

position for which the President of the United States has nominated him.

There probably would have been a lot less discussion about Mr. Negroponte's qualifications if it had not been for the difficulties we are experiencing in Iraq at the moment, but I would also point out it also lends some urgency to getting this highly qualified, patriotic American in position as we prepare to turn over the government of Iraq to the Iraqi people, which I think all of us are in agreement should be done as quickly as possible.

#### SUDAN

Mr. President, I rise to speak about the situation in Sudan. Before I do, often citizens, opinion leaders, and people who are viewed with some respect by the American people have, unfortunately, the opportunity or the obligation to say: Never again. We said "never again" after the Holocaust. We said "never again" after the slaughter of 800,000 innocent people in Rwanda, and we have said "never again" on a number of occasions where acts of genocide have taken place.

We are seeing a situation in the Sudan where I do not want us as a nation or as individuals to look back and say some years from now, after these innocent people are being ethnically cleansed and victims of a genocidal plan of orchestrated atrocities, that we would say never again without us attempting to do what we can to stop what is happening in the Sudan as we speak.

Our thoughts and prayers are with the brave Americans serving in Iraq and with the Iraqi people we have liberated, but at the same time the situation in Sudan is dire and it is getting worse.

I applaud Senator BROWNBACK and Senator FEINGOLD for introducing a resolution on this situation, and I am proud to cosponsor it. I would like to take a few moments to describe what the world faces today in Sudan.

The region of Darfur, in western Sudan, is one of the most strife-ridden places on Earth. The largely Arab Sudanese government has teamed with the janjaweed, a group of allied militias, to crush an insurgency in Darfur. This is not the same as the conflict between the Sudanese government and the Sudanese People's Liberation Movement in the south, but rather a separate, brutal conflict. The methods that the government and the janjaweed have employed to put down the insurgents are nothing short of horrific. They are not only targeting rebels, but civilians as well.

Reports emerging from Darfur indicate that the government and the militias are killing civilians, engaging in widespread rape, abducting children and adults, looting civilian property, deliberately destroying homes and water sources, and forcing villagers into government-run concentration camps. The government continues to block access to the region for international humanitarian organizations and ceasefire monitors.

I urge my colleagues to listen to the words of a student from the town of Jorboke. He told Human Rights Watch:

I was at the well with my animals, about half a kilometer from the village, when the planes came. . . . The Antonovs came first, they were very high, like small birds, and they dropped eight bombs around Jorboke. We have two wells and both were hit, the others landed outside the village. . . . The MiGs came about fifteen minutes later and they bombed two of the houses in the village. I heard later that the janjaweed came and looted and burned the rest of the village, but I had left by then; my family put me on a camel to come out to Chad.

A recent article in the New York Times reported an Antonov pilot ordering a ground commander: "Any village you pass through you must burn. That way, when the villagers come back they'll have a surprise waiting for them."

My colleagues heard correctly. The government of Sudan is actually using Russian made Antonov bombers and MiG fighters to kill the civilian population. They are not simply attacking military targets but are focusing on civilian targets such as water wells, granaries, houses, and crops.

Jan England, the UN Under-Secretary General for Humanitarian Affairs describes the situation in Darfur as a "scorched-earth" policy of ethnic cleansing in Darfur, and Andrew Natsios, Administrator of USAID described it last week as "the worst humanitarian disaster in the world right now." The cost to the local population has been enormous. In the last year alone, possibly up to 30,000 people have been killed and another million people have been displaced. Many of the displaced are farmers, who have been unable to plant their crops. Famine looms.

As we stand here today, a nominal cease fire is in place, but there is little evidence that the government and its allied militias are honoring the agreement. Refugees continue to pour across the border into Chad, fleeing for their lives.

If any of this sounds familiar, it should. Just weeks ago we commemorated the 10th anniversary of the Rwandan genocide. Just weeks ago we wrung our hands and said, "If only we knew what was to come, we would have acted." We should have acted. But the international community remained silent and idle, and 800,000 Rwandans lost their lives, under the most horrible circumstances.

This cannot happen again. We do not yet face a Rwanda-type situation in Sudan, and must ensure that we never do. The situation in Darfur offends America's values, and threatens our interests. The continued flight of refugees into Chad, the tenuous peace between Eritrea and Ethiopia, as well as the ongoing conflicts in Somalia could further escalate if we allow Sudan to go up in flames.

