

creates a bipartisan House task force to recommend ways to reinvigorate ethics oversight and enforcement. It would require the Government Accountability Office to report twice a year on the state of oversight and enforcement.

Mr. Speaker, the gavel of this institution when it comes down should mark the opening of the people's House, not the auction house. Unless we reform the relationship between lobbyists and Members of Congress, we cannot restore the public's faith in the people's House. We are suffering from a systematic problem requiring an institutional solution.

Legislation here that we produced in the last Congress, the pharmaceutical industry spent \$154 million lobbying Members of Congress. When we were working on the reimportation legislation of pharmaceutical products, there were two lobbyists for every Member of Congress. The prescription drug bill was passed in a year in which lobbyists for the pharmaceutical industry was one of the biggest spenders on lobbying Members of Congress ended up resulting in an additional \$150 billion of profits for the pharmaceutical industry over a 10-year period of time.

Just the other day, we voted, this Congress, on an energy bill, a badly needed bill that did not deal with gas prices at the pump and yet gave tax credits, the public's tax money, to the wealthiest corporations who are making the biggest profits. Even the President acknowledged that it was wrong. Why? Because this institution is being lobbied by members that have the right to have their voices heard but not the right to have their voices literally drowning out the public's voice and individuals who vote for us.

It is time for this institution and the Members of Congress of both parties to come together, change the way professional lobbyists relate to Members of Congress, how they relate to the institution, whether there is a revolving door that goes from here, you go to a place of employment and whether you have in fact the transparency and the disclosure that is required, because in truth this is the whole cloud that exists, exists over all the institution. It requires all of us to work on dealing with this.

Mr. Speaker, we have a duty to ensure that the voices of the American people are not drowned out by the voices of the professional lobbyists working the halls of Congress. Only through lobbying reform can we restore the integrity of the Congress and retain the people's trust. We work on important issues here but not so important that it must literally push out the other voices. There is time and again, whether it is dealing with the pharmaceutical industry, the corporate tax bill, the energy bill, other pieces of legislation, you can mark literally the amount of money spent by the lobbying community and the type of legislation this institution passes.

When that gavel goes down, it is intended to open the people's House, not the auction house.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### IN SUPPORT OF LIEUTENANT PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have discussed at length how, a year ago in Iraq, a Marine second lieutenant, Ilario Pantano, made a split-second battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him.

Two and a half months later a sergeant under his command, who never even saw the shooting and who was earlier demoted by Pantano for his lack of leadership abilities, accused him of murder. Now Lieutenant Pantano is facing a possible court-martial for two premeditated murders, a charge that can be punished by death.

Two weeks ago, the Marines held an article 32 hearing on the case. Now the hearing officer has received an extension until Friday to determine his recommendation about whether this should move forward to a court-martial.

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Mr. Speaker, I stand here tonight, as I have many other nights, in support of Lieutenant Pantano. I have always maintained the innocence of Lieutenant Pantano, and I believe the hearing produced information that should conclusively prove his innocence.

During the hearing, it became clear that Sergeant Coburn, who accused Lieutenant Pantano of these actions, was not a credible witness. This sergeant has been demoted for his lack of leadership; and even while testifying, he was forced to admit that he recently disobeyed orders about publicly discussing this case. News reports from hearings recounted that during his testimony, Sergeant Coburn said "I don't know" or "I can't remember" over 50

times. It is inconceivable to me that these charges can move forward when the primary witness is someone who did not actually see the shooting and whose testimony was riddled with contradictory statements.

Mr. Speaker, I have heard from so many people across this Nation who want this Marine exonerated. Like me, they believe he should never have been charged in the first place.

I have the utmost confidence and faith in the United States Marine Corps that in the next few days they will do what is the right thing by correcting this mistake and dismissing all charges against Lieutenant Pantano. I fear that if Lieutenant Pantano faces a court-martial for his actions, there may come a time when some other Marine, soldier, sailor, or airman will pause to second guess his or her decision and those few seconds may mean the difference between life and death for them.

Mr. Speaker, we cannot send the wrong message to our men and women in uniform. To instill doubt into the minds of our Nation's defenders places their lives and the security of our Nation in jeopardy.

