

there are more black doctors, lawyers, judges and elected officials than ever before. What we know today is that there is more equality and more opportunity for all children.

But what we don't know, what we still question is whether we have really achieved the inclusion, equality and diversity in our schools that the Court intended when it struck down the "separate but equal" doctrine and required the desegregation of schools across America. I do not believe we have met the promise of Brown yet.

I am concerned that many public schools in Arkansas and around the country remain segregated by race and class, still unequal in regard to performance and resources. Today, a fourth-grade Hispanic child is only one-third as likely to read at the same level as a fourth grade white child. Only fifty percent of African-Americans are finishing high school, and only 18 percent are graduating from college.

We must do better, and President Bush and the Congress can do better by keeping the promises made to parents and students when it passed the No Child Left Behind Act. We must live up to this promise, and provide every child access to a quality public education. Daisy Bates, the Little Rock Nine and countless civil rights leaders did not endure hardship and sacrifice for us to fail now.

Mr. President, on this landmark anniversary, let us stand together to celebrate how far we have come. But let us also acknowledge the problems that stand in the way to a better education for all children. And let us commit ourselves to preparing our children for today's expectations and tomorrow's challenges.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On June 1, 2000, Gary William Mick, 25, pleaded guilty to first-degree murder, attempted murder, and armed robbery after admitting that he murdered a gay man and tried to kill another because he believed gay men were "evil." In the first attack, a New Jersey man was bludgeoned to death with a claw hammer. Mick met his second victim, a dentist, at a bar. There, he had dinner with him and went home with him. Mick later attacked the man with a knife, a struggle ensued, and the victim escaped. Mick told police that a childhood incident caused him to hate homosexuals.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement

Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### A COLOSSAL FAILURE OF WHITE HOUSE LEADERSHIP IN IRAQ

Mr. LEAHY. Mr. President, according to the Washington Post, a recent poll by the Coalition Provisional Authority in Iraq, which is, for all intents and purposes, an entity of the U.S. Government, showed that 80 percent of the Iraqis surveyed reported a lack of confidence in the CPA and 82 percent disapprove of the U.S. and allied militaries in Iraq.

I mention this for two reasons.

First, I remember when, less than 2 months ago, much was made by administration officials and several Senators of a February poll which suggested that Iraqis strongly supported the U.S. occupation. They held it up as proof that our strategy was working, even if they could not explain what the strategy was.

To quote one of my friends on the other side of the aisle, who spoke on April 8:

[I] noticed the BBC/ABC poll results in Iraq, which are fascinating. I only wish Americans were as upbeat about America as Iraqis are about Iraq. If you watched U.S. TV every day, you would think there was nothing but bad things happening in Iraq . . . But, in fact, in the BBC/ABC poll, which was taken from February 9th to February 28th, in answer to the question, "How are things going today, good or bad, in Iraq?" Overall, 70 percent said good, 29 percent said bad. . . And in terms of the optimism factor, how they will be a year from now, 71 percent of Iraqis thought things would be better a year from now . . .

He concluded by saying that this encouraging news was thanks to the leadership of the President of the United States.

Whatever the accuracy of that February poll, the CPA's recent poll indicates that far more Iraqis today oppose what we are doing in Iraq. The CPA's poll also shows that more than half of Americans surveyed oppose the President's policy.

This latest poll also compels us to ask why so many of the people we sought to liberate, and did liberate from the brutality of Saddam, turned against us so quickly. And why so many Americans are questioning the President's decision to go to war.

There are many reasons, the genesis of which dates back to the President's fateful decision to shift gears from fighting al-Qaida, which had attacked us, to overthrowing Saddam Hussein, who had not attacked us and who apparently had no plan or ability to.

That decision, followed by a remarkable series of miscalculations and misguided policies, has enmeshed our troops in an ill-fated, costly war from which neither the President, nor anyone else in his Administration, appears to have the faintest idea of how to extricate ourselves.

Let's review the history.

After September 11, there was nearly universal support for retaliation against al-Qaida. There was widespread sympathy and support for the United States from around the world. But then the President, encouraged by a handful of Pentagon and White House officials, most notably the Vice President, who were fixated on Saddam Hussein, changed course. And what followed, I believe, has very possibly increased the risk of terrorism against Americans.

We remember when someone in the administration "gave currency to a fraud," to quote George Will, by putting in the President's 2003 State of the Union speech that Iraq was trying to buy uranium in Africa.

This administration repeatedly, insistently and unrelentingly justified pre-emptive war by insisting that Saddam Hussein not only had weapons of mass destruction but was hell-bent on using them against us and our allies.

Administration officials, led by Vice President CHENEY, repeatedly tried to link Saddam Hussein to 9/11 in order to build public support for the war, though there never was any link—none.

