Mr. President, I want to talk about the prisoner abuse in

Iraq and how it ties into the conduct of our war there to ensure that

we can prevail

in this struggle in which we have engaged. I want to begin by talking

about a New York Times newspaper article this morning which I think

puts into better perspective the nature of the offense that has been

committed in that prison and then move to a discussion of how our

troops are trained to conduct investigations at a military installation

in Arizona, my State, and conclude with remarks that were offered this

morning in an op-ed piece by Charles Krauthammer that I think puts all

of this into a perspective that we would do well to pay some attention

to.

Let's begin with the last 10 or 12 days of discussion about what

occurred in the prison in Iraq and how that has affected public opinion

about the morality of our effort there. There has been a lot of

speculation. I have urged colleagues and others to avoid speculating

until the reports are in, until the facts are before us, because

speculation cannot only lead to wrong conclusions, it can actually

damage our position around the world.

Some seem all too anxious to prove that what happened there had to be

the result of orders from higher-ups, that it just couldn't possibly

have been the actions of a few soldiers acting in a very wrong way; it

had to come from higher-ups.

It is possible there were some orders from higher-ups that had an

effect, but sometimes there seems to be almost a desire, a hope that we

will find it was the orders from somebody higher up, and the political

implications of that are obvious.

I have seen speculation that because families and friends of some of

these soldiers, understandably, were in disbelief that their friend or

child could have done this without being ordered to do so, that,

therefore, is proof the order had to come from above.

It is not proof. The defense is understandable. It may or may not be

true. But what is becoming a little bit more clear is that, despite the

number of photographs, these incidents appear to have been isolated, to

have occurred on few occasions in one place by a very few people

without having been ordered from above.

This is the point of a New York Times article of today, ``U.S.

Soldier Paints Scene of Eager Mayhem'' at Iraqi prison. It is the story

of the statement given to investigators by SPC Jeremy C. Sivits who is

under court-martial. The statement was released by a lawyer for another

soldier. That is how the New York Times acquired it.

The sense of the story is that Specialist Sivits described a scene of

misconduct by a few of his colleagues:

Of course, we have seen a lot of speculation that it must have been

ordered, it must have been in connection with softening up the

prisoners. The first clear word of what happened by someone who was

willing to talk to investigators and admit his own culpability in the

process suggests that is not true. Let me continue to quote:

The story goes on to note that this activity occurred at least in his

presence apparently only on two occasions, most of it on one particular

evening, and that at one point a sergeant heard the commotion and

looked down to see what was going on and yelled at them in anger to

knock it off. The story obviously concludes that this is, according to

this specialist, a case of bad behavior by a few people who obviously

had inadequate supervision but who were not doing this to soften up

prisoners or doing it at the command of anyone. And, indeed, they knew

if their commanders found out there would be ``hell to pay.''

This is important because if it is true, what it demonstrates is that

what we have been saying all along is right. America does not conduct

its interrogations this way. It does not contain and handle prisoners

this way. This conduct was an aberration. It will not be tolerated. The

guilty will be forced to pay, and we will try to understand what is

necessary to implement to see that it doesn't happen again.

Secondly, if in fact this is correct, as the New York Times has

reported, it is not just these people who will pay but their immediate

superiors who allowed them to conduct this activity. Because even

though those superiors may not have known about it or certainly

participated in it, they created the circumstance under which this

could occur. They bear some responsibility as well.

What about the interrogation techniques? There has been a lot of

speculation about that. First, the official U.S. Government policy, the

official Defense Department policy, is that the laws of the Geneva

Conventions will apply in Iraq, period. There is no exception for

really bad guys. There is no exception in order to extract information.

Some confusion exists because of the fact that the Geneva Conventions

don't apply to a group such as al-Qaida. That is a fact. It is not

something subjective.

The reason is because by the very terms of the Geneva Conventions,

they apply in cases where countries have signed the conventions, and

they apply to situations in which you have an army, a military force

that wears uniforms, that does not conduct activities against

civilians. In the case of the al-Qaida, none of those conditions

applies. Technically the laws of the Geneva Conventions do not apply to

al-Qaida. That is a true statement. Because people have made that

point, there has been then a leap to the conclusion that, therefore,

the U.S. Government is mistreating al-Qaida. But that is not true.

