

they deserve the right to know where that food has come from.

I was talking with one of my constituents over the weekend; and he said to me, you know, I would pay a little more for a television set that was made in America by American workers if I could find one. It is just unconscionable that we have reached this place.

But in terms of country-of-origin labeling, that is so basic. And if we cannot give this kind of information to the American consumer, then we will have failed them.

Mr. BROWN of Ohio. Just give more information to people.

In closing, I thank my colleagues, the gentleman from Michigan (Mr. STUPAK), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from New Jersey (Mr. PASCRELL), the gentleman from Massachusetts (Mr. LYNCH), and the gentleman from Texas (Mr. PAUL), who is here on the other side of the aisle, who has always been a strong opponent of bad free trade laws.

I would close by saying, as the gentleman from Ohio (Mr. STRICKLAND) said, corporate CEOs, the President, cabinet officials will all be lobbying this institution big time in the next week. I hope that coming out of this Special Order tonight that people will understand better what our trade policy does to our values and our way of life, and that the American people will rise to the occasion and continue to push Members of Congress to do the right thing next week when we vote down Fast Track Trade Promotion Authority.

#### THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, we have been told on numerous occasions to expect a long and protracted war. This is not necessary if one can identify the target, the enemy, and then stay focused on that target. It is impossible to keep one's eye on a target and hit it if we do not precisely understand it and identify it.

In pursuing any military undertaking, it is the responsibility of Congress to know exactly why it appropriates the funding. Today, unlike any time in our history, the enemy and its location remains vague and pervasive. In the undeclared wars of Vietnam and Korea, the enemy was known and clearly defined, even though our policies were confused and contradictory. Today, our policies relating to the growth of terrorism are also confused and contradictory. However, the precise enemy and its location are not known by anyone.

Until the enemy is defined and understood, it cannot be accurately targeted

or vanquished. The terrorists are no more an entity than the Mob or some international criminal gang, such as the Mafia. It is certainly not a country, nor is it the Afghan people. The Taliban is obviously a strong sympathizer of bin Laden and his henchmen, but how much more so than the government of Saudi Arabia or even Pakistan? Probably not much.

Ultior motives have always played a part in the foreign policies of almost every Nation throughout history. Economic gain and a geographic expansion, or even just the desires for more political power, too often drives the militarism of all nations. Unfortunately, in recent years, we have not been exempt. If expansionism, economic interests, desires for hegemony and influential allies affect our policies, and they in turn incite mob attacks against us, they obviously cannot be ignored. The target will be elusive and ever-enlarging rather than vanquished.

We do know a lot about the terrorists who spilled the blood of nearly 4,000 innocent civilians. There were 19 of them, 15 from Saudi Arabia; and they have paid a high price. They are all dead. So those most responsible for the attack have been permanently taken care of. If one encounters a single suicide bomber who takes his own life along with others, without the help from anyone else, no further punishment is possible. The only question that can be raised under that circumstance is why did it happen and how can we change the conditions that drove that individual to perform such a heinous act.

The terrorist attacks on New York and Washington are not quite so simple, but they are similar. These attacks required funding, planning, and inspiration from others. But the total number of people directly involved had to be relatively small in order to have kept the plans thoroughly concealed. Twenty accomplices, or even 100 could have done it; but there is no way thousands of people knew and participated in the planning and carried out the attacks.

Moral support expressed by those who find our policies offensive is a different matter and difficult to determine. Those who enjoyed seeing the United States hit are too numerous to count and impossible to identify. To target and wage war against all of them is like declaring war against an idea or sin. The predominant nationality of the terrorists was Saudi Arabian. Yet, for political and economic reasons, even with the lack of cooperation from the Saudi Government, we have ignored that country in placing blame.

The Afghan people did nothing to deserve another war. The Taliban, of course, is closely tied to bin Laden and the al Qaeda, but so are the Pakistanis

and the Saudis. Even the United States was a supporter of the Taliban's rise to power. And as recently as August of this year, we talked pipeline politics with them. The recent French publication of bin Laden, "The Forbidden Truth," revealed our most recent effort to secure control over Caspian Sea oil in collaboration with the Taliban.

According to the two authors, the economic conditions demanded by the U.S. were turned down and led to U.S. military threats against the Taliban. It has been known for years that UniCal, a U.S. company, has been anxious to build a pipeline through northern Afghanistan. But it has not been possible due to the weak Afghan central government. We should not be surprised now that many contend that the plan for the U.N. to nation-build in Afghanistan is a logical and important consequence of this desire. The crisis has merely given those interested in this project an excuse to replace the government of Afghanistan.

