



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, MONDAY, MAY 10, 2004

No. 64

Senate

Statement of Senator Dianne Feinstein

“On the Senate Resolution Condemning Abuse in Iraq Prisons”

Mrs. FEINSTEIN. Mr. President, I rise today to offer my strong support for a Senate resolution condemning the abuses in United States detention facilities in Iraq.

This resolution makes clear that the abusive behavior we have seen graphically portrayed in photographs, detailed in the report of MG Antonio Taguba, and described by Secretary Rumsfeld in testimony last week, are unacceptable.

Such conduct is wrong, un-American, and inconsistent with the history and tradition of our military services. It is critical that the Senate voices its absolute rejection of the conduct, and this resolution does just that.

It must be understood that this resolution, however, is

narrow and focused. It is confined to expressing our views on the specific conduct at issue. It does not purport to be a comprehensive view on the implications of this growing scandal, nor a conclusive statement of a congressional investigation into this incident, and its ramifications.

I believe that such an investigation is necessary and should be undertaken as soon as possible. We need to know why the Geneva Convention appears to have been ignored. We need to understand how such a debacle could have happened, and what orders were given by who, and when, which governed the prison at Abu Ghraib. We need to know why the reports of the Red Cross and others were not

responded to in a comprehensive and timely manner. And why was this problem concealed for months from the Congress and the American people.

If the conflict in Iraq is seen as a battle for the hearts and minds of the Iraqi people, then it is unfathomable how such a devastating failure in that battle could be allowed to happen. This is not just about personal accountability, or abuse--it is about the conduct of a conflict upon which the future of our security may depend.

It is also important to recognize that planning and implementing a military detention and interrogation operation is a necessary and important part of a competent and professional

war plan. There are three reasons why this is so:

First, the information gained from proper interrogation is critical to protect our warfighters--it allows us to deal with the tactical risk on the ground in Iraq. Simply put, military interrogation is part of the overall intelligence-gathering mechanism which is designed to provide timely, accurate information to front line troops and strategic planners. Done correctly, a well-run, properly administered military detention system will yield information that will keep our men and women in uniform alive in the face of an increasingly violent insurgency.

Second, detention and interrogation is inherently risky, and that risk is a moral risk. It is not easy to run prisons, interrogate detainees, and maintain order in a manner consistent with our Nation's moral values. There are certainly some guides to help manage this risk: the Geneva Convention, for instance,

provides a well-established set of guidelines that can not only allow American soldiers to adhere to international law, but help them ensure that their conduct is acceptable to Americans and to our moral code.

Third, it should be apparent that the administration of a military prison system inside Iraq is a clear danger point in the context of our strategic goals--prisons pose a necessary, but important, strategic risk. Failure to adhere to the highest standards of conduct will fuel the increasingly hostile view of Americans and American policy in Iraq and the Middle East.

I have reviewed Secretary Rumsfeld's testimony, as well as other information provided in public statements of the administration and private briefings.

I am becoming increasingly concerned that the Secretary, and the Administration, are missing the point of this growing scandal.

Of course there is a need to investigate individual wrongdoing and hold people accountable for their acts according to the Code of Military Justice. But much more needs to be done. I see little evidence that there has been adequate planning for the management and function of military detention facilities in Iraq, and this failure needs to be addressed now.

This is critical for the three reasons I outlined above. In essence, military detention facilities should be looked upon exactly like other elements of war-planning--necessary to fight successfully, but carrying risks to our soldiers and to our mission.

I am concerned that this function has not been adequately planned. It does not surprise me that we see the lack of planning becoming apparent in the revelation of individual misconduct, but I think it is critical that the Department of Defense take on the larger issue, and take it on immediately.

The situation is grim. Each of the three risks I mentioned have come to be.

Some of our soldiers, inadequately supervised and poorly commanded, have succumbed to the moral hazards of running a prison. I do not excuse their actions, and they will be held accountable for their actions. But it is predictable that without adequate command and control such conduct will happen in a prison, and for that Secretary Rumsfeld and senior Army commanders are responsible.

It is clear that the potentially valuable source of tactical intelligence that could have been gained through the competent and professional administration of military detention facilities was wantonly thrown away by allowing those facilities to degenerate into a chaotic and ungoverned free-for-all.

It is my view that there is a place for properly

conducted interrogation in the context of a military detention facility.

But it seems to me that what we have seen is not overly aggressive interrogation, but wanton cruelty and abuse, unconnected with any doctrinally acceptable method of prisoner interrogation.

We will never know what potentially valuable tactical intelligence was lost in the chaos of Abu Ghraib prison, but I am confident that whatever intelligence was there was unlikely to have been elicited in that environment.

Again, Secretary Rumsfeld and senior commanders are responsible for this failure, and I call upon them to immediately remedy this situation.

We have troops on the ground, under fire, and we cannot afford to abandon a mechanism for gathering intelligence which could help make our troops safer.

Finally, the failure to run this element of our war

effort competently has resulted in a catastrophic setback to our strategic interests.

It should have been self-evident that failure to run U.S. detention facilities in a professional, competent and lawful manner would, when made public, adversely affect our prospects in Iraq and in the region.

Simply put, American soldiers will come under increasing fire because of the failure to run the prisons correctly, and whatever prospects remain for peacefully transferring power to an Iraqi government have been diminished.

In sum, it is important to recognize that planning for detention and interrogation of prisoners is as much a part of war planning as making sure that there is enough gas for tanks, enough ammunition for guns and armor for our soldiers.

I am concerned that the failure to plan for this aspect of the war is

consistent with a general pattern at the Pentagon--an unwillingness to plan for the realities of Iraq and the Middle East. We will all pay for that failure.

One key part of the resolution speaks to the roll of the Congress, noting that “the best interests of the United States and the American people will be served by a full investigation by the appropriate Committees of the United States Senate exercising their oversight responsibilities.” This is a critical point. This body

must immediately begin its task of addressing this issue.

There are a few particular questions upon which I hope we will focus:

Whether, and to what extent, the conditions and procedures in Abu Ghraib and other prisons came about because of particular policy decisions by senior officials. For instance, who made the decision, reported in the media, to use prison guards to “set the conditions” for interrogations?

Why was the critical task of administering Abu Ghraib entrusted to soldiers without adequate training or guidance?

Who in the command structure is responsible for maintaining and administering our military program to detain and interrogate prisoners in Iraq and elsewhere?

I hope we can answer these, and other questions, and make the changes necessary to make our nation safer.