Now is the time to act to stop the killing in Sudan before it becomes genocide. I am encouraged that Presi-

dent Bush has spoken out against atrocities in Sudan, and that the State Department and USAID have been very engaged. But we must do more. As the rainy season approaches and threatens to hinder the delivery of aid and medicine, we are running out of time.

The United States must first make clear to the Government of Sudan that its behavior and the actions of its allied militias are totally unacceptable. If the government believes that it will get a free pass in Darfur in exchange for brokering peace with rebels in the south of the country, it is sorely mistaken, as the administration has rightly made clear. We must maintain all sanctions related to human rights violations until real progress is made in Darfur, and consider other ways we can increase pressure on the government.

The international community must also join with us in pressuring the regime. The situation in Darfur should be no more acceptable to responsible European and African governments than it is to the American people. The United Nations Security Council must condemn, in the strongest terms, the gross abuses of international humanitarian law and human rights in Darfur. It should further demand that the Sudanese government immediately disarm and disband its militias, allow full and unhindered access to Darfur by humanitarian agencies and ceasefire monitors, and allow all displaced persons safe passage back to their homes. The Secretary General should report back to the Security Council within weeks, noting the degree to which the Government of Sudan is complying with these demands. At that point, if necessary, the Security Council should consider stronger action under Chapter VII authority.

In the meantime, we must examine whether and what size international contingent it would take to stop this disaster. If troops are required, we should figure out how to get troops, possibly African troops, on the ground. If we need financial and logistical support, the United States and others should provide it.

Some will say that this is going too far, that we face other, more important crises around the world. Dealing with ethnic strife is never easy, and it is all the more tempting to turn our heads when Sudan seems a far-off, obscure place in Africa. Yet 10 years ago, we looked the other way when the public was unaware of the war between the Hutu and the Tutsi in Rwanda. In 1998, President Clinton apologized for our lack of action. I do not want to stand on the Senate floor 10 years from now and remark about the hundreds of thousands of innocent Sudanese who perished under our watch.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I rise to comment on the critical importance of moving ahead on many of the pending nominations for the ambassadorial and foreign affairs post, and to speak to

John Negroponte, who has become a good friend, someone whom I admire tremendously.

I do commend the Senator from Arizona for his statement on the Sudan. I opened this morning earlier today with the resolution at the time it was approved. The Sudan is a country I am in every year, and throughout the southern Sudan. I have had the opportunity to be there at least once a year for the last 6 years. Again, the atrocities that are going on in Sudan must be condemned, and the Senate is speaking loudly, through the voice of Senator McCain and so many others over the course of today. I commend the leaders, both of the sponsors of the bill, and the bipartisan support for that resolution.

I mentioned the ambassadorial and foreign affairs posts because we need to pay attention not just to the future of Ambassador Negroponte, but also the many others today because we do have a whole range of qualified individuals who are going to be in very important posts—except there is one little block, and the block ends up being a huge one, right here in the Senate. They are ready. They have been fully vetted and approved, with strong support of the Foreign Relations Committee. There have been bipartisan votes. There have been unanimous votes. It is now time to act on a whole range of these ambassadorial posts.

Chairman LUGAR, on the Senate floor just a few hours ago, eloquently noted that foreign governments take notice when the American Embassy post remains vacant. They basically look at the post and they see back in America that nominees have been put forward, but the fact the Senate has not said yes, which we ultimately will do, sends a strong signal to those countries as if the United States doesn't put the emphasis or care quite as much about that country. It might be interpreted as a feeling of declining interest in that country. We should not allow it to happen. Really, we must not allow that to happen. It takes action here in the Senate.

I am very hopeful we can open up this whole gate that is blocking so many of these nominees. We absolutely must have strong diplomatic representation and support for our policies in order to fight global terror, to defeat global terror, to further our economic interests around the world, to advance our interests and bring freedom and democracy to the millions of people who yearn for it. Like our military, our diplomatic corps is a part of a national security team.

I know most of my colleagues, indeed, all of my colleagues would not deny our military the leadership they need in the time of war. I ask my colleagues to remember the similar and very important role that our ambassadors play. That important role is advancing our national security and foreign policy interests. Our embassy teams serve on the front line of the

United States of America. Our Foreign Service officers and embassy personnel literally put their lives at risk each and every day.

It was just in 1998, in Tanzania, in Kenya, that a number of our embassy staff were killed in the al-Qaida attack. They paid the ultimate price for freedom.

