

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, may I inquire of the Presiding Officer of the order to speak as in morning business for about 10 minutes.

The PRESIDING OFFICER. The Senator is informed that we are in morning business. The Senator is recognized for up to 10 minutes.

GUANTANAMO

Mr. WARNER. Mr. President, yesterday, apparently, on the floor of the Senate and elsewhere, certain statements were made with regard to the American service personnel serving in Guantanamo. I am now paraphrasing what was reported in the Washington Times of June 16, when it is alleged that in this article on the floor of the Senate, this statement was made:

If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of prisoners.

Mr. President, as you can see by this shock of gray hair, I have lived now these 78-plus years, and I remember these periods of history that were cited on the floor of the Senate yesterday very well.

I see the leader standing. Does he wish to be recognized?

Mr. MCCONNELL. Mr. President, I say to my friend from Virginia, I was inclined to ask the Senator a question, if it will not interrupt his train of thought.

Mr. WARNER. Not at all.

Mr. MCCONNELL. I was listening carefully to my friend from Virginia, and I gather one of our colleagues equated what happened in Guantanamo to Pol Pot or some equivalent of that. My recollection—I just ask the Senator from Virginia if his recollection is similar to mine—Pol Pot murdered 1 to 2 million of his fellow countrymen.

Mr. WARNER. Mr. President, the Senator is correct. In World War II, with which I was going to commence my remarks in that context, I served at the very end. As a 17- or 18-year-old sailor, I was simply in a training command, but I remember that period of history very vividly.

All through my early years, prior to going into the Navy, late in the fall of 1944 and starting active service in 1945, the whole of this country was consumed with that frightful conflict in which, at the hands of Nazis, some 9 million people perished, 6 million of whom were of the Jewish faith. It is just extraordinary.

I was deeply disturbed by these comments to try to draw any analogy whatsoever to that period of history.

Then, following the Soviet gulags, I served as Secretary of the Navy during

the height of the Cold War for some 5 years in the Pentagon and actually had a great deal of work with the Soviet Union at that period of time in the context of that threatening situation of the Cold War.

There is just no relationship to this. I was astonished. I did not want to let the Sun go down on this day without conveying to the Senate my own historical perspective and the danger that loose comments such as that—comparisons which have no basis in history—could do harm to the men and women serving wherever they are in the world today in this war on terrorism because this is the type of thing that is picked up and utilized by press antithetical to the interests of the United States and distorted in their own way.

It has to be addressed. I was prepared to do that.

Mr. MCCONNELL. Mr. President, may I ask the Senator one other question?

Mr. WARNER. Yes.

Mr. MCCONNELL. The Senator from Virginia mentioned the gulags in the Soviet period. It is my recollection—correct me if I am wrong—that up to 20 million people were murdered during that period from 1930 to 1950.

Mr. WARNER. Yes. I do not have the accurate figures. I know Stalin had purged part of his country for no other reason than he just wanted to get rid of the people by the millions. The gulags came into focus primarily during the latter chapter of the Soviet Union when people disappeared by the tens of thousands into these encampments, never to be heard from again. It is not a chapter which Russia today looks back on with any pride at all.

I feel every day that I get up, and I hear of the casualties of our brave men and women, be they in Afghanistan, Iraq or occasionally in other areas of the world—I say what is it that we can do in this Chamber, what is it that we, as citizens, can do to bring them home safely? They are making enormous sacrifices together with their family to go into harm's way to protect us here at home from the threat of terrorism.

Mr. MCCONNELL. Mr. President, I thank my friend from Virginia for clearing up any notion anyone might have that anything the United States is involved in, in incarcerating prisoners, would be in any way related to experiences such as those carried out by the Nazis or by the Russians during the Stalin period.

Mr. WARNER. I feel very strongly about that. I really feel so strongly, I say to the distinguished leader of our party, that I feel apologies are in order to the men and women of the Armed Forces. I do not ask it for myself. But I feel these young men and women, all of whom are volunteers, all of whom have gone into harm's way and who are bearing the brunt of the present conflict, that these allegations have absolutely no basis in fact with history. I regret they occurred.

I yield the floor to anybody who wishes to question me or I will continue.

The PRESIDING OFFICER. The Senator from Florida.

Mr. DURBIN addressed the Chair.

Mr. MARTINEZ. Mr. President, I wish to ask the Senator from Virginia a question relating to this.

