

are at the root of the conflict, can only be solved through a transparent, democratic process. The Maoists have opened the door a crack for that to begin. The army should reciprocate. The international community should lend its support.

RECOGNIZING SENATOR CORZINE

Mr. DOMENICI. Mr. President, I rise to wish Senator JON CORZINE the very best as he leaves his service in the Senate to become the next Governor of the State of New Jersey. Although we didn't always agree on all the issues, it has been an honor to work with him. He has always been courteous and professional and I have enjoyed the opportunity to know him.

Senator CORZINE's career has taken him to the uppermost levels in the business world. He was a partner at Goldman Sachs at the age of 33 and he became CEO of that prestigious firm at the age of 50. As someone who has been extraordinarily successful in the private sector, I am sure Senator CORZINE has had many life opportunities offered to him. The fact that he has chosen a career in public service speaks a great deal to the type of person that he is.

Senator CORZINE's economic expertise helped him become a leader on budget and fiscal issues in the Senate. I had the privilege of serving with Senator CORZINE as members on the Budget Committee. His knowledge and understanding of financial markets and economic issues will be missed.

JON CORZINE has been a good Senator, and I wish him success as he leaves here to become Governor of the State of New Jersey.

LCDR ANDREW J. SCHULMAN, USN

Mr. DOMENICI. Mr. President, I rise to recognize LCDR Andrew Schulman, U.S. Navy for the outstanding contributions he rendered this past year while serving as a legislative fellow on my staff. Andrew is completing his Capitol Hill fellowship this month, and it is my hope that he has benefited as much from this experience as have I from having him on my staff.

Lieutenant Commander Schulman is a member of the U.S. Navy Civil Engineer Corps and is a Seabee Combat Warfare qualified officer. To my great benefit, Andrew joined my office in a year when the Department of Defense, made public its Base Closure and Realignment list. When an Air Force base in my home State of New Mexico was designated for closure, Andrew's expertise in facilities planning and assessment proved critical in our successful effort to convince the BRAC Commission that the DOD's decision on Cannon Air Force Base was premature and deserved a second look. I have no doubt that Andrew's tireless work and dedication was key to the Commission's ultimate finding that DOD "substantially deviated" on several BRAC selection criteria and that the Department "shall seek" a new mission for Cannon.

Andrew's experience as the officer in charge of designing and constructing

detention cells for enemy combatants at Guantanamo Bay also provided me a firsthand insight on the issue of enemy prisoner detention. It is an issue that has been carefully scrutinized by Congress this year, and Andrew provided sharp memoranda and oral briefings on both legal and policy aspects that greatly informed my own understanding of both interrogation and detainee policies of the Department of Defense.

I must also thank Andrew's family for enduring his many late nights at work. So to Mary Rose, Andrew's wife, and the Schulman children, Adam and Emma, I say thank you. And without question, you can be extremely proud of Andrew's dedication to our country.

Finally, I want to give my heartfelt thank you to Andrew for his service. His "can-do" attitude and tireless work ethic were infectious. His willingness to tackle issues which were new to him and to embrace the goals I have set for my staff on behalf of both the men and women of the armed forces and the citizens of New Mexico were truly commendable. I have no doubt that as Andrew continues his military career, he will achieve great things for both the U.S. Navy and his country, and I wish him the very best of luck in all his future endeavors.

TRIBUTE TO SENATOR WILLIAM PROXMIRE

Mr. DODD. Mr. President, I rise today to honor a long-time friend and an esteemed colleague William Proxmire, who passed away last week at the age of 90. I had the privilege of serving with him in this body for 8 years.

Senator Proxmire retired from this Chamber 16 years ago, but he is still remembered for his staunch work ethic and his unique dedication to a set of closely held principles. His standards of conduct as a U.S. Senator are legendary. In 22 years of service, he attended more than 10,000 rollcall votes—still a record in the Senate. In his last two campaigns for office, he declined all campaign donations—from anyone. During each race, he spent less than \$200, all out of his own pocket, mostly to pay for postage and envelopes to return donations offered to him by his supporters. In both instances, he won by a landslide, a testament to the overwhelming support of his constituency in Wisconsin.