Since we do not even know if bin Laden is in Afghanistan; and since other countries are equally supportive of him, our concentration on this Taliban target remains suspect by many. Former FBI Deputy Director John O'Neill resigned in July over duplicitous dealings with the Taliban in our oil interests. O'Neill then took a job as head of the World Trade Center's security and, ironically, was killed in the 9-11 attack.

The charges made by these authors in this recent publication deserves close scrutiny and congressional oversight investigation and not just for the historical record.

To understand world sentiment on this subject, one might note a comment in the "Hindu," India's national newspaper, not necessarily to agree with the paper's sentiment, but to help us better understand what is being thought about us around the world in contrast to the spin put on the war by our five major TV networks.

This quote comes from an article written by Sitaram Yechury on October 13, 2001: "The world today is being asked to side with the United States in a fight against global terrorism. This is only a cover. The world is being asked today in reality to side with the U.S. as it seeks to strengthen its economic hegemony. This is neither acceptable nor will it be allowed. We must forge together to state that we are neither with the terrorists nor with the United States."

The need to define our target is ever so necessary if we are going to avoid letting this war get out of control. It is important to note that in the same article the author quoted Michael Klare, an expert on Caspian Sea oil reserves, from an interview on Radio Free Europe. He said, "We, the United States, view oil as a security consideration, and we have to protect it by any means

necessary, regardless of other considerations, other values.”

□ 1915

This, of course, was a clearly stated position of our administration in 1990 as our country was being prepared to fight the Persian Gulf War. Saddam Hussein and his weapons of mass destruction only became the issue later on. For various reasons, the enemy with whom we are now at war remains vague and illusive. Those who commit violent terrorist acts should be targeted with a rifle or hemlock, not with vague declarations with some claiming we must root out terrorism in as many as 60 countries.

If we are not precise in identifying our enemy, it is going to be hard to keep our eye on the target. Without this identification, the war will spread and be needlessly prolonged. Why is this definition so crucial? Because without it the special interests and the ill advised will clamor for all kinds of expanded militarism. Planning to expand and fight a never-ending war in 60 countries against worldwide terrorist conflicts with the notion that at most only a few hundred ever knew of the plans to attack the World Trade Center and the Pentagon.

The pervasive and indefinable enemy, terrorism, cannot be conquered without weapons and U.N. nation-building. Only a sensible pro-American foreign policy will accomplish this. This must occur if we are to avoid a cataclysmic expansion of the current hostilities. It was said that our efforts were to be directed towards the terrorists responsible for the attacks, and overthrowing and instituting new governments were not to be part of the agenda.

Already we have clearly taken our eyes off that target and diverted it toward building a pro-Western, U.N.-sanctioned government in Afghanistan. But if bin Laden can hit us in New York and Washington, D.C., what should one expect to happen once the U.S. and the U.N. establishes a new government in Afghanistan with occupying troops? It seems that would be an easy target for the likes of al Qaeda.

Since we do not know in which cave or country bin Laden is hiding, we hear the clamor of many for us to overthrow our next villain, Saddam Hussein, guilty or not. On the short list of countries to be attacked are North Korea, Libya, Syria, Iran and the Sudan, just for starters. But this jingoistic talk is foolhardy and dangerous. The war against terrorism cannot be won in this manner. The drum beat for attacking Baghdad grows louder every day with Paul Wolfowitz, Bill Kristol, Richard Perle and Bill Bennett leading the charge.

In a recent interview, the U.S. Deputy of Defense Paul Wolfowitz, made it clear, “We are going to continue pursuing this entire al Qaeda network

which is in 60 countries, not just Afghanistan.”

Fortunately, President Bush and Colin Powell so far have resisted the pressure to expand the war into other countries. Let us hope and pray that they do not yield to the clamor of the special interests that want us to take on Iraq. The argument that we need to do so because Hussein is producing weapons of mass destruction is the reddest of all herrings. I sincerely doubt he has developed significant weapons of mass destruction.

However, if that is the argument, we should plan to attack all the countries that have similar weapons or plans to build them, countries like China, North Korea, Israel, Pakistan and India. Iraq has been uncooperative with the U.N. world order, and remains independent of Western control of its oil reserve, unlike Saudi Arabia and Kuwait. This is why she has been bombed steadily for 11 years by the U.S. and Britain.