I also was troubled by the comments. I was troubled by the fact that there seems to be no proportionality between the abuse of the civilian population in a systematic way versus the detention of combatants in a very different sense, in a different way.

I think the proportionality is important to be kept in mind. I had earlier last week made some comments of my concerns about Guantanamo in which I wondered if it was serving our public diplomacy, our long-term interests. However, I do know that the treatment, having been there, is appropriate as to the detainees.

I used to be mayor of Orange County, and I know the conditions under which the prisoners in the Orange County jail, which was terribly overcrowded, at times would be sleeping on mattresses on the floor, and situations such as that.

Having visited both facilities, the detainees at Guantanamo seem to have a much better day-to-day living situation, and certainly I saw no evidence of any systematic abuse.

So while I had raised some questions about the long-term advisability of our public diplomacy interests, I do want to make clear I do not in any way believe there is mistreatment of our detainees, that the detainees must continue to be detained given the threat they present to our U.S. citizens, and I most of all want to make clear that what I saw from our Armed Forces personnel who are looking after these detainees was tremendous dedication and caring. I believe their sacrifice, in a place far away from their homes, dealing on a daily basis with very difficult and unsavory people who are not related to an armed force, people not connected with a military that has been trained or fights under a given flag, and they have been labeled as enemy combatants, is a far different situation than that which can be portrayed by any suggestion of systematic abuse or even the loss of life, as would be associated with Pol Pot.

Mr. WARNER. Mr. President, I say in response to the Senator's question that yesterday afternoon the Secretary of Defense, Mr. Rumsfeld, came over to my office—we frequently visit each other in our offices. We spent over an hour and a half on a variety of subjects, and we addressed this issue. We discussed his coming up, which he is quite willing to do, for a hearing in the Armed Services Committee.

We are continuing to look into this matter. But let me point out, we are talking about millions of people, as the distinguished Senator from Kentucky said, in the period of World War II,

which I remember very well as a young man and as Secretary of the Navy during the period of the Vietnam era and Pol Pot. There is no comparison. Not one incarcerated individual at Guantanamo has lost his or her life. Not one.

In sharp contrast to those mentioned about facts elsewhere in the history of this world, our Nation should look with pride as to how the Department of Defense has specifically addressed each of the grievances. They have allowed any number of us to come down there. It is in the hundreds who have come down.

There are courts-martial being considered for some at this point in time. In other words, when wrongs are done, we carefully, methodically address them, giving due process to those who are under suspicion for having committed offenses.

Given time, this entire situation at Guantanamo will be spelled out fully to the public. If there are individuals who have done wrong, they will be held accountable.

I come back to the central theme that I have is these young men and women serving all over the world in uniform today and, indeed, members of our diplomatic corps, members of other Government agencies serving in harm's way, we have to think of them when issues are raised such as they were raised yesterday.

I understand the Senator wishes to address a question to the Senator from Virginia.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. I ask unanimous consent that my time may be continued without limitation at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, if I understand the rules of the Senate, I am supposed to address the Senator in the form of a question, and that makes it impossible for me to make a statement at this point.

Mr. WARNER. Mr. President, I do not wish to create a parliamentary situation that precludes the Senator from expressing himself in any way that he wishes. I understood the Senator was about to ask a question. I will withdraw that. I will finish my statement, if I may, and then I will yield the floor.

To equate actions of the men and women in the Armed Forces, proudly serving in uniform and thereby representing this Government of the United States with regard to their services down there in Guantanamo maintaining the detainees, to the genocidal acts of murder and repression of the Nazis or Soviet gulags or Pol Pot is insulting to our men and women in uniform who are fighting for the safety of all of us at home and, indeed, our friends and allies abroad. To the contrary, completely unlike the repressive regimes of the Nazis—and I was moved to come down here because I think

there are only a few of us around who lived during that period of time and were able to fully absorb the frightful consequences of that worldwide conflict. We had 16 million men and women of the U.S. military in uniform at that time. I just think that there is absolutely no comparison to what that chapter of history brought upon mankind by means of death to this situation we have, which is under investigation.

