

to the National Labor Committee that investigates these things, workers are forced to put in 12 to 15 hours of unpaid overtime each week. They earn wages that are 77 percent lower than the basic subsistence wage for the region. This is the photograph of the home of a worker at one of the Chinese-owned sweatshops. You can see the repressive poverty that exists there, and they get a dime for a jersey the company is paid \$80 for on the store shelf in the United States.

La-Z-Boy chairs announced it would eliminate 1,050 employees in Dayton, OH, and move production plants to Mexico. I have spoken about La-Z-Boy previously. A few days ago when I talked about jobs, I talked about how La-Z-Boy went to Pennsylvania and bought Pennsylvania House Furniture. Pennsylvania House Furniture is a high-end furniture company, using special Pennsylvania wood to make terrific furniture. They had great craftsmen who worked at that company. La-Z-Boy bought the company. They did not want to have competition for La-Z-Boy in the country, so they moved Pennsylvania House Furniture to China and shipped the Pennsylvania wood to China, put the furniture together, and shipped the furniture back to the United States.

On the last day of work at the Pennsylvania House Factory, a company that had been around for 100 years, on the last day the plant was open, all those craftsmen who were proud of their jobs and proud of their work, when the last piece of Pennsylvania House Furniture came off the assembly line, they turned it over, and on the bottom of that last piece of furniture, every single worker at that plant came over and took the pen and signed their name. Somebody in this country has a piece of furniture that they do not quite understand. It has, on its bottom, the signature of craftsmen who worked for a company that for 100 years made fine furniture in America. They wanted to do that because they wanted to sign their name to a quality piece of furniture made by an American worker who was proud of their job.

La-Z-Boy chairs sent Pennsylvania House Furniture to China. Now we understand La-Z-Boy furniture has announced it will eliminate 1,050 jobs in Dayton, OH, and move the production to a plant in Mexico. They moved other jobs to China. In a statement describing the 2008 layoffs, the company said: We regret the impact these moves will have on families and the lives of employees affected and so on.

I have demonstrated enough. I have a lot of examples of this, and I have, over the years, provided a lot of examples. But I wish to demonstrate that on Wednesday, today, 17 million or so people got up, wanted a job and couldn't find it, struggling to try to figure out how on Earth they can make a living, how they can provide for their family.

Here is part of what is happening. This shows the deepening trade deficits

our country is experiencing. All this red demonstrates jobs moving elsewhere—American jobs moving elsewhere.

This is a description of our trade deficit with China, the largest, single bilateral deficit in the history of humankind. I know where some of these jobs have gone. I know where they make Huffy bicycles. I know where they make Radio Flyer little red wagons. I know where they make Etch A Sketch. I know where they went. They went to China, and I know why they went there. Because they can hire people at 50 cents an hour. They can work them 12 to 14 hours a day, 7 days a week.

The people in Ohio are told: You cannot compete with that. We have to pay you \$11 an hour to make bicycles; you can't compete; sorry, you are out of here.

The question of a century, when we have developed safe plants, minimum wage, retirement benefits to lift America up, when we developed those standards, retirement programs, health benefits, the question at the end of a century is: Do we decide those standards don't matter, the lifting of those American workers to good jobs that pay well doesn't matter because we are now saying to them: You compete with Third World conditions, you compete with Chinese sweatshops in El Salvador making football jerseys, you compete with people living 12 in a room, sleeping at night, when they do get a chance to sleep, in cinder blocks in China in Shinsen making children's toys; is that what we are saying is the kind of competition with which we want the American people to have to compete? Because they cannot. Nobody can make a living working for 50 cents an hour here. You cannot make a living here if they strip away your retirement and health care and give you 50 cents an hour and tell you to work 7 days a week.

The reason I raise this point is because the President said a month and a half ago, when he spoke to the Nation and spoke to the Congress: Close this tax break that rewards companies that move their jobs overseas.

My position is not antibusiness. I want American businesses to succeed. I want them to make profits and create jobs. I just want an understanding that trade agreements must be fair agreements in order for us to compete. I will give an example.

This is an example of automobiles in Korea. Ninety-eight percent of the automobiles driven on the streets of South Korea are made in South Korea. Is that an accident? Of course not. That is exactly the way the Koreans want it. They want to ship Korean cars to be sold in America, but they don't want American cars to be sold in Korea. That has always been their position. The same is true with China.

