

the removal of eight U.S. attorneys last year. Attorney General Gonzales has claimed that he had no involvement in the firing of the U.S. attorneys. In fact, this is his statement. He said:

I was not involved in seeing any memos, was not involved in any discussions about what was going on. That's basically what I knew as the Attorney General.

That is really a stunning claim. His own Chief of Staff, Kyle Sampson, admitted the Attorney General misled the country. He is not alone. Kyle Sampson, former Chief of Staff to the Attorney General, said:

I don't think the Attorney General's statement that he was not involved in any discussions . . . was accurate. I remember discussing with him this process of asking certain U.S. attorneys to resign.

The Washington Post reported, on Michael Battle, the former Director of the Executive Office for U.S. Attorneys, and I quote from that story:

The former Justice Department official who carried out the firings of eight U.S. attorneys last year told Congress . . . that a memo on the firings was distributed at a November 27 meeting attended by Attorney General Alberto R. Gonzales.

NBC News reported on William Mercer, the Acting Associate Attorney General:

Justice Department official William W. Mercer told congressional investigators on April 11 that he attended a meeting with the Attorney General . . . to discuss "fired U.S. Attorney Carol Lamm's situation."

It is simply not credible that the Attorney General of the United States had no role in the removal of eight U.S. attorneys. After all, he is the head of the Justice Department. To his credit, the Attorney General did eventually admit that he had misspoken in describing his lack of involvement. Given the growing public record, I don't think he had much choice.

However, to the great disappointment of people on both sides of the aisle, the Attorney General failed miserably in his attempt to set the record straight. In his testimony before the Senate Judiciary Committee, the Attorney General used the words, "I don't recall," or a variant on those words, 64 times. "I don't recall," "I don't have any recollection," "I have no memory"—64 times. Some counts have that number at over 70. Some even approach 90.

Time after time, the Attorney General was unable to respond to even basic questions. He couldn't explain or couldn't remember why the U.S. attorneys were fired or how he was involved. Again, his performance was truly stunning. His inability or refusal to answer basic questions raises serious issues. Is he incompetent or is he simply playing the loyal soldier? Why were these U.S. attorneys removed?

Unfortunately, the answer that immediately suggests itself is that these firings were politically motivated. Let's look at some of the fired U.S. attorneys and the possible political rea-

sons for their dismissal. Here we have them.

David Iglesias, New Mexico—there was a probe of Democrats not completed quickly enough. We had prominent Republicans complaining that he had not reached conclusion on a probe of Democrats quickly enough.

Carol Lamm, in California—she secured the conviction of a Republican Congressman, also had indicted the No. 3 official at the CIA, and was investigating a Republican Congressman.

Daniel Ogden, Nevada—investigated a Republican Governor and former Republican Congressman.

Bud Cummins in Arkansas—was replaced by a Karl Rove operative. He investigated a Republican Governor of Missouri.

John McCay, in Washington State—to the dismay of local GOP partisans, did not investigate the gubernatorial election won by a Democrat.

Paul Charlton, Arizona—he investigated Republican Congressman Jim Colby and Rick Renzi.

You start to connect the dots here. They said the reason these people were removed was because of poor performance. At least that is the assertion of the Attorney General. But if you look at the written reviews of these same U.S. attorneys, ones who had been removed and ones for whom you can find a clear partisan reason for their removal—look at the written reviews of their performance, which is the reason given by the Attorney General for their removal.

David Iglesias, New Mexico, written review:

Respected by the judiciary, agencies and staff . . . complied with department priorities.

Carol Lamm, California:

Effective manager and respected leader.

Daniel Ogden, Nevada:

Overall evaluation was very positive.

Bud Cummins of Arkansas:

Very competent and highly regarded.

John McCay, Washington State:

Effective, well-regarded and capable leader.

Paul Charlton, Arizona:

Well respected . . . established goals that were appropriate to meet the priorities of the department.

What do we have here? The Attorney General says he wasn't involved. Others of his own staff say he was involved. Then he says it was performance reasons for which these people were removed, but if you look at the written reviews of the people who were removed, their performance reviews were excellent.

But what you do have is a clear political motivation in case after case involving these U.S. attorneys. When you go back to the reason the Attorney General is giving now, that it is performance based, here is what the former supervisor of these prosecutors said:

Comey added that:

The reasons given for their firings have not been consistent with my experience. . . .

And that:

I had very positive encounters with these folks.

Comey was effusive in his praise of several of the fired prosecutors.

Comey was the Deputy Attorney General, and he described Paul Charlton of Arizona as "one of the best." He said he had a very positive view of David Iglesias of New Mexico, and called Daniel Ogden of Las Vegas "straight as a Nevada highway and a fired-up guy."

Of John McCay of Seattle, Comey said:

I was inspired by him.

