Third, establishing that illegal immigrants do not qualify for any Federal or State welfare programs;

Fourth, prohibiting illegal immigrants from qualifying for taxpayer-provided health care services;

And finally, creating a new $3.5 billion Federal fund to assist hospitals with the cost of emergency health care to illegal immigrants, with $1.6 billion of that going to the State of California.

Mr. Speaker, it was wonderful that the president would stand here and talk about this issue, but he has been given the opportunity to address those concerns that not only the people in that State, where 54 electoral votes are held, but people around the country are concerned, and when he has been given that opportunity, he has chosen to bring out his veto pen and in fact slap the face of those who have been focusing on this issue.

He opposed proposition 187 in California, which passed by an overwhelming landslide, people saying that the State of California should not be responsible for what is clearly a Federal issue. So it saddens me that while I am pleased that the statement was made, that the record of President Clinton on the issue of illegal immigration and the record of past congresses in the control of his party is that people have chosen to ignore this. In the past year, we have successfully stepped up to the plate to deal with it, and unfortunately, the President has chosen to veto it.

Mr. Speaker, I include for the RECORD the letter of January 24, 1996, to which I referred:

CONGRESS OF THE UNITED STATES,
OFFICE OF THE SPEAKER,
Washington, DC, January 24, 1996.

Task Force on California.

DEAR MR. PRESIDENT: I was greatly encouraged by your decision to include addressing illegal immigration as a national priority in Tuesday's State of the Union Address. However, in this light, I was dismayed by your veto record that has killed historic congressional proposals to combat illegal immigration and lift the burden of illegal immigration from states like California. These proposals include:

Providing $500 million to reimburse states for the cost of incarcerating illegal immigrant felons in state prisons, tripling prior year funding and relieving California taxpayers of a $300 million burden;

Increasing funding for INS border control efforts by $300 million to add 1,000 border patrol agents and 400 inspectors;

Establishing that illegal immigrants do not qualify for any federal or state welfare programs;

Prohibiting illegal immigrants from qualifying for taxpayer-provided health care services; and

Creating a new $3.5 billion federal fund to assist hospitals with the cost of emergency health care to illegal immigrants, with $1.6 billion targeted to California.

While I was disappointed in 1994 when you chose to oppose California's Proposition 187, which was overwhelmingly supported by California citizens, it has been more disheartening to see vetoed the California delegation's efforts to implement federal policies to meet the goals of Proposition 187. I look forward to working with you to see each of these measures, as well as comprehensive immigration reform, enacted this year.

Sincerely,

DAVID DREIER,
Chairman.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, there's more than meets the eye when we hear the Republicans talking about their plans to keep the Government running through the rest of the year.

Their latest plan is to introduce a new temporary spending bill each month to keep the Government running.

That plan might not appear too bad at first to the public but when the American people take a closer look they'll quickly see that this month-by-month approach will leave our schools and teachers with the two main ingredients for disaster—too little time and too little money!

Right now is the time of year when schools—elementary schools, high schools, and colleges—begin to plan for the next school year which, in case my friends on the other side of the aisle have forgotten, begins in September.

Schools can't wait until the new fiscal year to hire teachers, buy books and computers, and repair damaged buildings.

If we don't pass a year-long appropriation, elementary and secondary schools won't know how many teachers they can afford to hire. They won't be able to plan special programs. Students at postsecondary schools could be hurt even more by the Republican strategy. If Congress does not set the maximum amount for Pell grants, colleges and universities won't be able to figure how much financial aid their eligible students will get.

Even worse, students won't know if they will receive the financial aid they need to go to college.

That's not how we should be treating our Nation's students.

But, on top of robbing our schools and students of crucial planning time, the new majority month-to-month approach to governing is going to rob them of crucial funding.

Let me make it clear. If the Gingrich Republicans continue to fund education at the level in the continuing resolution that is set to expire this week, education will be cut by a total of $3.1 billion below last year.

And that, my friends, will be the largest cut to education in the history of this country.

You have to wonder what they are thinking on the other side of the aisle. At a time when numerous polls show that improving the quality of public education is the top priority for Americans, the Gingrich Republicans are planning to cut funding for education more than it has ever been cut before.

The Gingrich Republicans' sneaky assault on education, however, shouldn't come as a surprise to anyone because the new majority has already passed some of the most antieducation legislation I have ever seen.

Just take a look at the education budget for 1996 which the House has already approved.

This terrible bill cuts: Head Start, Chapter One, Safe and Drug-free Schools, School-to-Work, and vocational and adult education.

In all, it cuts education by 13 percent in 1 year alone—13 percent.

But that's nothing compared to what they want to do to our education system over the next 7 years.

The new majority's 7-year budget plan would deny Head Start to 180,000 children by 2002.

It eliminates Goals 2000, which helps schools meet higher national standards and increase parental involvement.

It kills Americorps, which has provided thousands of Americans with college tuition assistance in exchange for community service.

And, it cuts in half the President's program aimed at helping schools bring technology into the classroom.

Under their budget, my State of California alone will lose, among other things, $1 billion for the School Lunch Program, and over 181,000 Californians will be denied participation in the cost-effective Direct Student Loan Program.

My friends, that's the wrong direction, and that's not the way we are supposed to be taking care of our children.

Mr. Speaker, we can balance the budget, but it does not have to be on the back of our children and their education.

As the President talked about in his speech last night, we can continue to move this Nation forward without leaving those who depend on Government the most—our children and their education—behind.

Let's stop playing politics with our Nation's schools and students. They need time to plan, and they need adequate funding to meet the growing needs of our students.

I urge my colleagues to pass a clean continuing resolution immediately that ensures that our schools can do their jobs, so that our children are prepared for the challenges of the next century.

☐ 1700

LEARNING FROM OUR HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, while my good friend from Arkansas is in the chair, I plan not to bore you, sir, but to educate you. You are already pretty darn educated, and I love your State; and I have told you more than once,

there are 23 Medal of Honor winners from Arkansas, and it is a great State. And it is under a cloud for awhile, but it is going to be liberated 286 days from right now, 285 from when we wake up in the morning, to regain its place in the pantheon of the 50 American States.

Let me take a moment again to do what I did in one of the five times I spoke today, a 1-minute four times on the defense bill, and point out again the headlines from yesterday, last night, or the headlines this morning.

Mr. Speaker, are you aware that last night, because I was on television a year ago last night on all three networks, CNN all day long, PBS, because I inadvertently used formal words from the U.S. Constitution about giving aid and comfort to an enemy. I had not realized how archaic this language was.

I carry around a Constitution most of the time. Here it is. What it says in article III, section 3, in very archaic language, listen to this and why I should have said sustenance and support to the Communist enemies in Hanoi, referring to a certain 23-year-old Rhodes scholar who is ditching class to travel Europe lobbying for a Ho Chi Minh victory. But here is article III, section 3, and of course I did not mean treason. You have to be very smart and diabolical and clever to be engaged in treason.

Article III, section 3, U.S. Constitution: Treason against the United States shall consist only in levying war against them, meaning the States, they always wrote that way in our pre-Civil War, true Federalist period, or in adhering to their, the States', enemies, giving them aid and comfort; and in the original document, they actually gave a capital letter A to aid and a capital C to comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court. Even then, our original Founding Fathers, the colonialists, British citizens, tell the Concord Bridge and Lexington Green gunfights, they were very strict about what treason is. So, of course, I meant nothing about treason.