Mr. Speaker, my guess is that in the not-too-distant future so-called proof will be provided that Saddam Hussein was somehow partially responsible for the attack on the United States, and it will be irresistible then for the United States to retaliate against him. This will greatly and dangerously expand the war and provoke even greater hatred towards the United States, and it is all so unnecessary. It is so hard for many Americans to understand how we inadvertently provoke the Arab Muslim people, and I am not talking about the likes of bin Laden and his gang. I am talking about the Arab Muslim masses.

In 1996 after 5 years of sanctions against Iraq and persistent bombing, CBS reporter Lesley Stahl asked our ambassador to the U.N., Madeleine Albright, a simple question: “We have heard that half a million children have died as a consequence of our policy against Iraq. Is the price worth it?”

Albright’s response was, “We think the price is worth it.” Although this interview won an Emmy Award, it was rarely related in the U.S., but widely circulated in the Middle East. Some still wonder why America is despised in this region of the world.

Former President George Bush has been criticized for not marching on to Baghdad at the end of the Persian Gulf War. He gave then and stands by its explanation today a superb answer as to why it was ill advised to attempt to remove Saddam Hussein from power. There were strategic and tactical as well as humanitarian arguments against it. But the important and clinching argument against annihilating Baghdad was political. The coalition in no uncertain terms let it be known they wanted no part of it. Besides, the U.N. only authorized the removal of Saddam Hussein from Kuwait. The U.N. has never sanctioned the continued U.S. and British bombing of

Iraq, a source of much hatred directed towards the United States.

The placing of U.S. troops on what is seen as Muslim Holy Land in Saudi Arabia seems to have done exactly what the former President was trying to avoid, the breakup of the coalition. The coalition has hung together by a thread, but internal dissension among the secular and religious Arab Muslim nations within individual countries has intensified. Even today, the current crisis threatens the overthrow of every puppet pro-Western Arab leader from Egypt to Saudi Arabia to Kuwait.

Many of the same advisers from the first Bush administration are now urging the current President to finish off Hussein. However, every reason given 11 years ago for not leveling Baghdad still holds true today, if not more so. It has been argued that we needed to maintain a presence in Saudi Arabia after the Persian Gulf War to protect the Saudi Government from Iraqi attack. Others argue it was only a cynical excuse to justify keeping troops to protect what our officials declared were our oil supplies.

Some have even suggested that our expanded presence in Saudi Arabia was prompted by a need to keep King Fahd in power and to thwart any effort by Saudi fundamentalists from overthrowing his regime. Expanding the war by taking on Iraq at this time may please some allies, but it will lead to chaos in the region and throughout the world. It will incite even more anti-American sentiment and expose us to even greater danger. It could prove to be an unmitigated disaster.

Iran and Russia will not be pleased with this move, nor will our European allies. It is not our job to remove Saddam Hussein. That is the job of the Iraqi people. It is not our job to remove the Taliban. That is the business of the Afghan people. It is not our job to insist that the next government in Afghanistan include women, no matter how good of an idea it is. If this really is an issue, why not insist that our friends in Saudi Arabia and Kuwait do the same thing as well as impose our will on them. Talk about hypocrisy. The mere thought that we fight wars for affirmative action in a country 6,000 miles from home with no cultural similarities should insult us all. Of course it does distract from the issue of an oil pipeline through northern Afghanistan. We need to keep our eye on the target and not be so easily distracted.

Assume for a minute that bin Laden is not in Afghanistan. Would any of our military effort in that region be justified? Since none of it would be related to American security, it would be difficult to justify.

Assume for a minute that bin Laden is as ill as I believe he is with serious renal disease. Would he not do everything conceivable for his cause by provoking us into expanding the war and

alienating as many Muslims as possible? Remember, to bin Laden martyrdom is a noble calling and he may be more powerful in death than life.

An American invasion of Iraq would please bin Laden because it would rally his troops against any moderate Arab leader who appears to be supporting the United States. It would prove his point that America is up to no good, and oil and Arab infidels are the source of all of the Muslims' problems.

