Passions run high on this issue—very high. But there is new reason this week to believe a bipartisan consensus in Iraq is emerging. It is what the American people want. A recent poll—in fact, it was from a couple days ago—showed a percent of Americans favor benchmark percent and a timetable for reducing combat forces. It is what President Bush’s own military advisers say we need, including General Petraeus, who has said this war cannot be won militarily. It is what we have stood for with firm resolve throughout these entire negotiations.

Now, in the last few days, we have seen our Republican colleagues move closer to our position. Over the weekend, the House majority leader, John Boehner, said:

By the time we get to September or October, members are going to want to know how well this is working, and if it isn’t, what’s Plan B?

That is a timetable. The President has objected to our timetables. He vetoed our bill with timetables in it. The Republican leader in the House—the No. 1 Republican in the House—has told the President if things are not OK in September or October, something else has to happen. That is a timetable.

Senator Lott said:

This fall we have to see some significant changes on the ground.

And days ago, Leader McConnell echoed those sentiments as well.

Meanwhile, on Wednesday a broad coalition of Republican House Members expressed their dissent directly to the President. They went to the White House, spent an hour and 15 minutes with the President. One of them, Tom Davis of Virginia, called it their chance to confront a President who, as he put it, is in a bubble.

In the spirit of bipartisanship, I am inclined to agree with that assessment. The President is in a bubble. He is isolated.

Every day, the ranks of dissatisfied Republicans grow. But I wish my Republican colleagues—who now agree that President Bush’s open-ended commitment has failed—would put some teeth behind their views.

We have courageous American troops in harm’s way every day. We lost another Nevada this week. There may be a State that has lost more than the President’s own State, but I do not know that State that would be. The State of Ohio has suffered significantly in the loss of life.

It is time for action. It is time to change course. It is long past due.

But I would say the shift we are hearing from the Republicans, even though a little bit quiet, each day is getting louder and louder and louder. It is a welcome shift, and it is very encouraging. It gives me hope that in the coming days, weeks, and months we will be working together with good faith and bipartisanship to give our troops and all Americans the new course they demand and deserve and the opportunity for our troops to come home.

We are going to do our very best to come up with something we can pass here in the Senate, send to the House, and confer, have a conference. We will do that to the very best of our ability. But, as indicated earlier, it is not going to be easy.

I suggest the absence of a quorum.

The Acting President pro tempore, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The Acting President pro tempore, Without objection, it is so ordered.

MORNING BUSINESS

The Acting President pro tempore, Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Rhode Island is recognized.

POLITICIZING THE DEPARTMENT OF JUSTICE

Mr. WHITEHOUSE. Mr. President, competence, independence, and sound judgment are the lodestar of the administration of justice in this country. Unfortunately, over the past few months, I and many Americans have been forced to question on all three counts those whom this President has appointed to lead the Department of Justice. Indeed, with each passing day, we sense more and more that something is gravely wrong.

For example, we have learned about the misuse of the Department’s power to issue national security letters under the PATRIOT Act—which, even under the most legitimate and benign circumstances, represents a truly imposing authority. As you know, a national security letter, or NSL, is a Government demand for private information, issued without a warrant to third parties such as banks, phone companies, and Internet service providers. In March, the Department of Justice’s inspector general reported that the Department’s misuse of NSLs “has been seriously misused.” Among other things, there were no clear guidelines for issuing national security letters. They were issued without proper authorization, there was sloppy recordkeeping by the FBI, and there was no procedure for purging a citizen’s private information if the investigation was closed.

We have also, of course, learned about the unprecedented firings of eight U.S. attorneys—dismissals which seem to have been motivated by politics, rankled by incompetence, or, more likely, both.

The details of the Department’s misjudgments in this matter, and particularly the degree to which partisan politics has infiltrated this Department, become more numerous and more damaging to the Attorney General’s credibility every day. But the politicization of the Department should not come as a surprise, for we already know how the rules governing initial contacts between the White House and the Department of Justice on non-national security-related investigations and cases—traditional criminal cases—has changed since President Bush took office.

During previous administrations, there were strict rules governing contacts between the White House and the Department of Justice on investigations and cases—and for good reason. A strong firewall is necessary to prevent undue and untoward efforts to inject politics into the administration of justice. During the Clinton administration, this firewall was articulated in a September 1994 letter from Attorney General Janet Reno to White House Counsel Lloyd Cutler. It is my understanding that credit goes to Senator Hatch, then chairman of the Judiciary Committee, for his interest in seeing this policy confirmed in this way. So this has been a continuing and bipartisan concern, this question of the firewall between the White House and the Department of Justice. The Reno letter stated:

That policy is represented by this chart. On the White House side, the only people authorized to have these initial discussions on criminal cases are the President, Vice President, Deputy White House Counsel, and the Attorney General or Deputy or Associate Attorney General.

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As I noted during the Attorney General’s testimony before the Judiciary Committee last month, that rule was changed in an April 2002 memo from Attorney General Ashcroft. The new policy permits initial communications between the White House and the Department of Justice regarding any pending Department investigation or criminal case to involve only the White House Counsel, the President or Vice President, and the Attorney General or Deputy or Associate Attorney General.

That policy is represented by this chart. On the White House side, the only people authorized to have these initial discussions on criminal cases are the President, Vice President, Deputy White House Counsel, and the Attorney General or Deputy or Associate Attorney General.
I yield the floor, and I suggest the adjournment of the Senate, pending receipt of the message.
Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, it is my understanding that we are now in morning business; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(remarks of Ms. COLLINS pertaining to the introduction of S. 1369 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, this has been a very disappointing week from the standpoint of discussion about international trade. Yesterday morning, at about 8:30 in the morning, we learned the trade deficit for the previous month has once again spiked up to a $63.9 billion trade deficit in 1 month. And yet, most of this town continues to say how successful it is, this strategy of free trade.

