Madam President, I want to take a few minutes to respond

to some of the comments made by the Senator from Vermont because I do

think the characterization he gave to some of what has gone on is at

least incomplete. I disagree with some of his conclusions, and I want

to point out why because I believe the Members of this body deserve to

have a complete picture and at least have the benefit of considering

alternative conclusions from those drawn by the Senator from Vermont.

I have the high honor of serving on both the Senate Armed Services

Committee and the Judiciary Committee. Certainly, the Senator from

Vermont is the ranking member of the Judiciary Committee, but I would

remind this body that the Senate Armed Services Committee, under the

leadership of our chairman, has been investigating the Abu Ghraib

prison situation and the interrogation practices and policies of the

U.S. Government since at least May 11. We have had a series of hearings

there which have been very helpful

in understanding both the nature of the problem and the nature of the

investigation that is ongoing, ultimately, hopefully, leading up to a

conclusion as to who did what, whether there were, indeed, as there

appears to be, some violations of American policy with regard to the

interrogation of detainees, and, of course, to hold the guilty

accountable.

That is what we are: We are a nation of laws. We believe in the rule

of law. We believe the law applies equally to everyone, no matter how

high up in the chain of command you are or how low you are in the chain

of command. And I believe we will be true to our ideals in that regard.

But I would say that much of what the Senator from Vermont has

suggested needs to be produced is sort of in a vacuum of sorts, without

the benefit of a lot of what the Senate Armed Services Committee has

already done, to find out what happened, what the policies were, what

the circumstances were, whether this represents an aberration or

whether it represents something worse.

To date I would say it is pretty clear that what we saw, as a result

of a handful of actions on behalf of American soldiers, was an

aberration. And thank goodness. There is no question, though, that

these soldiers lacked the proper training and, indeed, the proper

leadership. Those are chain of command problems and ought to be taken

as high as they go as a result of the investigation.

But as the Presiding Officer knows, there are at least six different

investigations into the circumstances at the Abu Ghraib prison. We need

to let that process run its course to find out what the facts and

circumstances are. As I recall, we are awaiting the report of General

Fay and perhaps others. We ought to get to the facts and not succumb to

the temptation during an election year to overly politicize what is

going on.

While we have always respected the rights and the civil liberties of

every American, we also need to be concerned about the rights and the

health and the welfare of our young men and women who are serving our

Nation so nobly in the battlefield. That requires the ability to get

good, actionable intelligence.

The present occupant of the Chair was there at the Senate Armed

Services Committee hearing. General Jeffrey Miller testified on May 19.

I asked him at that hearing:

General Miller said:

Then I asked General Abizaid, the CENTCOM commander:

And General Abizaid--who I think all of us, as we have come to know

more about him, have come to admire him and his leadership capacity--

said forthrightly:

It is very important to keep in proper context what is going on and

the fact that we are at war, a war not of our choosing--of course, we

were attacked--but a war that we must and we will finish.

I want to point out another thing that is important to the overall

context of what the Leahy amendment seeks to get. That is, we have two

cases currently pending at the U.S. Supreme Court in the Hamdi and the

Padilla cases, where the U.S. Supreme Court will tell all of us in

America what the law requires with regard to the treatment of unlawful

combatants, including one who happens to be an American citizen, Jose

Padilla, but who joined arms with the enemy, with the terrorists who

seek to attack and to kill Americans on our own soil. And that advice,

that direction is forthcoming. It could literally come down, of course,

any day now, since the Supreme Court's term is about to expire.

The characterization my colleague from Vermont gave to these

memoranda is not accurate. As a matter of fact, as the Senator may

recall--and maybe he said this; I didn't hear it--the Senate Judiciary

Committee voted against issuing a subpoena but then authorized the

chairman and perhaps the ranking member to engage in discussions with

both Alberto Gonzales, White House counsel, and Attorney General

Ashcroft to determine what legal memoranda they might be willing to

voluntarily provide the committee. So we voted against issuance of the

subpoena.

But whether it is the Bybee memo that has been discussed and covered

by so much of the press, that is 50 pages long, or whether it is any of

the other memos the Department of Defense and Department of Justice

released yesterday, they reveal not a coverup but a careful,

deliberate, and scholarly approach to determining what, in fact, the

law requires.

