Mrs. MURRAY. Mr. President, I come to the Senate Chamber this evening to join my colleagues, Senator MARIA CANTWELL from Washington State and the Nation, I thank the Senator from Washington for recognizing four young Americans who lost their lives in service to our country last evening.

Like many Americans, this morning I awoke to the very tragic news that four firefighters had died while battling the wild fire near Winthrop, WA.

Today I want my colleagues and the American people to know the names of those four brave firefighters: Tom Creven, 30 years old, of Ellensburg, WA; Karen Fitzpatrick, 18 years old of Yakima, WA; Devin Weaver, 21, of Yakima; and Jessica Johnson, 19, also from Yakima.

These were young people.

These were people who put themselves in harms way to keep the rest of us safe.

Today, my thoughts and prayers are with the families of those four courageous firefighters.

It’s hard to imagine the dangers that firefighters face every day. But they choose to fight fires to help protect the rest of us—our families and our communities.

When something like this happens, it makes all of us stop and think about what they’ve sacrificed for our safety.

My brother is a firefighter. For years, he fought fires. My family and I understand the risks.

I know how those families feel every day when they send their loved ones off to work.

They are proud of them.

They know they are doing something important for their neighbors and their community.

And they are always hoping they will get back home safely at the end of the day.

This tragedy reminds us all of the dangers that firefighters face every day.

To the families of those four brave young people, please know that we are a grateful nation, and you are all in our thoughts and prayers.

I also want to wish a speedy recovery for the other firefighters who were injured while battling the fire.

I want to thank the firefighters in Washington State—and across the country—for their work to protect us.

We own them a debt of gratitude.

Today, we owe four families our condolences and our thanks for their sacrifice. I yield to Senator CANTWELL from Washington State.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, it is with a heavy heart that I come to the floor today after learning of the tragic deaths of four firefighters in the Wenatchee National Forest in Washington state. These courageous firefighters died yesterday battling a wildfire in Okanogan County. A tragedy of this magnitude is felt throughout Washington state, but should also be recognized and mourned by a grateful nation.

This is the nation’s deadliest wildfire since 1994. On behalf of the citizens of Washington State, I extend my deepest sympathies to the families of the four brave men and women who gave their lives to protect their neighbors. Squad Leader Tom Craven of Ellensburg, Devin Weaver of Yakima, Jessica Johnson of Yakima, and Karen Fitzpatrick of Yakima gave their lives to keep us safe. This tragedy reminded us that the firefighters were so young—the youngest being just 18 years old.

We join their families and friends in mourning their loss.

As Senator MURRAY pointed out, this tragedy reminds us that we often take for granted the men and women who routinely put their lives on the line to protect us. Every state in the nation has experienced the loss of people involved in firefighting.

I hope the families and friends of these brave firefighters know that the courage and sacrifice of their loved ones will not be forgotten and that our sympathies reach out to their families.

I also want to recognize the hard work of those firefighters who are still fighting; to those who are injured, I also wish them a speedy recovery. The firefighters of the U.S. Forest Service come from all over the country. They have been battling fires for years. This year alone, 300 firefighting personnel are available on the Okanogan and Wenatchee National Forests. These firefighters work year after year in service to their country with little recognition.

On behalf of the residents of Washington State and the Nation, I thank them for their hard work and their dedication under very trying circumstances. We all remember the sacrifice that each and every one of you have made.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.
I am also pleased to see as part of this order that the Attorney General has enhanced whistleblower protection for FBI employees who come forward with protected disclosures. As an author of legislation that is on the books now for whistleblower protection, the last time we enhanced the protection for whistleblowers there was just enough support and understanding of the need for increased whistleblower protection, that the FBI will cooperate fully with the body for the FBI that somehow the FBI could have a separate set of regulations just for whistleblowers within the FBI. As a result, whistleblowers within the FBI have not had the same amount of protection that whistleblowers in any other agency of the Federal Government might have. So this will also help in that direction. I thank the Attorney General for that.

Today, following up on this action of the Attorney General, I have forwarded a letter to Attorney General Ashcroft, commending him on these steps, and also request that his office provide me with additional details regarding how the various investigative and audit entities within the Department of Justice, the FBI, and the DEA are to be administered and organized.

Earlier this week, I had the opportunity to meet with FBI Director nominee Robert Mueller. I discussed with Robert Mueller several concerns that I have with how the Bureau has been managed over the past several years. I also discussed with Mr. Mueller my views on the type of leadership that I think the FBI needs.

We have a once-every-10-year opportunity to find someone who can fix the problems inherent in the management culture at the Bureau because that appointment comes up for a 10-year length of time. I want to make sure, during this once-in-a-10-year opportunity, Mr. Mueller understands my concerns.

Part of our discussion concerned the need for strengthening FBI oversight, both on the part of the executive branch, along the lines of what I have been saying about the inspector general, but also from the Congress—oversight, constitutional oversight over the executive branch agencies.

Without asking Mr. Mueller to comment pending legislation, I mentioned to Mr. Mueller I am working on a bill to permanently extend by statute protection for FBI employees. Over the years the FBI has been notorious for retaliating against those who would expose the types of waste, fraud, and abuse in cases that have now become synonymous with a culture of arrogance within the FBI. These are cases such as Ruby Ridge, Waco, the TWA-800 investigation, the FBI crime lab investigations, the Wen Ho Lee, Robert Hansen, and most recently the Oklahoma bombing investigation in the McVeigh case.