I had my words taken down, and I refused to apologize because the essence of my remarks was true and is true now, that when Mr. Clinton puts in the gallery Barry McCaffrey, I didn't have time in my 1-minute to really explain that General McCaffrey is one of our combat CINC's. He is the Commander in Chief of Southern Command, stationed in Panama. He is an outstanding man, and when I met him in Desert Storm as the two-star major general division commander of the 24th Mechanized Infantry Division, not knowing then, unless he had the battle plan, that Schwarzkopf, General Schwarzkopf would pick him to be the point of the spear and to be the main trusted armored force, backed up by the 101st Airborne in the Harbor Division like the 101st that is now in Bosnia coming down from Europe, brigades thereof, that he would be the point of the spear, circling into Iraq, cutting around Kuwait, and that he had been allowed to complete his mission and he was shocked that he was not allowed to, as I saw him so state on television in a documentary.

He could have taken Basra, cut off the Republican Guard. Tens of thousands of Kurdish men, women, and children would not have been butchered in the north. Saddam Hussein would have been captured and executed by his own officers, 400 of whom he tortured to death because we didn't end that war, like the person that my good and honorable friend George Bush called Hitler.

So here is Barry McCaffrey, two stars. He gets a third star. Clinton comes into office, McCaffrey is coming over as Chief of the Joint Chiefs, and he is sitting in the waiting room at the White House 2 years, 10 months ago, and a prepubescent puke staffer of Clinton's walks up to him when he says, good morning, and she comes over to him and leans in his face and says, we don't talk to people who wear the uniform down here at the White House.

Now, Clinton told Gen. Colin Powell, who was then Chairman of the Joint Chiefs, try and get me an I.D. on this young woman staffer and we will nail her; and Colin Powell promptly said, I am not interested in who it is or finding out who this one person is. Change the attitude of your staff toward people in the military.

Well, of course, all of this was picked up from the top down, from the loathsome remarks in the letter to one of Arkansas's great retirees, Bataan Death March survivor Col. Eugene Holmes, and had the honor 11 months ago to have dinner with him and his beautiful Irene, his wife of 55 or 60 years down in their home in Fayetteville. This letter still resonates in my head when I look up at Mr. Clinton standing there at that roster where Winston Churchill has stood more than once, Douglas MacArthur has stood, all the great and not-so-great leaders of the world of late, and I look when he talks about families.

And I look at my own stickers and bumper stickers and signs that I have used all during this Presidential quest and it says, Faith, Family and Freedom, the motto of all of my congressional campaigns, and I hear this resonate in Clinton's remarks last night. Faith, family, and he talks about this noble Gen. Barry McCaffrey fighting for freedom and for his country.

As I pointed out this morning, Clinton could not gag out of his throat the word Vietnam. He talked about McCaffrey's Silver Stars, two of them; most people die earning that highest decoration. It is No. 3 after Medal of Honor, Distinguished Service Cross. He said he had three Purple Hearts, as my dad did in World War I, but he could not tell us, sitting next to his beautiful daughter Chelsea and then Mrs. Clinton and on this side the great hero survivor of the Holocaust, 14 years of age, survived a hell on Earth, the horror of Auschwitz. Clinton couldn't refer to General McCaffrey and say, he won those honors fighting for his country and fighting for the country of Vietnam that I helped to turn over to communism and that I am now normalizing relations with the Communist killers who tore up General McCaffrey's arm, gave him those three Purple Hearts, using Russian equipment and Russian bullets and AK–47 rifles to tear up this young captain's body.

And where was Clinton when Moscow was sending those weapons to Hanoi? He was in Moscow. Unbelievable.

Now, here are the headlines, Mr. Speaker. Clinton Embraces GOP Themes in Setting the Agenda. Wednesday, today, January 24, 21 years ago today my hero dad died. As I said in my 1-minute, he would be tormented by the lack of character and integrity at the top of our Government today.

The era of big government is over, Clinton tells the Nation. Here is the New York Times, America's so-called mother paper, whose motto is, All the News That's Fit to Print, Clinton offers challenge to the Nation, the era of big government is over. Subtitle, appeal to voters, tries to preempt the GOP message.

How about this one; that was the New York Times. Here is the Washington Times, a better newspaper if you are looking for hard-core truth or conservative reporting. Clinton concedes the end of the big government era, State of the Union stresses responsibility and self-reliance.

Well, before the media would—before the media calls me and says, well, what would you have done as a theme tonight? I thought back to something written 23 years ago by Alistair Cooke. Some people may remember the great character Archie Bunker. He called him Alistair DeCooke.

Alistair Cooke was one of those rare people who kept his British homeland citizenship and became an American citizen. He came here in 1938 right before World War II as one of the young reporters for the BBC. He stayed on to be the immediate prior host of Masterpiece Theater. He loved the United States, loved our mother country, brilliantly reported for Vogue. And my colleagues who may be listening, I am joined on the floor by my pal, SONNY BONO of California. SONNY, I want you to listen to this for your kids.

Mr. Speaker, listen to Alistair Cooke in a birthday present for our 200th bicentennial, written 4 years in advance in 1972, published by Knopf & Company in 1973, run on television in 13 wonderfully produced 1-hour presentations, 13 documentaries, called Alistair Cooke's America, rerun 3 years later in our exact bicentennial year.

Here is his present, and imagine if Clinton had said words like this. Now, remember, this is written 24 years ago this spring and summer.

What is fiercely in dispute, Mr. Cooke says, between the Communist

and non-Communist nations today is the quality and staying power of American civilization. Who uses that term more than any of us, ''American civilization''? Why, our Speaker, NEWT GINGRICH. Maybe NEWT is on to something.

Every other country scorns American materialism while striving in every big and little way to match it; envy obviously has something to do with it. But there is a true basis for this debate, and it is whether America is in its ascendance or its decline.

Cooke continues, and I used to have this memorized, the next three paragraphs, probably could still recite it without looking at the page, but I want it to be precisely correct. I traveled to all 50 of our States on child pornography, all of 1973, 1974, 1975, and intermixed with my campaigning in my first congressional victory in 1976, opening my speeches all over America, including Arkansas, Mr. Speaker, with these words: I myself, Alistair Cooke, think I recognize here in America several of the symptoms that Edward Gibbon maintained were signs of the decline of Rome and which arose not from external enemies, but from inside the country itself.

Then I would take a footnote and quote Abraham Lincoln when he was about 38 years of age where he said this country would never be conquered from outside, no despot would ever take a drink of water from the Ohio River; that if we collapsed, it would be suicide from our own decadence.

Alistair Cooke continues, the signs of Rome: a mounting love of show and luxury, a widening gap between the very rich and the very poor, our liberal colleagues could agree with that one, an obsession with sex.

Think of modern American television today: prime time, afternoon soap operas, slime-ball talk shows. They are still on, all claiming they will reform within the next 6 months, still running ads backing, trying to seek broken and dysfunctional families to come on and make fools of themselves, an obsession with sex.

Get this next line, Mr. Speaker, and think how many debates we have had in the last decade; this is written 24 years ago: Freakishness in the arts masquerading as originality, and enthusiasm pretending to creativeness, these symptoms are shared by Western Europe, though they seem to be milder there, only because America has a livelier tradition of self-criticism. Thank heavens for our self-criticism.

In the past decade, that would be 1963 to 1973, America has demonstrated the Roman folly of exercising military might in places remote from the centers of power. He is referring to Vietnam. Could that also mean Somalia, Haiti, or Bosnia in the Balkan winter?

Cooke continues, And in finding herself, America, so frustrated by the stamina of primitive peoples on their own ground as to fall back to the Roman conclusion that, and he is quoting from original Roman 2,000 years old, nothing could reconcile the minds of the barbarians to peace unless they experienced in their own country the calamities of war.

And who used that immoral Roman policy on the Vietnamese, the Laotians, and the Cambodians? Robert Strange, his mother's maiden name, I guess, McNamara. That criminal, McNamara, who has poured salt into the raw wounds of all of the MIA families across this country with his groveling Council of Foreign Relations-organized trip to Hanoi and his appearance on talk shows across this country with some sort of gutless apology for what he did not only to our young men and our eight nurses whose names are on the Vietnam memorial wall, but what he did to millions of South Vietnamese and North Vietnamese, and eventually created the failed pattern by a gutless President LBJ to turn all of Southeast Asia over to communism.

