

Mr. Speaker, it is my distinct pleasure to honor Mr. Christensen and his achievements here today, and wish him all the best in his future endeavors.

THE CASE OF VALERIU PASAT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SMITH of New Jersey. Mr. Speaker, following the collapse of the Soviet Union when there were virtual open-air arms bazaars taking place across the territory of the former USSR, the United States Government purchased twenty-one fighter aircraft from the newly independent Republic of Moldova. The Moldovan official who negotiated this sale was then Defense Minister, Valeriu Pasat. This purchase was intended to keep these aircraft out of the hands of potentially hostile regimes.

Just last year, Mr. Pasat was charged with malfeasance in connection with this transaction that occurred nearly a decade ago. Allegedly, the planes were worth more than the Moldovan Government received for them in the deal approved by Chisinau. In January of this year, Mr. Pasat was convicted by a secret tribunal and received a 10-year labor camp sentence. His sentence is now awaiting appeal. Mr. Pasat maintains that the charges against him are political and linked to his work with those who oppose Moldova's current communist government. To further complicate matters, he is reportedly in poor health and is rumored to be suffering from hepatitis—a potentially life-threatening condition. Last month, a team of Ukrainian doctors was reportedly denied permission to examine him.

In response to the Pasat verdict, the U.S. Embassy in Chisinau issued a statement expressing disappointment and regret over the non-transparent manner in which his trial was conducted, as well as the judge's refusal to admit sworn statements from former U.S. officials directly involved in the matter. Additionally, Mr. Speaker, the European Union recently passed a resolution calling upon the Moldovan authorities to "ensure that the appeals process [in the Pasat case] will be allowed to proceed in a transparent fashion in accordance with international legal norms." While I make no presumption of Mr. Pasat's innocence or guilt, I share the concerns voiced by our Embassy and by the EU.

As Vice Chairman of the House Committee on International Relations and Co-Chairman of the U.S. Helsinki Commission, I am well aware of the difficulties Moldova has experienced on its path to democracy. I would also like to note the positive progress Moldova has made toward shedding its Soviet legacy and integration into the Euro-Atlantic community. This is why I am so troubled by the retrograde manner in which the Pasat trial has been conducted. It is critical that the Moldovan judicial system afford its citizens the basic legal protections common throughout the civilized world, such as due process, procedural transparency, and hearing the testimony of relevant witnesses. Moreover, Mr. Speaker, it is especially and urgent that the Moldovan authorities take all the necessary steps to protect the life and health of Mr. Pasat or any other prisoner of the state.

"POWER GRAB," BY ELIZABETH DREW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. CONYERS. Mr. Speaker, as Benjamin Franklin left the Constitutional Convention, which had been closed to the public, a citizen asked: "What kind of Government have you given us, Mr. Franklin?" Franklin replied, "A Republic, Madam, if you can keep it."

In last week's New York Review of Books, Elizabeth Drew, one of our most distinguished political analysts, discusses President Bush's "Power Grab." She forcefully reminds us that, to paraphrase Franklin, the Constitution gives Congress power co-equal with the President, but only if Congress can keep it.

Drew illustrates in painful but accurate detail how Congress repeatedly has stood by and allowed Bush to erode our constitutional powers, one bit at a time.

Drew's particular focus is on President Bush's drastically expanded use of so-called "signing statements," in which he asserts a statute's version he plans to follow, his own version. President Bush tries to claim the power to "make all laws," as well as his constitutionally assigned role to ensure the "laws be faithfully executed." He did not originate the practice, but his use of it is unprecedented in frequency, scope, and defiance of clear legislative intent. This is not a partisan issue. When President Bush reluctantly signed the recent statute banning torture, but then insisted that he would authorize non-existent exceptions, members of both parties disputed the practice.

As Drew explains, Bush's claim of "inherent authority" to ignore the law knows no bounds, no time frame or limiting principle. The genius of our system of government is its separation of powers and its structure of checks and balances. That structure is at risk today.

I urge my colleagues to ponder Elizabeth Drew's timely warning.

[From the New York Review of Books, June 22, 2006]

POWER GRAB

(By Elizabeth Drew)

During the presidency of George W. Bush, the White House has made an unprecedented reach for power. It has systematically attempted to defy, control, or threaten the institutions that could challenge it: Congress, the courts, and the press. It has attempted to upset the balance of power among the three branches of government provided for in the Constitution; but its most aggressive and consistent assaults have been against the legislative branch: Bush has time and again said that he feels free to carry out a law as he sees fit, not as Congress wrote it. Through secrecy and contemptuous treatment of Congress, the Bush White House has made the executive branch less accountable than at any time in modern American history. And because of the complaisance of Congress, it has largely succeeded in its efforts.

This power grab has received little attention because it has been carried out largely in obscurity. The press took little notice until Bush, on January 5 of this year, after signing a bill containing the McCain amendment, which placed prohibitions on torture, quietly filed a separate pronouncement, a "signing statement," that he would inter-

pret the bill as he wished. In fact Bush had been issuing such signing statements since the outset of his administration. The Constitution distinguishes between the power of the Congress and that of the president by stating that Congress shall "make all laws" and the president shall "take care that the laws be faithfully executed." Bush claims the power to execute the laws as he interprets them, ignoring congressional intent.

Grover Norquist, a principal organizer of the conservative movement who is close to the Bush White House and usually supports its policies, says, "If you interpret the Constitution's saying that the president is commander in chief to mean that the president can do anything he wants and can ignore the laws you don't have a constitution: you have a king." He adds, "They're not trying to change the law; they're saying that they're above the law and in the case of the NSA wiretaps they break it." A few members of Congress recognize the implications of what Bush is doing and are willing to speak openly about it. Dianne Feinstein, Democratic senator from California, talks of a "very broad effort" being made "to increase the power of the executive." Chuck Hagel, Republican senator from Nebraska, says: "There's a very clear pattern of aggressively asserting executive power, and the Congress has essentially been complicit in letting him do it. The key is that Bush has a Republican Congress; of course if it was a Clinton presidency we'd be holding hearings."

The public scenes of the President surrounded by smiling legislators whom he praises for their wonderful work as he hands out the pens he has used to sign the bill are often utterly misleading. The elected officials aren't informed at that time of the President's real intentions concerning the law. After they leave, the President's signing statements—which he does not issue verbally at the time of signing—are placed in the Federal Register, a compendium of U.S. laws, which members of Congress rarely read. And they are often so technical, referring as they do to this subsection and that statute, that they are difficult to understand.

For five years, Bush has been issuing a series of signing statements which amount to a systematic attempt to take power from the legislative branch. Though Ronald Reagan started issuing signing statements to set forth his own position on a piece of legislation, he did it essentially to guide possible court rulings, and he only occasionally objected to a particular provision of a bill. Though subsequent presidents also issued such statements, they came nowhere near to making the extraordinary claims that Bush has; nor did they make such statements nearly so often.

According to an article in *The Boston Globe*, Bush has claimed the right to ignore more than 750 laws enacted since he became president. He has unilaterally overruled Congress on a broad range of matters, refusing, for example, to accept a requirement for more diversity in awarding government science scholarships. He has overruled numerous provisions of congressional appropriations bills that he felt impinged on his executive power. He has also overruled Congress's requirement that he report back to it on how he has implemented a number of laws. Moreover, he has refused to enforce laws protecting whistle-blowers and providing safeguards against political interference in federally funded research. Bush has also used signing statements to place severe limits on the inspectors general created by Congress to oversee federal activities, including two officials who were supposed to inspect and report to Congress on the US occupation of Iraq.