I was assured by the Secretary of Defense—I did not need the assurance because I knew it would be the case—that we will account for any wrongs that have been done under the due process of our system. The Department of Defense and others have investigated this situation and made known a series of facts at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, my staff contacted me to alert me that several of my colleagues had come to the Senate floor to address statements that I made on the floor on June 14, 2005. Those statements related to the treatment of prisoners at Guantanamo. The statement I made involved an FBI report, a report which has been uncontroverted and one which I read into the RECORD in its entirety. I said at the beginning when I read it into the RECORD that I did so with some hesitation because it was so graphic in its nature, but I felt that in fairness, so that the record would be complete, I had to read it.

Because there have been allusions made to statements made by me, I believe it is appropriate to read it again so that my colleagues who may not have reflected on it will have a chance to do so. Let me read this report from an agent of the Federal Bureau of Investigation about the treatment of a prisoner at Guantanamo Bay. I hope my colleagues from Kentucky, Virginia, and other States who are following this debate will listen to this and then listen to what I said in the RECORD afterwards so they understand the context of my remark. It has been nothing short of amazing what some elements of media have done with this remark and what some of my colleagues have drawn from this remark today. So I want to read it in its entirety, if my colleagues have not, and I want them to hear it in its entirety before they reach conclusions as to what was intended.

I quote from the RECORD of June 14, 2005, page S6594 of the CONGRESSIONAL RECORD:

When you read some of the graphic descriptions of what has occurred here—I almost hesitate to put them in the RECORD, and yet they have to be added to this debate. Let me read to you what one FBI agent saw. And I quote from his report.

This is a quote:

On a couple of occasions—

Let me underline that, on a couple of occasions—

I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18–24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

And then I said:

If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

I have heard my colleagues and others in the press suggest that I have said our soldiers could be compared to Nazis. I would say to the chairman of the Armed Services Committee, I do not even know whether the interrogator involved was an American soldier. I did not say that at any point. To suggest that I am criticizing American servicemen—I am not. I do not know who was responsible for this, but the FBI agent made this report. To suggest that I was attributing all of the sins and all the horrors and barbarism of Nazi Germany or the Soviet Republic or Pol Pot to Americans is totally unfair. I was attributing this form of interrogation to repressive regimes such as those that I noted.

I honestly believe that the Senator from Virginia, whom I respect very much, would have to say, if this, indeed, occurred, it does not represent American values. It does not represent what our country stands for. It is not the sort of conduct we would ever condone. I would hope the Senator from Virginia would agree with that. That was the point I was making.

Now, sadly, we have a situation where some in the rightwing media have said that I have been insulting men and women in uniform. Nothing could be further from the truth. I respect our men and women in uniform. I have spent many hours, as I am sure the Senator from Virginia has, at funerals of the servicemen who have been returned from Iraq and Afghanistan, writing notes to their families, and calling them personally. It breaks my heart every day to pick up the newspaper and hear of another death. The total this morning is 1,710. To suggest that this is somehow an insult to the men and women serving in uniform—nothing could be further from the truth.

It is no credit to them or to our Nation for this sort of conduct to occur or for us to ignore it or in any way, shape, or form to condone it. And understand why we are in this situation. We had a rule of law. We had agreed to the Geneva Conventions. We had agreed to policies relative to torture of prisoners. They were the law of the land. The Bush administration came in after 9/11 and said: We are going to rewrite the rules.

Secretary Rumsfeld, to whom the Senator referred, who visits his office, was party to that conversation about how we were going to treat prisoners differently. When the suggestion was made to this administration to change the rules on interrogation of prisoners, the strongest and loudest dissenter was the Secretary of State Colin Powell, former Chairman of the Joint Chiefs of Staff, who came to this administration and said: This is a mistake, to change the rules of interrogation.

Why? Because, he said, when you torture a prisoner you will not get good information. They will say anything to stop the torture. And, second, he said, if we change the rules at this point in our history, sadly it is going to just give solace to our enemy, give them encouragement that somehow the United States is backing away from its traditional values.

Those are not my words. They are a characterization of the words of one of the highest ranking members of the Bush Cabinet, former Secretary of State Colin Powell.

Unfortunately, he was right. That decision by the Bush administration, with the support of Secretary Rumsfeld, led us down a road. I hope that that road does not include any more incidents than the one that has been described here. But to say that the interrogation techniques here are the kind you would expect from a repressive regime, I do not believe is an exaggeration. They certainly do not represent the values of America. They do not represent what you risked your life for, Senator, when you put the uniform on and served our country or when you served as Secretary of the Navy or in your service in the Senate. That doesn't represent the values that you stood for or that any of us should stand for.