The Constitution gives us responsibility, it gives us a critical role in the appointment of ambassadors. But the advise and consent power is not only a right of this body but it is a responsibility of this body. As I have said many times before, I take that responsibility very seriously. In this time of war, America needs to have full diplomatic representation abroad. We are at war. We need to be represented fully abroad.

The nomination of John Negroponte is pending today, and hopefully shortly, we will be voting on his nomination. I have had the opportunity to visit with him recently and to grow to know him over the last several years. I think there is no individual more qualified to take on that difficult task—and we all know it is going to be difficult—as Ambassador to Iraq. Ambassador Negroponte has served this country for over three decades. He is one of the most qualified diplomats to ever serve this Nation. He has been confirmed by this body seven times before.

On June 30, as we all know, the Coalition Provisional Authority turns over Iraqi sovereignty to the Iraqi people. We have seen it play out in the last several days, the last several weeks. It is a difficult time in Iraq. It is perhaps the most critical moment in the fight to bring freedom to that war-torn nation.

As we all know, Ambassador Negroponte will be charged with implementing those policies in Iraq. He will be responsible for leading and protecting a team of over 1,700 embassy personnel.

It is a critical time of conflict in Iraq and indeed throughout the Middle East. It is in this critical time that we need Ambassador Negroponte at his post as soon as possible. The future of Iraq depends on our ability to make good decisions right now.

As Chairman LUGAR pointed out, we have a number of other nominations, 30 nominations pending on other important posts, right now pending throughout Europe, throughout the Middle East, in Africa and throughout the world. I hope with the final confirmation today of Ambassador Negroponte we can open up what would be a floodgate to these other 30 nominations.

It is not the time to make political statements on either side of the aisle as an excuse for holding up these nominations. The risks are too great at this moment in history. I strongly urge my colleagues to approve Ambassador Negroponte shortly, and all of the other pending nominations as soon as possible.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COLEMAN. Mr. President, I rise to speak to the issue of the confirmation of the nomination of John D. Negroponte to be ambassador to Iraq.

I serve on the Foreign Relations Committee. During my short time in this esteemed body, I have had the opportunity to listen to, to engage in conversation, and to question Ambassador Negroponte on a number of occasions. He is an extraordinary man to whom this Nation owes a debt of gratitude for his service in the past and whose confirmation should swiftly be approved so he can continue with the distinguished career he has in Government.

His Government career started in 1960 at the age of 21 when he entered the Foreign Service. He has 37 years of experience at the Department of State. He has clearly played a leadership role in American foreign affairs. That leadership is needed today and certainly he can bring that skilled leadership to the challenges he will face as Ambassador to Iraq.

He has served on four continents at the highest levels. Of course, he is serving as Ambassador presently to the U.N., Permanent Representative of the United States to the United Nations. He served this country five times in ambassadorial positions, including Ambassador to the Philippines, Ambassador to Mexico, Ambassador to Honduras in 1977, in 1979 as Deputy Assistant Secretary of State for Oceans and Fishery Affairs, with the rank of Ambassador. His service to this country covers an extraordinarily wide spectrum of regions and functions. He has received numerous commendations, including two President's Meritorious Service Awards, an honorary doctorate from Adamson University in the Philippines, the Homeric Award from the Chian Federation, and on and on.

He truly is an extraordinary man. He brings the right vision for what America needs in Iraq. His vision of the role of ambassador is different from what we have now with Ambassador Bremer. Whereas the CPA today is the ultimate political authority in Iraq, the Embassy will be in a supportive, as opposed to a commanding, role. He understands and believes a U.S. mission will support democratization and rule of law, economic reconstruction and security and counterterrorism.

He believes the U.N. role does not come at the expense of United States influence or interests but, rather, the efforts will be coordinated and complementary. That is what we need in an ambassador. That is the nomination we have before the Senate. I hope there is

a resounding voice of support from this body. It sends out the right message to the world as to the kind of individual we want working with the government of Iraq after the transfer of sovereignty on June 30.

I am thrilled Ambassador Negroponte is willing to continue his service, a difficult service. He brings the right skills to the task. The skills certainly are needed.

These are challenging times in Iraq. There is no question about that. In those times of challenge, oftentimes in this great free land of ours, folks have different opinions and different perspectives. Those are often played out in the Senate or in the House Chamber on the other side of this magnificent Capitol Building.