□ 1715

So it is McNamara that he is talking about here in 1973, even though he resigned 5 years before, but McNamara was still in his 5th of 13 years at the World Bank, drawing about, in now dollars, $800,000 to $900,000 a year tax free for 13 years since he walked off the battlefield in Vietnam, McNamara, and only did it come to an end in Reagan's first year of 1981.

Back to Alistair Cooke's TV series and the book that grew from it, ''America.''

There is too, Cooke says, the general desire to live off the state, whether it is a junkie on welfare or an airline subsidized by the Government.

We did end that during my tenure here.

In a notion that Washington, big daddy, will provide, and most disturbing of all, a developing moral numbness to vulgarity, to violence, and to the assault on the simplest of human decencies.

This is written 24 years ago. Quo vadis, whither goest thou? What have we done since then? Yet the original institutions of this country still have great vitality. The republic can be kept, but only if we care to keep it.

There Alistair Cooke is paraphrasing the great Benjamin Franklin some 200 years earlier.

Much of the social turmoil in America springs from the energy of people who are trying to apply those institutions to forgotten memories and who have awakened after a long sleep.

I thought Republicans, conservatives, because the other power was decaying and were devoid of ideas, I thought we would take that power in the late seventies, and because of Watergate, and again corruption at the top, my party was to wander for 40 years in the political desert.

Back to Cooke: As to the rage to believe that we found the secret of liberty, in general permissiveness from the cradle on, that is liberal permissiveness, this seems to me a disastrous sentimentality, which, whatever liberties it sets loose, loosens also the cement that alone can bind any society into a stable compound.

A code of obeyed taboos. That means taboos on child abuse, homosexuality, adultery, all the taboos that are written into Mosaic law and written about powerfully and poetically in the Old Testament, the Bible of the Hebrew people.

I can only recall the saying of a wise Frenchman that ''Liberty is the luxury of self-discipline.''

Self-discipline. What does Clinton say last night? He stresses responsibility and self-reliance. Self-discipline. What a source for those virtues.

Historically, those peoples that did not discipline themselves had discipline thrust upon them from the outside. Usually, Mr. Speaker, in a bloody revolution. Or in a bloody revolution. That is why, Cooke continues, the normal cycle of life and death of great nations has been first a powerful tyranny, broken by a revolt, the enjoyment of liberty, then the abuse of liberty, and back to tyranny again. As I see it in this country, America, a land of the most persistent idealism and the blandest cynicism, and this is where it ended my memory of these paragraphs, the race is on between its decadence and its vitality.

The race is on, 24 years ago. And what a race it has been these last two-and-a-half decades. How did anybody ever believe that somebody with such disrespect for the Presidency, the office of the Presidency, would come to us as a perpetual Governor in a one-party State, changed by the gentleman in the chair and a vibrant growing Republican Party in Arkansas, that a person would come to the Democratic primary process with so much baggage that we are still reading in our papers about grand juries and suicides and is it a murder and Whitewater and one horrible $100,000 bribe hidden by cattle futures; Jennifer Flower's name ricocheting around, Paula Corbin Jones, Marilyn Jo Jenkins, Sally Perdue. And I am lectured to? In the week my grandchild is born, that I must cherish the children? And I must be a good family man?

Look at these quotes that I wrote down last night. I did not want to be disrespectful to the office, so I did not sit in this Chamber. Here is the first note I took down. The era of big government is over.

That is what I said when I ran for Congress in 1976. Citizens must not be left to fend for themselves. What does that mean? Is that what Alistair Cooke was talking about, big daddy, let Washington do it? What has that got to do with self-reliance and responsibility?

Is it the command of Mother Teresa, who shook my hand on December 8 and said, ''When you are President, a special love for the poor and vulnerable.'' But she means all those little infants in their mother's wombs. Yes, she commands us and every rich nation in the

world to love the poor. But I do not think that is exactly what we were talking about last night, because any time either one of the Clintons meets with Mother Theresa, they give her great lip service, and then disregard everything she says the minute when she leaves their country. The same with Pope John Paul II, Billy Graham, or the head of the Southern Baptist Convention.

Self-reliance, teamwork, we must have both. That is what we are developing on this side of the aisle, teamwork. He talks about a new, smaller Government, finally, when we have $5 trillion of debt and we are heading for $6 trillion, before we begin to even turn around that debt.

I was in the well the day before yesterday with Molly Christine Oona Dornan, Molly O. Dornan, not 10 days old when I had her here, and look at the debt that we have already put on all of my 10 grandchildren. Although like I am seventh or eighth here in the House, I am like a piker compared to JIM BUNNING who is sitting here with 28 grandchildren, or HENRY GONZALEZ, with 31 or 32 and a couple of great-grandchildren, or RON PACKARD, one of my colleagues from Orange County, who has 32 grandchildren, I think.

What a debt we have put on all of these kids. When I talk about our posterity or our children around here, I am thinking of names and faces. I have got five and five now, five grandsons who are going to be told you can do anything with a woman you want, and have high school kids say to me. And on my other side, I have five granddaughters. Every single one of these shows I turn on now is all T&A, and in the trade they know what that means.

Mr. Clinton says last night he wants to meet with the executives of the television industry. SONNY BONO is trying to do a terrific job to try to talk common sense to these people. That was one of the best real lines in the speech. Produce things you want your children to look at. That does not means a tough version of Shakespeare or violence where it is necessary when you are doing a cocaine story in South America or something. But this mindless violence, even by some conservative producers, and Sylvester Stallone's name comes to mind, and other people, Arnold Schwarzenegger, who are supposed to be associated with the Republican side of events and issues. This worship of violence, egregious, promiscuous sex, and a sneaky little message that drugs are OK, I do not know how we are going to get it done under this Presidency, over the next 286 days, any more than we did under Mr. Nixon.

Here was the plea last night. Stronger families, a stronger America. There it is, faith, family and freedom. I guess we can thank God for small favors, that he did not say he was the new and everlasting covenant again. That is Jesus Christ, the Son of God.

He still does not get the second amendment straight. That was wrong. And I repeated what got me my words taken down last year about claiming that there is no Russian missiles pointed at us. What got me a little exorcised a year ago this week was he said we won the cold war.

That brought to mind the joke I heard as a kid when Tonto and the Lone Ranger were surrounded. He says ''What are we going to do, Tonto?'' And says ''What do you mean we, Kemo Sabe?'' No we. Clinton had nothing to do with winning the cold war. Never lifted a pinkie. As a matter of fact, he was helping the other side, because it was an undeclared war. Again, there are people I call traitors. He is not one of them, not some misguided 23-year-old student ditching class at Oxford and traveling through all the Scandinavian capitals who were on the wrong sides of that conflict for freedom against Barry McCaffrey and his quest to rid Vietnam of oppression, as my dad helped rid France of oppression at the beginning of this century.

No, we have got one heck of a battle before us. And let me give some good news here on the defense authorization bill that we just won with 287 votes to 129. Now, just some simple arithmetic for young students who may be following the course of events here on the floor. Mr. Speaker. To override a President's veto in this House you need two-thirds. Two-thirds of 435 is 290. So if you are looking up at the lights at either end of the Chamber and you see that they hit 145, you know that the President is going to be supported in a veto. They hit 129.