We have recently been reminded of Admiral Yamamoto's quote after the bombing of Pearl Harbor in expressing his fear that the event awakened a sleeping giant. Most everyone agrees with the prophetic wisdom of that comment, but I question the accuracy of drawing an analogy between the Pearl Harbor event and the World Trade Center attack. Hardly are we the same Nation we were in 1941. Today we are anything but a sleeping giant. There is no contest for our status as the only world's only economic, political and military superpower. A sleeping giant would not have troops in 141 countries throughout the world and be engaged in every conceivable conflict with 250,000 troops stationed abroad.

The fear I have is that our policies, along with those of Britain, the U.N. and NATO since World War II inspired and have now awakened a long-forgotten sleeping giant, Islamic fundamentalism. Let us hope for all of our sakes that Iraq is not made the target in this very complex war.

The President, in the 2000 Presidential campaign, argued against nation-building, and he was right to do so. He also said, "If we are an arrogant Nation, they will resent us." He wisely argued for humility and a policy that promotes peace. Attacking Baghdad or declaring war against Saddam Hussein or even continuing the illegal bombing of Iraq is hardly a policy of humility designed to promote peace.

As we continue our bombing of Afghanistan, plans are made to install a new government sympathetic to the West and under U.N. control. The persuasive arguments as always is money. We were able to gain Pakistan's support, although it continually waivers in this manner. Appropriations are already being prepared in the Congress to rebuild all that we destroyed in Afghanistan and then some, even before the bombing has stopped.

"Rumsfeld's plan," as reported and quoted in Turkey's *Hurriyet* newspaper, lays out the plan for the next Iraqi government. Turkey's support is crucial, so the plan is to give Turkey oil from the norther Iraq Karkuk field. The United States has also promised a pipeline running from Iraq through Turkey. How can the Turks resist such a generous offer? Since we subsidize Turkey and they bomb the Kurds, while we punish the Iraqis for the same thing, this plan it to divvy up wealth

in the land of Kurds is hardly a surprise.

It seems that Washington never learns. Our foolish foreign interventions continuously get us into more trouble than we have bargained for, and the spending is endless. I am not optimistic that this Congress will anytime soon come to its senses.

□ 1930

I am afraid that we will never treat the taxpayers with respect. National bankruptcy is a more likely scenario than Congress adopting a frugal and wise spending policy.

Mr. Speaker, we must make every effort to precisely define our target in this war and keep our eye on it. It is safe to assume that the number of people directly involved in the 9-11 attacks is closer to several hundred than the millions we are now talking about targeting with our planned shotgun approach to terrorism. One commentator pointed out that when the Mafia commits violence, no one suggests we bomb Sicily. Today, it seems we are in a symbolic way not only bombing Sicily, but thinking about bombing Athens; that is, Iraq.

If a corrupt city or State government does business with a drug cartel or organized crime and violence results, we do not bomb city hall or the State capital. We limit the target to those directly guilty and punish them. Could we not learn a lesson from these examples?

It is difficult for everyone to put the 9-11 attacks in a proper perspective, because any attempt to do so is construed as diminishing the utter horror of the events of that day.

We must remember though that the 3,900 deaths incurred in the World Trade Center attacks were just slightly more than the deaths that occur on our Nation's highways every month. Could it be that the sense of personal vulnerability we survivors feel motivates us in meting out justice, rather than the concern for the victims of the attacks? Otherwise, the numbers do not add up to the proper response.

If we lose sight of the target and unwisely broaden the war, the tragedy of 9-11 will pale in the death and destruction that could lie ahead. As Members of Congress, we have a profound responsibility to mete out justice, provide security for our Nation and protect the liberties of all the people, without senselessly expanding the war at the urging of narrow political and economic special interests. The price is too high and the danger too great. We must not lose our focus on the real target and inadvertently create new enemies for ourselves.

Mr. Speaker, we have not done any better keeping our eye on the terrorist target on the home front than we have overseas. Not only has Congress come up short in picking the right target, it

has directed all its energies in the wrong direction. The target of our efforts has, sadly, been the liberties of all Americans.

With all the new power we have given to the administration, none has truly improved the chances of catching the terrorists who were responsible for the 9-11 attacks. All Americans will soon feel the consequences of this new legislation.

Just as the crisis provided an opportunity for some to promote a special interest agenda in our foreign policy, many have seen the crisis as a chance to achieve changes in our domestic laws which, up until now, were seen as dangerous and unfair to American citizens.

Granting bailouts is not new for Congress, but current conditions have prompted many takers to line up for the handouts. There has always been a large constituency for expanding Federal power, for whatever reason, and these groups have been energized.

