the resignation of John Ashcroft, and long before he was designated by the President as nominee, I asked Judge Gonzales to describe his role in both the interpretation of the law and the development of policies that led to what I and many others considered to have been a disregard for the rule of law. Those letters of May 17 and June 15 remain unanswered as of today.

I have repeatedly emphasized to Judge Gonzales the need for responsiveness and accountability in these matters. Last Friday, I sent Judge Gonzales a letter reiterating my concerns. I emphasized the importance of full disclosure during this confirmation process.

I urge him to cooperate, to cooperate now with all members of the Judiciary Committee on both sides of the aisle on the full range of issues of oversight and accountability that come before us. That is something his predecessor did not do. That lack of oversight on the part of the Senate, the lack of accountability and lack of responsiveness on the part of the administration, should not continue.

I ask unanimous consent to have my December 3, 2004, letter to Judge Gonzales printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 3, 2004.

Hon. ALBERTO R. GONZALES,  
Counsel to the President, the White House,  
Washington, DC.

DEAR JUDGE GONZALES: I enjoyed our preliminary meeting and look forward to your confirmation hearings. In following up on our meeting, and to give you and your staff ample opportunity to prepare for the hearings, I write to reiterate several concerns that I have raised in prior discussions and correspondence. When we met on November 17, 2004, I said that these issues will be raised, by myself and other members of the Senate Judiciary Committee, during the upcoming hearings. Based on our conversation, I am encouraged by your willingness to answer questions about your role and your views in these matters.

Photographs and reports of prisoner abuse in Iraq and other locations show an interrogation and detention system operating contrary to U.S. law and the Geneva Conventions. In addition to the abhorrent images from the Abu Ghraib prison that were published last spring, actions that have occurred with Administration approval include the forcible rendition of individuals to nations where they may face torture, and the hiding of "ghost detainees" from the International Committee of the Red Cross. Reports of abuse continue to emerge. Just this week, The New York Times reported that the Red Cross has charged U.S. military authorities with using physical and psychological coercion "tantamount to torture" on prisoners at Guantanamo Bay. The Washington Post is reporting that in December 2003 Army generals in Iraq were warned in a confidential report that members of an elite military and CIA task force were abusing detainees. According to The Post, the report concluded that certain arrest and detention practices could be deemed to be "technically" illegal.

In letters dated May 17 and June 15 of this year, I asked you to describe your role in both the interpretation of the law and the development of policies that led to what I and many others consider to have been a disregard for the rule of law. These letters remain unanswered.

My concerns regarding the abuse of prisoners in U.S. custody did not begin with these letters. I have been seeking answers from the Administration for well over a year, before the abuses at Abu Ghraib came to light. In a very few cases my questions were answered, but with information that later proved to be less than accurate. For example, in a news conference on June 22, 2004, you stated, "In Iraq, it has always been U.S. position that Geneva applies. From the early days of the conflict, both the White House and the Department of Defense have been very public and clear about that."

However, an October 24, 2004, article in The Washington Post revealed yet another Justice Department memo authorizing actions that potentially violate the Geneva Conventions. The draft memo, dated March 19, 2004, apparently was written to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. According to the memo's cover letter, it was drafted at your request.

In another example, a June 25, 2003, letter from Department of Defense General Counsel William Haynes stated that the United States was adhering to its international obligations including those under the Convention Against Torture. We later learned of an August 1, 2002, Department of Justice memorandum that twisted the definition of torture in unrecognizable ways. That memo was addressed to your. We also learned months