We did not have to hit 290, although I saw three Republicans running who missed the vote, who were all going to vote with me, so we would have hit 290. Now, if he vetoes this defense authorization bill because of Dornan language in it to cut off abortions, to put out of the military, respectfully, gently, over 6 months, with full military hospital service and an honorable discharge, people who stuck a filthy needle in their arm, rolled up their white, khaki, or blue sleeve to stick a needle in their arms and get infected with the HIV virus, and we are going to give them an honorable discharge. If they go to a men's room and have unsafe sex with a stranger, anal sex, we are going to give them an honorable discharge in 6 months. If they go to a house of prostitution and have sex, against orders of their commander, do not go to that house of prostitution, it is off limits, every prostitute is infected with AID's, and they break the law, dishonorably, and go, they get a 6-month time to adjust their affairs, FIIGMO, FIIGMO means, let me get a softer version, ''forget it, I got my orders.'' They will not be productive for 6 months. And then they get an honorable discharge, while Michael New, who would not put on the U.N. beanie or wear the U.N. patch on his military uniform, which is in the regs that he should not have to, today he got a bad conduct discharge in Germany. As the chairman of Military Personnel, Mr. Speaker, you better believe I will be having hearings on that.

So there is the two bad things about the defense bill today. Why we had to take out U.N. command and control beats me, but is that going to be a key Presidential issue of the next 286 days? And I have been on that trail without much money, back in the track, let me tell you without refutation, Mr. Speaker, the surest standing ovation in Republican primaries, whether it is Buchanan or Keyes or Lamar Alexander or our leader in the other body, BOB DOLE, the minute one of us says to U.S. men and women under foreign or U.N. control, instant standing ovation, Mr. Speaker, pounding standing ovation, long. And Clinton wants to take that one on and demanded that we take our language out of the bill.

Here are a few notes on that. In vetoing the defense bill, in part due to the provisions on U.N. and foreign command the control, Clinton demonstrated once again he is more interested in furthering the multilateral agenda of the United Nations than in looking out for the welfare of U.S. troops.

This is all from Mr. SPENCE's team, these talking points. The provision in question would have required by law that before placing U.S. troops under the operation and control of the United Nations, or any other foreign entity, a President would have to certify that it would be in the national security interest to do so. It would not have prohibited a President from placing U.S. forces under the U.N. control. It would have merely required that he formally justify such action in writing to this Congress, thereby to our American people. Rather than weaken our provision, the conference agreement drops this provision. Again, no deal is better than a bad deal.

This action represents a continued commitment to the principle that only qualified U.S. commanders, like Barry McCaffrey, should command U.S. troops in battle.

In contrast, the Clinton administration continues to insist, I call this the Strobe Talbot factor, the Clintons had dinner with him again on New Year's Eve or New Year's Day while our troops, and I, were in Germany at the railheads, trying not to mash their fingers in ice rings, lashing all that heavy armored equipment to trains that go through disgusting railheads in Hungary where, there were no toilet facilities or anything, and there is Clinton golfing at Hilton Head at South Carolina with Strobe Talbot.

But the Strobe Talbot factor is to place U.S. troops under the operational command of U.N. commanders during so-called peacekeeping or peace enforcement operations, this in spite of the U.N. having repeatedly demonstrated in Bosnia and Somalia, and I have left out Haiti, a nightmare waiting to explode, the incompetence of the U.N., their negligence in attempting to

carry out the most rudimentary of military operations.

□ 1730

The Army officer friend of mine just back from Haiti said the whorehouses in Haiti are thriving with U.N. personnel on a revolving-door visit policy, just as they went to the houses of prostitution like Sonia's Kontiki in Bosnia where some of the women being held there were slaves under the control of renegade Serbian Bosnians.

Accordingly, we conservatives remain committed to limiting the ability of any administration to place U.S. forces at risk on behalf of the United Nations and will aggressively pursue our policy in any number of legislative vehicles during the upcoming session of Congress, and we are well into it.

Now, national missile defense. This one blows my mind. In the week that one of my heroes, Danny Graham, three-star general, West Point graduate, son of an Army sergeant major, Danny Graham was buried at Arlington this week. In the week that General Graham is buried, the father of high frontier. The main civilian, albeit retired military, proponent of strategic defense, the strategic defense initiative. One of the men, that great genius, Dr. Edward Teller brought the idea to Ronald Reagan.

Danny Graham died too young a man. He was 75, and Danny was buried with full military honors, because he is a former head of DIA, a No. 2 man at CIA. A three-star general's funeral at Arlington is something that will not leave any dry eye with any patriot in the audience. The week he is buried, this Paul Revere, as I used to call him when I would introduce him. I worked for him during the 2 years I was out of this House when I had to move from West Los Angeles to Orange County to continue my congressional career.

In that week, Clinton vetoes, jerks out of our bill with his veto power, National Missile Defense. Clinton's veto of the original defense bill further the differences between the Congress, which supports the deployment of a national defense way in the majority here and in the Senate, and Clinton who has now demonstrated his opposition to defending the American people at home in America from ballistic missile attack.

Rather than compromise on an issue of principle, the national missile defense language opposed by Clinton was removed from the bill we passed today. To modify it to meet the White House's objections would have weakened to the point of making it meaningless.

The fight goes on, Mr. Speaker. On a matter of principle, no deal is better than a bad deal. Other ballistic missile defense related provisions have been retained, particularly the one I championed, Navy high-tier, upper-tier missile defense. We kept in the additional $450 million for the establishment, just transferring it to a core theater missile defense, TMD.

The acceleration of key theater missile defense systems, that is where we protect our men overseas and women, and the allies who are with us, which is fine, should be done and a moral thing to do. But what about the wives and husbands and children and families back in the good old U.S.A.?

We have provisions which will prevent Clinton from implementing any agreement with Russia on theater missile defense demarcation, quote-unquote, unless certain conditions are met. We House Republicans remain committed as ever to pursuing an aggressive policy to protect the American people from ballistic missile defense. Our fight will continue on several fronts, including the fiscal year 1997 budget cycle, which begins any day now, where we start our housekeeping with 13 appropriations spending bills.

The gentleman from California, Mr. BONO from the gorgeous lower desert of California, Palm Springs and that area, it was a year ago tonight, give or take a few days, that the gentleman regaled the glitterati, the cognoscenti, the Washington press corps, and told them that his introduction to the rough and tumble in the House was BOB DORNAN in the well with a 1-minute critiquing Clinton, and he thought I was going to eat the lectern that he is now leaning on.

Mr. BONO. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN]. I did, approximately a year ago, joke with him and that is the way he took it. But I just want to say about Congressman DORNAN that he is not to be taken lightly. He is a fighter, if I have ever seen a fighter. He is a man that lives, breathes, and sleeps what he believes.

There is not a hypocritical bone in his body. There is no hypocrisy in the man whatsoever. And so I am proud to be his friend. When I listen to him sometimes, the determination that he pursues a fight to bring America where it should be, and continues, whether the odds are a million to one or 1 to 1, and I know this, until his dying breath, he will never quit.

So, I am proud to call him my friend and I am proud that he is on our side. I am proud that he is working so hard for this country, and I thank him.

BOB, did I hear the President say he wanted charter school systems last night?

Mr. DORNAN. Yes, you sure did.

Mr. BONO. I find that fascinating, because in California, we had Proposition 174. I think you recall that. The Democrats were vehement against Proposition 174, which simply said we should have the right to school choice. Last night I heard the President say we should have the right to school choice. That is baffling me, Mr. Speaker.

I think he even mentioned vouchers, did he not, BOB?

Mr. DORNAN. He sure did.

Mr. BONO. Mr. Speaker, we again said we want vouchers, not for the rich, but for everybody so that they could choose what school their children went to.

I was not going to come down here, but I heard Congresswoman WOOLSEY talk about education. First of all, our budget increases education. It does not decrease. So, where or why she has concluded that it is a decrease is simply not the facts.

It is so frustrating to come to this body and listen to talk or rhetoric or whatever you want to call it, and hear people just say whatever they want to say and it has nothing to do with the truth. I guess that is why I ran for office.