We now have an agreement with China by which, in the next couple years, we will have a massive influx of cheap Chinese goods coming into this

country in the form of automobiles. They probably want me to say less expensive automobiles from China. We have an agreement that when Chinese automobiles come here, we will impose a 2.5-percent tariff. If we ship cars to China, they will impose a 25-percent tariff, and we agree to that. That is fundamentally ignorant of our economic interests. Those are the kinds of issues we have to address.

If we care about jobs, we need to do two things: One, work on the legislation of the type we are working on. Senator REID, Senator DURBIN, myself, and others have worked very hard on legislation to try to incentivize the creation of new jobs in our country. We passed a bill about a week and a half ago and passed another bill today that is job creating. That is the faucet. We are trying to turn the faucet on to put jobs into this tub here. The problem is, the drain is wide open and we have jobs moving out just as aggressively. We have to plug the drain by saying: Trade matters, fair trade matters most. You must stand for the interests of good jobs that pay well in America. That is a fact.

I will speak more about this issue at another time. I did wish to say I filed the amendment on the bill we finished today and was not able to call it up, as was the case with many amendments. I intend to file it again on another bill. I hope very much we will get a vote on it, and I hope, when we get a vote on it, that given the things I just described that are happening to jobs in America, given the fact the President has said let us at least plug this unbelievably pernicious, ill-advised tax break for companies that ship jobs overseas, let's at least get that done. Let's try to save some jobs in this country. If we can do that, we will have done something very significant for the people who awaken in the morning jobless and who hope to find work at some future date as we restart the engine and start putting American workers back on the payroll again.

I yield the floor.

SMEARING OF JUSTICE DEPARTMENT ATTORNEYS

Mr. LEAHY. Mr. President, it saddens and concerns me that another line has been crossed, moving us further toward partisan excess and incivility. I refer to the calculated, political campaign-style attacks on the loyalty and patriotism of honorable Department of Justice attorneys over the past few weeks.

Self-restraint is a crucial but often neglected value in our democracy. Just because a political attack that can put "points" on the board is possible, does not make it right. Misleading appeals to fear, like this one, are corrosive to our system and to the rule of law.

Just as President Lincoln said of leadership generally, we must appeal to our better angels, not to fear and suspicion. Those who have megaphones

made possible by millions of dollars, and who use them to shape public opinion, must lead responsibly and constructively.

Walter Dellinger, a distinguished attorney with a long record of public service, tells from personal experience the story of one attorney who is being smeared in these attacks. The glimpse he offers into this issue is so clear and compelling that I will have printed in the RECORD the full text of his piece, which appeared in the Washington Post on March 5.

This attack is not about transparency, nor about some purported conflict of interest. The Department of Justice set that canard to rest with its February 18 letter. This is about a partisan and personal attack. Many of the forces that have been defending John Yoo and other Bush-Cheney administration lawyers are the very ones seeking to smear these Justice Department attorneys. It is shameful. These American lawyers did what they are supposed to do, and what American lawyers have always done—provide legal counsel no matter what the charge or how unpopular the person. That is what John Adams did when he defended the British. This dedication deserves thanks, not reproach. The military and civilian lawyers who have previously accepted the difficult task of providing representation to individuals who have been detained by the United States in terrorism cases did no wrong and do not deserve this. Ted Olsen and Ken Starr, lawyers from the Reagan and Bush administrations, know that and agree. It is saddening and wrong that shallow partisan operatives would sink so low.

I ask unanimous consent that copies of the Justice Department letter and articles and editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 2010]

'AL-QAEDA 7' SMEAR CAMPAIGN IS AN ASSAULT ON AMERICAN VALUES

(By Eugene Robinson)

The word "McCarthyism" is overused, but in this case it's mild. Liz Cheney, the former vice president's ambitious daughter, has in her hand a list of Justice Department lawyers whose "values" she has the gall to question. She ought to spend the time examining her own principles, if she can find them.

A group that Liz Cheney co-chairs, called Keep America Safe, has spent the past two weeks scurrilously attacking the Justice Department officials because they "represented or advocated for terrorist detainees" before joining the administration. In other words, they did what lawyers are supposed to do in this country: ensure that even the most unpopular defendants have adequate legal representation and that the government obeys the law.

Liz Cheney is not ignorant, and neither are the other co-chairs of her group, advocate Debra Burlingame and pundit William Kristol, who writes a monthly column for The Post. Presumably they know that "the American tradition of zealous representation of unpopular clients is at least as old as John

Adams' representation of the British soldiers charged in the Boston Massacre"—in other words, older than the nation itself.

