

As chairman of the House Committee on the Judiciary and entrusted with oversight responsibility for all Federal law enforcement, I am compelled to remind my colleagues the criminal investigation now being conducted is paramount. From that investigation, we will learn much about the identity of the perpetrators, the means by which these attacks were carried out, and even the most effective way to respond. This is not the time, however, to assess blame, to second guess, or to appear to do so. It is time to back the President, period.

I have therefore written the President to ask him to identify what law enforcement and investigative resources, including additional funding and legal authority, are needed to prosecute this effort. I have pledged to review those requests on an expedited basis.

I am also concerned about the multiple and duplicative briefings requested of law enforcement, which may have the unintended consequences of impeding, impairing, or distracting law enforcement from its core mission. At the same time, I recognize that Congress needs to be kept informed on the progress of the investigation.

I suggest, therefore, that there be organized, coordinated, and non-duplicative briefings that will allow law enforcement to carry on its critical mandate without undue interference from Congress. I intend to work with the Speaker, the Attorney General, and the FBI Director to provide regular law enforcement briefings to Members on the investigation.

These briefings will provide Members with the information they need to carry out their constitutional responsibilities without jeopardizing the criminal investigation. The investigation may very well provide insight into how the attackers evaded our intelligence and security networks. There will certainly be ample time for Congress to address those issues later. I have been informed that we may be assured that the Federal Government's law enforcement and intelligence officials are already taking steps to prevent future attacks.

I intend to work with the gentleman from Illinois (Speaker HASTERT) to discourage House committees from holding premature hearings in the middle of a Federal criminal investigation of these attacks. Such hearings are likely to distract Federal resources from the immediate needs of a full investigation.

Right now, it should be Congress' priority to support President Bush's efforts to make an appropriate response. Regular briefings and restraints will permit Congress to be fully informed about the developments, provide information for consideration at the appropriate time, but, most importantly, will allow the President the latitude he needs to prosecute the campaign against those who carried out these outrageous attacks on our country and its citizens.

This Congress must rise to the occasion and act responsibly and wisely. History will judge us favorably from our prudence.

Mr. Speaker, I insert in the RECORD a letter written by myself; Senator LEAHY, the chairman of the Judiciary Committee; and the ranking members, the gentleman from Michigan (Mr. CONYERS) and Senator HATCH, to the President of the United States.

U.S. CONGRESS,

Washington, DC, September 13, 2001.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write regarding the investigation of the horrific terrorist attacks that occurred on September 11, 2001. This tragedy has resulted in a massive worldwide investigation that is without question the most important ever undertaken by the Federal Government. The Department of Justice has mobilized thousands of federal and state personnel and is coordinating myriad federal and state agencies, a task that will utilize tremendous resources. We commend the efforts of all the men and women of the Department of Justice and all Federal and state agencies investigating this horrific event.

We wish to make sure that the Department of Justice, the FBI, and all Federal law enforcement agencies involved in this investigation have all the resources and authority needed to investigate these incidents and would like to know whether additional resources or legal authorities are needed to complete this mission successfully. The House and Senate Judiciary Committees stand ready to review expeditiously any requests made by the Administration in this regard and to provide all appropriate resources.

Sincerely,

F. JAMES SENSENBRENNER,
Jr.,
Chairman, House Committee on the Judiciary.

JOHN CONYERS, Jr.,
Ranking Member, House Committee on the Judiciary.

PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary.

ORRIN HATCH,
Ranking Member, Senate Committee on the Judiciary.

AUTHORIZING USE OF MILITARY FORCE IN RESPONSE TO TERRORIST ATTACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the senseless human tragedy caused by the craven terrorist acts of September 11, 2001, weigh heavily on our minds and will do so for many days, months, and years to come.

Many have said our Nation will never be the same. I agree. Our Nation is stronger, more united, and prouder than possibly at any time in our history. The outpouring of grief and offers

of assistance, both here and abroad, have been comforting. The terrorists may have collapsed our buildings; but in response, we are building a stronger America.

Our thoughts are with those who have lost loved ones and with those whose loved ones are still missing. Our thoughts are with those who have undertaken the difficult, dangerous, and heroic task of rescuing and treating the wounded and recovering the bodies of those who were killed.

As the gravity of the situation sinks in, our thoughts have also turned to those responsible for these atrocities. Our Nation must take action against those responsible, including those who provide safe havens and financial support for terrorists. U.S. actions to exact justice must be deliberate, decisive, and effective.

However, the United States must be careful not to indiscriminately attack civilian populations in other nations, which will only further the cause of the terrorists and perpetuate a cycle of violence.

Decisions on war and peace are the most profound decisions Members of Congress can ever be required to make. This is the second time in my career I have been confronted by such a decision, something I hoped would never come.

In our desire to show support for the President, we must be careful not to cede our constitutional duties now or set a precedent for doing so in the future.

Article I section 8 of the Constitution grants Congress the authority "to declare war." This right was recognized by the earliest leaders of our Nation. In 1793, President Washington, when considering how to protect inhabitants of the American frontier, instructed his administration that "no offensive expedition of importance can be undertaken until after Congress have deliberated upon the subject, and authorized such a measure."

In 1801, President Thomas Jefferson sent a small squadron of frigates to the Mediterranean to protect against possible attacks by the Barbary pirates. He told Congress that he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It further noted that it was up to Congress to authorize "measures of offense also."

I believe maintaining this solemn congressional prerogative to send our young men and women into battle is critical to protecting the delicate balance of power between the legislative and executive branches. This balance of power was carefully crafted by our founders in Philadelphia more than 2 centuries ago and has allowed the United States to remain one of the most stable and enduring democracies in the world.

