

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2863.

The SPEAKER pro tempore (Mr. CAMP of Michigan). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO GO TO CONFERENCE
ON H.R. 2863, DEPARTMENT OF
DEFENSE APPROPRIATIONS ACT,
2006

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill. The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Murtha moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2863 be instructed to agree to the provisions contained in—

(1) section 8154 of the Senate amendment, relating to uniform standards for the interrogation of persons under the detention of the Department of Defense; and

(2) section 8155 of the Senate amendment, relating to prohibition on cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. The words "torture," "cruelty" and "abuse" elicit images of draconian and brutal dictatorship. These words are reserved for the worst of human rights offenders. It should never include the United States of America.

The United States of America and the values we reflect abhor human rights violators and uphold human rights. No circumstance whatsoever justifies torture. No emergencies, no state of war, no level of political instability.

According to Secretary Powell, in his letter to Senator McCain in support of the Senator's amendment, "The troops need to hear from Congress, which has an obligation to speak to such matters under Article I, Section 8 of the Constitution."

We have irrefutable evidence of widespread use of unlawful interrogation techniques by American interrogators at Abu Ghraib and other locations. This has been absolutely disastrous to our credibility and our reputation as a Nation that was built on the sanctity of individual rights.

We have a legal and moral and ethical obligation to uphold the values of the Geneva Convention and the United Nations Convention Against Torture.

Furthermore, torture, cruelty and abuse are not effective methods of interrogation. Torture may not yield reliable actionable information and can lead to false confessions. And we have an example of that not long ago, prior to the war.

Torture may not yield information quickly. Torture does not advance our goals. It does not help us win the hearts and minds of people it is used against. It did not aid the cause of the Soviets in Afghanistan and the French in Algeria.

Torture has a corrupting effect on the perpetrators. It has rarely been confined to narrow conditions. Once used and condoned, it easily becomes widespread. The same practices found their way from Guantanamo to Afghanistan to Iraq.

Torture is not only used against the guilty; it often leads to unintentional abuse of the innocent. We cannot torture and still retain the moral high ground.

Torture endangers U.S. service members who might be captured by the enemy. Torture brings discredit upon the United States.

There can be no waiver for the use of torture. No torture and no exceptions.

Gray areas in rules, lack of direction, training and supervision from superiors, lack of standards and clear guidelines from leaders are dangerous and led to the abuse at Abu Ghraib and other locations. During times of war, clear guidelines governing the treatment of prisoners is imperative, especially when due to the lack of manpower, people are put in jobs with little or no experience or people are put in jobs that are not appropriate. The alleged ring leader at Abu Ghraib had a history of domestic abuse and therefore, by law, could not carry a firearm in the United States. Yet, he was a prison guard at Abu Ghraib, and he was not suited for handling prisoners.

It is now evident that abuse of prisoners took place because of lack of supervision, that our troops were given ambiguous instructions which, in some cases, authorized treatment that went beyond what was allowed in the Army Field Manual.

The definition of abusive treatment cannot be a matter of subjectivity and ambiguity.

The administration confused matters further by declaring that U.S. personnel are not bound by the Geneva Convention when interrogating non-U.S. citizens on foreign soil.

Gross inconsistencies resulted: We followed the spirit of the Geneva Con-

vention in Afghanistan, the letter of the Geneva Convention in Iraq. We had one set of rules for the prisoners of war, another for the enemy combatants; one set for Guantanamo, another for Iraq; one for the military, one for the CIA who were at times operating under the same roof.

America does have clear guidelines as set forth in the Army Field Manual. A number of those who were involved told me they would ask their superiors and lawyers, do you think this was torture? Do you think we violated the Geneva Convention? The answers they got differed, as if something this important was a matter of opinion.

In the case of one of these people, Captain Fishback, I believe he thought some of the troops clearly violated the Geneva Convention but that the administration and Congress knew, "as if there was a special hand shake." In other words, when he came to see me, he thought we had something to do with this. He said they were not clear, and they thought that we were just winking at the regulations. And this is dangerous. We cannot tolerate a practice of saying one thing and doing another.

Using the argument terrorists do much worse, that al Qaeda does much worse is a horrifying rationale. As Captain Fishback argues, "since when did al Qaeda become any type of standard by which we measure the morality of the United States?" And that is a quote from Captain Fishback.

Captain Fishback wrote to Senator McCain, "If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of that idea that is America." And Captain Fishback was in Afghanistan for 18 months and in Iraq.

We cannot protect freedom abroad or at home while degrading our society and its political and legal systems. We cannot do it while trampling all over the values which have made this country strong, which define us all as Americans. These values do not belong to any party. They are not Democrat or Republican. They are American values.

We cannot allow our Nation's moral and ethical standards to drift away from the Constitution. Congress is obligated to speak out. Congress cannot give its power to the Executive Branch. Congress is the people's branch.

Thomas Jefferson said in 1814, "How necessary was the care of the Creator in making the moral principle so much a part of our constitution so that no errors of reasoning or speculation might lead us astray from its observance in practice."

He also said, "Moral duties [are] as obligatory on nations as on individuals."

And I have to say this. War is about killing. For those sent to fight an enemy, that killing will stay with them for the rest of their lives. It is in