Now, it doesn't take long to figure out what has happened. The Attorney General comes and testifies he can't recall, he doesn't remember, that he wasn't really a part of it. He is contradicted by his own staff. Then he says it is performance based, but the performance reviews are without exception positive for these people who have been fired. Their supervisor, who was Deputy Attorney General, has rave reviews for virtually all of them.

Let's connect the dots. These are politically motivated firings. I don't know what other conclusion one can come to, and that is a very serious matter. I have been in the Senate for more than 20 years. I have never come to the floor and raised questions about the political motivation of an Attorney General—never. I do so now, and I do it because I believe this is a serious matter.

When the administration of justice becomes politically tainted in this country, that is an enormously serious matter. There is no longer, in my mind, any question but that this Attorney General has tainted his office. That is only further demonstrated by his late night visit to the hospital bed of the Attorney General of the United States, at that time John Ashcroft, to get him to sign documents that he refused to sign about the legality of certain actions of this administration.

We have seen enough. This Attorney General needs to leave his office. He has tainted his office. He does not deserve the high responsibility and enormous honor serving as Attorney General of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

#### MEDIA BIAS

Mr. BOND. Mr. President, recently I returned from Iraq where I visited Tikrit, Baghdad, Bamadi, and Balad with three of my congressional colleagues. We had the opportunity to meet with the commanding officers and troops on each location. On the floor of the Senate I spoke to you about witnessing firsthand some of the progress being made. Since I have seen so little coverage of that progress, I think progress bears repeating.

The new plan, the counterinsurgency plan, is showing initial signs of progress. Violence in al-Qaim, Haditha, Hit, Ramadi, and Falluja has dramatically decreased due to local leaders now siding with coalition forces pursuing al-Qaida in Iraq.

In Baghdad, U.S. and Iraqi security forces are clearing and holding some of the most dangerous areas, and sectarian violence has decreased.

I was especially impressed with the successes in Ramadi, where only a few months ago some were claiming it lost forever, and al-Qaida said it was going to establish its headquarters there. In April, attacks in Ramadi decreased by 74 percent. All 23 tribal areas in Ramadi are cooperating with U.S. forces to fight al-Qaida militants, 263 weapons caches were discovered in the preceding 3 months, and Iraqis are volunteering by the thousands to join the Army and local police force.

I am disappointed this progress has not been widely covered by the media in the United States. In fact, the only TV coverage I have seen was a 60-second clip by Nick Johnson of CNN, who did an excellent job. I see the LA Times had a story, "Iraqi Tribal Chiefs Forming an Anti-Insurgent Party."

The frustration at the failure of our media to call the successes what they were is very high. Earlier last week, my office received an e-mail from one of our troops serving in Iraq. He detailed an exciting success story, the establishment of a new joint command precinct for Iraqi police, Iraqi Army and Marines, the first such precinct headquarters to be established in Falluja. His e-mail detailed what a success the operation had been. Almost 200 Iraqis volunteered for police recruitment, hundreds more received outpatient medical care, damage claims were settled, and all present received food and oil rations. And the Iraqis seemed to be very pleased to be cooperating with the United States.

But the enemy, being very clever, working to thwart any and all progress, reacted to this success story by sending in some poor suicide bomber. Thanks to aggressive patrolling efforts by Iraqi forces, the bomber was forced to detonate his vest almost half a mile away when he was halted by police. He caused superficial wounds to one Iraqi civilian and killed himself. No one else was injured, no other damage caused. In the aftermath of the incident the precinct signed up an additional 75 recruits for police service.

As this American warrior wrote to us:

This bomber failed. He failed to kill innocents and he failed to deter the progress of standing up Iraqi police.

But to his frustration there was no coverage of this good news story. Indeed, the media, the U.S. media totally misreported the story. A number of media outlets carried these headlines. From the Baltimore Sun, "Attack on Iraq Police, At Least 20 Dead."

From the Los Angeles Times, "Twenty Iraqis Die in Suicide Attacks."

Our correspondent wrote that he was shocked. He checked it out every way he could, but it appears to have been a false report. The headlines refer to the failed attack but depicted a dramatically different outcome. There has been no apparent retraction, so thousands upon thousands, maybe hundreds of thousands who saw the headline assumed yet another tragic incident occurred in Falluja and just lumped that in with all the other bad news that makes up a grim picture of Iraq. And you see why our men and women fighting over there are frustrated.

The following morning our correspondent found himself in another situation. He learned a combined Iraqi Army police and U.S. Marine patrol in Falluja encountered a small band of insurgents at a suicide vehicle factory. The police engaged the enemy, killing four of them, and the Iraqi Army and Marines trapped additional escaping insurgents, killing three more. Two large trucks laden with explosives and rigged to be suicide vehicles were found.

