

This is a difficult time for our country and we face many challenges. Providing adequate health care for all Americans, improving the economic prospects of Americans, defending against threats, the proliferation of nuclear weapons, the continuing upheaval and American military presence in Iraq, are all fundamental matters on which we need to improve. It is my hope that we can work together on many issues important to the American people, including maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

#### GUANTANAMO BAY

Mr. LEAHY. Mr. President, it has been well over 3 years since the administration began to hold detainees at the U.S. Naval Base in Guantanamo Bay, Cuba. The first batch of then only 20 detainees arrived in January 2002. There are now more than 500 detainees at Guantanamo. I cannot give you an exact number because our own Government refused to tell the American people an exact number.

In fact, there is much that we do not know about our Government's activities at Guantanamo. From the start, the administration's answer to every question regarding this secret detention facility has been: Trust us. Trust us that we know the law and that we will comply with it. Trust us to treat detainees humanely and in accordance with our laws and treaties and the great and wonderful traditions of the United States. Trust us that Guantanamo will make Americans safer. More than 3 years later, the one thing we know for sure about Guantanamo is that any trust we may have had was misplaced.

First, the administration either did not know or did not follow the law. The list of reversals of this administration's policies and practices at Guantanamo is long. From the Supreme Court's rejection of the claim that Guantanamo Bay is a land of legal limbo or, as one administration official said, "the legal equivalent of outer space," to a recent district court holding that the current military commission regulations are unlawful, there is much that needs attention and correction.

Secondly, the administration has not lived up to its promise to treat detainees humanely. Even with the administration's continuing stonewalling against any independent investigation into the mistreatment of detainees, we continue to learn of more abuses on an almost daily basis. Does anybody question that if American POWs were being treated in this way, we would have demonstrations in the streets of America, and everybody from the President down through every single Member of Congress would be up in arms and call-

ing for changes? But when these actions take place at Guantanamo, the administration refuses to acknowledge any wrongdoing. The dangerous implications that this posture has for our own troops and citizens becomes more obvious every day.

Third, and this is the bottom line: Guantanamo has not made our country safer. It is increasingly clear that the administration's policies have seriously damaged our reputation in the world, and they are making us less safe. The stain of Guantanamo has become the primary recruiting tool for our enemies. President Bush often speaks of spreading Democratic values across the Middle East, but Guantanamo is not a reflection of the values that he has encourages other nations to adopt. The United States has often criticized other nations for operating secret prisons where detainees are hidden away and denied any meaningful opportunity to contest their detention. Now we have our own such prisons. Even if the administration fails to see the hypocrisy of this situation, I can assure you, the rest of the world does not.

Guantanamo Bay, in addition to Abu Ghraib, is a national disgrace and international embarrassment to us, to our country's ideals, and a festering threat to our security. It is a legal black hole that dishonors the principles of a great nation. America was once very rightly viewed as a leader in human rights and the rule of law, but Guantanamo has drained our leadership, our credibility, and the world's good will for America at alarming rates. Even our closest allies cannot condone the policies embraced by this Government, not to mention the significant damage that has been caused by allegations and proven incidents of detainee abuse in Iraq, Afghanistan, and Guantanamo. These are not the policies of a great and good nation such as ours. This is not the American system of justice that I have grown up honoring and appreciating.

Within the last 2 weeks, I was at a meeting of NATO parliamentarians. These are parliamentarians from the countries that are our closest allies. They are members of the NATO alliance with the United States and proud to be part of that alliance. Every one of them I spoke with said the same thing: How can America continue to be a beacon for democracy with the stain of Guantanamo? Some of these countries were countries that originally had been behind the Iron Curtain. With the efforts of this administration and the Clinton administration, we see them now as proud members of NATO. They look to the United States for leadership, and they ask us: Why Guantanamo?

The 9/11 Commission understood that military strength alone is not sufficient to defend our Nation against terrorism. There has to be a role for working cooperatively with the rest of the world. In its report, the Commission

said that the Government "must define what the message is, what it stands for. We should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors." Guantanamo Bay is not the way to do this.