I have always felt a special affinity for Senator Proxmire and the issues that he championed. He was one of the few Senators who served with both my father and me. And he dedicated a great deal of time and effort to an issue that both my father and I considered paramount to our Nation's future. Over 19 years, he made over 3,000 statements on the Floor in support of ratification of an international treaty outlawing genocide. My father, as Senator Proxmire put it, "contributed a special zeal to this effort," fighting for this issue even before he entered the Senate. In 1950, as a member of a special committee of the American Bar Associa-

tion, my father was one of the first witnesses to appear before the Foreign Relations Committee in favor of a treaty condemning genocide. Senator Proxmire's efforts over the years to champion this issue meant a great deal to me. And I am particularly honored to have brokered a deal with Senator Jesse Helms in 1988 to finally commit the United States as a signatory to this treaty.

I also had the privilege of serving with Senator Proxmire on the Banking Committee when he was the chairman of that body, and I can tell you, that he performed his duties with a unique commitment both to competition and the rights of the consumer. Early in his career, he passed the Truth-in-Lending Act, ensuring consumer access to information and forcing banks to compete openly and on equal terms. He also helped pass a bill deregulating the banking industry, which helped financial institutions offer better services at lower costs to consumers.

Senator Proxmire is perhaps best remembered for his fervent devotion to slowing Government spending. He returned over \$1 million of his staff budget to the Treasury. He refused to travel abroad at the expense of the taxpayers. And he developed the "Golden Fleece" award to expose government programs that he considered wasteful. He gave statements on the floor exposing studies that explored the effects of alcohol on fish, documented the body measurements of airline flight attendants, and examined why people fall in love. Each "Golden Fleece" not only illuminated Government programs that might be considered profligate, but reminded us of the humor and personality of this noble public servant.

My wife Jackie and I offer our deepest condolences to his wife Helen, to his family, and to the people of Wisconsin and the citizens of our Nation, for the loss of such a dedicated public servant and an exceptional man.

BROADCASTING BALANCE

Mr. BROWNBACK. Mr. President, I rise today to reaffirm the Corporation for Public Broadcasting's requirement to ensure "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature." CPB receives roughly \$400 million from Congress as part of the Labor, Health and Human Services, Education Appropriations bill.

CPB's requirement to see that recipients like the Public Broadcasting Service and National Public Radio uphold the objectivity and balance standard does not stem from congressional micro-management or partisan interference. Rather, it is a matter of complying with the law under which CPB dispenses taxpayers' money.

That law mandates CPB to see to both "maximum freedom of the public telecommunications entities" and their "strict adherence to objectivity

and balance." These mandates are not in conflict. Instead, they complement each other, and to maintain Americans' confidence in public broadcasting the Corporation for Public Broadcasting must see that both mandates are fulfilled. Congress and the taxpayers expect nothing less.

GUANTANAMO PRISONERS

Mr. BINGAMAN. Mr. President, I rise today to express my strong disagreement with the language in the Defense appropriations and Defense authorization conference reports concerning the treatment of prisoners being held in Guantanamo Bay, Cuba.

Under the McCain amendment, U.S. personnel are prohibited from engaging in torture or cruel, inhuman, or degrading treatment. I strongly support this. This ban applies to all military and intelligence personnel regardless of where they are located throughout the world. This is a clear statement that the United States will abide by its obligation to follow the law, and it is a step forward in reinstating our Nation's moral authority.

However, the Graham amendment would undercut much of what we are accomplishing with the McCain amendment in two respects. First, it would undercut our commitment to prohibiting the use of torture by allowing evidence produced as a result of torture to be used in military legal proceedings. Second, it would undercut any enforcement of this prohibition by barring individuals from seeking judicial review of the legality of their detention or bringing a suit to stop unlawful treatment.

When the Graham-Levin compromise passed the Senate, it had some good language in it, and it had some very troubling language.

On the good side, the amendment provided that the Combatant Status Review Tribunals at Guantanamo, which are charged with determining whether individuals should be classified as so called enemy combatants, are not allowed to use evidence that is derived through "undue coercion," such as torture. This was an important step forward. We should not be relying on information that is inherently unreliable in deciding whether to indefinitely detain a person. Unfortunately, this provision is now gone.

In the conference report the outright prohibition on using evidence derived through torture was replaced with a mere assessment of whether the evidence has been derived through coercive means, such as torture, and whether the evidence has any probative value. I would hope that a military tribunal assessing such evidence would realize that evidence derived through torture is not reliable. However, as drafted, this bill would allow a Combatant Status Review Tribunal to use evidence derived through torture if the tribunal finds that the evidence is helpful.