With dissent come tough, probing questions that make our Nation stronger, make it freer, and democracy more durable. I have great respect for those who dissent, to offer a different perspective than me. Certainly the challenge in Iraq, the war in Iraq is evoking a great deal of concern in different perspectives. There is a lot of 20/20 hindsight. It is easier to be a critic. But dissent is not a validation of one's position. On the contrary, one can be just as easily wrong in their dissent as they may be right.

I will say while American lives are on the line, those who dissent must choose the moments to determine whether their dissent will help make this Nation stronger or freer or if it will undermine the very foundation of what holds us together.

I said it before and I will say it again, these days we are observing a mixture of Monday-morning quarterbacking, in some cases, political opportunism, exaggeration, which threatens to deprive us of perspective and resolve when we need it the most.

There are challenges in Iraq. We are all reeling over the photographs we saw of the treatment of some prisoners in an Iraqi prison. It is not what America is about. We rejected that. The President rejected it. The military has rejected it and will hold those responsible.

At the same time, as we speak today, men and women are still in uniform fighting for freedom, fighting against terrorism. This President, our President, did not ask for a war on terror. September 11 happened. We have come to understand that no longer could we escape terrorism, that our shores did not protect us, that we had to be vigilant. We had to resolve and take the battle to the enemy. We have done that.

War is never pretty. War is never something clean and concise. At times, bad things happen. Lives are lost. But in this case, we should never forget the underlying purpose. The underlying purpose is America is in a war on terrorism.

There are people who hate us because we enjoy freedom, because we respect freedom, because of who we are, be-

cause of what democracy is all about. There are folks who will go to great ends to make sure democracy never takes hold in Iraq, who will do everything they can to destabilize what we are trying to accomplish, to make it not happen.

But Americans have understood—even if we disagreed on the original purpose of going in, et cetera—that when our men and women in uniform are in battle, we stand with them.

I have grown fond of Teddy Roosevelt, for many reasons, because of this, one of my favorite quotations:

It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause. . . .

Let me reiterate the worthiness of the cause we have undertaken.

This morning, like many of my colleagues, I awoke to an article in Roll Call in which one of the Members of the Democratic minority in the House has decided that comments he made in private should be trotted out to be heard by the entire world.

His comments were that the war in Iraq is "unwinnable." In private conversation those words are troublesome enough, but his willingness to allow those comments to be put in the public domain for partisan political purposes is not only outrageous but it is indecent.

Over the course of the last several days, we all have been horrified by the images of prisoners being tortured in Iraqi prisons. They are shameful, they are reprehensible, and they should make all of us who are fathers and mothers and brothers and sisters say this is not what America is about. And we have said that. There are not enough apologies today to be given to the Iraqi people for that, but we have done that.

But today, as American blood is shed in the cause of freedom and liberty across the world, a Member of Congress' utterances of a war as "unwinnable" does not just demoralize American soldiers, I fear it emboldens America's enemies.

Imagine being on a sports team that is losing badly to their opponent and hearing one of the leaders of the winning team all of a sudden say the game is unwinnable for them, even though they control almost every aspect of the game.

To those thugs and monsters who killed with Saddam and now kill without Saddam, the "unwinnable" jersey on their back has just been put on ours by a Member of Congress. I find that so troublesome.

Every day in Iraq, and in most of the country in Iraq, things are going on in which people are getting their lives together. Their schools are operating and

their hospitals are operating. The city is operating, with a city council. Twenty-some million people are going about their lives. There are areas in which there is conflict, but the country is operating, is moving forward. Oil production is back to the way it was, just about at prewar levels.

There are 130,000 American soldiers there, and they are doing great things. When you talk to them, when you talk to the folks who come back, they tell you morale is high. They believe in the mission. When an elected Member of the Congress stands up and says, "I don't believe in the mission. We can't win the mission," something is wrong—not with the mission, not with those who are putting their lives on the line, who believe in the mission. Something is wrong with uttering that kind of statement.

Shameful. Outrageous. It demands the collective condemnation of all of us that we should give comfort to the enemy because of those seeking to score partisan political points.

There is an election coming up on November 2. We all know that. There is no way to avoid it. But because of that, it does not mean we put good common sense behind us. It does not mean that everything that goes on gets caught up in a political perspective and a political battle to make points for those who are for or those who are against.