Truth tellers in the administration—like General Shinseki and Lawrence Lindsay—were either ridiculed or hounded out of their jobs because they had the temerity to suggest realistic estimates for the number of soldiers and amount of money it would take to do the job right in Iraq.

Incredibly, there was no real plan, despite a year-long, \$5 million study by the State Department, to deal with the widespread looting that greeted our soldiers once Saddam had fallen—doubling or tripling the cost of reconstruction, and leaving open the gates to stockpiles of weapons and ammunition that have been used with deadly results against our soldiers.

We remember President Bush flying onto the aircraft carrier and declaring "Mission Accomplished" when, in fact, the worst of it was ahead.

Two months later, the President taunted Iraqi resistance fighters to "Bring It On!" while our troops were still in harm's way and were fending off ambushes and roadside attacks every day and every night.

Some of our closest allies and friends, like Mexico and Canada, and even those countries Secretary Rumsfeld called "Old Europe," were belittled and alienated because they disagreed with our strategy of pre-emptive war—countries whose diplomatic and intelligence and military support we so desperately need today.

That sorry chronology has brought us to where we are today. Each day that passes, more Iraqis seem to turn against us, threatening the mission and morale of our troops.

The latest episode in this misguided adventure is the Abu Ghraib prison scandal. It is tragic for many reasons, but none more so than the harm it has caused to the image of our Armed

Forces and to our Nation, particularly among Muslims, and the fact that it could so easily have been prevented.

The International Red Cross had warned U.S. officials about the mistreatment of Iraqi prisoners last year, and nothing was done about it for months.

We also know that similarly cruel and degrading treatment of prisoners occurred at Bagram Air Base in Afghanistan. The New York Times first reported it last March. It described prisoners who had been kept naked in freezing cold cells, forced to stand for days with their arms upraised and chained to the ceiling, subjected to other humiliating and abusive treatment, and in at least two instances prisoners died in what were ruled homicides. We have since learned that many more detainees have died in U.S. custody in both Afghanistan and Iraq.

Even before last June, when I first sought information about the abuses at Bagram, my attempts to seek information about the dehumanizing and, I believe, illegal treatment of prisoners at Guantanamo were ignored.

It is no secret that Guantanamo was chosen precisely because the Pentagon wanted it to be outside the jurisdiction of U.S. courts. They did not want to be subjected to the watchful eyes of attorneys who know the law. They did not want to be bothered with U.S. or international law. As it turns out, many of the prisoners at Guantanamo who had been drugged and shackled and hooded and denied access to lawyers, were released after it was determined, a year or two later, that they were innocent.

Now we hear that there are videos of the treatment of prisoners at Guantanamo, but, like Abu Ghraib, we only learned about it from the press. That is the only way we have learned about any of what is increasingly looking like a pattern of cruel and degrading treatment of terrorism suspects in U.S. military custody.

Top Pentagon officials continue to insist that there is no pattern; that we are dealing only with "isolated incidents." We could debate when "incidents" become so pervasive that they are part of a "pattern." One might think that similar types of abuses of prisoners in U.S. custody in Cuba, Afghanistan, and Iraq during approximately the same time period would suggest a pattern, but perhaps not to those who bear responsibility. The fact is, as the Washington Post so clearly stated on May 20, this was "A Corrupted Culture."

We have heard that U.S. military intelligence gave the orders. We have heard of attempts by military to block investigations by the International Red Cross. We have heard that FBI officers declined to be present during interrogations because of the harsh methods that were used. We have heard of complaints by former Iraqi and Afghan prisoners that were ignored. We have heard about investigations of alleged abuses that were cursory, at best.

We have heard of instances when denials of misconduct by military officers were treated as proof that nothing bad happened, while those who alleged the abuse were never interviewed.

We have learned that self-serving and reassuring statements about respect for the law by officials here in Washington, including the President and the Pentagon's top lawyer, bore little resemblance to what was going on in the field.

The sadistic acts that have now been published on the front pages of every newspaper in the world as well as millions of television screens have endangered our soldiers and civilians abroad and threaten our national security and foreign policy interests abroad. The photographs will be used as recruiting posters for terrorists around the world. They depict an interrogation and detention system that is out of control. They have made a mockery of President Bush's statement a year ago that the United States will neither "torture" terrorist suspects, nor use "cruel and unusual" treatment to interrogate them, and they directly contradict the more detailed policy on interrogations outlined in a June 25, 2003, letter to me by Defense Department General Counsel William Haynes.

It is apparent that, when it comes to Iraq, this administration is disinterested, at best, in the views of anyone who is either a member of the minority, or who, Republican or Democrat, dares to utter words of caution or criticism. But there are some basic truths that cannot be ignored.