That quote is from a letter by a group of conservative lawyers—including several former high-ranking officials of the Bush-Cheney administration, legal scholars who have supported draconian detention and interrogation policies, and even Kenneth W. Starr—that blasts the "shameful series of attacks" in which Liz Cheney has been the principal mouthpiece. Among the signers are Larry Thompson, who was deputy attorney general under John Ashcroft; Peter Keisler, who was acting attorney general for a time during George W. Bush's second term; and Bradford Berenson, who was an associate White House counsel during Bush's first term.

"To suggest that the Justice Department should not employ talented lawyers who have advocated on behalf of detainees maligns the patriotism of people who have taken honorable positions on contested questions," the letter states.

But maligning is apparently the whole point of the exercise. The smear campaign by Cheney, et al., has nothing to do with keeping America safe. It can only be an attempt to inflict political damage on the Obama administration by portraying the Justice Department as somehow "soft" on terrorism. Even by Washington's low standards, this is unbelievably dishonest and dishonorable.

"Whose values do they share?" a video on the group's Web site ominously asks. The answer is obvious: the values enshrined in the U.S. Constitution.

The most prominent of the nine Justice officials, Principal Deputy Solicitor General Neal Katyal, represented Osama bin Laden's driver, Salim Hamdan, in a case that went to the Supreme Court. In a 5-to-3 decision, the court sided with Hamdan and ruled that the Bush administration's military tribunals were unconstitutional. Are Liz Cheney and her pals angry that Katyal was right? Or do they also question the "values" and patriotism of the five justices who voted with the majority?

The letter from the conservative lawyers points out that "in terrorism detentions and trials alike, defense lawyers are playing, and will continue to play, a key role." It notes that whether terrorism suspects are tried in civilian or military courts, they will have access to counsel—and that Guantanamo inmates, even if they do not face formal charges, have a right to habeas corpus review of their detention. It is the federal courts—not defense lawyers—that have made all of this crystal clear. If Cheney and her group object, they should prepare a blanket denunciation of the federal judiciary. Or maybe what they really don't like is that pesky old Constitution, with all its checks, balances and guarantees of due process. How inconvenient to live in a country that respects the rule of law.

But there I go again, taking the whole thing seriously. This is really part of a death-by-a-thousand-cuts strategy to wound President Obama politically. The charge of softness on terrorism—or terrorist suspects—is absurd; Obama has brought far more resources and focus to the war against al-Qaeda in Afghanistan than the Bush-Cheney administration cared to summon. Since Obama's opponents can't attack him on substance, they resort to atmospherics. They distort. They insinuate. They sully. They blow smoke.

This time, obviously, they went too far. But the next Big Lie is probably already in the works. Scorched-earth groups like Keep America Safe may just be pretending not to understand our most firmly established and cherished legal principles, but there is one

thing they genuinely don't grasp: the concept of shame.

[From the New York Times, Mar. 7, 2010]

ARE YOU OR HAVE YOU EVER BEEN A LAWYER?

In the McCarthy era, demagogues on the right smeared loyal Americans as disloyal and charged that the government was being undermined from within.

In this era, demagogues on the right are smearing loyal Americans as disloyal and charging that the government is being undermined from within.

These voices—often heard on Fox News—are going after Justice Department lawyers who represented Guantanamo detainees when they were in private practice. It is not nearly enough to say that these lawyers did nothing wrong. In fact, they upheld the highest standards of their profession and advanced the cause of democratic justice. The Justice Department is right to stand up to this ugly bullying.

Senator Charles Grassley, Republican of Iowa, has been pressing Attorney General Eric Holder Jr. since November to reveal the names of lawyers on his staff who have done legal work for Guantanamo detainees. The Justice Department said last month that there were nine political appointees who had represented the detainees in challenges to their confinement. The department said that they were following all of the relevant conflict-of-interest rules. It later confirmed their names when Fox News figured out who they were.

It did not take long for the lawyers to become a conservative target, branded the "Gitmo 9" by a group called Keep America Safe, run by Liz Cheney, daughter of former Vice President Dick Cheney, and William Kristol, a conservative activist (who wrote a Times Op-Ed column in 2008). The group released a video that asks, in sinister tones, "Whose values do they share?"

On Fox News, Ms. Cheney lashed out at lawyers who "voluntarily represented terrorists." She said it was important to look at who these terrorists are, including Salim Ahmed Hamdan, who had served as Osama bin Laden's driver. Let's do that.

Mr. Hamdan was the subject of a legal battle that went all the way to the Supreme Court. Ms. Cheney conveniently omitted that the court ruled in favor of his claim that the military commissions system being used to try detainees like him was illegal. Republican senators then sponsored legislation to fix the tribunals. They did not do the job well, but the issue might never have arisen without the lawyers who argued on behalf of Mr. Hamdan, some of whom wore military uniforms.