The military industrial complex is out in force and is optimistic. Union power is pleased with recent events and has not missed the opportunity to increase membership rolls. Federal policing powers, already in a bull market, received a super shot in the arm. The IRS, which detests financial privacy, gloats, while all the big spenders in Washington applaud the tools made available to crack down on tax dodgers.

The drug warriors and anti-gun zealots love the new powers that now can be used to watch the every move of our citizens. Extremists who talk of the Constitution, promote right-to-life, form citizen militias or participate in non-mainstream religious practices, now can be monitored much more effectively by those who find their views offensive.

Laws recently passed by the Congress apply to all Americans, not just terrorists. But we should remember that if the terrorists are known and identified, existing laws would have been quite adequate to deal with them. Even before the passage of the recent Draconian legislation, hundreds had already been arrested under suspicion and million of dollars of al-Qaida funds had been frozen. None of these new laws will deal with uncooperative foreign entities, like the Saudi government, which chose not to relinquish evidence pertaining to exactly who financed the terrorist operations. Unfortunately, the laws will affect all innocent Americans, yet will do nothing to thwart terrorism.

The laws recently passed in Congress in response to the terrorist attacks can be compared to the efforts of anti-gun fanatics who jump at every chance to undermine the second amendment. When crimes are committed with the use of guns, it is argued that we must remove guns from society, or at least register them and make it difficult to

buy them. The counterargument made by the second amendment supporters correctly explained that this would only undermine the freedom of law-abiding citizens, and do nothing to keep guns out of the hands of the criminals or to reduce crime.

Now we hear a similar argument, that a certain amount of privacy and personal liberty of law-abiding citizens must be sacrificed in order to root out possible terrorists. This will result only in liberties being lost, and will not serve to preempt any terrorist attack.

The criminals, just as they know how to get guns even when they are illegal, will still be able to circumvent antiterrorist laws. To believe otherwise is to endorse a Faustian bargain. That is what I believe the Congress has done.

We know from the ongoing drug war that Federal drug police not infrequently make mistakes, break down the wrong doors and destroy property. Abuses of seizure and forfeiture laws are numerous. Yet the new laws will encourage even more mistakes by Federal law enforcement agencies. It has long been forgotten that law enforcement in the United States was supposed to be a state and local government responsibility, not that of the Federal Government.

The Federal Government's policing powers have just gotten a giant boost in scope and authority through both new legislation and executive orders. Before the 9-11 attack, Attorney General Ashcroft let his position be known regarding privacy and government secrecy. Executive Order 13223 made it much more difficult for researchers to gain access to Presidential documents from previous administrations and a "need to know" had to be demonstrated. This was a direct hit at efforts to demand openness in government, even if only for analysis and writing of history. Ashcroft's position is that Presidential records ought to remain secret, even after an administration has left office. He argues that government deserves privacy, while ignoring the fourth amendment protections of the people's privacy.

He argues his case by absurdly claiming that he must protect the privacy of the individuals who might be involved, a non-problem that could easily be resolved without closing public records to the public.

It is estimated that approximately 1,200 men have been arrested as a consequence of the 9-11 attacks, yet their names and charges are not available, and, according to Ashcroft, will not be made available. Once again, he uses the argument he is protecting their privacy.

Unbelievable. Due process for the detainees has been denied. Secret government is winning out over open government. This is the largest number of people to be locked up under these con-

ditions since FDR's internment of Japanese Americans during World War II.

Information regarding these arrests is a must in a constitutional republic. If they are terrorists or accomplices, just let the public know and pursue their prosecution. But secret arrests and silence are not acceptable in a society that professes to be free. Curtailing freedom is not the answer to protecting freedom under adverse circumstances.

The administration has severely curtailed briefings regarding the military operation in Afghanistan for congressional leaders, ignoring a longtime tradition in this country. One person or one branch of government should never control military operations. Our system of government has always required a shared power arrangement.

The antiterrorism bill did little to restrain the growth of big government. In the name of patriotism, the Congress did some very unpatriotic things. Instead of concentrating on the persons or groups that committed the attacks on 9-11, our efforts, unfortunately, have undermined the liberties of all Americans. "Know your customer" type banking regulations, resisted by most Americans for years, have now been put in place in an expanded fashion. Not only will the regulations affect banks, thrifts and credit unions, but all businesses will be required to file suspicious transaction reports if cash is used with a total of the transaction reaching \$10,000. Retail stores will be required to spy on all their customers and send reports to the U.S. Government.

