

The income gap between Blacks and whites in America is narrower today than it has ever been. But it is still too wide. We can do better. Last week, we voted to provide an additional 13 weeks of benefits to laid-off workers who have exhausted their unemployment benefits.

I hope we can still find a way to expand unemployment insurance coverage to part-time workers and recent hires—a disproportionate number of whom are African-American—and to help all laid-off workers maintain their health benefits.

Let's also raise the minimum wage. It's been five years since the last increase. The purchasing power of the minimum wage is now the lowest it's been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. We can do better.

Nothing has more power than education to move us from separate to equal. Yet today, nearly half-a-century after *Brown v. Board of Education*, most minority students still attend schools that are predominantly minority. Their class sizes, on average, are larger, their books are older, their lessons are less challenging and their teachers have less training in the subjects they teach. Last year, we passed a promising, bipartisan school reform act. This year, let's work together to make sure that "Leave No Child Behind" is a promise kept, not a dream deferred. Our goal should be to make sure that every child in America comes to school ready to learn and leaves school ready to succeed.

If we learned anything from the terrible ordeal of September 11, it is that we cannot tolerate acts of hatred and discrimination. Make no mistake about it: Chaining a man to the back of a pickup truck and dragging him to his death for no reason other than the color of his skin is an act of terrorism. And while James' Byrd's death may be the best-known racially motivated hate crime in recent years, it is not the only such crime. A hate crime scars this country every hour and 10 minutes of every day, 365 days a year. In the last Congress, the Senate passed a bipartisan bill strengthening federal protections against hate crimes only to see it die in conference with the House. We need to pass it again this year. And this time, let's make sure it becomes law. We came together on September 11. If we are to stay together, we must stand against every form of bigotry and hatred.

Finally, we know that protecting rights in law is only half the battle. We also need a judiciary that protects our rights in court. As Senators, we have a special obligation to ensure that the men and women who are nominated for lifetime positions on the federal bench or the Supreme Court will protect the basic rights for which so many Americans, from Crispus Attucks on down through the years, have given their lives. Let us honor that obligation this

month and every month we are privileged to be here.

We don't need Willie Morris' eyes to see how far America has come on civil rights since he was a boy. We also don't need Willie Morris' eyes to see that there is still a gap between the America we are and the America we can be. We all see those things. Our challenge today is to envision ways to close that gap, and then to transform that vision into law. In doing that, we will honor African-Americans and every American of every race and creed who died on September 11.

I yield the floor.

#### IMPRESSIVE STEPS TAKEN AGAINST THE WAR ON TERRORISM

Mr. SPECTER. Mr. President, I have sought recognition to comment about our war against terrorism and about the recent statements made by Administration officials concerning possible actions toward Iraq.

At the outset, I compliment President Bush and the Administration for the very effective steps taken on the war against terrorism. We have seen the response to the disastrous, tragic, horrendous events of September 11, with the military moving in, doing in Afghanistan what the Soviets could not do, and doing what the British could not do much earlier. We are well on our way, having defeated the Taliban and al-Qaida; very impressive steps taken in the war against terrorism. The President has done an outstanding job on leadership on this critical issue.

There have been comments recently about the possibility of action against Iraq, and that may well be warranted. On this state of the record, it is my thinking there are quite a number of serious questions which have to be answered. We need to know, with some greater precision, the threat posed by Saddam Hussein with respect to weapons of mass destruction. There is solid evidence about Saddam Hussein having chemical weapons, substantial evidence on biological weapons, and some questions about nuclear weapons. However, there really ought to be a comprehensive analysis as to the precise nature of Saddam Hussein's threat.

Iraq is on the record as having supported terrorism, and it seems to me there ought to be an elaboration as to the terrorist activities which are attributable to Iraq. If there is to be military action, we ought to have a full statement as to Iraq's violations of UN inspections. We know that the UN inspectors have been ousted, but here again, this is an issue where more information is necessary for the Congress and, in my view, for the American people. There also has to be an analysis of what the costs would be, some appraisal in terms of casualties, depending upon the nature of the contemplated action.