I certainly hope that the Article 32 proceedings will finally bring out the truth in this case and bring closure to Lieutenant Pantano's family so that they may move forward with their lives.

By all accounts Lieutenant Pantano was an exceptional Marine. During the Article 32 hearing, many of those who served under him testified to his leadership ability and their sense of comfort and safety under his command. I pray that this week the hearing officer will recommend dismissal of all charges so that Marines can welcome back one of their finest officers and so Lieutenant Pantano may return to the Corps he loves so much.

Mr. Speaker, I continue to ask my colleagues to research this case and consider supporting House Resolution 167, my resolution to support Lieutenant Pantano as he faces this battle. And I encourage all of the Members to also visit his mother's Web site at [www.defendthedefenders.org](http://www.defendthedefenders.org), and learn more about this fine young Marine. I would be proud to call him my son or son-in-law.

I close, Mr. Speaker, by asking God to please bless the Pantano family and ask God to please bless all of our men and women in uniform and their families. And I ask God to please continue to bless America.

#### ABU GHRAIB SCANDAL: WHERE DOES THE BUCK STOP?

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to discuss a vital issue that has

not received nearly as much attention as it should, and that is the full accountability of those responsible for the prison abuse at Abu Ghraib prison in Iraq and likely other abuses in other locations.

Last week, 1 year after the shocking pictures of prisoner abuse became public, a military judge declared a mistrial in the case against Private First Class Lynndie England, and I emphasize private first class.

England, one of just a few enlisted personnel charged in the case, attempted to plead guilty in order to receive a more lenient sentence. But Judge James Pohl threw her guilty plea out and the court-martial after determining that Private England could not have realized her actions were wrong. Maybe that is because exactly 1 year ago today, Private England told the media that she was ordered by her superiors to pose naked with Iraqi prisoners at Abu Ghraib prison.

The case has more questions about Abu Ghraib than it answers, Mr. Speaker. Who was really in charge at Abu Ghraib prison? Who ordered the torture, abuse, humiliation of those prisoners? Why have only a few enlisted personnel, and very low-ranking ones at that, and one Reservist officer been punished? What was the real chain of command? Were contractors involved at any point? And how did their involvement compromise the normal chain of command?

According to the Christian Science Monitor, a study by the Army Inspector General, not yet released but reported last week by the media, has exonerated all senior Army officers in Iraq and elsewhere. How about that? Exonerated them all, except the single brigadier general in charge of U.S. prison facilities in Iraq. Why does the Pentagon refuse to look up the chain of command, only trying to place blame at those at the very bottom? Does anyone really believe that these soldiers acted on their own?

The Philadelphia Inquirer editorialized: "No one at the top . . . is blamed for wrongdoing," even though the "climate was fostered from the top down that tolerated, even encouraged, the abuse at Abu Ghraib."

In February, 2004, the International Red Cross released a report detailing dozens of serious human rights violations that occurred in Iraq between just March and November of 2003, including electrocution, forced nudity, and other lewd sex acts, forcing detainees to wear hoods and more.

Who should be held accountable? First, Secretary of Defense Donald Rumsfeld. He is at the top of my list. Personally authorized similar abusive interrogation techniques for prisoners held in Guantanamo Bay, Cuba, including the use of dogs for intimidation, the removal of clothing, the hooding of prisoners, and "noninjurious physical contact." He ordered several prisoners in Iraq, though not at Abu Ghraib, to be hidden from the International Red

Cross so the organization could not monitor their treatment. Are we supposed to believe that such actions at Abu Ghraib were a mere coincidence and not orchestrated by anyone who had the power to order from the top down?

How about Lieutenant General Ricardo Sanchez? He is second on my list. Two Army investigations, one of which he stated he "failed to ensure proper staff oversight" of Abu Ghraib, but he has yet to be officially sanctioned, punished, or charged.

Third, Major General Geoffrey Miller. According to the Center for American Progress, he was sent to Abu Ghraib to "Gitmoize" the place. Under his command, the International Committee of the Red Cross found interrogation techniques at Guantanamo "tantamount to torture."

Fourth, White House Counsel Alberto Gonzales. When he served in that capacity, he advised President Bush that laws prohibiting torture do "not apply to the President's detention and interrogation of enemy combatants" and an interrogation tactic only constituted torture if it resulted in death, organ failure, or serious impairment of bodily functions.