Our policy is that notwithstanding the fact the Geneva Conventions

don't apply to al-Qaida detainees, the humane treatment called for in

the Geneva Conventions will still be the rule, the law, the order of

the day for our handling of those prisoners so that the same kind of

treatment that is required by the Geneva Conventions will even be

applied to people who are not technically entitled to the protection.

That is our official U.S. policy.

It is trained at Fort Huachuca, an Army base in southern Arizona,

which has a mission, among other things, to train interrogation and

collection of intelligence.

Let me read a couple of items from an article from the Tucson Citizen

of May 13.

I ask unanimous consent to print in the Record a May 14 article from

the New York Times, a May 13 article from the Tucson Citizen, and an

article to which I will refer, an op-ed piece by Charles Krauthammer,

dated May 14, from the Washington Post.

There being no objection, the material was ordered to be printed in

the Record, as follows:

The Tucson Citizen's article in part reads as follows:

Just a couple other sentences from the article:

It goes on to note that ``it reflects on the rest of us that are

training to do the right thing.'' And just one other quotation from

General Marks:

The article goes on to talk about precisely what kind of

interrogation is permitted, what the techniques are to get information.

But it makes it very clear none of the things that have been depicted

in these photographs are even remotely authorized.

So it actually ties in with the article from the New York Times that

this could not have been done by military intelligence to gather

information from these prisoners. That is an important point because

some have begun to question the morality of our involvement in Iraq and

the mission which so many of our young soldiers have put their lives on

the line to achieve, and now several hundred have died to achieve.

One of our colleagues made the point this prison had done horrible

things under the regime of Saddam Hussein, and now it was open under

new management, namely the U.S. Government.

I find that statement to be deplorable because it suggests a moral

equivalency between what the U.S. stands for and has done and what

Saddam Hussein has done in that same prison. We have heard about and

seen some evidence, and I believe there will be additional evidence

coming out that reveals what Saddam Hussein did to people in that

prison--the torture, the rape, the murder--absolutely despicable

actions that have absolutely no comparative value to what occurred--if

on more than a couple of occasions--by a handful of American soldiers

who did wrong and who will be punished for doing wrong.

The difference between our morality and the morality of Saddam

Hussein is it was his intention to inflict this kind of despicable

horror, and the magnitude of it was horrific, whereas in the United

States, we stand for exactly the opposite. We will punish those who

conducted this kind of activity and we will make it clear that is not

our standard. Again, the moral equivalency is so utterly lacking it is

amazing to me anybody would even try to make that connection. This is

especially sad in the week in which Nick Berg's death was brought home

to us in such a

graphic way by the same kind of terrorists who held sway in Iraq under

Saddam Hussein.

This is the kind of enemy we are fighting. It requires us to take

stock about what we need to do as policymakers in discussing this

publicly, because the message we send to the world, to terrorists, and

to the Iraqis in particular, is going to play a large role in how

people view our effort and, therefore, whether it can succeed in the

long run.

If our leaders are criticizing our effort as an immoral effort, as

nothing more than a continuation of what Saddam Hussein was doing, then

it is doubtful our effort can succeed. Americans must stand up for what

is right in this country and what they know our country to be, and we

must make it crystal clear to the rest of the world we have a moral

purpose, that we do have a commitment to the rule of law, and anything

that goes outside of that rule of law will be dealt with appropriately.

That is the difference between our society and the society we replaced

in Iraq.

That is very critical for us to discuss and to not have our leaders

undercutting us and, therefore, calling into question the legitimacy

not only of the mission but of the activities of our soldiers and

others fighting this war.

The third article I would like to discuss is an op-ed, actually,

entitled ``The Abu Ghraib Panic,'' May 14, Washington Post, by Charles

Krauthammer. As usual, it takes a person such as Charles Krauthammer to

put this into perspective. He always comes to the rescue when

policymakers and pundits and others begin to fly off on tangents that

miss the point, that begin to take us down the wrong path in terms of a

logical analysis of what is going on. He tends to bring us back to the

central point we need to consider and discuss and the policy that needs

to be carried out.

His op-ed today brings us back to the central point by beginning with

the discussion of those who have called for the resignation of the

Secretary of Defense. He points out this exercise is what he calls

``ministerial responsibility''--the notion that, in some parliamentary

governments, if something goes wrong down below, the leader of that

particular department resigns, or offers his resignation, in order to

demonstrate the responsibility of the government. He points out that is

not a doctrine that has held in the United States, where there is no

responsibility of the individual involved.