There was a time when such a power was threatened. Congress enacted the War Powers Resolution of 1973 in response to the military activities of successive Presidents while waging war in

Korea and Vietnam. The War Powers Resolution reaffirmed the prerogative of the legislative branch under the Constitution to commit our Armed Forces to hostilities and declare war.

I had strong reservations about earlier drafts of the proposed resolution that authorized the use of force in an unprecedented, open-ended manner, far beyond that necessary to respond to the terrorist acts on our people, even far beyond that ceded to FDR in World War II. This is not a partisan issue for me. I would have opposed similar resolution language under a President of my own party.

This is an institutional concern for me. The earlier drafts ceded too much authority to the executive branch. In fact, one of the earlier drafts had provisions nearly identical to the Gulf of Tonkin Resolution, which had led to the unaccountable use of U.S. military forces in Vietnam.

But it is important to recognize that President Bush already has the authority to respond to the attacks.

The War Powers Resolution in section 2(c) recognizes the constitutional power of the President as Commander in Chief to introduce U.S. Armed Forces into hostile situations under certain circumstances.

Section 2(c) says the President can introduce U.S. Armed Forces into hostile situations pursuant to a declaration of war, specific statutory obligations or, in this case, a national emergency created by an attack upon the United States territories, possessions or its Armed Forces. Two of those conditions have been met.

The President has the authority he needs to respond to the current crisis without setting the precedent of ceding additional war power authority.

Given his existing authority to respond in the event of an attack upon the United States or Armed Forces, we must be careful in granting further or ceding further constitutional powers.

The use of force resolution before us today is not exactly as I would have written it. However, for the most part, it restates the authority I already believe was granted to the President under section 2(c)(3) of the War Powers Resolution.

The reference in the resolution to section 5(b) of the War Powers Resolution I believe creates a little confusion, but it is my reading of the resolution that nothing in this act supersedes congressional authority under the War Powers Resolution and the President will still be bound by the reporting and consultation requirements. Congress will reserve the right to review those actions, as it should be under the Constitution.

Make no mistake, Congress will stand united behind our young men and women who may well be put soon in harm's way, and the President of the United States as Commander in Chief. We pray that he uses the awesome power of the United States with great deliberateness and with wisdom.

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

(Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to speak out of order, and take my Special Order at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

STICKING TOGETHER IN THESE DIFFICULT TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, it has been a very painful week for all Americans. Turning on the TV set, opening the newspaper renews the pain in our hearts and our hearts ache for those who have suffered and are still suffering.

I want to associate my comments today with that of the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, because I have heard over the last 24 hours concerns from Members that they are not being briefed enough and they are not being told enough and they are not being in the loop enough; and obviously we all need answers and we have to pursue answers. But it seems to me right now those very trained individuals need to be looking at who caused this and how we find our way out of this, rather than second guessing.

We have heard complaints about the eloquence of our President and his stature and whether they were imagining the need to move safely to places around this country, and those commentaries may at some time be warranted, but not now.

Our Nation needs to remain solidly together to fight evil forces. Watching the ceremony at the National Cathedral with Presidents past and present in attendance brought us to a point where we recognize that collectively we have such great promise. If we divide ourselves and characterize our leaders with less than flattering remarks, we give credence to those who seek to undermine our credibility in our Nation's strength. The world is watching us and obviously not just on the floor, but what they see on the TV broadcasts. Any indication of weakness gives them some strength.

When I watch the heroics of men and women in uniform, I watch the heroics of firefighters and paramedics, I watch average citizens step out of their common everyday life to extend their unbounded energy to the pursuit of res-

cuing victims, my heart and my soul soar like an eagle, knowing that this country's promise is yet ahead; and yet the dark days are still engulfing our memories.

The President did a phenomenal job today in the National Cathedral, calling for calm, deliberation and pursuing those who played a role in this activity. Jumping to conclusions by politicians based on a whim or a notion or an individual moment of frustration is not in the character of this deliberative body.

I wanted to be in Congress since the age of five. I met a man, Paul Rogers, who represented Palm Beach County and thought what a wonderful man he was, and how skillfully and capably he represented our District; and some people may have thought what a foolish notion for a 5-year-old to want to serve in Congress, but I grew up knowing the promise of our Nation was a gift I would hopefully inherit as a chance to serve and represent my community, much like Paul Rogers served us well.

So I pray with the Nation today; and I ask my colleagues to take a moment, a deep breath, and suggest we are safe here in our Nation's Capital. We are alive and we are breathing. Every moment you speak ill of anyone else or anyone's actions or motives, take a minute to reflect on those wounded and those dead under the rubble of the World Trade towers. Think of what their lives are like and what their families are enduring. They cannot find their loved ones, and we are demanding more briefings.

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They cannot find their cherished possessions, and we are interested in more acrimony. America rises to the challenge, and God bless us as we do. We have heard about indiscriminate actions of people going after and pursuing Muslims and those of faith who are here in our Nation and who have a right to be here and who are law-abiding citizens, but because of their ethnicity or religious origins, they are being held accountable for crimes that they had nothing to do with it; and we should ask God to bless us that we do not allow ourselves to succumb to the same kind of mean-spiritedness that brought us to the point on Tuesday at 8:50-something in the morning where evil acts perpetrated disastrous deeds against our population.

I know God will bless us abundantly, not only because we prayed in church today, but because our Nation revolves around collective goodwill and spirit. I pray today as we move forward that we think clearly and mindfully about how we rectify this egregious behavior of others without injuring innocent people in our quest for justice. I pray we come to the conclusions, today or tomorrow, that we are a Nation of free men and we recognize the deed ahead of us is, in fact, great and it is complicated. I thank my colleagues for loving our country as much as we all do.