That was the point I was making. To say that by drawing any kind of comparison to this outrageous interrogation technique and using the words "Nazi" or "Soviets" is to demean or diminish all of the horrors created by those regimes is just plain wrong.

I have seen firsthand, as you have too, people who survived that Holocaust. I have visited Yad Vashem, the tribute to the people who died in the Holocaust. I understand that the millions of innocent people killed there far exceed the horror that occurred in Guantanamo. But when you talk about repressive regimes doing things that in history look so bad, I am afraid that this that I described to you falls closer to that category.

Mr. WARNER. Mr. President, if the Senator will yield.

Mr. DURBIN. I will be happy to yield for a question.

Mr. WARNER. You are reading from a report of one of our investigative agencies. There is no verification of the accuracy of that report. You take it at face value. I pointed out—and I discussed it with Secretary Rumsfeld—this allegation of the FBI agent, together with a lot of other facts, is now being carefully scrutinized under our established judicial process.

I trained as a lawyer and many years as a prosecutor and dealt with the Bureau. I have the highest respect for them. But I do not accept at face value everything they put down on paper until I make certain it can be corroborated and substantiated.

For you to have come to the floor with just that fragment of a report and then unleash the words "the Nazis," unleash the word "gulag," unleash "Pol Pot"—I don't know how many remember that chapter—it seems to me that was the greatest error in judgment, and it leaves open to the press of the world to take those three extraordinary chapters in world history and try and intertwine it with what has taken place allegedly at Guantanamo.

I am perfectly willing to be a part of as much of an investigation as the Senate should perform and will in my committee. But I am not going to come to the floor with just one report in hand and begin to impugn the actions of those in charge, namely, the uniformed personnel, at this time. We should allow matters of this type to be very carefully examined before we jump to a conclusion.

Mr. DURBIN. If I can respond to the Senator from Virginia, I do not have a copy with me—perhaps my staff can give it to me—of the memo from the FBI.

Mr. WARNER. Could we inquire of the Senator as to the use of this memo on the floor? Is that consistent with the practices of this body as regards—

Mr. DURBIN. I would say this memorandum was not obtained from any classified sources.

Mr. WARNER. I do not know how it came into your possession.

Mr. DURBIN. May I say to the Senator from Virginia what we are dealing with, in terms of these interrogation techniques, was disclosed in a letter, as I understand it—let me make certain I am clear—to General Ryder, on July 14, 2004, almost a year ago—almost a year ago. I have not heard a single person from this administration say this is in any way false or inaccurate. Certainly, if it were, we would have heard that, would we not, long ago?

Mr. WARNER. I ask the Senator, is it to be treated as a public document or is it part of an investigative process which—ordinarily the materials used in the course of an investigation are accorded certain privileges.

Mr. DURBIN. I say to the Senator from Virginia, I was informed by my

staff this was released by a Freedom of Information Act disclosure by our Government.

Mr. WARNER. I thank the Senator.

Mr. DURBIN. So I don't believe there is any question about its authenticity in terms of it being a document in the position of our Government. In terms of the content of the document, almost a year has passed since this was written, and if it were clearly wrong, inaccurate on its face, would the Senator from Virginia not expect the administration to have made that clear by now?

Mr. WARNER. Mr. President, my understanding is it is currently under investigation and being carefully scrutinized in the context of another series of documents. Until the administration has had the opportunity to complete the investigation and make their own assessment of the allegations, it seems to me premature to render judgment.

Mr. DURBIN. I would say to the chairman of the Armed Services Committee, whom I respect very much, what I described was the interrogation techniques approved by this administration, in the extreme. There was nothing in this description here, from the agent of the Federal Bureau of Investigation, which was different than the interrogation rules of engagement which had already been spelled out—already spelled out.

So here is what we have. A letter sent to General Ryder almost a year ago, released under the Freedom of Information Act, with specifics related to the interrogation of prisoners which are consistent with the very rules of interrogation which Secretary Rumsfeld had approved in a memo.

So I do not believe that coming to the floor and disclosing this information is an element of surprise. The administration has known it for almost a year. I do not believe there is any question of falsification. The document was presented under the Freedom of Information Act. And it certainly is not, sadly, beyond the realm of possibility because the very techniques that were described in here were the techniques approved by the administration.