This what has happened with our trade strategy. This chart represents an ocean of red ink. You can see, going back to 1995, we have had nothing but trouble, increasing deficits year after year. We are deep in debt with respect to our combined trade deficits. This is not a trade strategy that is working.

At about the same time that I learned that our trade deficit spiked up once again to $63.9 billion in 1 month, I also learned that one of the largest employers in North Dakota, Imation, is leaving our State. They announced they are going to be closing their plant in Wahpeton, ND.

They actually announced it well ahead of time, and they are not going to be completely gone until the year 2009. It is helpful that we received some advanced notice.

But this is a company that has 390 employees. It produces high-tech products in data storage and so on. Mr. President, 390 workers who are paid well, who have good jobs with good pay and good benefits, facing the prospect of all that disappearing.

I woke up this morning to have the phone call yesterday with the CEO of that company, Imation, and asked questions. The company has said its employees and to me that they are closing down this factory in North Dakota because it produces floppy disks, and that is yesterday’s technology. Floppy disks are on the way out, not on the way in. The market has moved and that is just the fact. So supposedly that has required them to make a decision to close a plant.

Come to find out, though, that only 55 people in a plant of 390 people are making floppy disks. The rest of the employees, of course, are not. They are involved in the production of other things. So it doesn’t really make sense that they are closing the plant because of floppy disks.

Yesterday, in a conversation with the president of the company, after a lot of probing, I found out that 168 of the jobs in this plant are in fact going to moved to Juarez, Mexico. Why? Undoubtedly because of low wages paid in Juarez, Mexico. You can produce things less expensively if you are paying people 50 cents an hour, I suppose. But at its root, it is exactly what is wrong with what is happening international trade and our participation in it.

Instead of lifting others up, our entire trade strategy has been a strategy that says it is all right to push the standards in this country down. Now, the workers in Wahpeton can’t compete with Mexican workers, nor should they be expected to. And by the way, I will bet some others of these jobs will be migrating to China and some other places in Asia.

I am not here to trash a corporation; that is not my point. This company has been a good employer in our State for a long time. But I am very disappointed and very troubled they have announced they are leaving. In the last 5 to 7 years we worked hard to get them Federal Government grants, almost $3 million in Federal grants, plus a guaranteed Federal loan to expand their plant in Wahpeton, ND. Then, just a few short years later, there is a U-turn in the boardroom that says they have decided not only are they not going to want to proceed here, they are going to leave.

What about the millions of dollars of grants that we worked to get because we want to support those jobs? This, in a microcosm, is exactly what is going on all across this country. It is Wahpeton this week, but I could name almost any city and you will have the same thing.

I have been on the floor of the Senate many times talking about who is leaving and when and where and why and how. Levis—gone. They don’t make any Levis in America. There is not one pair of Levis made in America. Fruit of the Loom underwear—all gone. No underwear made in America by Fruit of the Loom. Fig Newton cookies, they, too, went to Mexico. If you want to eat Mexican food, buy Pig Newton cookies. Radio Flier, Little Red Wagon—gone to China; Huffy bicycles, gone to China.

It could go on forever talking about things. But what happened in Wahpeton, ND, brings it home in a stark way to the people who dressed up in the morning to go to work, appreciating those jobs, believing those jobs were important in their lives, just to find out that one day they are gone. And at least part of the reason they are gone is they can’t compete with people who have to work for less money in other parts of the world. Should they be required to? Is our strategy to say, after we have built a set of standards for a century in this country, that those standards don’t apply because you want to compete against a different standard? And the different standard is what they pay in China, what they pay in Mexico? We can’t live on that in this country and that ought not be the standard.

I showed a chart with the red ink in terms of international trade deficits that we have. Our trade deficit last year was $832 billion. You can make a case with the budget deficit, where the reason it spikes up is when we take in—you can make the case from an economics perspective that is money we owe to ourselves. You can’t make that case with the trade deficit. That is money we owe to foreigners, and we are going to repay it someday with a lower standard of living in this country. That is a fact.

I wake up and read there is apparently some sort of fiesta at the White House. It is probably appropriately following the Cinco de Mayo period. They gathered together, Republicans and Democrats, and said: We have reached a deal on trade.

So now we have a couple of trade agreements coming up—Peru, Panama, maybe also Colombia and Korea. And we have some folks who got together and said: We reached a deal on trade.

No one I know of in this Chamber has reached a deal on trade. I think there are plenty of votes in this Chamber that will rise in the coming week to say, no, the trade debate has to involve people in this Chamber who know that the current trade strategy doesn’t work for this country.

It is not because we don’t want to be engaged in trade. We believe in trade, and plenty of it. We support international trade. But we support international trade that is mutually beneficial to us and others. What has happened in recent trade agreements? I come back now to the issue of Mexico.

We do a trade agreement with Mexico, and you turn a $2 billion surplus into an annualized trade deficit now with Mexico. In the first 3 months of this year it is going to be $70 billion a year, with Mexico. Think of that. We turned a trade surplus with Mexico, a $2 billion surplus, into a $70 billion deficit. You talk about incompetence? You talk about bad trade deals? This is the cherry on top of the sundae in bad trade deals.

Among the things they discussed yesterday is Korea. They made brief mention of that today in the paper. You have a couple of problems with Korea, aside from the fact that the agreement was generally negotiated incompetently.