

I am asking him specifically to tell me the standards he used. These questions were sent to Mr. Haynes months before the scandal at Abu Ghraib prison. He continued to be evasive. He again cited a Government brief instead of explaining his views. He carefully avoided answering directly any of the questions which I asked him.

I asked Mr. Haynes about the failure to provide article 5 tribunals to detainees at Guantanamo Bay. The U.S. Government has long abided by this practice and U.S. military regulations provide detailed procedures for article 5 tribunals.

I asked Mr. Haynes:

Have the detainees been provided with the process outlined in [U.S. military] regulations?

He responded by asserting the screening process for detainees "goes well beyond what article 5 requires." But he did not respond to my question:

Have the detainees been provided with the process outlined in U.S. military regulations?

He failed to respond. That, unfortunately, is the pattern we have seen with Mr. Haynes and this nomination.

These questions sent by Members of the Senate to nominees are more than an academic exercise. We want to establish for the record exactly the role Mr. Haynes and others played, if any, in establishing the interrogation tactics and techniques which have now been dramatized so negatively to the world.

Mr. Haynes cannot expect the vote of this Senate to the second highest court of the land by being evasive on this critical issue at this important moment in our history.

Torture and cruel, inhuman, and degrading treatment are wrong, illegal, un-American, and totally counterproductive in the field of intelligence.

As the Israeli Supreme Court reminded us:

Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the Rule of Law and recognition of an individual's liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties.

Those inspiring words come from the Supreme Court of the Nation of Israel, a nation which battles terrorism every day. They have rejected the easy way out, torture "lite," stress and duress. They have decided that does not make them any safer as a nation, and it degrades their reputation in the world community. The United States can do no less.

Since the horrific terrorist attacks on 9/11, our commitment to this principle and values has been tested. As we withstand repeated warnings of possible terrorist attacks, we may be tempted by the notion that torture is somehow justified, but it is not. We must resist the temptation.

In his classic novel "The Brothers Karamazov," Dostoevsky posed the question eloquently:

Imagine that it is you yourself who are erecting the edifice of human destiny with the aim of making men happy in the end, of giving them peace and contentment at last, but that to do that it is absolutely necessary, and indeed quite inevitable, to torture to death only one tiny creature, the little girl who beat her breast with her little fist, and to found the edifice on her unavenged tears—would you consent to be the architect on those conditions?

No, America must not engage in torture and cruel, inhuman, and degrading treatment. Torture is wrong. We have said that unequivocally for 50 or 60 years. It is one of the values and principles that guides our Nation.

As Thomas Paine said:

He that would make his own liberty secure must guard even his enemy from oppression.

Torture is an ineffective counterterrorism tactic. It produces unreliable information. When our Government engages in these kinds of abuses, we project a negative image abroad, creating anti-American sentiment around the world that is virtually impossible for us to deal with. If we engage in this sort of activity, we run the risk of subjecting our men and women in uniform and other American citizens not only to a dangerous wartime situation but to torture themselves if they are ever detained or captured.

Our Nation has been a beacon for democratizing forces around the world as they challenge repression and human rights violations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. We extend whatever time the Senator from Illinois needs.

Mr. DURBIN. I ask for 1 additional minute.

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

Mr. DURBIN. Madam President, our Nation has been a beacon for democratizing forces around the world as they challenge repression and human rights violations. The American exemplar inspired many to shed the yoke of communism and move toward democracy. In an era where we have emerged as a superpower, the world looks to us for leadership, inspiration, and our values. When we curtail individual rights, other nations follow suit and democracy and human rights suffer.

I have sent a letter to the chairman of the Senate Judiciary Committee, Senator ORRIN HATCH of Utah. I have asked Senator HATCH to reschedule a hearing for Mr. William Haynes whose nomination is currently on the calendar. Mr. Haynes, now more than ever, must answer these important questions about the role he played as general counsel at the Pentagon. If he had nothing to do with this policy, he can make that eminently clear, but if he did have something to do with it, I think we need the answers to these questions before we, in good conscience, are asked to vote to support his nomination to the second highest court in America.

I yield the floor.

CONDEMNING ABUSE OF IRAQI PRISONERS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the resolution, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) condemning the abuse of Iraqi prisoners at Abu Ghraib prison, urging a full and complete investigation to ensure justice is served, and expressing support for all Americans serving nobly in Iraq.

The PRESIDING OFFICER. The majority has 32 minutes remaining. The minority has 10 minutes remaining.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I am pleased we have this resolution before us. I think all of us share the same thoughts about this whole Iraqi prisoner abuse issue. We are all very disappointed and very troubled about the events in the prison. We need to move forward to resolve this issue. We need to do what needs to be done as a followup. We do not need to make it into a political operation for the next week because we have other things to do in Iraq. But we must take care of this issue because we, as Americans, hold ourselves to a higher standard.

These are appalling actions of those responsible for the treatment of the detainees in Iraq. It falls far short of any of those standards. Our credibility has been called into question in the eyes of those we are trying to help, as well as the rest of the world. These incidents of cruelty and mistreatment at the hands of American service men and women are inexcusable, and certainly it is a very small group of our service people. Unfortunately, the foolish actions of a few have cast a pall on thousands of our military. All of us know that is not the case, and all of us who have served in the military know these are not the kinds of activities we are ordered to do.