Last night, the President talked about education. He revered education. Education is a wonderful thing, and as I said, we have increased funding for education. But he left out, I guess, kindergarten to elementary because in elementary schools now, they have barbed wire along the fences right now. I would love to send my children to a public school, but I would not dare.

Mr. DORNAN. Not to keep people in, but to keep thugs and drug pushers out.

Mr. BONO. I would love to send them to a public school so they would have that kind of exposure to total life, but I would fear for their lives.

I remember when I was a little boy, the President was saying how rosy things are now, but I remember when I was a little boy, 5 years old or 6, I could walk to school. I guarantee you if your child walked to school now at that age, he would get kidnaped and molested and probably killed. So to say things are so much rosier and better now is simply not true. Our public education system at that level is horrible. It is dastardly.

If you send your child to elementary school now, the chances of him or her getting an education are impossible. It cannot happen. Fortunately, I have a few dollars. I can send my kids to a private school.

Mr. DORNAN. You mean like Sidwell School, like where beautiful Chelsea goes?

Mr. BONO. Exactly. Exactly. Which again is very interesting, because schools are so safe and so wonderful, but our very own President sends his child to a private school. I never could figure out the justification for that.

Mr. DORNAN. SONNY, reclaiming my time. Let me read one of those opening paragraphs.

Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore (Mr. HUTCHINSON). The gentleman has 20 minutes remaining.

Mr. DORNAN. Mr. Speaker, listen to this. This is the paragraph after the ''thank you'' to the Speaker and Mr. Vice President and Members of the 104th Congress, and other pleasantries. ''I want to begin by saying to our men and women in uniform around the world.'' That is great. He is always with them taking photo opportunities, but we wonder still why he cannot gag

out the word Vietnam, although he did slip once last night in introducing another hero from the Oklahoma City bombing. He slipped and said he had been a Vietnam veteran. That is the first time I ever heard him say the word. He did not say that in the order to sending our men to Bosnia. He mentioned Northern Ireland and every war we have been in, but he forgot to mention Vietnam. Interesting. And all the Vietnam senior sergeants and officers noticed it. Now he says the state of our Union is strong, but your kids cannot walk to school.

''We have created nearly 8 million new American jobs.'' That is still way below what Ronald Reagan created, and he created it by cutting taxes. If Clinton had not created the largest tax increase in the history of any nation and all of civilization, because we cannot codify what the Egyptians got out of slave labor, this is the biggest tax increase in history.

But here is a part germane to what the gentleman is talking about. He says, ''Our leadership in the world is strong.'' We are the last superpower because of what Reagan and Cap Weinberger and George Bush did, not because of him; not the way we are chopping back the military.

He says, ''We are gaining ground and restoring our fundamental values.'' Not according to what the gentleman just said. He said, ''The crime rate is down.'' That is a misrepresentation. The baby-boomers are aging out of their high-testosterone-lending-itself-to-violence period. But at the bottom. The violence among young people is worse than ever.

He says, ''Welfare rates are down.'' They are not. ''The food stamp rolls are down.'' They are not. That is a misrepresentation. And then he says, ''The teenage pregnancy rate is down.'' That drove our Whip, the gentleman from Texas, TOM DELAY, up the wall. What country is he looking at? Because I saw the gentleman from Ohio [Mr. TRAFICANT] take him on, and I saw our one Independent, the gentleman from Vermont [Mr. SANDERS], cheering, ''That is right.'' It is not that rosy.

We do have problems with our workforce. And then he says, ''We live in an Age of Possibility.'' That sounds like Jack Kemp and NEWT and the Opportunity Society and all the upbeat stuff that we Republicans are getting BOB DOLE to talk about, and that is what is giving Steve Forbes the shot, with his inherited millions, in the number 2 spot.

But, back to Mr. BONO and a reality check on how rosy things are.

Mr. BONO. Thank you for pointing out exactly what I am talking about. You know, I chose to be a Republican because the symbol of Republicans is responsibility. Selling the message of be a victim is an easy message to sell. It is probably 200-to-1 to sell, a message of ''Be responsible.'' But this man has been talking for half an hour about that we have to become responsible. Well, we must become responsible.

I get so fed up when I hear the other side come down here in this well and just say whatever they feel like saying. And when Congresswoman WOOLSEY took off on education, education stinks. I cannot say it another way. It stinks.

We spend more money than anybody and have the worst results. So now the solution to that is to spend even more money and still have it not achieve anything? No, that is not the truth. No, that is not what we should do. We should really look at our educational system and find out what we are doing wrong, which is staggering, and make an attempt to start doing things right so that all children, like when I was a little boy, can go back to public school again, which is almost impossible in this day.

Public schools do not teach. They are not safe. They have become political. They do not stand for what they are supposed to stand for any longer.

So, to paint that rosy picture about education just disturbed me so much because I wanted so badly for my two little children to go to public school and experience that, but I cannot. I would not dare do that to them.

Now, I am telling you the truth, and I guess the other side finds the truth unpleasant and, therefore, they prefer to not tell reality. Reality, when they say how mean we are. Well, when we talk about Medicare, all we are trying to do when we talk about Medicare is instead of ending it in 7 years, which is what will happen now if we continue on this rosy path that supposedly exists, it will end in 7 years.

□ 1745

We have extended it to 5 years. So we are telling you the truth. It is so hard to tell you that truth because it is so much easier to hear, do not worry about anything. There is plenty of money here and we will give it all to you. That is a lie. We do not have plenty of money. We owe $5 trillion and we are starting to work on 6, and that is going to accumulate fast and that rubberband is going to break very soon.

I think that all my colleagues, including Mr. DORNAN, I give them credit for being brave because what we are trying to convey to you is not necessarily popular and it can hurt our polls. It can hurt our public relations. It is so much easier to say rosy things, but to not tell you the truth, to not let you really confront the future as it is going to exist in reality but paint a rosy picture is a lie.

I did not come here to lie. I came here because I think we are at the edge. We are right at the cliff. If we do not grab this country and bring it back, it will dissipate and explode and we will not have it anymore.

Mr. DORNAN. Let me ask Mr. BONO, a freshman, as well known as any of the freshmen in that exciting group of 73 people, was this first year for you more difficult than you imagined it would be? Did we accomplish more than you thought? Is your energy and your optimism level still at high pitch?

Mr. BONO. I follow your example. I am very impressed by the amount of energy that you put into this job and not necessarily deal with the consequences. I happily go in that path of whatever the—I am dedicated to saving this country. So my energy will always be 110 percent.

Mr. DORNAN. We only have about 6 months. We are going to vote tomorrow, Wednesday, Thursday next week, then no votes until after the Iowa caucuses and the primary at the end of February, February 20 in New Hampshire. Because BOB DOLE is the leader and wants to be in those States, there will not be any votes in the Senate, none. So then we have March, April, May, June, and July, that is 5 months, out for August. We come back for a wild September, hoping to get our 13 spending appropriations bills, our housekeeping work here finished by September 30. We will be out in the first few days of October to have 1 month to campaign. So we are talking about 6 months.

What I am building up to is, do you appreciate how the American people in their own enlightened self-interest should give the Republicans for the third time in 66 years more than one of 2-year berths. If we are defeated and lose this on November 5 of this year, that means in 66 years, since 1930, before I was born, we have had three 2-year berths.

What I am going to recommend the rest of this year is give us a 100-percent disabled charging war hero, if DOLE prevails, and I am trying to overtake him but I need some money to do it, if DOLE prevails, put DOLE in the White House, a man who put his blood into the soil of your native land, Italy, in Europe and TRENT LOTT is a leader in the Senate and NEWT GINGRICH reinvigorated, listening more to his true conservative friends in this House than the person who says he embraced him as he sobbed uncontrollably, so this person says, and then this farm State Congressman leaked all of that to NEWT's enemies at the Washington Post for a front page story last week. I know who that dairy farm State Congressman was. NEWT better pay attention to his friends in this House, his friends who believe in family and faith and freedom and espouse it in their life styles.