This was a best case scenario: enemy killed in his tracks, weapon was discovered before it caused any harm, there were no civilian casualties whatsoever, and U.S. demolition forces blew up the two suicide vehicles. Instead of celebrating this success, the e-mail noted—the writer noted it was disappointing to read a headline, "Children Killed."

According to the story, the U.S. tank fired a high-explosive round at insurgents placing an IED in Fallujah yesterday, killing three Iraqi children. The insurgents got away. To anyone watching the news that day, it would seem the war in Iraq is being lost and the terrorists are winning. While there has been significant progress in Iraq, there is no doubt we are losing the war of information. I couldn't have said it better than the young man who wrote my office in frustration, who said:

What incredible economy of effort the enemy is afforded when U.S. media is their megaphone. Why spend precious resources on developing your own propaganda machine when you can make your opponent's own news outlets scream your message louder than you ever hoped to do independently.

The young man ended his e-mail by saying the incidents he detailed were very important to him and his comrades who were serving in Iraq. Typical of our brave warfighters, the young man stressed that he and his fellow soldiers will continue to fight the fight. He acknowledged there will be mistakes, setbacks, and casualties that the world will hear about, but there will also be successes, victories over enemy combatants, progress, stability, and growth in the new Iraq, but, tragically, it appears no one is going to hear about that in our media since it has been increasingly clear that our media is unwilling or able to report anything except bloody headlines and bad news. The U.S. Government has a responsibility to do a better job of public diplomacy, strategic influence getting our story out.

The U.S. military has made a real difference in Iraqi communities. There are examples of good stories, such as the local new precinct joint command headquarters. But somehow we are not doing an adequate job of spreading the news. Let me cite an example from today's Washington Post page A11: "Tribal Coalition In Anbar Said To Be Crumbling." Well, I have missed it, perhaps, if I saw anything in the Washington Post about the coalition. About 23 sheiks in the tribal areas are cooperating with the United States. But when you read the story a little farther, you see the headline is about one Sunni leader who has great concern about another Sunni leader, and calls him a "traitor." Unfortunately, this happens to go on frequently among tribes.

When you read farther down in the story, we finally interview General Petraeus. General Petraeus said: I think they have done this for their lives. This is not just a business deal that they have struck; when you oppose al-Qaida, you are putting it all on the line. This is not an economic issue.

That was the message from our commander. He did not get the headline. There was another member of the council who said that: The salvation is like one family. There are no problems between us and the members.

U.S. military officials said virtually everyone in Anbar belongs to a tribe and that rather than ignore that fact, they were trying to exploit it.

There is an overlay of government structure and tribal structure, and the two, when they work well, mesh and, in a sense, complement each other in Anbar.

I was able to see an article, a TV story by Ollie North this past Sunday, a war story. He was talking about the good old days in World War II. If there was anything good about the old days in World War II, Hollywood and the media were on the same side as our troops. What a wonderful vestige of the old times.

I thought this was a great opportunity to see what had happened in the past. The war of ideas and public opinion is not just critical in Iraq, it is critical in the broad war on terror.

As we know from reading the statements of Ayman al-Zawahiri, the No. 2 in command, he knows they cannot win the war militarily; they can win it only by influencing public opinion in the United States. Unfortunately, recent congressional action indicates the terrorists may not be far off base. Resolutions to withdraw from Iraq, delaying funding for the troops, telling the Sunni terror cells and the Shia militias that America's political will is wavering—the supporters of these resolutions are sending a message: Hang on, the United States will not have the political will to outlast them. Our men and women in uniform are right to be disheartened that we have not only the media but some Members of Congress who are unduly influenced by our enemy. It is critical that we not fall into this trap set by al-Qaida and the

other Islamic terrorists who wish to defeat us. It is about time we realize our brave men and women in Iraq are putting their lives on the line, they are under fire every day. They are fighting a battle and they are making progress in the global war on terror. They need the funds for equipment, which we finally passed to them, but they also deserve our moral support and support in winning the hearts and minds not only of the United States but of the world.

I yield the floor, and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

#### NO CONFIDENCE RESOLUTION

Mr. HATCH. Mr. President, this afternoon the Senate will decide whether to end debate on proceeding to Senate Joint Resolution 14, which expresses the sense of the Senate that the Attorney General no longer holds the confidence of the Senate or the American people.

I rise to oppose this so-called no confidence resolution on both procedural and substantive grounds and will urge my colleagues to vote against ending debate. To paraphrase Shakespeare, whether or not this joint resolution amounts to sound and fury, it signifies nothing. It is nothing more than a bit of political theater which should be rejected out of hand.

Let me make two points about its form and two points about its substance before offering a few comments about the controversy from which it arose. The first point I want to make about its form is that this measure would express the sense or opinion of the Senate through a joint resolution. As opposed to regular Senate resolutions that require only Senate passage, joint resolutions are legislative vehicles requiring passage by both houses and signature by the President.

