

TORTURE IS A CRIME

Mr. LEAHY. Mr. President, I want to take a moment today to speak about an issue that has been discussed in the press recently, which is the use of torture to obtain information from persons who are suspected of being terrorists.

It is well-established that torture is a violation of international law, by which our country is bound. It is also a violation of our own laws. Yet commentators have been quoted by the press saying that in certain limited circumstances, when the threat is a possible terrorist attack, the use of torture is justified. Some have even suggested that since torture is used, why not simply admit it and accept it as a fact of life?

These are not easy questions. Who does not want to do everything possible to save innocent lives? We all do. But the United States is a nation of laws, and I reject the view that torture, even in such compelling circumstances, can be justified. I would hope all countries would uphold their obligations under international law, but that is not the case. It is the 21st century, and yet torture is used by government security forces in some 150 countries.

We have often spoken about how important it is not to let the terrorists win. We try not to let ourselves be intimidated. We take precautions, but we go about our daily lives.

The same holds true of the tactics terrorists use. If we don't protect the civil liberties that distinguish us from terrorists, then the terrorists have won.

Torture is among the most heinous crimes, and there is no justification for its use. One need only review history to understand why there can be no exception to torture. The torture of criminal suspects flagrantly violates the presumption of innocence on which our criminal jurisprudence is based, and confessions extracted as a result of torture are notoriously unreliable.

Also, history has shown that once an exception is made for torture, it is impossible to draw the line. If we can justify torture in the United States, then what is to prevent its use in China, Iraq, Chile, or anywhere else? If torture is justified to obtain information from a suspected terrorist, then why not torture the terrorist's wife and children, or his friends and acquaintances who may know about his activities or his whereabouts? In fact, that is what happens in many countries.

There is also the issue of what constitutes torture versus acceptable, albeit harsh, treatment.

Torture is defined in the Convention Against Torture, which the United States ratified, as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession . . .".

A March 4 article in the New York Times described the treatment of Af-

ghan prisoners at the Bagram air base. Two former prisoners, both of young age, recently died in U.S. military custody. Other prisoners described being forced to stand naked in a cold room for 10 days without interruption, with their arms raised and chained to the ceiling and their swollen ankles shackled. They also said they were denied sleep for days and forced to wear hoods that cut off the supply of oxygen.

I do not believe that prisoners of war, some of whom are suspected of having killed or attempted to kill Americans, should be rewarded with comforts. Harsh treatment may, at times, be justified.

However, while I cannot say whether the treatment described by these Afghan prisoners amounts to torture under international law, it does sound cruel and inhumane. The inhumane treatment of prisoners, whoever they are, is beneath a great nation. It is also illegal. That is the law whether U.S. military officers engage in such conduct themselves, or they turn over prisoners to the government agents of another country where torture is commonly used, in order to let others do the dirty work.

Some of these Afghan prisoners may be guilty of war crimes. Some may be members of al-Qaida but may have never fired a shot. Others may be completely innocent. But regardless, I was not proud when I read that article, and when I think of how often I and other Members of Congress have criticized other governments for treating prisoners that way. It undermines our reputation as a Nation of laws, it hurts our credibility with other nations, and it invites others to use similar tactics.

I am encouraged that the Department of Defense is conducting a review of the deaths of the two Afghans at Bagram, both of which were ruled homicides by an American pathologist. Those responsible for what happened must be held accountable. But I also urge the Department to review whether the interrogation techniques used there, and at other U.S. military facilities are fully consistent with international law. It should not take a homicide to reveal that prisoners in U.S. custody are being mistreated.

I yield the floor.

WELCOMING THE PRIME MINISTER OF IRELAND

Mr. DODD. Mr. President, I want to take a moment to welcome the Prime Minister of Ireland, who is here today. You will notice, I have a green tie on today. I am fully aware, as most Americans are, that St. Patrick's Day is on the 17th day of March, not the 13th day of March. But when the Prime Minister of Ireland arrives here to celebrate St. Patrick's Day a little earlier this year, those of us who are of Irish descent—and even those who are not but wish they were—generally wear a little green to celebrate this festive holiday.