There have been mistakes, and we need to determine how those happened and see they do not happen again so our folks can continue at the very hard job they have.

These terrible events have dealt a blow to what we are seeking to do. I want to say again our task is to win in Iraq, and this is a deterrent from that, but we can overcome it and move on with the task.

This also makes it more important that we win at home. With the media and the emphasis that has been put on this issue, it detracts from our job. We cannot let that happen. If we are really as strong in our feeling about our service people overseas, we ought to make sure we support what they are doing and continue to give them that support.

We as a nation must deliberately correct the situation and ensure it does not happen again. All of us want to do that.

Democracies hold themselves accountable. That is our task. We can do

it, and we will do it. We acknowledge we have done wrong, and we will move to correct it. That is what this resolution is about. That is what the hearings are about. That is what holding people in authority responsible is about. We need to move on that initiative. We need to get the facts. We need to make the whole effort more transparent in the future, of course, as all Government activities should be transparent.

The process needs to move swiftly and decisively. We need to do this job and get on with the rest of the job.

For those who committed the acts and those who enabled them, we need to do all we can in determining if there is involvement in the chain of command.

I do not think anyone denies that is what we need to do. These things that have happened are certainly fundamentally contradictory to American values. The eyes of the world are focused now on how we will react, and we have reacted. The President has reacted. The Secretary has reacted. The Congress will react. We need to ensure that it continues, but I do warn that we ought not divert all of our attention to this issue, taking it away from the overall issue that still exists. We need to be there. The stakes are simply too high to play politics with this issue, and unfortunately that might well happen.

So we need to proceed. We need to make everyone understand that these are not the kinds of things that the United States will live with and let happen. We will do something about it. We need to bring those to justice who were involved. We will go forward and we will win in Iraq. First, we must win in the United States.

ENERGY POLICY

Earlier, I listened to the assistant minority leader talk about energy and say that the things we are doing now have nothing to do with an energy bill. I think that is absolutely wrong. What we are talking about is an energy policy that will last somewhat over time but is designed to change some of the things that we are doing in energy and energy use that are causing us part of the problems today. Will they reflect some change in the next day or two? Of course not. But we need to be working forward at doing something about the long-term impact of energy.

I will briefly talk about a few of the things that need to be done because it is just impossible to say they do not have an impact. Keep in mind that we have had an energy bill now last year and this year, and we tried to bring it up on the Senate floor. It passed here, went to conference, came back, and would not be accepted again. We have been obstructed and cannot move forward in doing something with the broad energy bill that has to do with energy efficiency. Again, it is going to take some time to do that, but it is very clear that consumption has gone up faster than has production. If we

continue to do so, this will be the case. Even more importantly, our consumption will grow and our production—if we keep it as it is—will soon be overcome and will not grow. So we have to talk about issues like renewable energy. We have to talk about alternative energy. Those things are in the bill. That is what we are talking about doing, seeing if we can do some things differently than we have in the past.

We also have some incentives to continue like in marginal wells. Marginal wells, even with the price as high as it is, if there is not some incentive for a well that only delivers two, three, or four barrels a day, we do not produce them, but in total they still have a large impact on what we are doing.

We need to make some changes in the way we use energy. We are using oil, for example, to heat homes. We are using oil to do a lot of things other than make gasoline. We have other energy sources that could be used for that purpose. The same is true with natural gas. We are using natural gas for many things. For instance, the electric-generating plants that have been built in the last 10 or 15 years have all been natural gas plants. Natural gas is so much more flexible for other uses: we ought to be using coal; we ought to be using nuclear for the generation of electricity so we can use natural gas for other purposes.

So to say this bill has nothing to do with our problems with energy is absolutely without merit. It does have a great deal to do with it.

We talked about some things that would have a pretty immediate impact, such as doing something on the Indian reservations to promote production. They would like to do that, but we have not really been able to make it happen. We are talking about doing something with hydrogen, fairly short term, to make hydrogen part of automobile fuel, and use coal and make hydrogen for automobiles.

We can talk about the price of gas next week. I would love to be able to do something about that, and hopefully maybe we can, but the real thoughtful question is, where are we going to be in 5, 10, or 15 years from now to meet the needs which will constantly be growing? We need to have a plan. We need to have a policy. This Congress has absolutely refused to move forward with the policy, along with many other things, and has strictly been obstructed from moving forward. So every week we are going through the same things because we cannot get them passed. Something needs to be done.

I think we have some very important issues before us. First of all, we have this resolution. I favor the resolution, which says very clearly how we feel about what happened in the prisons in Iraq. It says very clearly what we ought to be doing about those responsible for those acts. It says very clearly that we ought to make sure that does not happen in the future and that we

can go back to doing what we are supposed to be doing. I hope we do not make such an issue in terms of accomplishing things that we detract from the real purpose of our being in Iraq, and that is to win freedom for the Iraqi people, do something about terrorism, and be able to bring our men and women back to the United States after the victory.

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

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. I ask unanimous consent that the time in the quorum call be equally divided between the two sides.

