

to the forefront of our national debates. She led ADC in combating defamation and negative stereotyping of Arab Americans in the media and wherever else it is practiced. Her commitment to defending the rights of Arab Americans and promoting Arab-American cultural heritage was not only visionary but necessary. I would like to share with my colleagues the ADC Press Release mourning the loss of Hala Salaam Maksoud.

[From ADC Press Release, Apr. 26, 2002.]

ADC MOURNS LOSS OF HALA SALAAM  
MAKSoud

It is with a profound sense of loss and sadness that the Board of Directors and the national office staff of the American-Arab Anti-Discrimination Committee (ADC) mourn the passing of Dr. Hala Salaam Maksoud, who died today after a long illness. Funeral arrangements will be announced by the family after they are finalized.

One of the most influential and important leaders in ADC's history, Dr. Maksoud served as ADC President from 1996 to 2001. Dr. Maksoud had been actively involved with ADC since its inception in 1980, and was a member of the Executive Committee of the Board of Directors for many years.

Dr. Maksoud held a Ph.D. in political theory and an M.A. in government from Georgetown University, and an M.A. in mathematics from the American University of Beirut. She taught courses at George Mason University and at Georgetown. In addition to her academic career, Dr. Maksoud was a prominent Arab-American leader and participated in the founding of several organizations, including the American Committee on Jerusalem, the Association of Arab-American University Graduates, and the Arab Women's Council. Dr. Maksoud was a nationally recognized advocate of civil and human rights, and was the recipient of a lifetime achievement award from the American Immigration Law Foundation in March 2002.

Dr. Maksoud is survived by her husband, Dr. Clovis Maksoud, former Ambassador of the League of Arab States to the United States and the United Nations, and current professor of international relations at American University.

ADC President Ziad Asali said "this is a devastating loss for the entire Arab-American community, as well as for me personally. Hala was a visionary leader who charted a path to empowerment we will be following for many years to come. Her extraordinary command of politics was matched by exceptional compassion and a genuine commitment to human rights. She had a remarkable ability to communicate effectively with and inspire people of very different cultural and political backgrounds and across lines of religion and social class. Leaders of Hala's caliber are exceedingly rare and we shall miss her guidance and wise counsel. Our task now at ADC is to try to live up to the standard she set for us all."

FISCAL YEAR 2003 NATIONAL DEFENSE AUTHORIZATION ACT,  
PART IV

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 2002

Mr. DeFAZIO Mr. Speaker, today I rise to conclude my remarks about H.R. 4546, the fiscal year 2003 Department of Defense authorization act. As I outlined previously, H.R. 4546

continues to fund, to the tune of hundreds of billions of dollars, weapons that have little or no relevance to the threats our nation faces in the 21st century.

My previous remarks detailed the amendments I offered to eliminate or reform the Crusader artillery system, the Comanche helicopter and the F-22 Raptor fighter jet program.

I want to switch gears a little bit and move away from my concerns about unnecessary weapons systems. I'd like to conclude my remarks on the defense authorization bill by focusing on the most solemn obligation of Congress, our constitutional powers to decide issues of war and peace.

The final amendment I offered to H.R. 4546 was a "Sense of Congress" amendment relating to congressional war powers under the U.S. Constitution. This was a bipartisan amendment I offered with Representative Ron Paul of Texas.

Our amendment was in response to the public musings of members of the Bush Administration about where the United States should project our military force next in the campaign against terrorism. Iraq is the most talked about target, but several other countries have been mentioned as well.

I am concerned that the Administration believes it can wage war anywhere, at any time, for any reason, at any cost. The executive branch seems to forget that the sole authority to declare war is reserved under the U.S. Constitution for Congress.

The amendment I drafted noted that the U.S. Constitution grants Congress the power "to declare war," to lay and collect taxes to "provide for the common defense" and general welfare of the United States, to "raise and support armies," to "provide and maintain a navy," to "make rules for the regulation for the land and naval forces," to "provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions," to "provide for organizing, arming, and disciplining the militia," and to "make all laws necessary and proper for carrying into execution . . . all . . . powers vested by this Constitution in the Government of the United States." Congress is also given exclusive power over the purse. The Constitution says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law."