And last, but surely not least, President George Bush. The President is not last on this list for no reason. Harry Truman proudly proclaimed "The buck stops here." It would seem this Commander in Chief believes the buck stops far before the Pentagon, White House, or Oval Office.

Mr. Speaker, why is Congress receiving more information on these atrocities from the news media than the President or the Department of Defense? It is because they are a part of the culture of abuse that starts with loose slogans like "Bring 'em on." It sends that signal down the chain of command. They were not only operating in an atmosphere created, fostered, and encouraged by top echelon officials at the White House. They were propelled by that very behavior.

Mr. Speaker, I include my remaining remarks in the RECORD.

This Congress ought to ask for the truth.

Mr. Speaker, I rise today to discuss a vital issue that has not received nearly as much attention as it should—the full accountability of those responsible for the prison abuse scandal at Abu Ghraib prison in Iraq and likely other abuses at other locations.

Last week, 1 year after the shocking pictures of prisoner abuse became public, a Military Judge declared a mistrial in the case against Private First Class Lynndie England.

England, one of just a few enlisted personnel charged in the case, attempted to plead guilty in order to receive a more lenient sentence, Judge James Pohl, a Colonel, however threw out her guilty plea and the court martial after determining that Pvt. England could not have realized her actions were wrong.

Maybe that is because exactly 1 year ago today Pvt. England told the media that she was ordered by her superiors to pose naked with Iraqi prisoners at Abu Ghraib prison.

This case raises more questions about Abu Ghraib than it answers, Mr. Speaker.

Who was really in charge at Abu Ghraib prison? Who ordered the torture abuse/humiliation of these prisoners? Why have only a few enlisted personnel and one Reservist officer been punished? What was the chain of command? Were contractors involved and did their involvement skirt the normal chain of command?

According to the Christian Science Monitor, "for punishment, the military has issued either criminal or administrative charges against 125 soldiers and officers related to 350 cases in Iraq and Afghanistan. It's a different story with senior military officers, however. A study by the Army inspector general—not yet released but reported last week by the media—has exonerated all senior Army officers in Iraq and elsewhere except the brigadier general in charge of US prison facilities in Iraq."

Why does the Pentagon refuse to look up the chain of command to thoroughly investigate and charge high-level military and administration officials, instead focusing efforts on low-ranking enlisted personnel?

Does anyone believe that these soldiers acted on their own? That they purposely perpetrated acts that the Pentagon's own report (prepared by General Antonio Taguba) defined as "sadistic, blatant and wanton criminal abuse."

The Philadelphia Inquirer correctly editorialized "no one at the top—not military officers, certainly not Pentagon civilians—is blamed for wrongdoing. Never mind that a climate was fostered from the top down that tolerated, even encouraged, the abuse at Abu Ghraib."

In February 2004, the International Red Cross released a report detailing dozens of serious human rights violations that occurred in Iraq between just March and November of 2003. The report maintains some of the abuse was "tantamount to torture" and that methods included threats of electrocution, forced nudity and other lewd sex acts, forcing detainees to wear hoods and more.

#### WHO SHOULD BE HELD ACCOUNTABLE?

First, Secretary Donald Rumsfeld is at the top of my list. Secretary Rumsfeld, according to numerous reports, personally authorized similar abusive interrogation techniques for prisoners held in Guantanamo Bay, Cuba, including the use of dogs for intimidation, the removal of clothing, the hooding of prisoners, and "non-injurious physical contact." He also ordered several prisoners in Iraq, not at Abu Ghraib to be hidden from the International Red Cross so that the organization couldn't monitor their treatment. Now, however, we are supposed to believe that such actions at Abu Ghraib were a mere coincidence and not orchestrated by anyone?

Second, Lt. General Ricardo Sanchez: Despite two Army investigations, one of which stated he "failed to ensure proper staff oversight" of Abu Ghraib, he has yet to be officially sanctioned, punished or charged. Moreover, as the Washington Post reported this week, "Army intelligence officials in Iraq developed and circulated 'wish lists' of harsh interrogation techniques they hoped to use on detainees in August 2003, including tactics such as low-voltage electrocution, blows with phone books and using dogs and snakes—suggestions that some soldiers believed spawned abuse and illegal interrogations." General Sanchez is known to have approved these rules of interrogation.