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

Mr. THOMAS. I 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I just returned from my home State of Florida, and I cannot state the number of people who came up to me over the course of the weekend to ask me about the situation in the prison in Baghdad and the question of what should be done with Secretary Rumsfeld.

My reaction is, we have an ongoing investigation. I would like to see some more results of that investigation, in addition to what we have already been shocked with in the graphic photographs—although I understand we have “not seen nothing yet,” that we are going to get more graphic photographs, including some videos that are fairly descriptive of behavior that is clearly not behavior approved in the normal course of the standards of Americans.

Of course, offensive conduct by Americans is made all the more difficult as we are in unsettled parts of the world in a place of Arab culture and the Muslim religion.

Often, my response has been specifically about Secretary Rumsfeld; that this issue is much greater than any one Secretary of Defense. The issue comes down to how America has planned for the postwar occupation. We did not do a very good job of planning for the postwar occupation.

This Senator happens to be a Democrat from Florida, but that does not have anything to do with this. What I am about to say is very bipartisan, or nonpartisan. One of the committees on

which I have the privilege of serving is the Senate Foreign Relations Committee. The chairman is a Republican and his name is DICK LUGAR of Indiana. He has been saying very similar things to what I am about to say, as has his ranking Republican member, Senator CHUCK HAGEL of Nebraska, and certainly the ranking Democrat and former chairman, Senator JOE BIDEN of Delaware. It is this: We had a brilliant military campaign in Afghanistan and again in Iraq, led, by the way, by a Floridian, GEN Tommy Franks.

To give credit where credit is due, I include Secretary of Defense Rumsfeld. He ought to be given credit. It was a brilliant military campaign, blending the use of military forces—specifically, special operations forces in Afghanistan—with other agencies, such as the CIA. The CIA was first in Afghanistan. The first American killed in Afghanistan was Mike Spann, a CIA agent detailed out of Uzbekistan.

So, too, in the runup to the military campaign in Iraq, a brilliant military planning in the war effort. We took Iraq in much fewer days than General Franks had ever planned. Of course, that is what he is supposed to do as a combatant commander, plan for the worst and be very conservative in the planning. The military campaign was spectacular.

The problem was, before the war in Iraq, in the Senate Foreign Relations Committee, over and over we asked the administration—who is “we”? It is all of those Senators I just talked about, the bipartisan leadership of the Senate Foreign Relations Committee—asking over and over, peppering the administration with questions: What are your plans? Well, we do not have them. Well, bring them to us. And they would come back with some cursory plan.

Of course, we are now seeing the results.

The prison problems are a manifestation of just one element of the lack of a plan, of what it is to be an occupier in a Muslim country and then not planning for the sensitivities of being an occupier in a Muslim country.

What do we do now? The criminal investigation will go forward. The rest of the reporting is going to go forward, and we will find out what to do with regard to the prisons. But what we ought to be doing, and I think we are hearing this chorus from a number of Members in a bipartisan way, coming out of the several committees—not the least of which is the Foreign Relations Committee—the President ought to convene the major countries of the world, along with the Arab neighbors of Iraq in the region, and they should forge consensus. When somebody says that consensus cannot be reached, all you have to do is explain to those countries it is in their naked self-interest to try to get a stabilized Iraq.

France, for example, has a Muslim population somewhere between 8 and 12 percent. Convene those nations and then invite in a NATO force led by the

United States. Go to the United Nations, get a senior international diplomat to come in and start working after June 30 to build Iraq with the institutions so it can go to elections.

We will be there a long time. Anyone who doubts that, we are in the ninth year in Bosnia. It will take a lot of troops. Eventually, we will see our troops will have to be more than what we are planning for now with the 130,000 that we have there.

With those few short comments prior to the voting on this resolution, I thank the Senate for the privilege of addressing the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 2398 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Ms. MIKULSKI. Mr. President, I want to join my colleagues and so many others around the country and around the world to condemn the treatment of prisoners at Abu Ghraib prison in Iraq. What happened there is deplorable. It is despicable, and it is dishonorable. It does not reflect the values of the United States of America or the code of conduct for the United States military that so many of our brave men and women live by every day.

This has been a terrible blow for the vast majority of our troops who go by the book, serve America with honor, and put their lives on the line every day to promote and protect the democratic principles that we hold dear. It is also a terrible blow for America's standing around the world. Today, our troops are less secure. Instead of winning hearts and minds on the road to a free and democratic Iraq, our troops must now overcome tremendous anger and mistrust.

That is why we must take immediate steps to: investigate these abuses, hold accountable those responsible, commend those who did the right thing, and correct the problems quickly and thoroughly.

First, there must be thorough and rigorous investigations. Congress and independent investigators in the military and the intelligence community must get the facts: what are the abuses, how widespread are they, how did they come to happen, and what did the military and civilian leadership do, or not do, to correct them. On charges of such a grave nature—that are so detrimental to America's standing in the world—there cannot be enough transparency and public scrutiny.

The result of these investigations must be accountability at all levels of the military and civilian chain of command—up to the highest levels. Why do the Privates and Specialists face prosecution, but the Generals get letters of reprimand? Those who participated or were complicit in abuses—or created a climate that allowed them to occur—

must be held accountable, no matter their rank or title.