By contrast, the war powers granted to the executive branch through the President are limited to naming the President "commander-in-chief" of the armed forces. While this means the President conducts the day-to-day operations of a given military campaign, the President does not have the authority to send U.S. troops into hostile situations without prior approval from Congress.

This right was recognized by the earliest leaders of our nation. In 1793, President George 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 powers. He told Congress that he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the

line of defense." He further noted that it was up to Congress to authorize "measures of offense also."

John Jay, generally supportive of executive power, warned in Federalist paper number four that "absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as a thirst for military glory, revenge of personal affronts, ambition, or private compacts to aggrandize or support their particular families or partisans. These and a variety of other motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctified by justice or the voice and interests of his people."

Henry Clay said, "A declaration of war is the highest and most awful exercise of sovereignty. The convention which framed our Federal constitution had learned from the pages of history that it had been often and greatly abused. It had seen that war had often been commenced upon the most trifling pretexts; that it had been frequently waged to establish or exclude a dynasty; to snatch a crown from the head of one potentate and place it upon the head of another; that it had often been prosecuted to promote alien and other interests than those of the nation whose chief had proclaimed it, as in the case of English wars for Hanoverian interests; and, in short, that such a vast and tremendous power ought not to be confined to the perilous exercise of one single man . . . Congress, then in our system of government, is the sole depository of that tremendous power."

During congressional consideration of a war with Mexico, Daniel Webster said, "It must be admitted to be the clear intent of the constitution that no foreign war would exist without the assent of Congress. This was meant as a restraint on the Executive power." He went on to say, "If we do not maintain this doctrine; if it is not so—if Congress, in whom the war-making power is expressly made to reside, is to have no voice in the declaration or continuance of war; if it is not to judge of the propriety of beginning or carrying it on—then we depart at once, and broadly, from the Constitution."

Abraham Lincoln outlined the rationale for placing the war-making power in the Congress. He wrote to a friend, "Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention [U.S. Constitutional Convention] understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the constitution that no man should hold the power of bringing this oppression upon us."

Senator Robert LaFollette made a similar point during the floor debate on whether to enter World War I. He said, "We all know from the debates which took place in the constitutional convention why it was that the constitution was so framed as to vest in the Congress the entire war-making power. The framers of the Constitution knew that to give to one man that power meant danger to the rights and liberties of the people. They knew that it mattered not whether you call the man king or emperor, czar or president, to put into his hands the power of making war or peace meant despotism. It meant that the people would be called upon to wage wars in which they had no interest or to which they might

even be opposed. It meant secret diplomacy and secret treaties. It meant that in those things, most vital to the lives and welfare of the people, they would have nothing to say."

While early presidents deferred to Congress, later presidents have latched on to the fact that the Constitution declares the president commander-in-chief of the armed forces to justify their use of the military without prior authorization from Congress. This led Congress to enact the War Powers Resolution of 1973 to further clarify that the solemn duty to decide when to send U.S. troops into hostilities belonged to Congress.

According to Section 2(c) of the War Powers Resolution the President can introduce U.S. forces into hostile situations "only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces."

In the aftermath of the terrorist attacks on September 11, 2001, Congress approved a resolution authorizing President Bush to take action against the parties responsible for the heinous attacks. However, the authorization was limited in scope.

Specifically, the joint resolution stated:

"That the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

In other words, Congress only authorized the President to take action against those responsible for the horrific attacks of September 11, 2001. The President must have compelling evidence of the complicity of another nation in the September 11 attacks in order to use the U.S. military to take action against that nation. Absent such evidence, the President would be required under the Constitution to come back to Congress seeking an additional authorization of force resolution before expanding the military campaign.

This interpretation was confirmed by Mr. Louis Fisher, Senior Specialist in Separation of Powers at the Congressional Research Service, who recently testified before the Senate Judiciary Committee that "military operations against countries other than Afghanistan can be appropriately initiated only with additional authorization from Congress."

It is critical, as a representative democracy, that profound decisions on war and peace rest with the branch closest to the people—the legislative branch.

The amendment I offered with Representative PAUL was intended to send the message that the President has a constitutional obligation to return to Congress to seek authorization before expanding the military campaign against terrorism. Unfortunately, the Rules Committee refused to allow a discussion on this, one of the most difficult and solemn issues that confronts our nation.

Mr. Speaker, I am disappointed that my Republican colleagues were unwilling to go on record in support of the DeFazio-Paul amendment, which was intended to defend congressional war powers from encroachment by the executive branch.