Then there is the issue as to what happens after Saddam Hussein is top-

pled. There is no doubt about the desirability of toppling Saddam Hussein. By twenty-twenty hindsight, perhaps it is regrettable the United States and its allies did not move on Baghdad in 1991. That, obviously, is water over the dam. There were many factors to be considered including the unwillingness of our allies at that time to move. The U.S. had success against Iraq in 1991, but toppling Saddam Hussein was an action that was obviously not taken.

There have been statements by the President in identifying the axis of evil as Iran, Iraq, and North Korea. The President has stated if we do not have the cooperation of our allies we will act alone, and I think there is a solid basis for the President to say that and for the President to give serious consideration to acting alone.

We know there were many danger signals as to Osama bin Laden and al-Qaida. We know that bin Laden was under indictment for murdering Americans in Mogadishu in 1993. He was under indictment for murdering Americans and others in the embassy attacks in 1998. He was implicated in the terrorism against the USS Cole. He pledged a worldwide "jihad" against the United States. There was substantial authority under international law for what had transpired for the United States to act.

What we have seen in modern times is in effect a non-determination of guilt and action against terrorism as a matter of self-defense recognized under international law. When President Reagan acted against Muammar Qadhafi in April of 1986, that was in effect a non-determination of guilt, and we moved in self-defense against Qadhafi. When President Clinton dispatched missiles to Afghanistan in August of 1998—again, a non-judicial determination of guilt. There would have been total justification for the United States moving against al-Qaida and Osama bin Laden in advance of September 11. That experience suggests we have to make a careful analysis, a calculated analysis of the risks.

It may well be justified as a matter of self-defense to act, and act against Saddam Hussein and Iraq. As we know by twenty-twenty hindsight, the vision is very clear. We know in twenty-twenty hindsight that it would have been wise to have acted against Osama bin Laden and al-Qaida before September 11.

The statements reported from Secretary Colin Powell yesterday, in testifying before the Senate Budget Committee, are worth noting with particularity. Secretary Powell was quoted as saying: "With respect to Iraq, it has long been for several years now a policy of the U.S. Government that regime change would be in the best interests of the region, the best interests of the Iraqi people." Secretary Powell also said: "With respect to Iran and with respect to North Korea, there is no plan to start a war with these nations."

By the grammatical negative pregnant pause, the implication is pretty clear that when the Secretary of State says in formal testimony before the Senate committee that there is no plan to "start a war with these nations," referring to Iran and North Korea, there is a different plan with respect to Iraq. As I say, it may well be justified.

If there is to be a use of force and if there is to be war, under our Constitution it is the responsibility and it is the authority of the Congress of the United States to make the determination to declare war. That constitutional provision is there for a very good reason. We in the Senate and those in the House of Representatives represent the American people, and we speak for the American people. We have seen the bitter lesson from Vietnam that we cannot prosecute a war without the public support. If there is to be the authorization for the use of force or declaration of war, that is a matter that ought to come before the Congress.

These are views I have held for a very long time. In college I studied political science and international relations and served stateside during the period of the Korean war. At that time I wondered about being engaged in a war which was not a matter of congressional determination. That may be a somewhat personal aspect, having been called to service, and I was glad to spend two years in the U.S. Air Force. I served stateside. However, the question in my mind at that time, having studied international relations and knowing the constitutional provision, was why a war was not declared.

Since coming to the Senate, I have been engaged in debates in this Chamber on this subject on many occasions. In 1983 when there was military action in Lebanon, I had an extensive colloquy with Senator Percy, then Chairman of the Foreign Relations Committee, and asked him if, in fact, Korea was not a war. He said, "yes, it was a war." I asked about Vietnam, "was it a war?" "Yes, it was a war." However, on neither occasion was the declaration determined by the Congress.