The world has witnessed shameful acts committed by people who represent the United States in Iraq. Now America must show the world how United States of America exercises the true principles of democracy—upholding the rule of law by administering justice in a swift, transparent and fair manner.

We should also commend those who did the right thing, like Specialist Darby, who reported the abuses, General Sanchez, who launched an investigation, and General Taguba, who issued a no-holds-barred report.

The problems that led to this must be corrected quickly and thoroughly. Our soldiers in Iraq must get the training and supervision they need to do their jobs with honor and in accordance with international law. And if heads need to roll to correct the problem, so be it. The world must know that America holds to the highest standards of military conduct and human rights protections. Anything less is unacceptable.

The resolution we will vote on this evening commends our soldiers, condemns the abuses and calls for swift justice and accountability. Yet it should go further and demand accountability at all levels.

Mr. President, I hope the Senate will speak with one voice by unanimously supporting this resolution.

• Mr. COLEMAN. Mr. President, I strongly support the resolution which the Senate is considering today.

The world has witnessed images that do not represent America's cause for freedom, democracy and human rights. While our American soldiers toil and sacrifice to bring justice and opportunity to Iraq, there is a small group of soldiers who have undermined the work of this noble mission through their despicable behavior.

The acts that took place at Abu Ghraib prison were simply inexcusable. The violation of any Iraqi prisoner's human rights, dignity or life by any member of the American military—for whatever reason—defies not only international law, but basic human decency. These acts risk undermining the mission, and put at risk other American men and women working for freedom in Iraq.

I am concerned that Congress was not adequately informed of the abuses and the investigations. Secretary Rumsfeld's appearance on Capitol Hill last week was welcome, and I expect that he will continue to make himself available to the Senate.

I deeply appreciate the President's willingness to speak candidly and apologetically to the Arab world. I support the decision to offer compensation to the victims, and to put together commissions to ascertain how widespread the abuse and humiliation were, and what can be done to prevent future violations. I am hopeful that these steps will be part of a much needed

process to make amends for the great damage that has been done by a few men and women.

Abu Ghraib was home to torture under Saddam Hussein's regime, and has not yet overcome its notorious reputation. Consequently, I believe that, should the Iraqi people wish it, this prison should be wiped off the map. Tearing down Abu Ghraib prison would symbolize the definitive end to the era of torture—an era which preceded Operation Iraqi Freedom, and must be put to rest once and for all.●

Mr. HATCH. Mr. President, I rise today to echo the horror that all of our citizens felt when we first viewed the photographs taken at Abu Ghraib prison. It is a stain upon the honor of our nation and the actions of these few individuals have undermined many of the substantial gains and sacrifices that our service men and women have achieved since the events of September 11th.

At the same time, it is important to remember that these are the disgraceful actions of a few and by no means do they represent the hard work and honorable service of the 138,000 soldiers, sailors, airman, marines, and coast guardsman that are serving our country in Iraq and surrounding countries.

During this trying time, I am also reminded that one of our troops' primary responsibilities is to do what is necessary to minimize civilian casualties. As some of my colleagues have mentioned on numerous occasions, one of their most vivid memories of the war was when a young American service member ran out onto an exposed bridge in order to save a young Iraqi woman. This is just one of many examples of the high personal, professional and moral conduct that is displayed every day by our Nation's service members.

The question then arises, how do we remove this stain on our honor? Our commander-in-chief, the President, as always, is leading the way by expressing his outrage over these actions and has apologized to the world.

The Department of Defense has followed the President's example.

In his very forthcoming and candid comments before the Senate Armed Services Committee, the Secretary of Defense apologized and took full responsibility for these mistakes.

The statements by President Bush and Secretary Rumsfeld were the hallmarks of leadership and show the world what is best about the United States. It is the sign of a great nation to acknowledge openly when laws have been broken, bring those violators to justice, and apply the law equally to all. We are working with the Iraqi people to use these same legal principles as the cornerstone of their developing legal system. Therefore, it is my hope that the results of the trials to come will form the real enduring image in minds of the Iraqi people.

I strongly support the resolution that is before the Senate. It adds our apology to those offered by the President

and the Secretary of Defense; it rightly commends the vast majority of service members who are serving nobly abroad to support liberty; and it reiterates our commitment to bring to justice those who broke the law.

It is a beginning to set things right. However, I am dismayed to learn that some have taken this opportunity to make a political point. They have called on the Secretary to resign. It is troubling that some would take advantage of these horrific acts in order to achieve a political gain during an election year.

This is a Secretary of Defense who has continued to show that he is a man of honor by taking direct responsibility for the actions of a few rogue individuals.

Secretary Rumsfeld has proven conclusively time and again that he is a positive agent for change at the Department of Defense. I know of no other individual who will engage in a more aggressive investigation of the events that have occurred and will institute whatever changes are necessary to prevent these violations from ever happening again.

We have much to do to repair our credibility.

The President's apology, followed by the acceptance of responsibility by Secretary Rumsfeld and the actions of the Senate today, begin this process.