First, atrocities occur in all wars. Invariably, there are incidents—often many incidents—in which excessive force is used, civilians are brutalized, prisoners of war are tortured and summarily executed. There has never been a war without such heinous crimes.

Second, our Armed Forces are the finest in the world. The vast majority of our troops have conducted themselves professionally and courageously, in accordance with the laws of war. But even Americans have at times used excessive force and violated the rights of civilians or prisoners. There were instances of this long before Abu Ghraib prison.

And it is precisely because these atrocities are predictable in any war that the Geneva Conventions and the Torture Convention exist. The United States was instrumental in the drafting and adoption of these conventions, whose purpose is to prevent atrocities against civilians and the mistreatment of prisoners of war, including Americans.

We should also recognize that not only were the abuses at Abu Ghraib prison not isolated incidents; similar practices have recently been documented in many prisons in the United States. We have seen the same types of humiliating and sexually degrading treatment, the assaults by prison guards, the misuse of dogs against defenseless prisoners, and the same fail-

ure to hold accountable those in positions of responsibility.

The President reaffirmed, in the midst of the Abu Ghraib scandal, that the United States is a nation of laws, and that those responsible for the mistreatment of Iraqi prisoners will be punished. This, of course, must happen. But it does not obscure the glaring hypocrisy of this administration.

On the one hand, last March, referring to the capture of U.S. soldiers by Iraqi forces, President Bush said, "We expect them to be treated humanely, just like we'll treat any prisoner of theirs that we capture humanely. If not, the people who mistreat the prisoners will be treated as war criminals." On the other hand, there is the White House Counsel, who called the Geneva Conventions "quaint" and "obsolete," and there is the pattern of abuses themselves and the way the administration ignored inquiries and warnings for months.

The White House set the tone, and the consequences were disastrous. According to the International Red Cross, 70 to 90 percent of the Iraq prisoners arrested—who were unquestionably entitled to the protections of the Geneva Conventions—were later determined to have been detained by mistake. That is appalling, but not so appalling that the Administration did anything about it.

The Red Cross reported that soldiers carrying out arrests "usually entered after dark, breaking down doors, waking up residents roughly, yelling orders. Sometimes they arrested all adult males present in a house, including the elderly, handicapped or sick people. Treatment often included pushing people around, insulting, taking aim with rifles, punching and kicking and striking with rifles."

Is it any wonder that so many Iraqis want us to leave? This is not what we expect of the conduct of our military operations. The Geneva Conventions have the force of law, and as a nation whose Bill of Rights was the model for the Universal Declaration of Human Rights, that holds itself out as a force for human rights and human dignity around the world, we should set the example. Any person taken into U.S. custody should be treated, at a minimum, consistent with the Geneva Conventions and in accordance with the Torture Convention.

This fiasco is part and parcel of the increasing insecurity in Iraq and the dangers facing our troops from a hostile population that has resulted from such miserably poor planning that so many people warned of.

It has claimed the lives and limbs of hundreds of Americans and of thousands of Iraqis.

It has caused deep divisions between ourselves and the Iraqi people and Muslims around the world.

It has damaged our image as a nation that stands for respect for human rights.

It represents a colossal failure of leadership.

As I and so many others have said for months, we cannot succeed in Iraq by ourselves. Not when the rationale for going to war has been exposed for the pretext that it was. Not when we are widely perceived as occupiers. Not when photographs of uniformed Americans abusing naked Iraqi prisoners have become the symbol of that occupation.

We saw, with the horrifying murder of Nicolas Berg by al-Qaida, the incredible depravity and determination of the enemy we face. Only weeks ago there were images of dismembered American corpses hanging from a bridge.

We are united in our revulsion, and in our commitment to bring to justice those responsible for such despicable acts. The question is how to do it effectively.

Last October 13th, in a memo entitled "Global War on Terrorism," Secretary Rumsfeld asked, "Are we capturing, killing or dissuading more terrorists every day than the madrassas and radical clerics are recruiting, training and deploying against us?"

Since then, he and the President have called Iraq the main front in the war against terrorism. It certainly did not used to be. Last week, I asked Secretary Rumsfeld how he would answer the question he posed last October—whether we are winning the fight against terrorism. He said he didn't know.

That speaks volumes. We are spending more than \$1 billion a week in Iraq, and the Secretary doesn't know if we are winning.

President Bush's Iraq policy has been discredited not only among the world's Muslims, but among most of our friends and allies. Not only have we lost the moral authority that is necessary to defeat terrorism, we have been unable to even secure the country we liberated. As I have said repeatedly, we need a radical change of course, and that decision can be made only by the President of the United States.

The President has reaffirmed his steadfast support for the Secretary of Defense, and at this point it appears that Secretary Rumsfeld has no plans to leave. But many are seriously questioning whether we can succeed in Iraq, or against terrorism for that matter, so long as he and General Myers, and Deputy Secretary Wolfowitz, who are so closely identified with this discredited policy, remain at the helm.