If he comes back to home base and is inspired by TRENT LOTT and we have a Republican in the White House, we are going to need not just the next 6 months but the 105th Congress, two exciting sessions, to try and bring us, as you put it, on the edge of the lectern, back from the brink or as Alistair Cooke said, we are at a crossroads. We are almost schizophrenic, tearing ourselves in half. We better make the right decisions.

Let me read something to you, where Mr. Clinton last night said, here are the seven challenges. First, cherish our children and strengthen the American

family. This weekend I went to Memphis, SONNY, and I stayed with two families, the Langstons and the Fergusons. They had both been to Promise Keepers, the big event in Dallas, tens of thousands of fathers swearing to not commit adultery on their wives, swearing to be loyal to their children and their brides. And who attacks them? NOW. Patricia Ireland, chief spear carrier for the lesbian movement in America. She is yelling at Promise Keepers because men are standing up and saying they want to be loyal to their families. Unbelievable.

He asked the broadcast industry to rate the programming, as the movie industry does. I do not know where we are going to go with that.

Second, provide Americans with educational opportunities. You are on the right committees. Listen to this. He wants to lash every classroom to the information highway by 2000. What is going to be on that highway? He says schools and communities must adopt national standards. What is that, dumbing down to the lowest common denominator.

Then under challenge 3, this is the one that caught your attention among several items, he said help every American achieve economic security, create a $2,600 voucher for the unemployed or underemployed to use for their education and training. How about vouchers for all of our children? That will be stopped by the liberal dominant wing of his permissively liberal party.

Then he says, fourth, take back our streets from crime, gangs, and drugs. That is what I have been trying to do as a father and since I have come here a grandfather all my life. It is liberal permissiveness and liberal fascination, not with the victims of crime but with the perpetrators of crime, trying to figure out how to help them work their way through the legal system and get back out on the streets more quickly.

He says keep the crime bill of 1994 on the books. You could have lost because of that crime bill. And because 11 Republicans went down to the White House and gave him what he wanted, we lost 10 to 20 Republican seats. We should be at 256, if it were not for the political garbage and waste of billions in that phony crime bill of 1994.

Mr. BONO. I would like to ask the gentleman a question, since you are making these points on crime and crime prevention. Are we not at war?

Mr. DORNAN. It is a war.

Mr. BONO. Is it crime prevention anymore or is it full blown war?

Mr. DORNAN. SONNY, you may not know Gen. Barry McCaffrey personally. Nothing is all dark in life. Clinton's appointment to the FBI, Louis Freeh, father of five kids, great guy, tough judge, tough agent in the street, Barry McCaffrey and the southern, the CINC, Commander in Chief of Southern Command down there in Panama. He came to the Heritage Foundation recently and gave this startling statistic: 100 percent of the cocaine in the world comes from South America through the Panama Canal, through the Caribbean area. He is going to be a great general in command of a war against this poison of narcotics.

Mr. BONO. Would you consider it a war when a family accidentally drives down the wrong street and is blown to oblivion because they simply accidentally made a wrong turn? Can crime prevention help that or is that war?

Mr. DORNAN. I was in Los Angeles the night that story broke on the news. We had not recovered from the travesty of justice that O.J. Simpson got away with, slitting two throats to the spine and stabbing an innocent young man 17 times. The whole city is still in the throes of that, all these divisions. And here comes this unbelievable story, throwing ashcans. I do not know the ethnic background of anybody in that story. I never saw enough pictures.

I did see one crying uncle, trying to make a statement to the press, but it was a little 4-year-old girl that took a bullet in the head as the father tried to drive out of a cul-de-sac where he had gotten off the freeway and took a wrong turn. A gang decided to take him on.

Let me tell you something, SONNY. I only have one classic car I am trying to rebuild.

The SPEAKER pro tempore (Mr. HUTCHINSON). Members are reminded to refer to other Members by their last name and State.

Mr. DORNAN. Mr. BONO, last week a car that I was restoring—just spent about $3 to $4,000 on it last year—a 31-year-old classic 1964 fire mist red El Dorado automobile, was towed by a tow truck out of my son's carport on Church Lane in west Los Angeles, a few blocks from OJ's Rockingham house—but an apartment building. They came at noon on a slight rainy, drizzly day last week, hooked it up to a tow truck, because the battery is not hooked up, the gearbox is not finished. I am restoring the car that I bought 31 years ago used.

I got it with some residuals from the series ''Twelve O'clock High.'' It is gone now to some shop down somewhere in Los Angeles. The people that stole the car were sitting in it 3 days before. My son was back here with me, got snowed in with that blizzard. Neighbors saw them. They said, would he sell this car, the owner? No way, they are restoring it. Cut the Club off the wheel. Police were called by my son's neighbors. They came and said somebody has to call the owner. They forgot who.

They said this car is going to be stolen. Two or three days later at noon, by tow truck. My 31-year-old classic is towed away.

I heard somebody asking for help to bring down a child molester. Let me be creative, SONNY, since this well goes into homes all over America, maybe 1,300,000 people. I do not want to get too wild with the reward, but I will give $2,000. I will cash the check, 2,000 bucks cash for whoever will get me back my 1964, I call it my POW El Dorado because I got it the month the first POW as shot down. I was going to give it to a POW, I fantasized, at the end of that war, get back my fire mist red, and that license plate, this historical vehicle, HV295, D for DORNAN, HV295, D for DORNAN. This is what I will give, 2,000 bucks cash to get my El Dorado back.

By the way, that is my fourth automobile stolen in Los Angeles in 20 years, three of them in the last 10. I have only gotten back one. It was in Tijuana sitting on a hill with the tires off it, but I got that back and I still own that red Bronco.

Mr. BONO. Mr. Speaker, I just wanted to say that, do not ever take Congressman DORNAN lightly. One thing you can be sure of, as certain as these are chairs, that he will always tell you the truth. And whether it is pleasant or unpleasant, he will tell you the truth. And that is why I am a Republican. So you are an inspiration to me.

For that reason, of which I am very proud of you, and I hope that I can always follow in your footsteps in that I will always, whenever I speak to the public, tell them the truth.

With that, I thank the gentleman for giving me the time in the well.

Mr. DORNAN. Mr. Speaker, I have got one final valuable contribution to offer here.

Turning back to my Constitution, printed by the bicentennial committee that I have been carrying for years here, as far as the President's Commander in Chief responsibilities, I quoted article III, section 3 earlier, here is article II, section 2; III.3 is on aid and comfort to the enemy. II.2 says this, 16 words: The President shall be the Commander in Chief of the Army and Navy of the United States. Bingo. Sixteen more words on militia, and of the militia of the several States, 13 then, when called into the actual service of the United States. There was no National Guard then. So that is 18 more words, if you strip away all the the's and the and's, and the Army and the Navy and the in chief and all of this, it says President, Commander in Chief. That is it. That is it. There is nothing else in the Constitution.

Who says that our Presidents, and this is my disagreement with one of our great leaders on the other side, who says the President of the United States can send people to Somalia, to Bosnia, to Haiti, or to Lebanon without getting the approval of this Congress? That is why I argued with my friend Dick Cheney, Secretary of Defense, and the Navy combat attack pilot, carrier pilot George Bush. You cannot go to the gulf in a serious major conflict. I do not care if you have 28 nations banded together.

□ 1800

They are all getting the permissions of their Dumas and their congresses

and their Knessets and their various legislatures. You must come here. Dick Cheney used to tell me ''We will lose.'' I said ''You will not lose. You will lose the liberal leadership in the Senate and the House, and if we lost every one of them, but you win enough Democrats, we will have a big victory.'' The victory was 180 saying no, we cannot free Kuwait and protect world oil sources and stop Saddam Hussein from getting biological, chemical, and nuclear warfare terror capability, and on the winning side, how could I forget the winning side and remember the losing side, 253 to 180, a great vote.