However, this process will also require a rigorous investigation. There is one man who I know who is up for that challenge and it is Secretary Rumsfeld. This great Nation must stand behind him.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. EDWARDS. Mr. President, although I must be necessarily absent for the vote this afternoon, I want to express my support for this important resolution and briefly speak on the issue that has shocked all of us during the past two weeks—the horrific abuse sustained by the prisoners and detainees in Iraq.

All of us condemn what has happened in Iraq's prisons. The acts the world has now seen are deplorable; they are inhumane; they are appalling. Every day brings new evidence of horrors. These actions are completely inconsistent with our values, and completely counterproductive to our efforts to help the Iraqi people achieve security, stability, and freedom.

These images cast a dark shadow on all our efforts in Iraq, and they make the work of our brave military men and women in Iraq only harder. These shameful acts of a few have put many in harm's way. As we condemn these acts and punish those responsible all the way up the chain of command, we must continue to support our soldiers in Iraq and around the world. We cannot let the images and stories from the last week—and the images and stories that will certainly emerge in the coming weeks—distort the fact that the

vast majority of men and women serving their country today in Iraq and elsewhere are doing so with great dignity, skill and patriotism.

This is not just a major setback for our efforts in Iraq. Just think about the damage that these acts have done to America and our authority to promote peaceful, democratic change around the world. At the same time when we are trying to reach out to Arab countries—and to help their societies develop more opportunities so their people can live in greater freedom—these photographs and the behavior they depict do tremendous harm to America's ability to lead.

That is why we must stand together today to condemn these actions in the strongest terms. But our words will not be enough. We must follow up our words with deeds. There must be a full investigation into how these acts were allowed to happen, and an exhaustive effort to see that measures are put in place so that they never happen again. Many questions must be answered, and we must have the administration's full cooperation. The American people—and the Iraqi people—deserve answers. We must hold accountable those responsible all the way up the military chain of command, and they must be punished to the fullest extent of the law.

I also believe that these acts reveal such a fundamental failure of leadership that we need to have accountability here in Washington. We cannot just blame this on the individual soldiers involved. We must show the world that no one can shirk responsibility no matter how high that responsibility goes, or what office one might hold.

So if we want to signal to the rest of the world that we in fact emphatically reject what happened; if we want to send the message that what happened in that prison was inconsistent with American values; if we want to say to the rest of the world that we as a nation want to change course here, then we need to hold our leadership at the highest levels accountable.●

Mrs. FEINSTEIN. Mr. President, I rise today to offer my strong support for a Senate resolution condemning the abuses in United States detention facilities in Iraq.

This resolution makes clear that the abusive behavior we have seen graphically portrayed in photographs, detailed in the report of MG Antonio Taguba, and described by Secretary Rumsfeld in testimony last week, are unacceptable.

Such conduct is wrong, un-American, and inconsistent with the history and tradition of our military services. It is critical that the Senate voices its absolute rejection of the conduct, and this resolution does just that.

It must be understood that this resolution, however, is narrow and focused. It is confined to expressing our views on the specific conduct at issue. It does not purport to be a comprehensive view

on the implications of this growing scandal, nor a conclusive statement of a congressional investigation into this incident, and its ramifications.

I believe that such an investigation is necessary and should be undertaken as soon as possible. We need to know why the Geneva Convention appears to have been ignored. We need to understand how such a debacle could have happened, and what orders were given by who, and when, which governed the prison at Abu Ghraib. We need to know why the reports of the Red Cross and others were not responded to in a comprehensive and timely manner. And why was this problem concealed for months from the Congress and the American people.

If the conflict in Iraq is seen as a battle for the hearts and minds of the Iraqi people, then it is unfathomable how such a devastating failure in that battle could be allowed to happen. This is not just about personal accountability, or abuse—it is about the conduct of a conflict upon which the future of our security may depend.

It is also important to recognize that planning and implementing a military detention and interrogation operation is a necessary and important part of a competent and professional war plan. There are three reasons why this is so:

First, the information gained from proper interrogation is critical to protect our warfighters—it allows us to deal with the tactical risk on the ground in Iraq. Simply put, military interrogation is part of the overall intelligence-gathering mechanism which is designed to provide timely, accurate information to front line troops and strategic planners. Done correctly, a well-run, properly administered military detention system will yield information that will keep our men and women in uniform alive in the face of an increasingly violent insurgency.

Second, detention and interrogation is inherently risky, and that risk is a moral risk. It is not easy to run prisons, interrogate detainees, and maintain order in a manner consistent with our Nation's moral values. There are certainly some guides to help manage this risk: the Geneva Convention, for instance, provides a well-established set of guidelines that can not only allow American soldiers to adhere to international law, but help them ensure that their conduct is acceptable to Americans and to our moral code.

Third, it should be apparent that the administration of a military prison system inside Iraq is a clear danger point in the context of our strategic goals—prisons pose a necessary, but important, strategic risk. Failure to adhere to the highest standards of conduct will fuel the increasingly hostile view of Americans and American policy in Iraq and the Middle East.

I have reviewed Secretary Rumsfeld's testimony, as well as other information provided in public statements of the administration and private briefings.

I am becoming increasingly concerned that the Secretary, and the Administration, are missing the point of this growing scandal.