The PRESIDING OFFICER (Ms. MURKOWSKI). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield to the Senator from Kentucky.

Mr. McCONNELL. My concern was not the words of the FBI agent, but the words of the Senator from Illinois. I believe I heard the Senator repeat today—let me ask the Senator if in fact this is what he meant to say—because it was the quote I had from the Senator, not from the FBI agent, earlier yesterday or the day before, which I believe the Senator repeated today. I

was curious if the Senator does stand by his own words, not the words of the FBI agent, which I believe were:

If I read this to you and did not tell you that it was a FBI agent describing what Americans had done to prisoners in their control, you would almost certainly believe that this must have been done by the Nazis, Soviets in their gulags, or some mad regime, Pol Pot or others, that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

So my question of the Senator is not the words of the FBI agent but the words of the Senator from Illinois. Does the Senator from Illinois stand by these words, comparing the action of Americans in the treatment of their prisoners to the Nazis, Soviets in their gulags, or Pol Pot or others?

Mr. DURBIN. I would say, in response to the Senator from Kentucky, in this particular incident that I read, from an FBI agent describing in detail the methods that were used on prisoners, was I trying to say: Isn't this the kind of thing that we see from repressive regimes?

Yes, this is the type of thing we expect from a repressive regime. We do not expect it from the United States. I hope the Senator from Kentucky would not expect that.

Mr. MCCONNELL. Will the Senator yield?

Mr. DURBIN. Yes.

Mr. MCCONNELL. Is the Senator aware that Pol Pot murdered 1 to 2 million of his fellow countrymen, the Nazis murdered from 6 to 9 million men, women, and children, mainly Jews, and the Soviets, in their gulags, murdered some estimated 20 million people over a 20-year period between 1930 and 1950?

My observation, obviously, is this a fair comparison?

Mr. DURBIN. The comparison related to interrogation techniques. It is clear, and I will state it for the record, that the horrors visited on humanity by those regimes were far greater than these interrogation techniques. But the point I was trying to make was, what do we visualize when we hear of this kind of interrogation technique?

I say to the Senator from Kentucky, I visualize regimes like those described. Did they do more? Did they do worse? Of course they did. The point I was trying to make is, this is not what America should expect. This is not what we should believe reflects our values.

Mr. MCCONNELL. So the Senator thinks this is a fair comparison?

Mr. DURBIN. It is a comparison in the form of interrogation that a repressive regime goes too far, that a democracy never reaches that extreme. But to say that I am in any way diminishing the other horrors brought on by these regimes is plain wrong. Those are different elements completely.

Mr. WARNER. If the Senator will yield, again, I go back on my own recollections, those three examples the Senator used. I don't know what inter-

rogation took place. Perhaps if we go into the sinews of history there were some, but what the world recognized from those three examples the Senator used, they were death camps—I repeat, death camps—where, as my colleague from Kentucky very accurately said, millions of people perished. It is doubtful they were ever often asked their names.

To say that the allegations of a single FBI agent mentioned in an unconfirmed, uncorroborated report give rise to coming to the Senate and raising the allegation that whatever persons of the uniformed military, as referred to in that report—albeit, uncorroborated, unsubstantiated report—are to be equated with those three chapters in world history is just a most grievous misjudgment on the Senator's part, and one I think is deserving of apologizing to the men and women in uniform.

Mr. DURBIN. Let me say this to the Senator in response. I have said clearly in the Senate, and obviously the Senator does not accept it, but I will say it again: There were horrors beyond interrogation techniques committed by those three regimes. That is clear.

But I want to ask the Senator from Virginia, does he even accept the premise or possibility that this happened at Guantanamo?

Mr. WARNER. I would say, Madam President, I served as assistant U.S. attorney for 5 years and dealt with the FBI all the time. I have very high regard for that service. But the Senator knows full well that is just an investigative report by one agent. It is under investigation by the Bureau and by the Department of Defense at this time in the context of many other pieces of evidence.

One cannot come to this great forum, which is viewed the world over as one which is known for trying to assert the rights of this country as taking its place in the world, as following due process and principles of our Declaration of Independence and the Bill of Rights—and comment to the Senate about some young uniformed person who probably is the subject of that FBI report—until such time as that person in uniform is adjudicated in a proper forum as to having done what is alleged in that report, or not done, it seems to me we shouldn't be discussing it in the Senate.