Now, we have a scholar at the Library of Congress, Lewis Fisher.

Mr. Speaker, I will include for the RECORD Lewis Fisher's scholarly treatise on the Barbary wars, with more to come on why the President does not have the constitutional authorities to send young men and women all around the world at his whim.

The material referred to is as follows:

THE BARBARY WARS: LEGAL PRECEDENT FOR INVADING HAITI?

(By Louis Fisher)

SUMMARY

The claim that President Clinton has constitutional authority to invade Haiti without first obtaining congressional authority is often linked to early presidential actions. Supporters of broad executive power argue that a President may deploy troops on his own authority and that Congress can restrain him only after he acts. As support for this position, the Barbary Wars during the time of Presidents Jefferson and Madison are often cited. However, the historical record demonstrates that these military operations received advance authority from Congress. To the extent that presidential initiatives were taken before congressional action, they were defensive in nature and not offensive (as contemplated for Haiti).

BACKGROUND

During the presidencies of George Washington and John Adams, U.S. military action conformed to the framers' expectation that the decision to go to war or to mount military operations was reserved to Congress and required advance authorization. For example, President Washington's military actions against Indian tribes were initially authorized by Congress. Stat. 96, §5 (1789); Stat. 121, §16 (1790); Stat. 222 (1791). Consistent with these statutes, military operations were confined to defensive measures. Offensive action required authority from Congress. The Writings of George Washington (John C. Fitzpatrick ed. 1939).

Similarly, when President Washington used military force in the Whiskey Rebellion of 1794, he acted on the basis of statutory authority. Stat. 264, §1 (1792). President John Adams engaged in the ''quasi-war'' with France from 1798 to 1800. Although Congress did not declare war, military activities were fully authorized by more than two dozen statutes in 1798. Stat. 547–611.

ACTIONS BY JEFFERSON AND MADISON

Elected President in 1800, Thomas Jefferson inherited the pattern established during the Washington and Adams administrations: Congress had to authorize offensive military actions in advance. One of the first issues awaiting Jefferson was the practice of paying annual bribes (''tributes'') to four states of North Africa: Morocco, Algiers, Tunis, and Tripoli. Regular payments were made so that these countries would not interfere with American merchantmen. Over a period of ten years, Washington and Adams paid nearly $10,000,000 in tributes.

In his capacity as Secretary of State in 1790, Jefferson had identified for Congress a number of options in dealing with the Barbary powers. In each case it was up to Congress to establish national policy and the executive branch to implement it:

Upon the whole, it rests with Congress to decide between war, tribute, and ransom, as the means of reestablishing our Mediterranean commerce. If war, they will consider how far our own resources shall be called forth, and how far they will enable the Executive to engage, in the forms of the constitution, the co-operation of other Powers. If tribute or ransom, it will rest with them to limit and provide the amount; and with the Executive, observing the same constitutional forms, to make arrangements for employing it to the best advantage. 1 American State Papers: Foreign Relations 105 (Walter Lowrie & Matthew St. Clair Clarke, eds. 1832).

On March 3, 1801, one day before Jefferson took office as President, Congress passed legislation to provide for a ''naval peace establishment.'' 2 Stat. 110, §2 (1801). On May 15, Jefferson's Cabinet debated the President's authority to use force against the Barbary powers. The Cabinet agreed that American vessels could repel an attack, but some departmental heads insisted on a larger definition of executive power. For example, Albert Gallatin, Secretary of the Treasury, remarked: ''The Executive can not put us in a state of war, but if we be put into that state either by the decree of Congress or of the other nation, the command and direction of the public force then belongs to the Executive.'' Other departmental heads expressed different views. Franklin B. Sawvel, ed., The Complete Anas of Thomas Jefferson 213 (1903).

After hearing these opinions from his Cabinet, Jefferson chose to rely on statutory authority rather than theories of inherent presidential power. Citing the statute of March 3, the State Department issued a directive on May 20 to Captain Richard Dale of the U.S. Navy, stating that under ''this [statutory] authority'' Jefferson had directed that a squadron be sent to the Mediterranean. If the Barbary powers declared war on the United States, American vessels were ordered to ''protect our commerce & chastise their insolence—by sinking, burning or destroying their ships & Vessels wherever you shall find them.'' 1 Naval Documents Relating to the United States Wars With the Barbary Powers 467 (1939). Having issued that order, based on congressional authority, Jefferson also wrote that it was up to Congress to decide what policy to pursue in the Mediterranean: ''The real alternative before us is whether to abandon the Mediterranean or to keep up a cruise in it, perhaps in rotation with other powers who would join us as soon as there is peace. But this Congress must decide.'' The Writings of Thomas Jefferson 63–64 (Ford ed. 1897).

Insisting on a larger tribute, the Pasha of Tripoli declared war on the United States. Jefferson did not interpret this action as authority for the President to engage in unlimited military activities. He informed Congress on December 8, 1801, about the demands of the Pasha. Unless the United States paid tribute, the Pasha threatened to seize American ships and citizens. Jefferson had sent a small squadron of frigates to the Mediterranean to protect against the attack. He then asked Congress for further guidance, stating that he was ''[u]nauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense. . . .'' It was up to Congress to authorize ''measures of offense also.'' Jefferson gave Congress all the documents and communications it needed so that the legislative branch, ''in the exercise of this important function confided by the Constitution to the Legislature exclusively,'' could consider the situation and act in the manner it considered most appropriate. A Compilation of the Messages and Papers of the Presidents 315 (James D. Richardson ed. 1897–1925) (hereafter ''Richardson'').

Alexander Hamilton, writing under the pseudonym ''Lucius Crassus,'' issued a strong critique of Jefferson's message to Congress. Hamilton believed that Jefferson had defined executive power with insufficient scope, deferring too much to Congress. But even Hamilton, pushing the edge of executive power, never argued that the President had full power to make war on other nations. Hamilton merely argued that when a foreign nation declares war on the United States, the President may respond to that fact without waiting for congressional authority:

The first thing in [the President's message], which excites our surprise, is the very extraordinary position, that though Tripoli had declared war in form against the United States, and had enforced it by actual hostility, yet that there was not power, for want of the sanction of Congress, to capture and detain her cruisers with their crews.

. . . [The Constitution] has only provided affirmatively, that, ''The Congress shall have power to declare War;'' the plain meaning of which is, that it is the peculiar and exclusive province of Congress, when the nation is at peace to change that state into a state of war; whether from calculations of policy, or from provocations, or injuries received: in other words, it belongs to Congress only, to go to War. But when a foreign nation declares, or openly and avowedly makes war upon the United States, they are then by the very fact already at war, and any declaration of the part of Congress is nugatory; it is at least unnecessary.'' The Works of Alexander Hamilton 745–747 (John C. Hamilton ed.).

Congress responded to Jefferson's message by authorizing him to equip armed vessels to protect commerce and seamen in the Atlantic, the Mediterranean, and adjoining seas. The statute authorized American ships to seize vessels belonging to the Bey of Tripoli, with the captured property distributed to those who brought the vessels into port. 2 Stat. 129 (1802). Legislators had no doubt about their constitutional authority and duties. ''The simple question now,'' said Cong. William Eustis, ''is whether [the President] shall be empowered to take offensive steps.'' Cong. Samuel Smith added: ''By the prescriptions of the law, the President deemed himself bound.'' Annals of Cong., 7th Cong., 1st Sess. 328–329 (1801).