There is one thing about this country that I have always believed and I have always seen: that in times of difficulty, America comes together. I think what has been so uplifting about what we have seen in regard to the situation in Iraq is that, though there may be debate over the nature of the policy, there may be debate over a range of issues, there has been little or no debate about what our young men and women are doing in Iraq and how well they are doing it and how proud we all are of their courage, of their fortitude, of their commitment. To undermine that in any way, to talk about it being unwinnable, is something that I find difficult or impossible to fathom.

It is time this awful language of defeatism in our Nation's Capitol comes to an end. It is time America comes together, as we do in times of war, to stand with our men and women on the front line, to stand with those who are willing to give the ultimate sacrifice—and many have—and to say to them: We appreciate what you are doing. We appreciate your commitment. We appreciate your service. We appreciate your courage. And we know that America will prevail. We know that justice will prevail. We have faith. We have faith in what you are doing and your ability to get it done. Shame on those who would say otherwise.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, we are here this afternoon debating the nomination for the position of Ambassador to Iraq, the nomination of Ambassador-nominee Negroponte, a career diplomat who probably has as long and good a record in the United States as any person who has served in our Foreign Service.

He started in 1960 representing the United States. He has had an amazing array of important posts, including being Ambassador to the Philippines and Honduras and Mexico, and serving in a variety of other international organizations.

I hope, at the conclusion of our debate today, the Senate will, in fact, confirm the nomination of Ambassador-designate Negroponte.

We need the very best in Iraq. It is a challenging situation. There is no doubt about that. We need somebody of his caliber there. I am delighted the President has found it possible to find such a good person to be the first ambassador to this newly freed country. I hope, as I said, we will be able to confirm him quickly and that he will be able to assume his post.

I think a lot of the Members have found this as an opportunity to discuss the larger issue of the war in Iraq and how it is going and particularly in light of the events of the recent days regarding the revelations of the treatment of certain prisoners in Iraq. I think it is appropriate we all reflect on that, but I also think it is important we keep it in perspective.

I just gave a radio interview in which the questioner asked questions that suggested maybe the wheels were coming off the wagon, that the entire effort might not be worth it; that one of our colleagues in the House had indicated that maybe we are losing the war and we ought to recognize that right now.

I want to focus a little bit on that because, as we have a new ambassador about to assume the position there, he might rightly ask the question, What am I getting into here if we are about to lose a war? And the question is, Are we? And, of course, the answer is, No, we are not. I think it would be well for Americans to stop and think before they talk in those terms because the mere discussion of the issue in those terms gives solace and encouragement to our opponents.

Unlike a war that we fought in the past—you could choose your examples—this war on terrorism includes components that have a lot to do with psychology, with what the enemy believes he can accomplish using asymmetric force against far superior forces of the allied coalition. Therefore, it is important what the enemy reads into what we are saying about the war ourselves. That is why, in effect, the floor of the Senate and the media are other fronts in the war.

When we ask what we can do to help our troops, one thing we can do is think clearly about this and speak in a constructive, positive way, which is not to say we should never express disagreement with each other or with the administration or offer constructive suggestions about what to do better. All of that is fair game in a democracy and makes us what we are and makes for a better conduct of any kind of operation, including a military one. But there is a way to do it that does not give encouragement to the enemy.

When you begin to suggest that because of what a very small handful of Americans did to some Iraqi prisoners, that it somehow suggests we are losing the war, we have gone way off track. I realize most people are not saying that. I hope they don't. That is the kind of expression that will be the beginning of the end of our effort to conduct the hearts and minds part of this war on terror which is almost in some respects as big a part of it as is the military conquest we were so successful in achieving in Iraq.

How should we be conducting ourselves? We are part of this war effort. We are not carrying a gun. But people listen to what we have to say. The terrorists take away from what we say either encouragement or discouragement.

I return to the memo we intercepted from a fellow by the name of Zarqawi. He was sending a memo to his fellow terrorists connected with al-Qaida saying: We have a real problem here. The Americans are winning in Iraq. They are defeating our brothers, and we need more allies. We need people to pour into Iraq to assist us. I fear we are losing the battle because we can't get enough help and the Americans are too tough. They are winning the country over, and before long they are going to have a new government set up here and we will have lost this effort.

That was this terrorist's assessment of the situation. I like that assessment. What it shows is the planning and execution of our military effort and the followup of the military effort after we took Baghdad and had conquered the country, that that has largely succeeded. For most of the country we know it has.