Of course there is a need to investigate individual wrongdoing and hold people accountable for their acts according to the Code of Military Justice. But much more needs to be done. I see little evidence that there has been adequate planning for the management and function of military detention facilities in Iraq, and this failure needs to be addressed now.

This is critical for the three reasons I outlined above. In essence, military detention facilities should be looked upon exactly like other elements of war-planning—necessary to fight successfully, but carrying risks to our soldiers and to our mission.

I am concerned that this function has not been adequately planned. It does not surprise me that we see the lack of planning becoming apparent in the revelation of individual misconduct, but I think it is critical that the Department of Defense take on the larger issue, and take it on immediately.

The situation is grim. Each of the three risks I mentioned have come to be.

Some of our soldiers, inadequately supervised and poorly commanded, have succumbed to the moral hazards of running a prison. I do not excuse their actions, and they will be held accountable for their actions. But it is predictable that without adequate command and control such conduct will happen in a prison, and for that Secretary Rumsfeld and senior Army commanders are responsible.

It is clear that the potentially valuable source of tactical intelligence that could have been gained through the competent and professional administration of military detention facilities was wantonly thrown away by allowing those facilities to degenerate into a chaotic and ungoverned free-for-all.

It is my view that there is a place for properly conducted interrogation in the context of a military detention facility.

But it seems to me that what we have seen is not overly aggressive interrogation, but wanton cruelty and abuse, unconnected with any doctrinally acceptable method of prisoner interrogation.

We will never know what potentially valuable tactical intelligence was lost in the chaos of Abu Ghraib prison, but I am confident that whatever intelligence was there was unlikely to have been elicited in that environment.

Again, Secretary Rumsfeld and senior commanders are responsible for this failure, and I call upon them to immediately remedy this situation.

We have troops on the ground, under fire, and we cannot afford to abandon a mechanism for gathering intelligence which could help make our troops safer.

Finally, the failure to run this element of our war effort competently has

resulted in a catastrophic setback to our strategic interests.

It should have been self-evident that failure to run U.S. detention facilities in a professional, competent and lawful manner would, when made public, adversely affect our prospects in Iraq and in the region.

Simply put, American soldiers will come under increasing fire because of the failure to run the prisons correctly, and whatever prospects remain for peacefully transferring power to an Iraqi government have been diminished.

In sum, it is important to recognize that planning for detention and interrogation of prisoners is as much a part of war planning as making sure that there is enough gas for tanks, enough ammunition for guns and armor for our soldiers.

I am concerned that the failure to plan for this aspect of the war is consistent with a general pattern at the Pentagon—an unwillingness to plan for the realities of Iraq and the Middle East. We will all pay for that failure.

One key part of the resolution speaks to the roll of the Congress, noting that “the best interests of the United States and the American people will be served by a full investigation by the appropriate Committees of the United States Senate exercising their oversight responsibilities.” This is a critical point. This body must immediately begin its task of addressing this issue.

There are a few particular questions upon which I hope we will focus:

Whether, and to what extent, the conditions and procedures in Abu Ghraib and other prisons came about because of particular policy decisions by senior officials. For instance, who made the decision, reported in the media, to use prison guards to “set the conditions” for interrogations?

Why was the critical task of administering Abu Gharaib entrusted to soldiers without adequate training or guidance?

Who in the command structure is responsible for maintaining and administering our military program to detain and interrogate prisoners in Iraq and elsewhere?

I hope we can answer these, and other questions, and make the changes necessary to make our nation safer.

● Mr. MCCAIN. Mr. President, I am unavoidably absent from the Senate this afternoon, but would like to express my strong support for S. Res. 356.

The photos and reports of abuse at Abu Ghraib prison that have emerged over the past week defy description. I condemn, as must all Americans, these horrific acts. It saddens and shames our country to see Americans perpetrate these abuses on other human beings. Their actions do not reflect the principles for which this country stands.

We have fought to liberate Iraq, and to free the Iraqi people from the murderous rule of Saddam Hussein. We have achieved great things in Iraq, but

we have much work to do. The sickening images of abuse that have emerged in the media threaten to undermine much of the good we have done. These incidents have marred the reputation of our country abroad, and have made the tasks of the brave Americans fighting and working in Iraq harder. But I am confident that the vast majority of men and women working to bring freedom to Iraq will conduct their noble mission with integrity and distinction.

Toward that end, we need to have all the facts about the abuses at Abu Ghraib and elsewhere, and we need them immediately. We cannot wait months for a new commission to issue a report, nor for new photos and details to dribble out over weeks. The American people need to know, at once, the abuses committed, punish those guilty of these crimes, and ensure that they never again occur. We must also ensure that similar abuses are not occurring elsewhere in detention centers outside Iraq. Our venture in Iraq is moral, and must be conducted with moral means. We must ensure that we are treating all prisoners and detainees humanely and in accordance with U.S. and international laws and regulations.

Mr. President, as Americans we are defined not just by the way in which we deal with our friends but by how we treat our enemies. I know that in many countries around the world, abuse of prisoners is commonplace and brutal interrogation is the norm, rather than the exception. But American, a Nation that was founded on the idea of liberty and justice for all, must hold itself to a higher standard. We liberate, not torture, and we free, not oppress.