Indeed, he points out even when there is responsibility for the

individual--the higher up individual--and that individual takes

responsibility, it has not been the case in this country to call for

the resignation of the individual.

The example he gives is the one of former Attorney General of the

United States Janet Reno, who not only was on duty when the Branch

Davidian compound in Waco was attacked by American forces in 1993 but

ended in the deaths of 76 people. She not only was on duty, but she

ordered the attack, which resulted in, among other things, the death of

20 children. That was an awful event. She took responsibility for it.

She said, ``It was my decision and I take responsibility.'' There was

much applause for her willingness to do that. But she didn't resign.

She was not asked to resign. She was not fired by the President,

notwithstanding her direct responsibility for what had occurred.

Compare that to the case today with Secretary Rumsfeld, who, by all

accounts, has done a tremendous job at the Department of Defense. He

has successfully executed two wars. He is trying to transform our

military. He is now involved in an effort to ensure the security of

Iraq so power can be turned over on June 30; and a handful of soldiers,

at a very low level, in a prison in Iraq commit crimes against

prisoners somehow becomes his direct responsibility, such that he has

to actually resign from his position in order, somehow, to demonstrate

the morality of our position there.

He doesn't have to do that because it was not his responsibility. He

was responsible for saying the laws of the Geneva Conventions apply. He

was trying to make sure everybody under his command was doing their

duty. In no way will it ever come to pass that responsibility, in terms

of culpability for this action, went very far up the chain. As a

result, it is more a frustration that some people don't know anything

else to do that they call for his resignation. Of course, there is a

political component, too. The President's enemies use this as a way to

get at him. One can expect that in a political environment. But it has

severe consequences when people around the rest of the world begin to

think this is the opinion not only of key policymakers in America but

represents a policy that should be carried out by our Government and,

if it is not, somehow our Government is very wrong. So there are

consequences of the people who discuss this in that light.

As Charles Krauthammer points out, that has never been the standard

in the U.S. If you look to the case of Janet Reno, where there really

was culpability, and yet she wasn't fired, or she did not resign, you

can see this could be, in the case of many people, a political exercise

rather than an exercise in responsible criticism.

The point Krauthammer tried to make here is this whole business about

Secretary Rumsfeld is a sideshow, in any event, and that what is

happening is some Americans who are not adequately grounded in what

this country is all about, what the war is about, are beginning to

panic. Let me quote something and then wonder aloud. He says:

Indeed, this panic, I believe, is due, among other things, to the

fact that America has enjoyed such success and has had to sacrifice so

little in recent time that Americans unfamiliar with the sacrifices and

the moral purposes of previous engagements, such as World War I and

World War II in particular, and Korea and Vietnam, unfamiliar with the

horror of war and the requirement of a citizenry to back their fighters

with steadfastness and courage and support, rather than panic at the

first sign that something is going wrong.

This panic is due to a citizenry today that may not have been

adequately educated to the fundamental purposes of why we are there--

and to the extent that is the policymakers' fault, I will take

responsibility for that as well--and perhaps are insufficiently

grounded in the kind of conflicts we have fought in the past and why it

was so important for the citizens in doing their part to support the

effort and not panic at the first sign that something was going wrong.

I think of D-Day, the anniversary of which is coming up soon, and the

terrible decision General Eisenhower had to make with the weather

forecast suggesting a very difficult crossing of the channel, the

predictions of German fortifications having been weakened being wrong

so that when our troops hit the beaches, they were cut down by

withering fire, the great number of casualties at Omaha Beach and all

the rest where we thought it was going to go better than it did, and

second-guessing of our generals all the way up to General Eisenhower

would certainly have been warranted. But the American people did not do

that, and the British people did not do that.

Winston Churchill, Franklin Roosevelt, and other leaders rallied the

American people and the British people, the allies, to support the

cause, notwithstanding the number of casualties that were occurring,

notwithstanding the fact that efforts were going wrong.

This is what President Bush has tried repeatedly to do, to say: Look,

we knew when we went into this it would be difficult, it would be

costly, it would take a long time. I remember his State of the Union

Address in which he said that, and it has been repeated many times

since.