At the same time, the President needs to articulate credible, achievable goals in Iraq, beyond "staying the course" and the usual clichés about remaking the Middle East.

We and the rest of the world need to know what those goals are and how he plans to achieve them, to whom we are going to turn over sovereignty that can effectively govern, how the President plans to secure the support needed from other nations to effectively address the deteriorating security situation, how long he expects our troops to stay in Iraq, and how many more billions of dollars it may cost.

Unless the President can answer these questions, more and more Americans will question how much longer we can ask our troops to risk life and limb in Iraq and the taxpayers to continue to pay for a policy that is not working.

#### END THE BLOCK AND BLAME GAME

Mr. GRASSLEY. Mr. President, I rise today to make an appeal to our Democratic colleagues to end this obstruction of legislation vital to our Nation. I am appealing to my Democratic colleagues to abandon this harmful, politically motivated, election year strategy of gridlock, and if I may be so bold, to suggest a different election year political strategy that will not hurt Americans.

The Democrats' obstruction strategy is no secret in Washington, although it may not be so obvious to those outside the beltway.

We have all heard of the old "blame game." Well now, Congressional Democrats have taken it to a new level and created a new game. I call it the "Block and Blame Game."

According to a lobbyist, a few weeks ago one of the Senate's Democratic leaders gave a briefing to campaign contributors. First, all were assured, naturally, that the Democrats would take over the Senate. Second, they were told that to help secure this Democratic victory, they were implementing a strategy to block all major legislation, except for some appropriations measures.

So how does blocking legislation elect Democrats? The answer came within days as a Senate Democrat blasted away, charging that while Republicans control the White House, the Senate and the House of Representatives, the GOP is getting nothing done. The block and blame game.

Democrats must think that as long as no one outside Washington can figure out the nuances of the legislative procedures of obstruction, then as they say, "the proof is in the pudding," nothing is getting done, the Republicans are in control, and therefore the Republicans are to blame.

Who is really hurt by this strategy? Republicans? Maybe, if they are unable to explain the complicated procedures that are being used by Democrats to block the business of the Senate.

Clearly, it is the American people who are harmed. And for what reason? Simply, the interests of Americans are being sacrificed upon the altar of the selfish, political power struggle.

Please understand that I refuse to insult my Democratic colleagues by suggesting that they should not vigorously compete for control of Congress and the White House.

But they can do it in a way that helps Americans, not hurt them.

I do strongly urge them to abandon the block and blame game strategy and instead to join Republicans in making this closely divided Government work.

Let's all acknowledge that there are precious few legislative days left in the 108th Congress, that we have a large number of bills very important to our country, and that we do not have the luxury of debating and voting on each and every amendment we desire.

Let's recognize that no legislation will be perfect in everyone's mind, but let's not block it simply because we don't get everything we want.

Instead, let's work hard together to get these important bills to the President's desk to be signed into law.

And that is the basis of a better campaign strategy for Democrats, and one that will not undermine the vital interests of Americans.

Simply, Democrats could share credit for all the legislation enacted this year, but then they are free to argue with voters that had they been in control of the Congress and the White House, they would have done much, much better.

Or, Democrats might try to persuade voters that if they are elected, provisions that Democrats view as ill-conceived, will be repealed or modified.

Republicans are happy to engage Democrats in the debate this fall over the issues, our goals and our vision for our nation's future. And Democrats should be just as enthusiastic.

In short, there is no need to obstruct legislation. It makes no sense, it is totally irrational, for Democrats to be blocking critically needed legislation, crucial for their own constituents, simply because they fear that Republicans might get credit for passing and enacting legislation.

The ongoing fight over the Energy bill is a perfect case study that underscores my point of how the vital interests of Americans are being sacrificed on the altar of political ambition.

Last year, lobbyist working hard for either the medicare prescription bill or the Energy bill, were telling me that the Senate Democratic caucus was struggling with the following question: "Which, if either bill, should we allow to pass? We definitely cannot let the President have two victories."

Let me repeat, Congressional Democrats concluded that they could not let the President have two victories. So as it happened, Medicare was passed first, but then Democrats mounted a successful filibuster against the Energy bill.

They wanted to deny the President a victory.

Where did they get that crazy notion? What genius political consultants and pollsters are advising them?

Enacting the Energy bill would be a victory for all Americans, not just the President! It would be a victory for people of all political stripes.

There are provisions in the Energy bill that would help increase oil production, which would reduce gasoline prices.

Do you thing Americans, who drive up to the pump today, having to spend well over two dollars a gallon for gasoline, give a hoot whether or not enacting the energy bill could be considered