Mr. DURBIN. I might say in response to the Senator from Virginia, I don't know if it is a uniformed person reported in this interrogation. The FBI did not say that. For those suggesting this reflects on our men and women in uniform, I don't know if that is a fact. I don't know if it was, in fact, a member of our armed services. I cannot say that. Nor did I, in my earlier statement, make any reference to the men and women in uniform.

But I will say this: When this type of serious allegation has been in the public forum for as long as this has been, without any denial by the administra-

tion, it raises some question as to the fact that the Senator raised, whether it should be taken as truthful or not. And I think it can be.

Now, if facts come out later on and it turns out this is not the case, so be it. I will be the first to concede that in the Senate.

Mr. WARNER. Madam President, the damage has been done. The Senator should have taken the precautionary steps prior to—

Mr. DURBIN. Let me say to the Senator from Virginia, the damage was done when we changed our interrogation policy which allowed for some of the conduct we used to hold to be unacceptable by American standards. That is when the damage was done. That is when Secretary of State Colin Powell said we were crossing a line we should not cross. And we have crossed that line.

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

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. In a hearing yesterday before the Senate Judiciary Committee we heard there is a real controversy within this administration as to whether the people being held in Guantanamo have any rights to due process. The Senator mentioned due process earlier. That is an issue which is being litigated as high as the Supreme Court. The court came to the conclusion that the administration was wrong in the way it is treating prisoners at Guantanamo. They have not accorded them due process as they should have. Many of those aspects are still on appeal and still being debated.

I say to the Senator that to raise these issues in this forum is, frankly, the only place that one can raise them. If we do not raise questions about those interrogation techniques and whether they violate the most basic standards which we have stood by as a Nation, then I don't believe we are responsible in our duties. I don't believe we showed good judgment in ignoring what is happening, what happened at Abu Ghraib, what may be happening, based on this FBI memo, at Guantanamo Bay.

That is part of our responsibility, as difficult as it may be for the administration to accept.

Mr. WARNER. Madam President, the use of the words "due process" by the Senator from Virginia was restricted to due process that is taking place with regard to allegations in that report and others according to the actions of either uniformed or civilian personnel under the clear supervision and jurisdiction of the Department of Defense at Guantanamo. That was my use of due process.

It is a separate issue as to the due process of the detainees, the Senator is correct. That is a matter that should be openly discussed, is being discussed, and will be reviewed by this Chamber.

I come back again, and I just conclude—I see there are other Senators waiting to speak—we have to be extraordinarily careful in our remarks in the Senate as they relate to the safety of our people because this series of statements the Senator has made, factual references to chapters of history, can be manipulated by other people throughout the world to their advantage. That is my deep concern.

Mr. McCONNELL. I have just one final question, very briefly.

Mr. DURBIN. I am happy to yield.

Mr. McCONNELL. I want to make sure I understand this correctly: Is it my understanding that my good friend from Illinois stands by his own words, because he read them again today, and it is his view that even if this allegation from this one FBI agent were true—and as the Senator from Virginia has pointed out is being investigated—even assuming this allegation from this one FBI agent were true, the Senator from Illinois still believes that could be correctly equated to the treatment by the Nazis, by the Soviets in the gulags, and by the Pol Pot regime?

Is that an accurate description of that, even assuming this one allegation is proven to be true?

Mr. DURBIN. What I have said is, if you were asked, without being told where this might have occurred, as I said here directly in the RECORD, you might conclude that it was done by one of those repressive regimes because that was the kind of heavy-handed tactic they used, the kind of inhumane treatment in which they engaged. You would be surprised to learn that according to the FBI, it was something that occurred at Guantanamo in a facility under the control of the United States of America.

Madam President, let me conclude by saying that I know there is some sensitivity on this issue relating to Guantanamo. I could tell it in the hearing yesterday. I can tell it from the response today. But I continue to believe the United States should hold itself to the highest standards when it comes to the interrogation of prisoners, that we should never countenance in any way, shape, or form, the torture of prisoners we have seen in other countries by other governments in history.