Financial service consultants are convinced that this new regulation will affect literally millions of law-abiding American citizens. The odds that this additional paperwork will catch a terrorist are remote. The sad part is that these regulations have been sought after by Federal law enforcement agencies for years. The 9-11 attacks have served as an opportunity to get them by the Congress and the American people.

Only now are the American people hearing about the onerous portions of the antiterrorism legislation, and they are not pleased. It is easy for elected officials in Washington to tell the American people that the government will do whatever it takes to defeat terrorism. Such assurances inevitably are followed by proposals either to restrict the constitutional liberties of the American people or to spend vast sums of money from the Federal Treasury.

The history of the 20th century shows that the Congress violates our Constitution most often during times of crisis. Accordingly, most of our worst unconstitutional agencies and programs began during the World Wars and the Depression. Ironically, the Constitution itself was conceived at a time of great crisis. The founders in-

tended its provisions to place severe restriction on the Federal Government, even in times of great distress.

America must guard against current calls for the government to sacrifice the Constitution in the name of law enforcement. The antiterrorism legislation recently passed by Congress demonstrates how well-meaning politicians make shortsighted mistakes in the rush to respond to a crisis. Most of its provisions were never carefully studied by Congress, nor was a sufficient time taken to debate the bill, despite its importance. No testimony was heard from privacy experts or from other fields outside of law enforcement. Normal congressional committee hearings processes were suspended. In fact, the final version of the bill was not even made available to Members before the vote. The American public should not tolerate these political games, especially when our precious freedoms are at stake.

Almost all of the new laws focus on American citizens rather than potential foreign terrorists. For example, the definition of terrorism for Federal criminal purposes has been greatly expanded. A person could now be considered a terrorist by belonging to a pro-Constitution group, a citizen's militia or a pro-life organization. Legitimate protests against the government could place tens of thousands of other Americans under Federal surveillance.

Similarly, Internet use can be monitored without a user's knowledge, and Internet providers can be forced to hand over user information to law enforcement officials without a warrant or subpoena.

The bill also greatly expands the use of traditional surveillance tools, including wiretaps, search warrants and subpoenas. Probable cause standards for these tools are relaxed, or even eliminated in some circumstances. Warrants become easier to obtain and can be executed without notification. Wiretaps can be placed without a court order. In fact, the FBI and the CIA now can tap telephones or computers nationwide without demonstrating that a criminal suspect is using a particular phone or computer.

The biggest problem with these new law enforcement powers is they bear little relationship to fighting terrorism. Surveillance powers are greatly expanded, while checks and balances on governments are greatly reduced. Most of the provisions have been sought by domestic law enforcement agencies for years, not to fight terrorism, but rather to increase their police powers over the American people.

There is no evidence that our previously held civil liberties posed a barrier to the effective tracking or prosecution of terrorists. The Federal Government has made no showing that it failed to detect or prevent the recent

terrorist strike because of the civil liberties that will be compromised by this new legislation.

In his speech to the Joint Session of Congress following the September 11 attack, President Bush reminded all of us that the United States outlasted and defeated Soviet totalitarianism in the last century. The numerous internal problems in the former Soviet Union, its centralized economic planning and lack of free markets, its repression of human liberty and its excessive militarization, all led to its inevitable collapse. We must be vigilant to resist the rush toward ever-increasing state control of our society so that our own government does not become a greater threat to our freedoms than any foreign terrorists.

□ 1945

The Executive Order that has gotten the most attention by those who are concerned that our response to 9-11 is overreaching and dangerous to our liberties is the one authorizing military justice, in secret. Nazi war criminals were tried in public, but plans now are being laid to carry out the trials and punishment, including possibly the death penalty, outside the eyes and ears of the legislative and judicial branches of government and the American public. Since such a process threatens national security and the Constitution, it cannot be used as a justification for their protection.

Some have claimed this military tribunal has been in the planning stages for 5 years. If so, what would have been its justification? The argument that FDR did it and, therefore, it must be okay is a rather weak argument. Roosevelt was hardly one that went by the rule book: the Constitution. But the situation then was quite different from today. There was a declared war by Congress against a precise enemy, the Germans, who sent 8 saboteurs into our country. Convictions were unanimous, not by two-thirds of the panel, and appeals were permitted. That is not what is being offered today. Besides, the previous military tribunal expired when the war was over. Since this war will go on indefinitely, so too will these courts.