If, in fact, as the folks who are suggesting there is some sort of

coverup or some sort of policy of abuse--either one of direction or in

terms of creating an atmosphere where it should happen--these memos

that have been released completely refute that idea of lawlessness that

they are seeking to spin.

I am deeply disturbed by the increasingly politicized nature of the

debate on the war on terror. We are at war against a people who will

stop at nothing to kill innocent Americans. We paid the price for not

aggressively pursuing those terrorists and this information in the

past, at least since 1993, with the bombing of the World Trade Center.

But after 9/11, our Nation found itself at war with a new kind of enemy

from whom we need information, actionable intelligence, that can mean

the difference between life and death for our troops and our citizens.

As I said a moment ago, there have been many baseless allegations

that the Department of Defense has used torture during interrogations

as a matter of policy. But what happened at Abu Ghraib was not an

administration policy, not DOD policy, not CENTCOM policy, or any other

official policy. It was completely beyond the pale of acceptable

behavior, and those responsible will be held to account and will be

punished.

As recently as yesterday, President Bush made the following comments:

Yet despite these unequivocal comments from the Commander in Chief,

political opponents of this administration continue to allege, without

foundation, that our Nation's leaders somehow support the use of

torture. It is important to remind some of our colleagues that, again,

the purpose of these interrogations is to gather intelligence

consistent with our values, which means no torture and humane treatment

of all detainees. The interrogations we have conducted in Iraq and at

Guantanamo Bay have saved American lives. I believe it is critical that

we continue to aggressively, within the limits of the law and humane

treatment, seek actionable intelligence and continue to save American

lives.

Unfortunately, it seems there is an irresistible impulse to score

cheap political points by criticizing the careful, deliberative process

the administration undertook to ensure that those very important

interrogations were conducted within the law. The techniques of our

Armed Forces, including those used in Iraq or at Guantanamo Bay, can

hardly be described as torture.

I, like a number of other Members, have traveled to Guantanamo Bay to

observe for myself, because I was concerned. I was interested. I wanted

to learn how we are handling these people who have recruited, trained,

and financed terrorist activity against the United States and, if given

the opportunity to do so, would do so again.

For some reason, there are certain Members, and indeed certain

elements of the press, who are trying to convince the American public

that making a suspected terrorist stand for 4 hours, or giving them

only 4 hours of sleep constitutes torture. They want them to believe

that poking someone in the chest with a finger or changing their sleep

patterns or meal selection is cruel or inhumane.

Let me read quickly some of the approved methods of interrogation

which some of the critics claim is torture: Asking straightforward

questions; incentive/removal of incentive; emotional love, which is

playing on the love a detainee has for an individual or group; playing

on the hatred an individual has for a individual or group; something

called fear up harsh; fear up mild; reduced fear; pride up and ego up;

pride and ego down; futility, which is invoking the feeling of futility

of a detainee; the we-know-all technique, convincing the detainee that

the interrogator knows the answers to the questions he is asking the

detainee; establish your identity, or convincing the detainee the

interrogator has mistaken the detainee for someone else; repetition

approach; file and dossier, or convincing the detainee the interrogator

has a damning and inaccurate file, which must be fixed; rapid fire

questions; silence; change of scenery down; dietary manipulation.

For example, it says in this approved memorandum, a change from hot

rations to MREs. That is hardly something that could be said to

constitute torture.

Next is environmental manipulation, or adjusting the environment to

create moderate discomfort; sleep adjustment; false flag; and

isolation.

These are not torture under anybody's definition. These are legal and

humane methods of extracting information from terrorists.

It is an affront to our men and women in uniform to accuse them of

torturing terrorists when the reality is our policy calls for all

detainees to be treated humanely. The time has come to ask at what

point does this largely partisan and media-driven witch hunt so damage

and detract from the mission of our troops in the field that it

irreparably harms U.S. interests, including our ability to collect

life-saving intelligence?

Because of the onslaught by some on Capitol Hill--a fact not lost

upon our enemy--agencies have been forced to disclose procedures al-

Qaida and other terrorists now train and use to defend against, which

is creating a roadmap.

Plain and simple, interrogations save lives. The interrogations we

have conducted over the past 2\1/2\ years have saved lives of soldiers

in the field and innocent civilians at home. It is high time we get our

priorities straight.

I yield the floor.