I will be introducing legislation that will provide statutory protection for FBI whistleblowers to overcome the shortcomings of the legislation that was signed by President Bush in 1989. Those exemptions that were made from the FBI need to be taken out so the whistleblowers in the FBI have the same protection whistleblower in any other agency of Government. I hope the new Director will not only support this important reform but will work to ensure these important reforms are communicated clearly throughout the entire Bureau.

I believe that in order to regain the trust and confidence of the American people, the FBI must be open and fully responsive to differing points of view within its own ranks. More importantly, employees must be able to present these opinions in an atmosphere that is free of retaliation that happens so often against people whom we call whistleblowers.

Basically, within any organization there is a great deal of peer pressure to go along to get along. But that peer pressure also has the capability of covering up wrongdoing and bad administration. That is why the process of people telling the truth and coming out in the open is so important.

Without this freedom, the FBI will only continue to suppress and marginalize those who speak out, and things will go on in the FBI as they have for so long. That is not good. That is what has brought about a culture of arrogance—of believing within the FBI that the FBI can do no wrong.

Perhaps the greatest example of this type of retaliation against a whistleblower occurred in an investigation I made involving a whistleblower by the name of Dr. Fred Whitehurst. You may remember that when Dr. Whitehurst came forward with proof of abusive practices at the FBI crime lab, he was shamelessly discredited by senior FBI officials. An inspector general investigation—after going through all of those hoops I talked about—later supported the assertions made by Dr. Whitehurst and even got back his good name. Dr. Whitehurst won a settlement that ended up costing the American taxpayers $1 million.

There is something wrong when a whistleblower comes forward and he is not listened to, and he has to sue, and it costs the taxpayers $1 million to settle. He should have been listened to in the first instance.

We want to encourage an environment within all government agencies, that once people know that FBI, and wrong-doing is not covered up, that people who whistle-blow aren’t treated like a skunk at a picnic on a Sunday afternoon, that they are held up as somebody who ought to be honored rather than somebody who ought to be suppressed.

I want to make sure to mention that the comments I make about the FBI today, though, should in no way minimize the great sacrifices made every day by hard-working FBI agents and support personnel. These men and women serve their nation proudly. They deserve an organization that has integrity and credibility.

The FBI management system is broken. This does a real disservice to the hard-working agents on the street. When the FBI does what they are set up to do—to seek the truth and let the truth convict—they do their job right. But when there is an effort to cover up wrongdoing, that is when people and people are more concerned about the headlines and the public relations of the organization as opposed to the fundamentals of law enforcement—that is, these cases and a lot of others I have already listed—that is when their agency gets in trouble and loses credit.

In regard to these agents who do their work and do it right and because of this management culture that must be changed by the new Director, I have asked the Attorney General to provide me with information regarding the extent to which the new FBI Director will be able to institute the departmentwide reforms and to make staffing changes, including changes at the senior staff and management level.

I believe that a new FBI Director will only have a certain period of time—maybe a couple of months—in which he can make real change. In order for the new Director to take us in that time, he must be afforded maximum flexibility for staffing and policy setting.

I also agree that we have not done enough in Congress. I am not putting the blame just on the Department of Justice and the FBI. We have a constitutional responsibility of oversight. We spend all of our time legislating, giving speeches, passing laws, voting, and offering amendments. That is what most people think being a Congress man is all about. But also, once laws are passed, the checks and balances of our Constitution require that we do our constitutional job of oversight; that is, that we make sure that the laws that are enacted and that money spent appropriated by Congress is spent within the intent of Congress and that the law is enforced within the intent of Congress. Congress does not do a good enough job. For too long we have seen mishap after mishap occur, with the end result being more money and more jurisdiction for the FBI. The Director of the
FBI comes up to Capitol Hill, everybody sees the Director of FBI, and they just melt. The Director of the FBI says a couple of mea culpas and walks out of here with a nice pat on the back, and probably a bigger appropriation.

That is not oversight. That is just business as usual. One way this can be improved is through the creation of a subcommittee within the Committee on the Judiciary that would be directly responsible for FBI oversight.

We need to help the FBI change the kind of culture that places image and publicity before basics and fundamentals. We need to help the FBI change the kind of culture that holds press conferences in high-profile cases before the investigation is complete and all the facts are in, and when all the facts are in, then the FBI has egg on its face.

Yes, the American people deserve the kind of agency that won't make the kind of mistakes the FBI has made in the Wen Ho Lee and the Atlantic Olympic bombing case, and the Waco case and the Ruby Ridge case. But, more importantly, the American people deserve an agency that is honest and forthright about their errors; in other words, very transparent.

As one of our Supreme Court Justices said 80 or 100 years ago, the best disinfectant is sunshine. Let the Sun shine in and there won't be mold. That is transparency. That is the way the American Government ought to operate.

I look forward to getting down to the business of helping the FBI and its next Director regain the trust and confidence of the American people.

I yield the floor. I thank the Presiding Officer for waiting for me to speak tonight.