Third, Major General Geoffrey Miller: According to the Center for American Progress: "a Guantanamo commander, Maj. Gen. Geoffrey Miller, was sent to Abu Ghraib to 'Gitmoize' it. Under his command, the International Committee of the Red Cross found interrogation techniques at Guantanamo Bay are 'tantamount to torture.' 'Harsh methods' used at the prison include forced enemas, sleep deprivation and chaining prisoners to chairs and leaving them 'to soil themselves.' Just weeks after he visited Iraq, the now-infamous abuse occurred at Abu Ghraib.

Fourth, White House Counsel Alberto Gonzalez: Gonzales was instrumental in shaping U.S. policy on the interrogation of prisoners. In the now infamous 1/25/02 memo to the president he wrote, "the war against terrorism is a new kind of war" and "this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions." Gonzalez also advised President Bush that laws prohibiting torture do "not apply to the President's detention and interrogation of enemy combatants" and an interrogation tactic only constituted torture if it resulted in "death, organ failure, or serious impairment of body functions."

Last but surely not least, President George W. Bush: The President is not last on this list for no reason, Mr. Speaker. Harry Truman proudly proclaimed "the Buck Stops Here." It would seem this Commander in Chief believes the buck stops far before that Pentagon, White House or Oval Office.

Mr. Speaker, why is Congress receiving more information on these atrocities from the news media than the President, his staff or the Department of Defense on? Moreover, why does he refuse to acknowledge that either he or his immediate advisers are primarily responsible for the culture of abuse "Bring em on" spawned by their reinvention of prisoner interrogation policies?

Privates and Corporals in the Army Guard and Reserves are not responsible for the atrocities at Abu Ghraib and elsewhere. They were only operating in an atmosphere created, fostered and encouraged by top echelon at the Pentagon and White House.

Why are we not pursuing those truly responsible for these crimes? Harry Truman would fully assume the role of Commander in Chief—not just troop deployment but troop deployment and frankly, the truth.

[From the Register-Guard, May 9, 2005]

#### Go HIGHER ON ABU GHRAIB: TOP OFFICIALS SHOULDN'T ESCAPE RESPONSIBILITY

Sooner or later, Pfc. Lynndie England will be convicted for her role in abusing and humiliating Iraqi prisoners at the infamous Abu Ghraib prison in Iraq.

Anyone tempted to shed tears over the prospect of the young Army reservist spending time behind bars need only remember the photographs that showed England leering as she pointed to the genitals of a male captive, and as she led a naked prisoner around by a leash.

These images shamed both U.S. critics and supporters of the U.S. invasion. They also had a devastating impact on American efforts to win support in Iraq and throughout the Middle East for the occupation and democratization of Iraq.

It was neither surprising nor upsetting then to learn Friday that the government plans to file new charges against England, whose guilty plea was tossed out and her court martial canceled earlier in the week. A

military judge, Col. James Pohl, declared a mistrial after Pvt. Charles A. Graner Jr., a former guard at Abu Ghraib, testified that the photos were taken for training purposes. That testimony undermined England's admission that she knew her actions were wrong and her acceptance of responsibility.

But England and the few other enlisted men and women who have faced courts martial in the scandal should not be the only ones to pay a price for what happened at Abu Ghraib. High-level military and administration officials must not be allowed to escape responsibility for a scandal that is far more of their making than of low-ranking soldiers. So far, Brig. Gen. Janis Karpinski, an Army reservist who formerly ran U.S. prisons in Iraq, is the only high-level officer to be disciplined, and she rightly regards herself as a scapegoat.

Congress, which abandoned its oversight role during the invasion and its bloody aftermath, should demand an investigation by a bipartisan independent commission similar to the Sept. 11 commission.

Instead of starting at the bottom, as the military's whitewashes have done, the panel should start at the top with Defense Secretary Donald Rumsfeld, who failed to plan for postwar Iraq and then failed to adjust his plans after the insurgency began. Rumsfeld is the reason why there were insufficient numbers of prison guards in Iraq and why they had inadequate training and murky guidelines. Rumsfeld also made the decision to authorize harsh interrogation techniques for detainees at Guantanamo Bay and then to apply those methods in Iraq.