Prime Minister Ahern was at a lunch a little while ago hosted by the distin-

guished Speaker of the House, DENNY HASTERT. Vice President CHENEY was also in attendance representing the President, who normally would be attending an event such as this today, but, obviously, events in the Middle East made it difficult for him to get away. All of us understand that. We regret he was not able to be with us, but we fully appreciate there are other matters that require his more immediate attention.

But we thank the Prime Minister, the Taoiseach of Ireland, for him not only being here but for his tremendous work, along with Tony Blair and other political leaders in Northern Ireland, particularly Jerry Adams and David Trimble, in their efforts to try to resolve, once and for all, the political disputes that have been so devastating on the people of Northern Ireland over these last number of years. Based on conversations we have had, it would appear that we are getting very close to, hopefully, a final resolution of those issues.

So I welcome the Prime Minister and other political leaders from Ireland and Northern Ireland who have come, as they traditionally do, to celebrate St. Patrick's Day, but have made this a working holiday, if you will, to engage in further conversations on what we might do to help resolve the matters of Northern Ireland, as well as to listen to their sound advice and observations regarding the turmoil that is brewing in the Middle East.

ELIZABETH SMART AND THE NATIONAL AMBER ALERT NETWORK ACT

Mr. REID. Mr. President, I, like all of America, was elated last night when we heard the news that the young girl from Utah, Elizabeth Smart, who had been missing for more than 9 months, had been found and reunited with her family. Most of the time, the vast majority of these stories about these girls—mostly girls who are kidnapped, abducted, stolen—end in bad news. This ended in good news.

As a father and grandfather, I really don't know the emotion of a parent who has a child stolen. An abducted child must be the worst nightmare of a parent. But this nightmare ended as I have just related.

The Justice Department says the number of children taken by strangers annually is between 3,000 and 4,000—it varies but thousands of children. Every day children are stolen. These children and their parents deserve the assistance of the American people and the helping hand of the Federal Government.

We stand ready and willing to help. We all feel so helpless when a child is kidnapped. What can we do to help? There is not very much because mostly these stories end, not like Elizabeth Smart's, they end in tragedy. For the past 2 years, Senators LEAHY, HATCH, HUTCHISON, FEINSTEIN, and others have

introduced the National Amber Alert Network Act to aid in the recovery of abducted children. Last year, Committee Chairman LEAHY, 1 week after it was introduced, held a hearing on the AMBER plan, and then we passed the bill by unanimous consent in both the Judiciary Committee and the full Senate when it was under the Democrats' control. Such quick and dynamic action on legislation is unheard of around here, but that is proof positive of the overwhelming support that exists for what is really a nonpartisan issue.

Unfortunately, the House of Representatives refused to pass a national AMBER Alert network. They refused to pass this act because they said they didn't like it as a stand-alone bill. They wanted it part of something else—part of something else being part of nothing. It is unknown to me how many children's lives would have been saved if we had had a national AMBER Alert. We know, with the situation we had in California, that it really works.

This year, the Senate again, under the leadership of Senator HATCH, rapidly passed unanimously this bipartisan legislation. But once again the House of Representatives—the leadership of the House of Representatives, Republican leadership of the House of Representatives—is refusing to act quickly on this bipartisan AMBER Alert bill.

I served in the House of Representatives. They could pass this legislation in a matter of hours—not days, hours. Ed Smart, Elizabeth's father, has called upon the House of Representatives to pass this noncontroversial Senate-passed AMBER Alert bill. I agree this is the proper course and the fastest way to protect our children from danger.

In fact, I am confused as to exactly why the House Republican leaders refuse to pass this bill since they agreed to include in the fiscal year 2003 omnibus spending bill \$2.5 million for AMBER Alert grants. The House leadership still, however, chooses to ignore the bill that the Senate has twice passed under the bipartisan leadership of Senators HATCH and LEAHY, once when Senator LEAHY was chairman, once when Senator HATCH was chairman. To include AMBER legislation as a provision in an omnibus bill, standing alone, or in any other capacity, it doesn't matter to us.

I hope the successful recovery of Elizabeth Smart and her father's call for passage of the Senate-passed bill today moves the House Republican leadership to not play politics and promptly let this National AMBER Alert Network Act pass as a stand-alone measure—next week. They could do it tonight. I know how the House works.

The AMBER plan has been credited with the recovery of 49 children nationwide, 49 children who have been reunited happily with their parents. Mr. President, 38 States have a statewide plan. Officials in those States that do

not yet have AMBER plans are working toward establishing the AMBER Alert system, and one of the aims of this bill is to help towns, counties, and States all over America to build and support systems to broadcast AMBER Alerts.