The real outrage is that such a usurpation of power can be accomplished with the "stroke of a pen." It may be that we have come to that stage in our history when an Executive Order is the "law of the land," but it is not "kinda cool," as one member of the previous administration bragged. It is a process that is unacceptable, even in this professed time of crisis.

There are well-documented histories of secret military tribunals. Up until now, the United States has consistently condemned them. The fact that a two-thirds majority can sentence a person to death in secrecy in the United States is scary. With no appeals avail-

able and no defense attorneys of choice being permitted should compel us to reject such a system outright.

Those who favor these trials claim that they are necessary to halt terrorism in its tracks. We are told that only terrorists will be brought before these tribunals. This means that the so-called suspects must be tried and convicted before they are assigned to this type of "trial" without due process. They will be deemed guilty by hearsay, in contrast to the traditional American system of justice where all are innocent until proven guilty. This turns the justice system on its head.

One cannot be reassured by believing these courts will only apply to foreigners who are terrorists. Sloppiness in convicting criminals is a slippery slope. We should not forget that the Davidians at Waco were convicted and demonized and slaughtered outside our judicial system and they were, for the most part, American citizens. Randy Weaver's family fared no better.

It has been said that the best way for us to spread our message of freedom, justice, and prosperity throughout the world is through example and persuasion, not through force of arms. We have drifted a long way from that concept. Military courts will be another bad example for the world. We were outraged in 1996 when Lori Berenson, an American citizen, was tried, convicted, and sentenced to life by a Peruvian military court. Instead of setting an example, now we are following the lead of a Peruvian dictator.

The ongoing debate regarding the use of torture in rounding up the criminals involved in the 9-11 attacks is too casual. This can only represent progress in the cause of liberty and justice. Once government becomes more secretive, it is more likely this too will be abused. Hopefully, the Congress will not endorse or turn a blind eye to this barbaric proposal. For every proposal made to circumvent the judicial system, it is intended that we visualize that these infractions of the law and the Constitution will apply only to the terrorists and never involve innocent U.S. citizens. This is impossible, because someone has to determine exactly who to bring before the tribunal, and that involves all of us. That is too much arbitrary power for anyone to be given in a representative government and is more characteristic of a totalitarian government.

Many throughout the world, especially those in the Muslim countries, will be convinced by the secretive process that the real reason for military courts is that the U.S. lacks sufficient evidence to convict in an open court. Should we be fighting so strenuously the war against terrorism and carelessly sacrifice our traditions of American justice? If we do, the war will be for naught and we will lose, even if we win.

Congress has a profound responsibility in all of this and should never concede this power to a President or an Attorney General. Congressional oversight powers must be used to their fullest to curtail this unconstitutional assumption of power.

The planned use of military personnel to patrol our streets and airports is another challenge of great importance that should not go uncontested. For years, many in Washington have advocated the national approach to all policing activities. This current crisis has given them a tremendous boost. Believe me, this is no panacea and is a dangerous move. The Constitution never intended that the Federal Government assume this power. This concept was codified in the Posse Comitatus Act of 1878. This act prohibits the military from carrying out law enforcement duties such as searching or arresting people in the United States, the argument being that the military is only used for this type of purpose in a police State. Interestingly, it was the violation of these principles that prompted the Texas revolution against Mexico. The military, under the Mexican Constitution at that time, was prohibited from enforcing civil laws, and when Santa Anna ignored this prohibition, the revolution broke out. We should not so readily concede the principles that have been fought for on more than one occasion in this country.

The threats to liberty seem endless. It seems we have forgotten to target the enemy. Instead, we have inadvertently targeted the rights of American citizens. The crisis has offered a good opportunity for those who have argued all along for bigger government.

For instance, the military draft is the ultimate insult to those who love personal liberty. The Pentagon, even with the ongoing crisis, has argued against the reinstatement of the draft. Yet the clamor for its reinstatement grows louder daily by those who wanted a return to the draft all along. I see the draft as the ultimate abuse of liberty. Morally, it cannot be distinguished from slavery. All the arguments for drafting 18-year-old men and women and sending them off to foreign wars are couched in terms of noble service to the country and benefits to the draftees. The need-for-discipline argument is the most common reason given after the call for service in an effort to make the world safe for democracy. There can be no worse substitute for the lack of parental guidance of teenagers than the Federal Government's domineering control and forcing them to fight an enemy they do not even know in a country they cannot even identify.