Burned into our minds are terrible images: a hooded man standing on a box, a prisoner on a leash. These photos represent humanity at its worst, and represent everything that America is not. We must show the country and the world another image—that of Americans working with Iraqis to topple the statute of Saddam Hussein, to free the Iraqi people—truly represents who we are.●

Mr. DASCHLE. Mr. President, I rise in strong support of this Senate resolution expressing our clear condemnation of the despicable abuses of Iraqi prisoners at Abu Ghraib prison.

Nearly a week ago, I called on the Senate to clearly and forthrightly condemn the despicable acts perpetrated at Abu Ghraib prison.

The pictures and description of the treatment inflicted on Iraqi detainees was too brutal, too inconsistent with what this country stands for, and far too consequential for our troops for this body to stay silent.

Given the severe consequences on our troops and our efforts in Iraq, it is important that the Senate say to the world that:

No. 1, the Senate commends the American forces serving honorably in Iraq;

No. 2, the Senate condemns the mistreatment of Iraqi detainees and apologizes to the victims of this abuse;

No. 3, the Senate is prepared to exercise its oversight responsibility and fully investigate these incidents; and

No. 4, the United States government—both the executive branch and the legislative branch—will hold accountable all of those responsible for these despicable acts.

This resolution does each of these and makes clear that the Senate will fulfill its responsibility in the face of these troubling revelations.

That's what the resolution does. Let me say a few words, Mr. President, about what it does not do.

The resolution does not spell the end of our work. In fact, the Senate is just getting down to the business of investigating what happened and how widespread these practices are.

The Armed Services Committee has another hearing tomorrow. We look forward to hearing the testimony of General Taguba, someone who had the courage to fully document these abuses not just in Iraq but Afghanistan as well and bring them to the attention of his civilian and military superiors.

The hearing also comes as news agencies publish reports of even wider spread abuse practices in Iraq, all of which apparently began in Guantanamo when senior administration officials adopted a policy to permit interrogation tactics that this country has never before allowed. So we are at the beginning of this effort, not the end.

Nor does this resolution limit in any way whom or what Congress should and must investigate. As horrendous as they are, we are now told that these pictures may only be the tip of the iceberg. And we learned today that the International Committee of the Red Cross was expressing concerns directly to the administration as early as March 2003—over a year ago.

Lastly, this resolution does not absolve anyone. We will have done a great disservice in this investigation if only a handful of enlisted men and women are held accountable and the actions and decisions of those higher up in the military and civilian chain of command are ignored. Anyone who ordered these actions, tolerated these abuses, or contributed to an atmosphere that led to this mistreatment must be held accountable.

I join with several of my colleagues—Republican and Democrat—who have made clear that we need to ensure that the entire chain of command is held accountable for these despicable acts, and we will have failed the American people if we do otherwise.

Like most Americans, we learned about these horrific acts on national television. And like the overwhelming majority of Americans, we were shocked at the brutality the pictures depicted.

The simple truth is that America stands for democracy and the unalienable rights of individuals, and

the vast majority of Americans serving in Iraq embody those principles—and do so under unimaginably difficult and dangerous circumstances.

In order to uphold the service and sacrifices of these fine men and women and to demonstrate to the world—yet again—what America truly stands for, we must send this clear message.

The stakes here could not be higher. We are at a dangerous and difficult crossroads in Iraq. If these pictures go unanswered, the consequences could not be more grave for our troops and their security, for our goal of a free and unified Iraq, and for our hope for a stable Middle East.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in 2 minutes we will be voting on S. Res. 356, a resolution condemning the abuse of Iraqi prisoners at Abu Ghraib prison. I would like to close the debate and comments today by reading the resolve clauses that follow a number of whereas statements. This is what we will be voting on in a couple minutes:

Resolved, That the Senate—

(1) commends all Americans serving nobly abroad who are advancing the ideals of freedom and democracy, and working, through the individual and collective actions of such individuals, to improve the lives of all the people of Iraq;

(2) condemns in the strongest possible terms the despicable acts at Abu Ghraib prison and joins with the President in expressing apology for the humiliation suffered by the prisoners in Iraq and their families;

(3) urges the Government of the United States to take appropriate measures to ensure that such acts do not occur in the future;

(4) believes that it is in the interests of the United States and of the people of the United States that the appropriate committees of the Senate, exercising the oversight responsibilities of such committees, and the President, through the appropriate departments or agencies of the executive branch, conduct a full investigation of the abuses alleged to have occurred at Abu Ghraib; and

(5) urges that all individuals responsible for such despicable acts be held accountable.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that I be added as a cosponsor of the resolution.

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

All time has expired. The question is on agreeing to the resolution.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Minnesota (Mr. COLEMAN), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that if present and voting the Senator from Minnesota (Mr. COLEMAN) would vote "yes."

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

I further announce that if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote "yea."