Next on the list should be Attorney General Alberto Gonzales, who three years ago prepared a legal opinion stating that Geneva Conventions protections for detainees in Afghanistan were "obsolete." That opinion, along with his endorsement of the harsh interrogation methods, contributed to the abuses at Abu Ghraib. Also high on the list should be Lt. Gen. Ricardo Sanchez, the former commander of U.S. forces in Iraq, who cleared the use of interrogation techniques in Iraq that violated Geneva Conventions.

The judge in England's case dismissed charges against her because of testimony indicating others were to blame. England should face justice. But the civilian and military leaders who sent her to Iraq and who bear larger responsibility for the illegal and immoral abuses that occurred there should be held accountable as well.

[From the Daytona Beach News-Journal, May 10, 2005]

#### ABU GHRAIB WHITEWASH

On Nov. 4, 2003, Manadel al-Jamadi was found dead in the showers of Abu Ghraib prison outside Baghdad. Al-Jamadi was a detainee who, according to a Navy SEAL testifying in a military court a year later, had probably been beaten by interrogators the night before. Several soldiers posed for pictures besides the body, grinning and with their thumbs up. Five months later CBS broadcast those images and many more, including those of naked Iraqi prisoners forced into human pyramids by their captors, of prisoners leashed like animals or terrorized by dogs and to the seeming entertainment of their American captors.

Whether American soldiers abused detainees "for their own amusement," as Pfc. Lynndie England put it to a military court last week; whether they did it as part of a systematic policy of abuse designed to "soften" detainees for interrogation; or whether the whole thing was "an over-hyped story," as The Wall Street Journal called it two weeks ago, the scandal shattered what little

credibility the American occupation of Iraq was clinging to when it happened. The hope, at the time, was that the United States would show the world that it was different, that it would be accountable.

"Watch America. Watch how we deal with this," then-Secretary of State Colin Powell said almost a year ago in a commencement speech at Wake Forest University. "Watch how a nation such as ours will not tolerate such actions. . . . The world will see that we are still a nation with a moral code that defines our national character."

There was reason to hope. But at the time, Powell and others believed that al-Jamadi's death was the only one on the military's prison watch in Iraq and Afghanistan and that abuse was limited to a few bad apples. It turned out that al-Jamadi's death was, indeed, the only one—at Abu Ghraib. In March, the Pentagon conceded that it was investigating 25 other inmate deaths it has classified as homicides in American custody in Iraq and Afghanistan since 2002. If that many inmates have been killed in prisons and detention centers under American supervision in the two countries, it is unlikely that the beatings, the abuses, the tortures that lead to such homicides would be limited to a few bad apples.

Yet that's the upshot of 11 investigations and reports of what went wrong. Some of the reports judged the Pentagon severely and called for corrective action and punishments. But it was up to the Army to act, because President Bush refused to give anyone else authority to do more than advise.

So the Army judged (and protected) its own. The Army has cleared four of the top five officers overseeing prisons in Iraq. It isn't clear whether it has investigated officers supervising prisons in Afghanistan (with at least two reported inmate deaths) or Guantanamo Bay. Of 353 cases of abuse the Army investigated (the number alone belies any suggestion of a limited problem), 225 are closed. Of 124 soldiers who faced disciplinary action, virtually all were the small fry of enlisted personnel. While 17 have been thrown out of the Army, seven low-ranked soldiers have faced punishment that range anywhere from forfeiting half a month's pay to—in one case—10 years in prison. One general, Janis Karpinski, was demoted and given a written reprimand. She was in charge of Abu Ghraib prison.

That's it. That's where U.S. accountability ends. Condoleezza Rice, Powell's successor at the State Department, told Europeans during her visit a few weeks ago that "bad things happened at Abu Ghraib that, as the president said, make us sick to our stomach. But the real test of a democratic country is how one deals with those." The sickening test result is the scandal has been lumped on the back of just a few lowly soldiers.

#### CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, today more than 400 union workers and Members of Congress gathered in front of the United States Capitol delivering a united message: vote "no" on the Central American Free Trade Agreement.

This week, the presidents of Central America and the Dominican Republic are touring the Nation on a United States Chamber of Commerce-funded junket, pushing the Central American