We have two pockets of significant resistance with which we are dealing. There the tension is between going in and doing collateral damage or trying to negotiate, which is what we are being urged to do by people on the ground, Iraqis who, after all, are making a point that they might have some idea about how to do this since they know the folks involved and it is their country. They are going to have to take care of this in the future. So we are paying attention to what they suggest. We are trying to walk a careful line in dealing with these two situations.

But by and large, the point is, the country has been pacified. There has been so much constructive accom-

plished there in terms of getting the country's infrastructure back to work, getting oil production going, getting the schools and hospitals back up to speed, all of the other aspects that have begun to return the country to normalcy, that we tend to forget all of the good and tend to forget that the security of the country has largely been obtained when we see on the nightly news only one thing and that is the latest explosion that killed either an American soldier, perhaps, or innocent Iraqis, because a lot of the people who are being killed are Iraqis themselves. That is the bad news.

Notwithstanding the news that we get all of the time, the terrorists are saying: We are about to be beat here because the Americans and the other allies have been able to marshal the military power to subdue our brothers. Without new reinforcements, we are likely to lose this battle.

That is a nice assessment. It gives us encouragement that if we continue on this path, we will prevail. We have a strategy laid out to turn authority over to the Iraqis to govern themselves on June 30 and proceed to have elections in the country next January. Hopefully, we will continue to consolidate the security and so on. We are aware of those things.

Therefore, it is especially distressing when people who are important people in America, perhaps elected officials, speak out on television and suggest that, because of these most recent events, somehow we can't win this battle; We can't win this war; We can't continue to consolidate the gains we have made, continue to provide security, continue to help in the reconstruction of the country, and continue on the path of turning it over to the Iraqis so they can freely govern themselves.

Let's take each of those points. First, no one in America condones or in any way expresses anything but disgust for what we have seen on television and what we have been reading about. It is un-American to treat people the way these Iraqi prisoners were treated. It doesn't make any difference what they might have done. Americans don't do that.

The President today, in meeting with King Abdullah, publicly said he was sorry for this. He was also sorry that a lot of people in the world would take this incident as manifesting what Americans and America are all about. He said that bothers him, and it obviously bothers all of us because we know that is not what we are about. The question is, This aberration, as it has been described, should that in any way suggest to us that we can't win this conflict? I fail to see a connection.

I understand that among a lot of Arabs and, frankly, the rest of the world, including in the United States, people are appalled. But anyone with an open mind who has any understanding of the United States and of Americans understands that this is not

the way Americans act and, in point of fact, that we have a system which encourages reporting of such incidents and which immediately ensures that the perpetrators will be dealt with in an appropriate way.

It is my understanding—and we will find out a lot more about this as time goes on—that the day after the report of the incident the inquiry began which resulted in military action, court-martial action being taken against several of these perpetrators, and subsequent to that, action has been taken against several people and that there are some that are still pending to be resolved. It is also my understanding that within the same month of January, a command had already been set up to investigate whether this was endemic or widespread, whether it really was an aberration and, to the extent that it demonstrated that there were flaws in our system that permitted this to occur, that they be fixed, and that things have been implemented to ensure this will not happen again.

I suspect as we are briefed on all of this we will learn a lot more of the detail, and we might be more comfortable with the way the military has handled this. This is what America is all about.

There is some fault, not only for the people who actually did what we have seen but also for the way it was handled. What I regret is that many in the political world have tended to focus on this. I would hope that opponents of the President would not seize upon this to try to gain partisan advantage. It is something that reflects on the entire country. It is not a Democratic or Republican kind of issue.

There have already been calls for the resignation of Secretary Rumsfeld. This, obviously, would not help the President politically, but is it appropriate? The Secretary will be presenting open testimony tomorrow before the Senate Armed Services Committee. He will tell his story. Until he does, I think it would be wise for people to withhold their judgment. Since we have not even been briefed on the issue—and that is one thing people complain about—would we have a right to call for somebody's resignation before we have even heard what they had to say or been briefed? Is that an American way to do things or is it an expression of partisanship?

I suggest to the extent it might be the latter, people should hold their fire and wait until the facts come in, and we can discuss this in a nonpartisan and a constructive way rather than a way that might be misread by our enemies, because the more this kind of criticism occurs, the more the enemy may take from it that America is divided and we no longer have the commitment or the will to see this conflict to an end; that therefore if they continue to try to nip away at us the way they have been, they will be able to drive us out, and they will have the country left to them to resume the kind of rule that Saddam Hussein exerted in that country for decades.