The administration got itself into this mess because it refused to accept Congress as a partner in its so-called war on terror and insisted on acting unilaterally. It would not even involve Congress, even though Congress is controlled by members of the President's party. Following the start of combat in Afghanistan in October 2001, I urged President Bush to work with Congress to fashion appropriate rules and procedures for detaining and punishing suspected terrorists. All of us agree, if you have terrorists, if it is proven they are terrorists, they should be detained and punished. As I noted at the time, our Government is at its strongest when the executive and legislative branches of Government act in concert. Unfortunately, the President was determined to go it alone.

Up until now, this Republican-led Congress has been content to go along for the ride. As the administration dug itself deeper and deeper into a hole, we stood idly by. Instead of providing checks and balances, we simply wrote one blank check after another.

This has to change. The Constitution provides that Congress, not the President, has the power to "make Rules concerning Captures on Land and Water." Congress, not the President, has the power to "define and punish Offenses against the Law of Nations." And perhaps most importantly, Congress, not the President, has the power of the purse. Maybe each one of us should take a few moments and reread the Constitution that we are sworn to uphold.

What is the administration's plan for Guantanamo Bay, assuming there is one? What does the administration intend to do with the more than 500 detainees still imprisoned there? How many will be released and when? How many will be charged and tried and when?

The administration consistently insists that these detainees pose a threat to the safety of Americans. The Vice President said that the other day. If that is true, then one would have to assume we have credible evidence to support it. If there is such evidence, then let's prosecute these people. If we have the evidence, prosecute them.

But we also know that some of the detainees have been wrongly detained. I suspect there are others who have not yet been released against whom the evidence is weak at best. It is one thing if they are being detained in accordance with the Geneva Conventions. But if not, they do not belong there.

Guantanamo Bay is causing immeasurable damage to our reputation as a defender of democracy and beacon of human rights around the world. It is

becoming a legal black hole, a rallying cry for our enemies, fueling hostilities against us and our policies.

We have always been able to say that those who strike out against us do not uphold the rule of law as we do. We have always been able to point out that the kind of actions they carry out are horrible, horrific. And every one of us, Democrat and Republican, have found them abhorrent and have said so.

Yet the administration has not articulated a coherent plan to repair the damage. Every one of us knows from what we hear around the world that we have been damaged by Guantanamo. Why carry out acts that do not follow our own laws, our own Constitution, our own tradition? We need a plan from the administration to repair this damage. The Congress has abdicated its oversight responsibility for far too long. The Administration has placed this nation in an untenable situation, and it is time for Congress to demand a way out.

Mr. President, as I said, this doesn't reflect the feeling of just the Democratic Senator from Vermont. Similar expressions have been made by Republicans and Democrats, leading people in this country, people I respect greatly, who point out what we all know—and maybe we don't like to talk about it—Guantanamo is a blot on the conscience of America—a good and great conscience, one that has been a shining beacon to so many countries. Let's not allow this blot. Let's take the steps necessary to erase it.

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#### CONGRATULATIONS ZOE DELL NUTTER

Mr. VOINOVICH. Mr. President, I rise to celebrate the remarkable life of one of Ohio's most extraordinary women, Zoe Dell Nutter, a person whom my wife Janet and I count among our very dearest friends.

Professional dancer and model, successful businesswoman, renowned aviatrix, newspaper columnist and generous philanthropist, Zoe Dell Nutter has been each of these and so much more.

Today, she has one more entry to her long list of credits, awards, and achievements—her 90th birthday. Zoe Dell's life has taken her to so many places, called her into so many fascinating career pursuits, driven her to give so much back to her community, State, and Nation, and, lastly, rewarded her with so many accolades, honors along the way that I could never do her story justice on this floor.

I will spend a moment describing the wonderful friendship Janet and I have shared with Zoe Dell. It was truly a friendship at first sight when we all met on a long day back in 1979. Erv and Zoe Dell were the loves of one another's eyes, true life partners who shared the same dreams, interests, and passions through their marriage. Janet and I were always so impressed with how supportive they were of one an-

other and how proud and respectful they were of each other's careers. They had a genuine concern for their family, extended family, and community. Above all else, they were a truly devoted couple. And I know that the bond Janet and I forged with them is, in part, a reflection of the devotion to each other we have treasured over the 42 years of our marriage.