I think one thing we all appreciate about President Bush is that he

does have a resoluteness, a willingness to make tough decisions and

then the courage to stand by them. But we Americans have to back him in

that. You cannot panic when the going gets tough. And in war, sometimes

the going does get tough.

This is a case where it was due to our own fault. Some of our own

soldiers did

something very wrong, and we have to deal with that. But that is not a

reason to panic and believe that the effort in which the other 135,000

are engaged is wrong or is falling apart and cannot be achieved.

It is rather a time for us to go back to our moorings, what Americans

believe in and what we understand was the purpose of this effort, and

do what we can do in this effort, which is to support the effort, to

support the decision makers, to support the Commander in Chief and, most

of all, to support the troops.

I think of Pat Tillman, who played football in my home State, who

decided to forego a lucrative football contract with the Arizona

Cardinals because he wanted to do his part in this effort. He went to

Iraq and then went to Afghanistan and was killed there. He did his

part. The challenge to us is, what can we do? We cannot go over there

and fight, but we can sure do something to support those who are doing

the fighting. I do not mean we cannot question. That is our job. We do

not just meekly go along with what everybody says about this, but we

can certainly not do anything to undercut the effort of those putting

their lives on the line. That is what we can do. That is our part. And

it starts with not panicking, as Charles Krauthammer said.

Things go wrong in war. They went wrong in every war we fought. We

practically got pushed off the Korean peninsula in the Korean war. Then

General MacArthur, in a brilliant move in Inchon, landed behind enemy

lines, drove the enemy back, and did what Americans always do in the

end: We succeed when we do not panic.

I suggest to those who are wringing their hands today about what is

going on in Iraq to just take a deep breath, stiffen your spine, and

remember what this country has gone through in its great history. We

have sacrificed a lot and it has been for good, moral purpose, and such

is the case in Iraq.

Let me quote again from the Krauthammer op-ed:

Then he goes on to say this:

As I said, as usual, he is right on target.

So what does that teach us? Getting back to the beginning of the

discussion of the Secretary of Defense and his responsibility, let's be

careful of the message we send to the rest of the world. Some of my

colleagues have said the Secretary must resign because we need to send

a message to the Arab world. What message is it? That we are sorry? We

have sent that message. That we take responsibility? We have already

taken responsibility.

I think it sends a message of weakness. Remember what the mantra of

Osama bin Laden is--that there are weak horses and strong horses, and

the world will respect the strong horse. He believes he is the strong

horse, that we are the weak horse. He cites over and over Lebanon,

Somalia, Vietnam, and he believes that Iraq falls into the same

category; that if his al-Qaida and their allies in Iraq can continue to

inflict casualties on us, if we continue to have self-doubt, disunity,

undercut our leadership, panic over what a few of our soldiers did in

the prison, in the long run he will prevail because he is the strong

horse and we are the weak horse. That is his entire philosophy, and it

motivates a lot of people in that part of the world who hate us.

The way to defeat that philosophy is to be the strong horse because

of our morality as well as our military power, because of what we stand

for in terms of returning freedom to people who did not have it, and

because we do not mean to gain anything personally from it except an

additional degree of security from terrorists.

Mr. President, what we say matters. We need to conduct the debate

and, indeed, a debate is entirely appropriate, but we need to conduct

the debate in a way that will not undercut the effort of those who are

putting their lives on the line. Sometimes even words in this Chamber

go over the top. Sometimes words of my colleagues go over the top.

Certainly, there are many outside of this Chamber who reveal a panic

of the kind that Charles Krauthammer has written about, which will

undercut our ability to carry out our mission, and that, at the end of

the day, is the important point.

So I urge my colleagues and all others who are discussing this issue

to try to conduct the debate and discussion in a serious, responsible

way that does not undercut the efforts of our leaders and our troops on

the ground. If we do that, then we will have done our part in achieving

victory. We will have been responsible. We will not have undercut the

effort, and I think we will have distinguished ourselves in the one way

that we can act to achieve victory.

Teddy Roosevelt made a comment that kind of wrapped up what he did in

life with all of the actions in which he engaged. Somebody asked him a

question about his life and he said: I just have appreciated the

opportunity that I have had to work on work worth doing.

What we are doing today is work worth doing. We need to remember

that, be supportive of it, and be supportive of those we have asked to

do the work.

I suggest the absence of a quorum.