We use joint resolutions to propose constitutional amendments and some other legislative business, but this legislative vehicle is simply the wrong way to conduct non-legislative business such as expressing the opinion of one house. In a report dated today, the Congressional Research Service concludes that the form of this measure as a joint resolution is inappropriate for what it purports to do.

I think this is significant and the reason for this conclusion is obvious. If this joint resolution should somehow pass the Senate—which I certainly expect it will not—it will be sent to the House.

How on Earth can the House vote on the sense of the Senate? What could a House vote about the Senate's opinion

on this matter possibly mean? By a negative vote, would the House be saying that what the Senate has expressed as its own opinion is really not the Senate's opinion? This makes no sense whatsoever. In fact, the House already has its own resolution regarding the Attorney General's service, and it is a regular House resolution.

The sponsors of S.J. Res 14 either do not understand or have disregarded how the legislative process is supposed to work. I suspect it is the latter, using this political ploy to force the President's involvement.

Either way, this body should reject it out of hand.

The Senate has not used a joint resolution in the past on the rare occasion when it has sought to criticize executive branch officials. Resolutions in the 109th Congress to censure the President or condemn remarks by a former Cabinet Secretary were Senate resolutions.

The resolution to censure the President introduced in the 106th Congress, offered by one of the cosponsors of today's joint resolution, was a Senate resolution. Resolutions in the 81st and 82nd Congresses demanding the resignation of Secretary of State Dean Acheson were Senate resolutions. The resolution to censure and condemn President James Buchanan in 1862 was a Senate resolution. Our only attempt to censure the Attorney General, back in 1886, was through Senate resolutions. This unprecedented use of a joint resolution would distort our legislative procedure, and I urge my colleagues to reject it.

The second point about the form of this measure is that it purports to be a no confidence resolution. Parliaments take no-confidence votes for an obvious reason. In a parliamentary system of government, the legislative body's confidence or support is necessary for the head of government and cabinet ministers to serve.

For an equally obvious reason, the so-called no-confidence resolution before us should be rejected. This is not a parliament. In our Presidential system of government, the separation of powers means that the chief executive is elected separately from the legislature, and cabinet officials such as the Attorney General serve at the pleasure of the President.

Under the Constitution, the Senate's consent was required for the Attorney General's appointment, but our confidence is not required for the Attorney General's continued service. The Attorney General serves at the pleasure of the President, not at the confidence of the Senate.

The separation of powers has been a casualty throughout the controversy concerning the removal of U.S. Attorneys that gave rise to this misguided resolution. As with the Attorney General—and with very few exceptions—U.S. attorneys serve at the pleasure of the President.

The U.S. attorney statute says that they are subject to removal by the

President. Neither the Constitution nor this statute say anything about the confidence of the Senate for the continued service of officials the President has authority to appoint.

The separation of powers, a principle fundamental to our constitutional system itself, is becoming a casualty of partisan politics.

The brand new Congressional Research Service report I mentioned earlier could not identify a single resolution like this one even being offered in the past and this should not be the first. No matter what its substance, a joint resolution is inappropriate for expressing the sense of the Senate about his issue. No matter what its form, a resolution expressing a lack of confidence in an executive branch official is inappropriate in our system of government.

Let me now address two points regarding the substance of this inappropriate joint resolution. The first point is about the real purpose behind its words. Even though expressing a lack of confidence in an executive branch official is irrelevant in our system of government, we all know that the real purpose behind this resolution is to pressure the Attorney General to resign.

On the one hand, if its sponsors want to call for the Attorney General's resignation, they should be honest and do so. On the other hand, Senators certainly do not need a resolution—especially one as fundamentally flawed and inappropriate as this one—to call for the Attorney General's resignation. As a number of this resolution's sponsors have already done, with the rapt attention and constant repetition of a compliant media, Senators can demand the Attorney General's resignation any time they choose.

My second point about the substance of this misguided joint resolution concerns its actual content, the words themselves.

This joint resolution does not condemn or criticize the Attorney General for anything he has done or said. It does not call for his censure. And, just to repeat, this joint resolution does not call for the Attorney General's resignation.

In the past, the Senate has considered resolutions doing each of these, albeit through regular Senate resolutions properly suited to the task. But this joint resolution before us does not even contain a single "whereas," clause offering any indication of the basis or any reason for what it says. Rather, this joint resolution speaks vaguely of "holding confidence," as if this were an all-or-nothing proposition, as if this were some kind of a pass-fail test.

Even when parliaments take no-confidence votes, those votes are at least limited to the confidence of parliament itself. This joint resolution purports to speak about all the confidence of all the American people. But what could a "yes" or "roll vote on such a resolution possibly mean? Would a "no" vote