On the hearings for nominees for the Supreme Court, that was a question I posed with some frequency to nominees, illustrative of which was the confirmation of Justice David Souter. I recalled on Friday asking him, "was Korea a war?" I wanted to know. I had framed litigation which I took to Senator Baker for determination as to the War Powers Act and constitutionality, thinking there would be an appropriate judicial determination on that subject. Not unexpectedly, Justice Souter said he had not thought about it. So I said, take some time, and over the weekend we had an adjournment and came back on Monday. I said, "you have had time to think about it. Was Korea a war?" He said, "I do not know"—which is not a bad answer. If you do not know, you do not know. There is not much you can say by questioning beyond that. I

see Justice Souter from time to time, and that colloquy is something about which he comments from time to time.

When this body took up the resolution for the use of force in 1991, I have a clear recollection that President Bush did not want the resolution put before the Senate and before the House. I think he was concerned whether it would be approved. There was historic debate here in January of 1991. The Senate approved the resolution for the use of force by a vote of 52 to 47. The comments at that time went to the effect that it was a historic event. However, when President Bush had the resolution by the House and by the Senate, it was a much stronger approach.

His reluctance to come before Congress is typical of the tension which exists between the executive and legislative branches, with the Presidents traditionally saying they do not need congressional authorization to act because they have the constitutional authority as Commander in Chief, and the response institutionally from many in the Congress has been, "no, the Congress has the sole authority to involve the United States in war by our sole constitutional authority."

The history of the War Powers Act is a very significant development. The executive branch, the President, while complying with it, traditionally says it is not constitutional; he is not really bound to do so.

We had the issue raised again when President Clinton sent missiles into Baghdad. I took the floor on a number of occasions in 1998 arguing that with the imminence of the likelihood of action by the President on missiles in Baghdad, the House of Representatives and Senate ought to stand up and make that determination. Candidly, the Congress is never very anxious to make that determination. It is easier to let the President make the decision. If he is wrong, he gets the blame. If he is right, then the issue passes.

We did have the debate on the bombing of Yugoslavia. It passed this body. It came to a tie vote, 213-to-213, in the House of Representatives. Therefore, Congress had not authorized that attack. It takes, obviously, a resolution on both sides. However, the bombing went ahead.

We are facing a very serious situation with Iraq. Iraq is a real menace. There is no doubt about that. I think there are very strong United States national interests to topple Saddam Hussein, and I think it is very much in the interests of the people of the region that he be toppled and also very much in the interests of the people of Iraq that he be toppled.

However, I do believe that, constitutionally, it is a judgment which ought to come before the Congress of the United States. I believe there ought to be hearings by the appropriate committees of the Congress to take up these questions as to the specific threats which Saddam Hussein poses and Iraq's specific activities on terrorism—a good

bit of it, doubtless, might have to be conducted in closed session. However, some of it could be conducted in an open session: what the costs would be, the casualties, and what happens afterwards.

However, the American people need to know much more of the details, and I believe the Congress needs to know much more of the details than what has been conveyed so far by the Administration. It is my hope that this issue will attract the attention of the Congress of the United States with statements such as this one, with hearings, and with our deliberative process, recognizing the seriousness of the issue and recognizing also our constitutional responsibility.

The PRESIDING OFFICER. The Senator from Pennsylvania has consumed 15 minutes.

Mr. SPECTER. I yield the floor.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 13, 1994 in Sioux City, IA. Two gay men were stabbed and beaten by two attackers because of the victims' sexual orientation. The assailants, Charles Samuel Thomas, 18, and Dennis Evans Smith, 23, were charged with multiple felonies, including two hate crime charges, in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### TRIBUTE TO ROSS POWERS

Mr. JEFFORDS. Mr. President, it came to me as no surprise that again today I have the pleasure to rise and recognize the gold medal effort of a Vermonter on the halfpipe yesterday in Park City, UT at the 2002 Winter Olympics. Ross Powers, who hails from South Londonderry, VT, won the men's snowboarding halfpipe event, a sport that traces its roots back to Vermont, riding a Burton snowboard, which was built in Vermont.

Ross, who led the American sweep of a Winter Olympic event in 46 years, turned 23 on Sunday but is no novice at high competition. In Nagano, Japan 4 years ago, Ross brought home a bronze medal for his country. But his performance yesterday was truly special: it earned him a first-place finish and led the way for Danny Kass and J.J. Thomas to win the silver and bronze medals,