That was the point I was trying to make, and it is a point I still stand by. Secretary of State Colin Powell was right when he criticized the change of the interrogation techniques by this administration and said it does not reflect well on the United States, torture does not produce good information, and that we would pay a price, sadly, in terms of public and moral opinion if we engaged in that kind of conduct. His premonition or his prophecy has turned out to be accurate. That was the point I made.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. It is amazing to me, Madam President, the more the popu-

larity of the President plummets, the more the people downtown try to play this game "I gotcha." Families are attacked, reputations are impugned, bogus, baseless statements are made. The attacks by the very noisy noise machine of the far right never stops, and it has gotten so much more in operation in the last few weeks with the numbers on the President dealing with Social Security, the unpopularity of the efforts made to spend 2 months on judges, five people, basically.

This is all a distraction by the White House. Why? Because this country is in trouble for lots of reasons, only one of which is Iraq. In the last 48 hours, 11 American soldiers have been killed in Iraq. Scores of Iraqis have been killed in the same period of time. I do not know—I do not know if anyone knows—the death and destruction that is taking place in Iraq as we speak. We focus on the dead. The dead American soldiers are on page A26 of the newspapers now. Sometimes they do not even make the front section. We do not know because we are not focusing on the blind, the maimed from that war.

But that is only one of our problems we are not focusing on. Health care: 45 million Americans are without health care. Have we spent 5 minutes this year talking about health care? No. No. We have been spending time on five judges.

Have we spent any time about what is happening in our public school systems around this country? No, not a single minute. The average age of a public school in America is approaching 50 years. The Leave No Child Behind Act is leaving kids behind in Nevada and all over this country.

The environment is something we do not even talk about anymore because global warming does not exist in the minds of the people at the White House.

Do we spend any time here talking about the devastating deficit that is affecting people in my little town of Searchlight and all over the country? No. This administration took over with a surplus in the trillions. We now have approached a \$7 trillion debt in this country.

So this is all an attempt to distract us from the issues before us. Rather than spending time on my friend, the distinguished Senator from Illinois, whom I have known for going on 23 years, who has dedicated his life to public service—do we have a problem in this country with the issues he is discussing? Yes. Focus on them, not anything he said. Let's focus on the issues before us.

I would hope it would be worth a little bit of our time here to see what we could do about the Defense authorization bill. Five weeks it has been out of committee—5 weeks. We have our Guard and Reserve that are overwhelmed with responsibilities in that war. We have men and women who are there on duty station as we speak. But we do not have a Defense authorization bill. Why? We always did them in years

past. Why? Because we may get an amendment on that bill dealing with what is going on with the subject about which my friend speaks. There may be other amendments that may not be in keeping with the mindset of the White House.

I want the record to reflect I have great affection for the chairman of the Armed Services Committee. He is my friend. He is truly a Southern gentleman, and I care for him a great deal. I am sure he must be frustrated by the fact that the Defense authorization bill is not before us.

But I also have great affection, loyalty, and deep friendship that will be with me for the eternities for my friend from Illinois, who has been such a good friend over all these many years. He is a person who loves to talk about issues, whether it is an issue dealing with energy, as we have talked about here for a few days—the first real substantive issue we have dealt with, really, in a long time on this Senate floor—or whether it is any of the other issues I have spoken about here: the deficit, education, the environment, health care.

Nothing is being talked about. But he cares about those issues deeply. I would hope we can turn down the noise machine downtown a little bit and understand the American people want to focus on issues, issues important to them. They are tired of this "gotcha" game because they don't get you; it is just an attempt to divert attention from the issues before this country.

The PRESIDING OFFICER. The Senator from West Virginia.

FATHER'S DAY

Mr. BYRD. Madam President, on Sunday, June 19, the Nation will honor fathers with the celebration of Father's Day. Fathers certainly deserve a day to relax and to put aside for a time the heavy burden of work and worries that they carry. Most fathers are, I believe, great worriers. They feel the pressure to perform. They feel the pressure daily to go forth and to battle in conditions over which they have little control. Yet they feel that they must present to their families a facade of mastery. That is, after all, part of the "dad mystique"—the desire of fathers everywhere to be seen as the unvanquished protector of the family, the benevolent provider of all good things, the safe harbor against all harm and all fears.

Today's economic conditions worry most fathers, no matter what their current earning prowess. If they are looking for work or to find a better job, recently reported economic indicators keep them awake at night. Housing prices continue to climb. Hiring is weak. Outsourcing and the offshore movement of jobs create heartburn. News that Chinese automobiles may soon be competing for sales in the United States will create a few ulcers, too, I am sure, as hard-working fathers