In order to attack the government lawyers, Ms. Cheney and other critics have to twist the role of lawyers in the justice system. In representing Guantanamo detainees, they were in no way advocating for terrorism. They were ensuring that deeply disliked individuals were able to make their case in court, even ones charged with heinous acts—and that the Constitution was defended.

It is not the first time that the right has tried to distract Americans from the real issues surrounding detention policy by attacking lawyers. Charles Stimson, the deputy assistant secretary of defense for detainee affairs under George W. Bush, urged corporations not to do business with leading law firms that were defending Guantanamo detainees. He resigned soon after that.

If lawyers who take on controversial causes are demonized with impunity, it will be difficult for unpopular people to get legal representation—and constitutional rights that protect all Americans will be weakened. That is a high price to pay for scoring cheap political points.

[From the Washington Post, Mar. 5, 2010]
A SHAMEFUL ATTACK ON THE U.S. LEGAL
SYSTEM

(By Walter Dellinger)

It never occurred to me on the day that Defense Department lawyer Rebecca Snyder and Lt. Cmdr. William Kuebler of the Navy appeared in my law firm's offices to ask for our assistance in carrying out their duties as military defense lawyers that the young lawyer who worked with me on that matter would be publicly attacked for having done so. And yet this week that lawyer and eight other Justice Department attorneys have been attacked in a video released by a group called Keep America Safe (whose board members include William Kristol and Elizabeth Cheney) for having provided legal assistance to detainees before joining the department. The video questions their loyalty to the United States, asking: "DOJ: Department of Jihad?" and "Who are these government officials? . . . Whose values do they share?"

Here, in brief, is the story of one of those lawyers.

In June 2007, I was at a federal judicial conference when I received an urgent message to call the Defense Department. The caller was Lt. Cmdr. Kuebler, a uniformed Navy officer who had been detailed to the Office of Military Commissions. As part of his military duties, Kuebler had been assigned to represent Omar Khadr, a Guantanamo detainee who was to be tried before a military commission. Kuebler told me that the U.S. Supreme Court had agreed that day to review the case of another detainee who had been a part of the same lower court proceeding as Khadr. Because Kuebler's client had not sought review at the Supreme Court, this situation raised some complex questions of court practice with which Kuebler was unfamiliar. Kuebler's military superior suggested he call me and ask whether I could assist him in analyzing the applicable Supreme Court rule.

It was a Friday night. I called Karl Thompson, a lawyer at my firm who had previously been a Supreme Court law clerk, and asked whether he could look into the question over the weekend. I told Thompson that the military lawyers assigned to these cases had a very burdensome workload and that it seemed that Kuebler could really use our help. Even though Thompson was extremely busy with other work at the firm, he said he would somehow find time for this as well.

Over the next several months, Thompson (in addition to his other firm work) provided assistance to Kuebler and his Defense Department colleague in their briefing before the Supreme Court and, in Khadr's case, the lower courts. Khadr's case raises important questions, including the legal status of juvenile detainees (he was 15 years old at the time of capture). In 2009, Thompson left our firm to join the Office of Legal Counsel at the Justice Department.

Thompson's assistance to the military officers who had been assigned to Khadr's case seemed to me to be not only part of a lawyer's professional obligation but a small act of patriotism as well. The other Justice Department lawyers named in this week's attack came to provide assistance to detainees in a number of ways, but they all deserve our respect and gratitude for fulfilling the professional obligations of lawyers. This sentiment is widely shared across party and ideological lines by leaders of the bar. As former Solicitor General Ted Olson wrote in response to previous attacks on detainee lawyers, "The ethos of the bar is built on the idea that lawyers will represent both the popular and the unpopular, so that everyone has access to justice. Despite the horrible Sept. 11, 2001, attacks, this is still proudly held as a basic tenet of our profession."

That those in question would have their patriotism, loyalty and values attacked by reputable public figures such as Elizabeth Cheney and journalists such as Kristol is as depressing a public episode as I have witnessed in many years. What has become of our civic life in America? The only word that can do justice to the personal attacks on these fine lawyers—and on the integrity of our legal system—is shameful. Shameful.

TRIBUTE TO JAKE BURTON

Mr. LEAHY. Mr. President, I am pleased to have the opportunity to honor a dear friend and true entrepreneur, Jake Burton. As founder and owner of Burton Snowboards, a company whose name has become synonymous with the successes of this popular winter sport, Jake Burton has built an empire from the ground up starting, first in his Londonderry, VT, garage. His is a true tale of perseverance and triumph over obstacles great and small; where others saw only insurmountable challenges, Jake saw possibility.

