

We are fresh out of trust, Mr. Speaker, in America, and around the world. It is time for Rumsfeld to go before we try and hand off sovereignty to the Iraqis. They will never be able to deal with our Secretary of war because nobody trusts him.

Mr. Speaker, at this point I will insert into the RECORD the newspaper article I referred to earlier.

[From the Los Angeles Times, May 12, 2004]  
ABUSE FLAP MAY RUIN BUSH TEAM'S "TRUST US" ARGUMENT ON DETAINEES

WASHINGTON.—The photos of abused Iraqi prisoners not only have shaken the Bush administration but also may have ruined its Supreme Court defense of its handling of terrorism suspects, some legal experts say.

"Their argument has been 'trust us,' and that argument has been deeply undermined," said Yale University professor Harold Koh, an international law specialist who served in the Clinton administration.

Before the court last month, the administration argued that the president and his military commanders have exclusive power to decide the fate of those captured in the war on terrorism.

The court has yet to rule.

Shortly after U.S. troops invaded Afghanistan, the administration declared that people captured there and shipped to Guantanamo Bay, Cuba, were not entitled to the protections of the Geneva Conventions: They were not prisoners of war but rather "unlawful enemy combatants," falling outside both international law and U.S. law.

International legal specialists criticized this decision to create "a law-free zone." The Supreme Court surprised the Bush administration by taking up the issue.

During arguments April 28, administration lawyers told the court that, in wartime, the federal courts have no power to hear claims from the imprisoned men. Only the executive branch should decide their fate.

"Suppose the executive says mild torture will help get information?" asked Justice Ruth Bader Ginsburg.

Committing such "an atrocity" against a prisoner would be a crime punishable by court-martial, replied Deputy Solicitor General Paul Clement.

When pressed further, he added, "our executive doesn't" commit such abuses. "You have to recognize that in situations where there is a war . . . you have to trust the executive."

That same evening, CBS aired the first photos of soldiers mistreating Iraqi prisoners. Two days later, the Supreme Court justices began working on their opinions in the case.

"In a close and difficult case like this, this could tip the scales," said Michael J. Glennon, an international law specialist at Tufts University. "The overriding issue in these cases has been to what extent can you trust the executive to police itself."

A former Bush administration lawyer who advised the White House on wartime issues said the Iraqi prison scandal should have no effect on the court's decision.

"It is a false analogy. These are two separate and different kinds of detainees," said John C. Yoo, a law professor.

#### SECRETARY OF DEFENSE DONALD RUMSFELD SHOULD RESIGN

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized

during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, over the weekend my hometown newspaper, the Asbury Park Press, ran an editorial calling on Secretary of Defense Donald Rumsfeld to resign. It was a stunning criticism from a newspaper that is not known to be partisan. And I would like to take this opportunity to simply read the editorial.

"The United States needs to send this message to the world. We remain a civilized Nation. We respect international law. We respect the dignity of all individuals. We will at all times abide by the Geneva Convention governing the humane conduct of prisoner of war and apply that standard to all detainees.

"We hold ourselves to the highest moral standards and will not tolerate those who do not. And we will hold our leaders accountable when our conduct falls short. That message should be accompanied by the resignation of Defense Secretary Donald Rumsfeld. If he is not asked to resign by President Bush, he should do the honorable thing and step down on his own.

"The case against Rumsfeld, who has overseen the conduct of the war in Iraq, transcends the prisoner abuses at Abu Ghraib, but the scandal is an important element of it. The photos and accounts of the treatment of Iraqi detainees at the hands of American soldiers have shocked and disgusted Americans and the world. They have brought the realities of war whose daily horrors have largely been kept from public view into the national consciousness. They have shown that we are not immune from committing evil acts.

"Over the past 2 years the International Red Cross, Human Rights Watch, and Amnesty International have all raised concerns about patterns of mistreatment of detainees by U.S. interrogators in Afghanistan, Iraq, and Guantanamo Bay. Rumsfeld's explanations for how the abuses were allowed to occur and how they escaped his attention for so long have not been convincing. Punishing only those directly responsible for the inhumane actions is not enough, not given the gravity of the offenses and the damage they have done to our Nation's reputation and our ability to win the war of ideas in the Arab world.

"There are many other reasons why it should be in America's best interest for Rumsfeld to step aside. As Defense Secretary he has mismanaged the war in Iraq every step of the way. He helped sell the idea that Saddam Hussein was working in concert with al Qaeda and posed a clear nuclear and biological threat to the United States. He ignored the advice of many of our long-standing allies and top Pentagon officials to continue what had been a successful strategy of isolating Saddam while continuing our search for weapons of mass destruction.

"Rumsfeld failed to anticipate the hostile reception we received following

the 'liberation.' He miscalculated the troop strength needed to stabilize the country. He left Baghdad and other major cities unprotected from looters and thugs. He left museums, hospitals, government ministries and facilities essential to a functioning civil society unguarded. He failed to provide the necessary support and manpower and material for our military. And he allowed our military prisons to operate with inadequate staffing, training, and oversight.

"After the fall of Baghdad, instead of trying to internationalize the occupation and the rebuilding effort, Rumsfeld and other administration leaders chose to go it alone, putting virtually all the costs associated with the occupation, financial and human, on American soldiers.

"To date more than 770 American soldiers have died in Iraq. Another 4,100 have been wounded. We have committed more than \$160 billion to the invasion, occupation, and reconstruction of Iraq. Estimates suggest the cost could easily reach \$600 billion even if the June 30 deadline for handing over political control to the Iraqis is met—a dubious proposition.

"Our leaders in Washington need to send a clear message to the world that we have not abandoned our ideals. Rumsfeld's resignation would help underscore the point. More important, our leaders need to reinforce that message with the American people who are growing increasingly fearful that we have lost our way."

That is the end of the editorial, Mr. Speaker. I just want to say that I totally associate myself with the Asbury Park Press editorial. I think they are absolutely right. I do not think anybody has ever said it so well.

Mr. Speaker, I recently called on Secretary Rumsfeld to resign and I would urge my colleagues to do the same. Next, I would urge the President to take immediate steps to internationalize this conflict and build a strong coalition of partners in Iraq. The President should convene an immediate international summit on Iraq. The United States must go in with a plan that provides for new international arrangements to manage the political security and economic aspects of Iraq's transitions, and includes reorienting American policy to reflect those new international arrangements. We cannot simply continue to go it alone. We must internationalize this conflict. And I think that has also been a major part of what the Asbury Park Press says in this editorial.

#### THE WORK HABITS OF THE PRESIDENT

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, before I begin on my text I