Our bipartisan legislation creates a national AMBER Alert coordinator at the Justice Department to work with States, broadcasters, and law enforcement agencies to set up AMBER Alert plans, to serve as a point of contact to supplement existing AMBER plans, and facilitate appropriate regional coordination of AMBER Alerts.

As I was eating dinner last night, watching Larry King, I was so impressed with the enthusiasm, hope, and glee demonstrated by the family of Elizabeth Smart. Of course, we all recognize the father in tears, saying how happy he was, why haven't we passed this legislation. Today, when he has learned the real facts, he is saying: Why hasn't the House passed this legislation?

This legislation also directs the coordinator in the Justice Department to establish voluntary guidelines for minimum standards for AMBER Alerts and their dissemination. As a result, the bill helps kidnap victims while preserving flexibility for the States. Developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone. So to share the burden, the bill establishes two Federal grant programs managed by the Justice and Transportation Departments for such activities as information dissemination on abducted children and suspected kidnapers, and for necessary AMBER Alert equipment.

Our Nation's children, parents, and grandparents deserve our help to stop the disturbing trend of children's abductions—to let everyone know they are helping by their taxpayer dollars going to a national system. Everyone can then say, "I have done my share." I think we have a program here that really helps.

In the State of Israel, which every day faces terrorist threats and activities, 90 percent of the terrorist activities are thwarted as a result of citizens, people of good will, seeing something that doesn't look right and calling law enforcement. If there is something going on next-door, on the block, something in their city that they see, or in their neighborhood, they can complain to authorities, and it helps. That is what happened here.

We had people in Salt Lake City—actually, Sandy, UT—who I am sure said: I don't know if I am doing the right thing, but I think this could be Elizabeth. A little girl with a wig—a little girl? She is a teenager—she has been gone almost a year—with a wig and some kind of mask over her face, a veil, as they call it.

But these people of good will said: You know—I am sure I am thinking what they must have thought—this is going to be humiliating to me, if I stop

these people. Maybe they are religious people, maybe this is part of their religious garb and costume. Maybe I'll embarrass them and me. But what if I let them go, walk by, and I haven't done anything about that, and this is Elizabeth?

For whatever reason, they decided to become intervenors. She stepped forward, and said: I think this is Elizabeth. Sure enough, it was. The little girl had a wig on and a veil. She said: I am Elizabeth Smart. As a result of that, she was reunited with her parents.

We don't know. We will never know what that girl has gone through. We don't know all of it. I personally don't know if she was brainwashed, as was Patty Hearst. I don't know anything about it. But I know there are some happy people in Salt Lake City today. Not only the family, not only the family, but all over Salt Lake City, the State of Utah, the neighboring State of Nevada, but the whole country is celebrating a successful conclusion to a kidnapping, an event which doesn't happen that much.

I hope the House of Representatives' conscience will be pricked and they will reach out and do something quickly which they have the capability of doing and allowing the national AMBER Alert program to pass. It should pass not in this congressional session, not this month, but next week, and early in the week. That is my desire. I hope we follow through on it.

THE SAFE RETURN OF ELIZABETH SMART

Mr. HATCH. Mr. President, I express my deep-felt feelings about the answer to all of our prayers in Utah. There has never been a State where virtually everybody got on their knees and prayed for the return of this young woman, Elizabeth Smart.

I have to tell you, we believe in miracles out there. We have seen them time after time after time. But I have to admit, most people had pretty much given up. They were thinking, well, that poor soul undoubtedly had to have been murdered. But her father and her mother never gave up.

They were in my office just a short while ago saying: We are going to find her. We believe she is alive—praying every day, fasting for their daughter. People in Utah fast and pray in these situations.

I have to tell you, I was so thrilled last night to see they finally found her.

I could hardly get to sleep.

I want to pay tribute to that wonderful family and her neighbors. Jake Garn and Kathleen Garn are two of the neighbors. I have to tell you, they both have been of tremendous help and bolsters, as have all of the neighbors, to the Smart family. Jake has moved heaven and earth for them. He has talked to me, worked with me, worked with others. His wife Kathleen is as good as it gets. She is a wonderful