As a young man starting out with a vision, Jake sought to set the world of winter sports on fire. He did so in true Vermont fashion, paying personal visits to ski areas hesitant to embrace snowboarding. To this day, Jake makes a point of personally testing each of his products on the slopes before putting them on the market. His commitment to quality and his investment in his employees continues to pay off. Jake recognizes the value of a homegrown company and takes nothing for granted. His competitive edge and style set him apart from the others in his line of work and serve him well as he continues to define the future of snowboarding. Marcelle and I have been fortunate to call Jake and his wife Donna our friends for many years. They are admirable Vermonters and examples of how the pursuit of a dream through honest hard work is still the cornerstone of American business.

On February 15, 2010, the Burlington Free Press published an article entitled "Jake Burton: Chairman of the (snow)Board" about Jake's career. I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Feb. 15, 2010]

JAKE BURTON: CHAIRMAN OF THE (SNOW)BOARD
(By Bruce Horovitz, USA Today)

His office has no desk. No inbox. Not even a wastebasket.

But it does have a sprawling wooden table for mounting bindings onto snowboards, a sofa the size of a small living room and a golden retriever named Maia, who's made the couch her bed.

This is Jake Burton's life—a major cool one.

As the founder, cultural guru and chief prankster of the world's largest snowboard company—and the guy who almost single-handedly turned snowboarding into a multi-billion-dollar sport—he's got a lot to do. Like snowboard 100 days a year. And surf for another 50, or so.

His mountaintop home in Stowe has an outdoor hockey rink, an indoor soccer field and a two-story treehouse with electricity.

With the Winter Olympics under way in Vancouver, Burton will soon join his team of Olympic snowboarders there and probably cause a Burton-esque ruckus.

For one thing, the competition uniform Burton's company designed for the U.S. snowboard team is raising eyebrows before the torch is even lit. It's made from high-tech, waterproof Gore-Tex material—but looks like a pair of ripped blue jeans and a loose flannel shirt. Not necessarily what buttoned-up Olympic officials had in mind.

"That the outfit has created a controversy is fitting," says Burton, 55, with a trademark smirk. "If it's unpatriotic, you should throw everyone wearing blue jeans and flannel shirts out of the country."

Still, the ride has been bumpy lately in snowboard land. The sport of free spirits is under greater scrutiny since 22-year-old Kevin Pearce, one of its stars and a Burton rider, was almost killed in an accident while training for the Olympics.

Even as Pearce heals, other problems for Burton's company—and for all winter sports businesses in this economy—are festering.

Sales of winter sports equipment fell 8 percent last year, and orders for 2010 are down 25 percent, reports the SnowSports Industries America trade group. By one estimate, nearly 10 small snowboard shops went belly-up every week in 2009. Although ski resort visits were up slightly overall for the 2008–2009 season, several regions suffered steep declines, and many resorts built visits with specials and discounted lift tickets.

TOUGH YEAR

Burton Snowboards, the industry kingpin, saw sales fall by double-digits last year and had to take the unusual step of laying off nearly 20 of its roughly 1,000 employees last March. The company announced last week it was laying off 15 more from its Burlington facility.

"Nothing like a tough year to make you forget how far Burton has come," Burton said.

But even in a tough year, Burton Snowboards' success is impressive. The privately held company holds 40 percent of the world's snowboard market. Sales are not reported, but are believed to reach almost \$700 million.

Thanks to diversification into surfing and skateboarding and the opening of several brand stores, Burton could be a \$1 billion company within five years. "I'm not hung up on that number," said Burton, whose tousled salt-and-pepper hair and red cheeks are evidence of the morning snowboard run from which he's just returned. "I'm not the kind of guy who gets up every morning and says, 'We have to get to \$1 billion.'"

Even non-snowboarders are becoming familiar with the brand. The uber-presence of Burton boards and clothing in the 2006 Winter Games earned it an estimated \$33 million in free exposure. The company now makes more money selling apparel, often to folks who've never been on a board, than it makes from snowboard equipment.

But the Olympic participation is more about image than sales, because the Games come at the tail of the season. "The timing of the Olympics from a business perspective is awkward," he says. "You're not affecting consumer buying in mid-February."

Viewers who go gaga over the team's tattered-blue-jean look won't be able to buy it. "It would not be our style to sell Olympic uniforms," Burton said. "We, as a company, are not about uniforms."

What Burton, the company, is about is "cool." While the company is as synonymous