We cannot allow that to happen. I think there is a legitimate question about when the people in the policy-making part of the Government—and that includes the Assistant Secretary, Secretary of Defense, National Security Council, the President, and Vice President—became aware of things like the existence of photographs and other things which, if made public, would certainly significantly detract from our effort. These policymakers would clearly have understood that is the kind of thing that can undo countless hours of good work by thousands of military and non-military personnel in the country. Just one incident like this can undo all of the good that literally hundreds of people do.

We have all seen the acts of kindness as well as bravery by our troops. We have seen soldiers helping kids in school—saving a little child in one case and a woman in another case—from being in the line of fire, one of whom had been wounded. There are countless Americans acting unselfishly and, frankly, selflessly, putting themselves in danger to help Iraqi people. That is a message that obviously needs to be conveyed, but all of that is, in a sense, forgotten the minute you have an incident like this, especially with the photographs showing this.

I can understand how someone who committed these atrocities, unthinkingly, would have no idea about how this might affect the entire war effort when it becomes known, but people higher up certainly would have that sense. It was important that they get this information so they could then decide what to do with it. Undoubtedly, in America, ordinarily, we understand that the best way to deal with bad news like this is to deal with it in an open, honest fashion. I suspect that had we been able to do that, a lot of the outcry here might have been averted. That might have been included in briefing Members of Congress. But if the Secretary of Defense didn't even know of the existence of the photographs, it is kind of hard to brief Congress about it.

I suggest that the bottom line on this point is that we find out what the facts are by asking the people directly. Let's stop condemning them publicly and calling for their resignation and stop assuming facts we don't know.

During a radio interview that I just had, the questioner asked me about a certain situation. I said: I don't know that to be true. Do you? He said: No, but that is what we have heard. Let's see what the truth is, and we can act in a calm, compassionate, and firm way with those who did wrong.

My final point is that in the fog of war a lot goes wrong. Individual people make bad judgments. Americans are just as prone to that as anybody else. There is a lot of pressure and emotions run high, and it is certainly possible for people to do wrong. One of the candidates for President this year talked about atrocities he committed, or saw

committed, in another war in our history. It happens. It is not right, and people should be called to account for it when it happens.

But let's remember, too, that everything in war is not coming up roses every day, and that there will be days of bad news. If you stop to think about World War II, for example, or about Korea, or any other wars we have fought in, you can find some very bleak days, days when Americans were being pushed off the Korean peninsula, days when we were being pushed off Omaha Beach, or times when we were making no progress and were taking thousands of casualties on the Pacific islands. Our own prisoners were horribly mistreated, and there must have been a sense that this may not be worth the effort.

Americans understood the stakes and we persevered. In war there are going to be times that are bad. We understood that. Sometimes they are caused by enemy action and sometimes by mistakes we ourselves might have made. This is one of those times when we have a real problem because of mistakes that Americans made. But we have the capacity as a Nation to correct those mistakes if we will do that in a constructive way. That is the key. But if we do it in a partisan way, in a destructive way, we will only play into the hands of our enemies, who are looking for that kind of signal so they can succeed in their effort.

As we conclude debate on the nomination of a critical position at this time in our history, the ambassadorship to Iraq, it is good to reflect on these issues. The Ambassador will have a very difficult job. I hope as we consider his nomination and how to support him when he assumes this role, we will all agree it is important to do so in a constructive way, always giving him our best judgment, but not undercutting him with premature judgments or actions that might be construed as political and might be misunderstood by our enemy.

If we conduct ourselves in that way, I am confident that, despite the fact there will be days we feel very challenged in this country and, as the President said, things we are very sorry for, nonetheless, because of the kind of people and Nation we are and the values and principles for which we are fighting, we will in the end prevail, and we will prevail not only to the benefit of Americans and our national security, but for the cause of freedom of people throughout this world.

**THE PRESIDING OFFICER.** The Senator from Kansas is recognized.

**Mr. BROWNBACK.** Mr. President, I rise to speak regarding the nomination of Mr. Negroponte to be the Ambassador to Iraq.

**THE REPUBLIC OF GEORGIA**

Before I speak on that, I want to draw the attention of my colleagues to something that happened, on a very positive note, in the Republic of Georgia, one of the former Soviet Union