Congress continued to pass legislation authorizing military action against the Barbary powers. Legislation in 1803 provided additional armament for the protection of seamen and U.S. commerce. 2 Stat. 106. Legislation the next year gave explicit support for ''warlike operations against the regency of Tripoli, or any other of the Barbary powers.'' 2 Stat. 291. Duties on foreign goods were placed in a ''Mediterranean Fund'' to finance these operations. Id. at 292, §2. Further legislation on the Barbary powers appeared in 1806, 1807, 1808, 1809, 1811, 1812, and 1813. 2 Stat. 391 (1806); 2 Stat. 436 (1807); 2 Stat. 456 (1808); 2 Stat. 511 (1809); 2 Stat. 616 (1811); 2 Stat. 675 (1812); 2 Stat. 809 (1813).

Jefferson often distinguished between defensive and offensive military operations, permitting presidential initiatives for the former but not for the latter. In 1805, he notified Congress about a conflict with the Spanish along the eastern boundary of the Louisiana Territory (West Florida). After detailing

the problem he noted: ''Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided.'' 1 Richardson 377.

Military conflicts in the Mediterranean continued after Jefferson left office. The Dey of Algiers made war against U.S. citizens trading in that region and kept some in captivity. With the conclusion of the War of 1812 with England, President Madison recommended to Congress in 1815 that it declare war on Algiers: ''I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the Dey and Regency of Algiers, and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.'' 2 Richardson 539. Instead of a declaration of war, Congress passed legislation ''for the protection of the commerce of the United States against the Algerine cruisers.'' The first line of the statute read: ''Whereas the Dey of Algiers, on the coast of Barbary, has commenced a predatory warfare against the United States. . . .'' Congress gave Madison authority to use armed vessels for the purpose of protecting the commerce of U.S. seamen on the Atlantic, the Mediterranean, and adjoining seas. U.S. vessels (both governmental and private) could ''subdue, seize, and make prize of all vessels, goods and effects of or belonging to the Dey of Algiers.'' 3 Stat. 230 (1815).

An American flotilla set sail for Algiers, where it captured two of the Dey's ships and forced him to stop the piracy, release all captives, and renounce the practice of annual tribute payments. Similar treaties were obtained from Tunis and Tripoli. By the end of 1815, Madison could report to Congress on the successful termination of the war with Algiers.

LEGISLATIVE CONTROLS ON PROSPECTIVE ACTIONS

Can Congress only authorize and declare war, or may it also establish limits on prospective presidential actions? The statutes authorizing President Washington to ''protect the inhabitants'' of the frontiers ''from hostile incursions of the Indians'' were interpreted by the Washington administration as authority for defensive, not offensive, actions. 1 Stat. 96, §5 (1789); 1 Stat. 121, §16 (1790); 1 Stat. 222 (1791). Secretary of War Henry Knox wrote to Governor Blount on October 9, 1792: ''The Congress which possess the powers of declaring War will assemble on the 5th of next Month—Until their judgments shall be made known it seems essential to confine all your operations to defensive measures.'' 4 The Territorial Papers of the United States 196 (Clarence Edwin Carter ed. 1936). President Washington consistently held to this policy. Writing in 1793, he said that any offensive operations against the Creek Nation must await congressional action: ''The Constitution vests the power of declaring war with Congress; therefore no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure.'' 33 The Writings of George Washington 73.

The statute in 1792, upon which President Washington relied for his actions in the Whiskey Rebellion, conditioned the use of military force by the President upon an unusual judicial check. The legislation said that whenever the United States ''shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe,'' the President may call forth the state militias to repel such invasions and to suppress insurrections.'' 1 Stat. 264, §1 (1792). However, whenever federal laws were opposed and their execution obstructed in any state, ''by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act,'' the President would have to be first notified of that fact by an Associate Justice of the Supreme Court or by a federal district judge. Only after that notice could the President call forth the militia of the state to suppress the insurrection. Id., §2.

In the legislation authorizing the Quasi-War of 1798, Congress placed limits on what President Adams could and could not do. One statute authorized him to seize vessels sailing to French ports. He acted beyond the terms of this statute by issuing an order directing American ships to capture vessels sailing to or from French ports. A naval captain followed his order by seizing a Danish ship sailing from a French port. He was sued for damages and the case came to the Supreme Court. Chief Justice John Marshall ruled for a unanimous Court that President Adams had exceeded his statutory authority. Little v. Barreme, 6 U.S. (2 Cr.) 169 (1804).

The Neutrality Act of 1794 led to numerous cases before the federal courts. In one of the significant cases defining the power of Congress to restrict presidential war actions, a circuit court in 1806 reviewed the indictment of an individual who claimed that his military enterprise against Spain ''was begun, prepared, and set on foot with the knowledge and approbation of the executive department of the government.'' United States v. Smith, 27 Fed. Cas. 1192, 1229 (C.C.N.Y. 1806) (No. 16,342). The court repudiated his claim that a President could authorize military adventures that violated congressional policy. Executive officials were not at liberty to waive statutory provisions: ''if a private individual, even with the knowledge and approbation of this high and preeminent officer of our government [the President], should set on foot such a military expedition, how can be expect to be exonerated from the obligation of the law?'' The court said that the President ''cannot control the statute, nor dispense with its execution, and still less can he authorize a person to do what the law forbids. If he could, it would render the execution of the laws dependent on his will and pleasure; which is a doctrine that has not been set up, and will not meet with any supporters in our government. In this particular, the law is paramount.'' The President could not direct a citizen to conduct a war ''against a nation with whom the United States are at peace.'' Id. at 1230. The court asked: ''Does [the President] possess the power of making war? That power is exclusively vested in congress. . . . it is the exclusive province of Congress to change a state of peace in a state of war. Id.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCINNIS, from the Committee on Rule, submitted a privilege report (Rept. No. 104–453) on the resolution (H. Res. 342) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolution reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE LATE HON. BARBARA JORDAN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, many fear the future, many are distrustful of their leaders, and believe that their voices are never heard. Many seek only to satisfy their private work wants and to satisfy their private interests. But this is the great danger America faces, that we will cease to be one Nation and become, instead, a collection of interest groups, city against suburb, region against region, individual against individual, each seeking to satisfy private wants.

Mr. Speaker, if that happens, who then will speak for America? Who then will speak for America? What are those of us who are elected public officials supposed to do? I will tell you this, we as public servants must set an example for the rest of the Nation. It is hypocritical for the public official to admonish and exhort the people to uphold the common good if we are derelict in upholding the common good. More is required of public officials than slogans and handshakes and press releases. More is required. We must hold ourselves strictly accountable. We must provide the people with a vision of the future.

Mr. Speaker, that was from Barbara Jordan, 1976, at the Democrat Convention.

Mr. Speaker, last week we lost an American hero. Barbara Jordan died last week on Wednesday, January 17, 1996, a friend to many, a mentor, and an icon. The late honorable Congresswoman, Barbara Jordan, who not only represented the 18th Congressional District of Texas that I am now privileged to serve, was one of the first two African-Americans from the South to be elected to this august body since reconstruction. She was a renaissance woman, eloquent, fearless, and peerless in her pursuit of justice and equality. She exhorted all of us to strive for excellence, stand fast for justice and fairness, and yield to no one in the matter of defending this Constitution and upholding the most sacred principles of a democratic government. To Barbara Jordan, the Constitution was a very profound document, one to be upheld.

The lady, Barbara Jordan, the first black woman elected to the Texas Senate, was born February 21, 1936, the daughter of Benjamin and Arlene Jordan. The youngest daughter of a Baptist minister, she lived with her two sisters in the Lyons Avenue area of Houston's Fifth Ward. The church played an important role in her life. She joined the Good Hope Baptist Church on August 15, 1953, under the leadership of Rev. A.A. Lucas, graduating with honors from Houston's Phyllis Wheatley High School in the Houston Independent School District.