The result was announced—yeas, 92, nays 0, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—92

Akaka	DeWine	Lincoln
Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (FL)	Reid
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Sununu
Cornyn	Kohl	Talent
Corzine	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	

NOT VOTING—8

Coleman	Kerry	Murkowski
Edwards	Lautenberg	Specter
Hollings	McCain	

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 356

Whereas the United States was founded on the principles of representative government, the rule of law, and the unalienable rights of individuals;

Whereas those principles are the birthright of all individuals and the fulfillment of those principals in Iraq would benefit the people of Iraq, the people of the Middle East, and the people of the United States;

Whereas the vast majority of Americans in Iraq are serving courageously and with great honor to promote a free and stable Iraq and through such service are promoting the values and principles that the people of the United States hold dear;

Whereas Americans serving abroad throughout the history of the United States, both military and civilian, have established a reputation for setting the highest standards of personal, professional, and moral conduct;

Whereas in January 2004, a member of the United States Armed Forces reported alleged abuses perpetrated in Abu Ghraib prison during November and December 2003;

Whereas an inquiry into those alleged abuses was ordered in January 2004, and that inquiry is reported to have found numerous incidents of criminal abuses by a small number of Americans based in Iraq;

Whereas the reaction to the alleged abuses is having a negative impact on the United

States efforts to stabilize and reconstruct Iraq and to promote democratic values in the Middle East and could affect the security of the United States Armed Forces serving abroad;

Whereas Congress was not informed about the extent of the alleged abuses until reports about the abuses became public through the media;

Whereas success in the national security policy of the United States demands regular communication between the President, the agencies and departments of the executive branch, Congress, and the people of the United States;

Whereas, in an interview on May 5, 2004, the President stated "First, people in Iraq must understand that I view those practices as abhorrent. They must also understand that what took place in that prison does not represent America that I know. The America I know is a compassionate country that believes in freedom. The America I know cares about every individual. The America I know has sent troops into Iraq to promote freedom—good, honorable citizens that are helping the Iraqis every day.";

Whereas in that interview the President further stated "It's also important for the people of Iraq to know that in a democracy, everything is not perfect, that mistakes are made. But in a democracy, as well, those mistakes will be investigated and people will be brought to justice. We're an open society. We're a society that is willing to investigate, fully investigate in this case, what took place in that prison. That stands in stark contrast to life under Saddam Hussein. His trained torturers were never brought to justice under his regime. There were no investigations about mistreatment of people. There will be investigations. People will be brought to justice."; and

Whereas the pursuit of truth and justice are core principles of the United States, and if the Government of the United States conducts a full investigation of the alleged abuses and holds accountable the individuals who are responsible for such abuses, the people of Iraq and of the Middle East will witness how a democracy upholds the rule of law and protects the rights of individuals by administering justice in a swift, transparent, and fair manner: Now, therefore, be it

Resolved, That the Senate—

(1) commends all Americans serving nobly abroad who are advancing the ideals of freedom and democracy, and working, through the individual and collective actions of such individuals, to improve the lives of all the people of Iraq;

(2) condemns in the strongest possible terms the despicable acts at Abu Ghraib prison and joins with the President in expressing apology for the humiliation suffered by the prisoners in Iraq and their families;

(3) urges the Government of the United States to take appropriate measures to ensure that such acts do not occur in the future;

(4) believes that it is in the interests of the United States and of the people of the United States that the appropriate committees of the Senate, exercising the oversight responsibilities of such committees, and the President, through the appropriate departments or agencies of the executive branch, conduct a full investigation of the abuses alleged to have occurred at Abu Ghraib; and

(5) urges that all individuals responsible for such despicable acts be held accountable.

Mr. MCCONNELL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ASBESTOS NEGOTIATIONS

Mr. FRIST. Mr. President, after cloture was not invoked on S. 2290, the Hatch-Frist asbestos bill, Senator DASCHLE and I asked Judge Becker to conduct a mediation process in the hope of identifying a path to reach consensus on this contentious yet extraordinarily important issue. Judge Edward Becker was asked to focus on working with the interested stakeholders on three major issues—projections, claims values, and overall funding into the trust—understanding that there are over a dozen additional issues that remain unresolved. Our belief was that if these three issues could be resolved, it would be much easier to work through the remaining differences.

Judge Becker presided over meetings for the last 2 weeks and held his final session last Thursday. His presence was invaluable in helping to further define the issues and illuminate the differences. Throughout the process all parties negotiated in good faith and worked towards bridging the gaps. We are extremely grateful for the time, energy, and leadership Judge Becker put into working through these technical issues, and to all the parties for their steadfast participation.

Last week, Judge Becker gave us his final report on the result of his mediation. We are glad there has been movement in major areas but realize there is more work to be done. While both sides have provided new proposals, ultimately, there remains gaps in claims values, projections, and the amount of dollars needed to establish a trust.

As you know, we have been personally committed to achieving a resolution to this extremely complicated issue for some time. Many members of both caucuses have devoted countless hours of time and considerable personal energy toward this end as well. We are committed to working together to determine whether a compromise can be reached that would provide sufficient payments to asbestos victims and certainty to companies.

THE AMERICAN LUNG ASSOCIATION—A CENTURY OF EXCELLENCE

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the American Lung Association as it prepares to celebrate its centennial anniversary on May 22. It is a remarkable milestone and the leaders and members