To the best of my knowledge this would be the first time in U.S. history that the United States would be on record as allowing this type of evidence in any type of legal proceeding. This is wrong and a huge step backwards.

Furthermore, from a practical standpoint the assessment with regard to whether the evidence is derived through torture is essentially pointless. The conference report states that this assessment is only applicable prospectively. The problem is that of the over 500 prisoners being held at Guantanamo, every single one has already undergone a status hearing to determine whether or not they are an "enemy combatant." Under the existing procedures, there is no exclusionary rule prohibiting the use of evidence derived through torture. Therefore, the Government may be basing its finding that some of these prisoners are "enemy combatants" on faulty evidence that is completely unreliable.

Let me provide an example of why this language is so problematic. Suppose a person is detained by the U.S. Government and handed over to a foreign intelligence service for interrogation. While U.S. personnel are prohibited from using interrogation techniques that amount to torture or cruel, inhuman, or degrading treatment, other countries use interrogation techniques, such as electric shock or pulling off a person's fingernails, which do not comply with this standard. If a person is tortured while in the custody of one of these intelligence services, any statements that the person makes, either incriminating himself or another person, could be admissible in the Combatant Status Tribunal Review, or CSRT, process. Frankly, I, and most people, would confess to nearly anything to avoid the harshest forms of torture. We should not be permitting the use of this type of evidence in any legal proceeding.

It is inconsistent to say that we will prohibit the use of torture by our military and intelligence personnel because it is legally and morally repugnant, but we will allow evidence derived in this manner to be used in our military proceedings. "We don't do it, but if you do it we will use it," is hardly a position of clarity with regard to our commitment to uphold the prohibition on torture, or cruel, inhuman, or degrading treatment.

The conference report also limits the ability of a prisoner at Guantanamo to file a writ of habeas corpus. This fundamental right has its foundation in the Magna Carta and is enshrined in our Constitution. Simply, it is the right to go to court when a person is detained by the Government and ask whether or not one's detention is justified. Contrary to how this right was characterized during debate on this bill, this is not about prisoners suing to get access to DVD movies or because they are unhappy with the type of peanut butter that they are being served—the Great Writ, as habeas is known, is meant to

provide a basic check in preventing the Executive Branch from exercising unfettered authority in imprisoning individuals without judicial review.

The fact is that mistakes happen. For example, take the recent case of the innocent German citizen who was picked up by the CIA in Macedonia and flown to a prison in Afghanistan where he was held in a secret facility for over 5 months because he was thought to be involved in terrorism—he wasn't. We made a mistake. Judicial review is important in reducing the likelihood that we are wrongfully imprisoning people, and we should have a viable process for weeding out these mistakes.

According to news reports, commanders in Guantanamo have estimated that 70 percent of the individuals imprisoned there may be no threat at all. Whether this number is correct or not, it is reasonable to require that there be some meaningful judicial review in place to make sure that we are not indefinitely imprisoning people who pose no threat. If you are going to hold someone indefinitely for years on end without affording them a trial, I think it is fair to allow a person to challenge the basic legality of their detention.

The Graham amendment, as it passed the Senate, restricted habeas corpus.

Unfortunately, the conference report goes much further. It also prohibits a prisoner from bringing "any other action" against the Government regarding "any aspect" of their detention. This is an excessively broad restriction. It seems to eliminate all other causes of action, including the ability of a person to bring a suit to stop ongoing torture. This significantly undermines the McCain amendment. Ultimately, I have confidence that a court will hold that this provision is overly broad and unconstitutional.

In addition, it is also important to note what the conference report does not do. The language contained in the conference report limits access to U.S. courts. But the conference report does not provide an exception for people who have been found not to be a threat and have been determined to be "non-enemy combatants."

Recently, the Washington Post has done a series of articles highlighting the plight of the ethnic Uighurs, who are Chinese Muslims opposed to the Communist government in China and who are seeking their own homeland in northwestern China. Mr. President, I ask unanimous consent that these Washington Post articles be inserted into the RECORD at the end of my statement.

The Department of Defense has been holding a group of Uighurs in Guantanamo for the last 4 years. CSRT hearings have been held for these individuals, and the Department of Defense has determined that they are "non-enemy combatants." They are not a threat to our country and are not part of the al Qaeda terrorist organization. The problem is that despite the finding