## THE POWER OF STEEL

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 4, 2002*

Mrs. WILSON of New Mexico. Mr. Speaker, today is a heartfelt day for people from one of the most historic neighborhoods in my district. They are involved in something very special this morning in New York City. The Sacred Heart Roman Catholic Church, where as many as 800 people meet weekly to worship and give thanks, is in Baretas, one of Albuquerque's oldest neighborhoods. In the 1970's the church, including two prominent bell towers, was razed because the structure was unsound. Parishioners then moved across the street, into the existing Church gymnasium. The bells were lost until recently, when one was found in somebody's backyard.

Now that one of those bells has reappeared, the Parish and members of the community hope to once again sound the bells throughout Baretas.

This need and an inspired idea were the beginning of a wonderful journey that has brought together the people of New Mexico and the citizens of New York.

Leaders in the community asked Archbishop Michael Sheehan and others, including me, to ask the City of New York for two steel beams from the World Trade Center. Those beams, the hope was, would be incorporated into the design of the new bell tower in a manner that would respect and remember the terrible terrorist attacks against our country the morning of September 11, 2001.

A delegation from New Mexico, including Father Moore, John Garcia, Sosimo Padilla, Stan Tinker, and a member of my staff, are in New York this morning at Ground Zero. They are meeting with construction workers to pick up two 20-foot beams, remnants of the World Trade Towers and very generous gifts from the people of the City of New York. Father Moore will bless the beams for their safe journey to a new beginning.

Those bells rang when World War II ended. They rang for weddings and funerals. They rang every Sunday morning over the City of Albuquerque to call people to worship. We are pleased in Albuquerque and thankful to the people of New York that the bell towers will be rebuilt and the bells will ring again. They will ring as a call to prayer, and they will now ring in remembrance.

We saw the face of evil on September 11th. And in the aftermath, we saw the depth of America's goodness and a return to simple faith. We are a strong, loving people and a faithful people. New Mexico will rebuild this bell tower and remember. This bell tower will remind us and call us to worship for many years to come.

President Bush said that terrorism cannot dent the steel of American resolve. I agree. These beams, this parish, this community, represent the strength of our American character and all the best our Nation has to offer. I'm honored to be a part of this.

## PERSONAL EXPLANATION

### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 4, 2002*

Mr. KOLBE. Mr. Speaker, I was absent during the votes of the following measures considered on May 15, 2002:

1. Final passage of H. Res. 420, allowing the House to consider a report from the Rules Committee on the same day it is presented to the House. Had I been present, I would have voted "aye" (#164).

2. On ordering the previous question for H. Res. 422, allowing the House to consider H.R. 4737 to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care. Had I been present, I would have voted "aye" (#165).

3. Final passage of H. Res. 422, allowing the House to consider H.R. 4737 to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care. Had I been present, I would have voted "aye" (#166).

## PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 4, 2002*

Mr. GUTIERREZ. Mr. Speaker, I was briefly absent from this chamber on May 22, 2002 and missed voting on rollcall vote 196. I want the record to show that had I been present in this chamber, I would have voted "yea" on rollcall vote 196. Also, due to a family situation, I was unavoidably absent from this chamber on May 23, 2002 and I would like the record to show that had I been present in this chamber, I would have voted "yea" on rollcall vote 197, "no" on rollcall vote 198, "yea" on rollcall vote 199, "yea" on rollcall vote 200, "yea" on rollcall vote 201, "yea" on rollcall vote 202, "no" on rollcall vote 203, "no" on rollcall vote 204, "yea" on rollcall vote 205 and "no" on rollcall vote 206.

## A TRIBUTE TO NANCY T. SUNSHINE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 4, 2002*

Mr. TOWNS. Mr. Speaker, I am honored today to recognize Nancy T. Sunshine as she is inducted as president of the Brooklyn Bar Association. Her climb to the top of this association is a fine example for us all.

Currently, Ms. Clark is the Chief Clerk in the Appellate Term, Second Department, where she oversees the daily functions of the second, ninth, tenth, and eleventh judicial districts and is a confidential assistant to the Court. Among her responsibilities are long-term planning, budgeting, and personnel issues including interviewing candidates for non-judicial positions. Part of her professional success is attributable to the valuable experience that she