Our thoughts continue to be with all of those families with loved ones serving overseas.

Lance Corporal Welke led a full life, committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of Lance Corporal Welke's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and family.

Mr. President, I join with all South Dakotans in expressing my sympathies to the friends and family of LCpl Joseph Welke. I know that he will always be missed, but his service to our Nation will never be forgotten.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are in morning business, are we not?

The PRESIDING OFFICER. We are in morning business.

Mr. DORGAN. Will the Senator yield for a unanimous consent request?

Mr. LEAHY. Of course I yield for that purpose.

Mr. DORGAN. I ask unanimous consent to be recognized following the presentation by Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

NOMINATION OF ALBERTO GONZALES TO BE ATTORNEY GENERAL

Mr. LEAHY. Mr. President, soon after we return in January, the Senate Judiciary Committee will begin consideration of the nomination of Alberto Gonzales for the position of Attorney General of the United States. I met with Judge Gonzales on November 17, soon after his designation as the President's nominee. I had that meeting in preparation for our hearings. I look forward to working with Senator SPECTER and the other members of the Judiciary Committee to assure a prompt and fair and thorough hearing on this important nomination in early January.

There is no secret that Judge Gonzales will be called upon to explain not only his vision of what the role of the Attorney General should be, but also how he would distinguish it from that of the White House Counsel. And he is also going to be asked about the role he has played in formulating the administration's policy on the treatment and interrogation of prisoners in U.S. custody overseas.

The scandal of Abu Ghraib, allegations of mistreatment in Guantanamo, investigations and charges from cases in Iraq and Afghanistan are serious matters. There are lingering questions. There is unresolved accountability left in their wake.

The Bush administration circled the wagons long ago. It has continually maintained that the abuses were simply the work of a few bad apples. But we know that the photos from Abu Ghraib do not depict an isolated incident. Abuses have occurred in many locations, including Afghanistan, Guantanamo Bay, and in a number of other facilities within Iraq.

I have long said that somewhere in the upper reaches of the executive branch, a process was set in motion that rolled forward until it produced this scandal. Even without a truly independent investigation, we now know the responsibility for abuse runs very high into the chain of command. Senior officials in the White House, the Justice Department, and the Pentagon set in motion a systematic effort to minimize, distort, and even ignore laws, policies, and agreements on torture and the treatment of prisoners. Defense Secretary Rumsfeld and later LTG Ricardo Sanchez authorized the use of techniques that were contrary to both U.S. military manuals and international law.

Former CIA Director Tenet requested, and Secretary Rumsfeld approved, the secret detention of a ghost detainee in Iraq so he could be hidden from the International Committee of the Red Cross.

These issues, especially when they involve the greatest democracy history has known, are a significant concern. But there are also issues in which the administration has been far less than forthcoming. In letters dated May 17 and June 15 of this year, long before the fall elections, long before the resignation of John Ashcroft, and long before he was designated by the President as nominee, I asked Judge Gonzales to describe his role in both the interpretation of the law and the development of policies that led to what I and many others considered to have been a disregard for the rule of law. Those letters of May 17 and June 15 remain unanswered as of today.

I have repeatedly emphasized to Judge Gonzales the need for responsiveness and accountability in these matters. Last Friday, I sent Judge Gonzales a letter reiterating my concerns. I emphasized the importance of full disclosure during this confirmation process.

I urge him to cooperate, to cooperate now with all members of the Judiciary Committee on both sides of the aisle on the full range of issues of oversight and accountability that come before us. That is something his predecessor did not do. That lack of oversight on the part of the Senate, the lack of accountability and lack of responsiveness on the part of the administration, should not continue.

I ask unanimous consent to have my December 3, 2004, letter to Judge Gonzales printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 3, 2004.

Hon. ALBERTO R. GONZALES,
Counsel to the President, the White House, Washington, DC.

DEAR JUDGE GONZALES: I enjoyed our preliminary meeting and look forward to your confirmation hearings. In following up on our meeting, and to give you and your staff ample opportunity to prepare for the hearings, I write to reiterate several concerns that I have raised in prior discussions and correspondence. When we met on November 17, 2004, I said that these issues will be raised, by myself and other members of the Senate Judiciary Committee, during the upcoming hearings. Based on our conversation, I am encourage by your willingness to answer questions about you role and your views in these matters.

Photographs and reports of prisoner abuse in Iraq and other locations show an interrogation and detention system operating contrary to U.S. law and the Geneva Conventions. In addition to the abhorrent images from the Abu Ghraib prison that were published last spring, actions that have occurred with Administration approval include the forcible rendition of individuals to nations where they may face torture, and the hiding of ''ghost detainees'' from the International Committee of the Red Cross. Reports of abuse continue to emerge. Just this week, The New York Times reported that the Red Cross has charged U.S. military authorities with using physical and psychological coercion ''tantamount to torture'' on prisoners at Guantamano Bay. The Washington Post is reporting that in December 2003 Army generals in Iraq were warned in a confidential report that members of an elite military and CIA task force were abusing detainees. According to The Post, the report concluded that certain arrest and detention practices could be deemed to be ''technically'' illegal.

In letters dated May 17 and June 15 of this year, I asked you to describe your role in both the interpretation of the law and the development of policies that led to what I and many other consider to have been a disregard for the rule of law. These letters remain unanswered.

My concerns regarding the abuse of prisoners in U.S. custody did not begin with these letters. I have been seeking answers from the Administration for well over a year, before the abuses at Abu Ghraib came to light. In a very few cases my questions were answered, but with information that later proved to be less than accurate. For example, in a news conference on June 22, 2004, you stated, ''In Iraq, it has always been U.S. position that Geneva applies. From the early days of the conflict, both the White House and the Department of Defense have been very public and clear about that.''

However, an October 24, 2004, article in The Washington Post revealed yet another Justice Department memo authorizing actions that potentially violate the Geneva Conventions. The draft memo, dated March 19, 2004, apparently was written to authorize the CIA to transfer detainees out of Iraq for interrogation—a practice expressly prohibited by the Geneva Conventions. According to the memo's cover letter, it was drafted at your request.

In another example, a June 25, 2003, letter from Department of Defense General Counsel William Haynes stated that the United States was adhering to its international obligations including those under the Convention Against Torture. We later learned of an August 1, 2002, Department of Justice memorandum that twisted the definition of torture in unrecognizable ways. That memo was addressed to your. We also learned months