I would ask each of you here today to reflect on your own lives, and on those special friendships that are so vital to your happiness. Sometimes I think our fellow citizens do not realize that the most significant friendships enjoyed by those of us in public service are usually with people who are far removed from politics and governing. So it has been with the Nutters and the Voinovichs.

Of all the remarkable things Zoe Dell has done in her life, perhaps nothing else quite compares with her love for flying and her accomplishments both as a gifted aviatrix and a tireless champion of aviation. She first took to the skies in the 1940s, when women were not exactly encouraged to be pilots. Zoe Dell persevered and excelled. And in so doing, she helped make it possible for little girls around the world to add "aviation" to the list of dreams that they might dream.

One of Zoe Dell's greatest contributions to aviation was a dream of her own—a vision that the industry should have its own hall of fame. Because of her, I became interested, as Governor, in helping to make her dream a reality in Ohio. And why not? Let me repeat the names of some of America's foremost aviation pioneers: the Wright Brothers, John Glenn, Neil Armstrong, and, yes, Zoe Dell Nutter—Ohioans, one and all.

Janet and I worked tirelessly with Zoe Dell and Erv on the hall of fame project, but it was always Zoe Dell who was the heartbeat of the initiative. We were successful in making it a true public-private partnership and today the Aviation Hall of Fame in Dayton is a sparkling jewel in the crown of Ohio's contributions to aviation. Thank you, Zoe Dell, one more time, for your vision, for your commitment, and for your own numerous contributions to aviation.

Zoe Dell hung up her pilot's wings a number of years back. But I can guarantee you, she is wearing another set of wings that will be with her all the days of her life—angel's wings.

Janet and I treasure our friendship with Zoe Dell. And I am humbled to place this tribute into the CONGRESSIONAL RECORD, acknowledging the venerable milestones Zoe Dell Nutter has reached on this day, and, more importantly, a life so fully lived.

May she enjoy many more years of good health and God's blessing.

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#### LATVIA, UKRAINE, RUSSIA, JORDAN AND IRAQ

Mr. McCONNELL. Mr. President, over the Memorial Day recess my col-

leagues from Idaho and South Carolina joined me on a trip to Europe and the Middle East to review political and economic developments in emerging democracies, and U.S. security and foreign assistance activities that support the march of freedom in those regions. I want to take a brief moment to share with my colleagues some of the trip highlights.

Our first leg took us to Latvia, where Senators CRAPO and DEMINT and I met with senior government officials and President Vaira Vike-Freiberga. Although a young democracy, Latvia is unquestionably headed in the right direction. A painful and horrific past under Soviet occupation has seemingly steered in that country's national consciousness a drive and determination toward freedom and free markets. Not surprisingly, Latvian officials today are keenly aware of events in neighboring Russia, and expressed concern with what they perceive as growing authoritarianism in Moscow.

A member of NATO and the EU, Latvia recognizes that while it continues to make forward progress at home, including passage of important money-laundering legislation, it has an important role to play in the region and beyond. I again want to express my heartfelt appreciation to the people of Latvia for their support of military operations in Iraq and democracy in neighboring Belarus, Ukraine, and Georgia.

U.S. Ambassador Cathy Bailey and her staff, particularly Mark Draper, deserve praise for representing America's interests in Riga ably, continuing to strengthen U.S.-Latvian bilateral relations, and providing outstanding support throughout our visit, including setting up a meeting with the Belarusian opposition. I am particularly proud of Cathy as she is a Kentuckian; she is doing the Commonwealth proud.

From Latvia we traveled to Russia, where the contrast between the two countries was immediate. Although Moscow has physically changed since my last visit in 1993, a bumbling Soviet-era bureaucracy and suspicion of the United States unfortunately remain.

Cooperation on issues of mutual importance to the United States and Russia must continue, including countering terrorism, preventing the proliferation of weapons and materials of mass destruction, and dealing with the challenges of Iran and North Korea. However, concerns expressed in Latvia—and later in Ukraine—on the rollback of democracy in that country were underscored in a meeting we had with a dynamic member of Russia's Duma, and the 9-year prison sentence handed down to ex-YUKOS tycoon Mikhail Khodorkovsky while we were in Moscow.

I echo the calls by President Bush and Secretary of State Rice for greater support and respect for democracy and the rule of law by President Putin and