Now it is argued that since the Federal government has taken over the entire job of Homeland Security, all

kinds of jobs can be found for the draftees to serve the State, even for those who are conscientious objectors.

The proponents of the draft call it "mandatory service." Slavery too was mandatory, but few believed it was a service. They claim that every 18-year-old owes at least 2 years of his life to his country. Let us hope the American people do not fall for this need-to-serve argument. The Congress should refuse even to consider such a proposal. Better yet, what we need to do is abolish the selective service altogether.

However, if we get to the point of returning to the draft, I have a proposal. Every news commentator, every Hollywood star, every newspaper editorialist, and every Member of Congress under the age of 65 who has never served in the military and who now demands that the draft be reinstated should be drafted first; the 18-year-olds last. Since the Pentagon says they do not need draftees, these new recruits can be the first to march to the orders of the general in charge of Homeland Security. For those less robust individuals, they can do the hospital and cooking chores for the rest of the newly-formed domestic Army. After all, someone middle-aged owes a lot more to his country than an 18-year-old.

I am certain that this provision would mute the loud demands for the return of the military draft.

I see good reason for American citizens to be concerned, not only about another terrorist attack, but for their own personal freedoms as the Congress deals with this crisis. Personal freedom is the element of the human condition that has made America great and unique and something we all cherish. Even those who are more willing to sacrifice a little freedom for security do it with the firm conviction that they are acting in the best interests of freedom and justice. However, good intentions can never suffice for sound judgment in the defense of liberty.

I do not challenge the dedication and sincerity of those who disagree with the freedom philosophy and confidently promote government solutions for all of our ills. I am just absolutely convinced that the best formula for giving us peace and prosperity and preserving the American way of life is freedom, limited government, and minding our own business overseas.

Henry Grady Weaver, author of a classic book on freedom, *The Main-spring of Human Progress*, years ago warned us that good intentions in politics are not good enough and actually are dangerous to the cause. Weaver stated: "Most of the major ills of the world have been caused by well-meaning people who ignored the principle of individual freedom, except as applied to themselves, and who were obsessed with fanatical zeal to improve the lot of mankind-in-the-mass through some

pet formula of their own. The harm done by ordinary criminals, murderers, gangsters and thieves is negligible in comparison with the agony inflicted upon human beings by the professional do-gooders who attempt to set themselves up as Gods on earth and who would ruthlessly force their views on all others, with the abiding assurance that the end justifies the means."

Mr. Speaker, this message is one we should all ponder.

#### RECESS

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0602

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 6 o'clock and 2 minutes a.m.

#### CONFERENCE REPORT ON H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROGERS of Kentucky submitted the following conference report and statement on the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

##### CONFERENCE REPORT (H. REPT. 107-308)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2299) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:*

##### TITLE I

##### DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

*For necessary expenses of the Office of the Secretary, \$67,778,000, of which not to exceed \$1,929,000 shall be available for the immediate Office of the Secretary; not to exceed \$619,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$13,355,000 shall be available for the Office of the General Coun-*

*sel; not to exceed \$3,058,000 shall be for the Office of the Assistant Secretary for Policy; not to exceed \$7,421,000 shall be available for the Office of the Assistant Secretary for Aviation and International Affairs; not to exceed \$7,728,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,282,000 shall be available for the Office of the Assistant Secretary for Government Affairs; not to exceed \$19,250,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,723,000 shall be available for the Office of Public Affairs; not to exceed \$1,204,000 shall be available for the Office of the Executive Secretariat; not to exceed \$507,000 shall be available for the Board of Contract Appeals; not to exceed \$1,240,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$1,321,000 shall be available for the Office of Intelligence and Security; not to exceed \$6,141,000 shall be available for the Office of the Chief Information Officer: Provided, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.*

##### OFFICE OF CIVIL RIGHTS

*For necessary expenses of the Office of Civil Rights, \$8,500,000.*

##### TRANSPORTATION SECURITY ADMINISTRATION

*For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107-71, \$1,250,000,000, to remain available until expended: Provided, That, security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year appropriation from the General Fund estimated at not more than \$0.*

##### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

*For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$11,993,000.*

##### TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

*Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed \$125,323,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the*