

Mr. Rumsfeld only received a private scolding from the President.

This is not a minor problem that can be fixed with just a slap on the wrist or by buying million-dollar ads to redefine history. The international community is appalled and upset at the cowboy arrogance and actions of this administration. Wild west tactics do not work anywhere, especially in the Middle East.

Mr. Speaker, I call upon the House Committee on Government Reform to hold hearings into the government-paid contractors in Iraq who may have played a role in the actions in Abu Ghraib Prison. In addition, in a letter sent to the Department of Justice earlier this week, I and 27 other Members asked the Attorney General to investigate those contractors.

We need to get to the bottom of this situation right now and show American citizens and the international community that such actions will not be tolerated. The damage inflicted upon the United States' reputation will take years, if not decades, to repair. We need to hold our government officials accountable for their actions, just as we hold other governments accountable, and it needs to start with Secretary of Defense Rumsfeld's termination.

Mr. Speaker, I would also like to submit to the RECORD today's Washington Post editorial on the leadership decisions made by Secretary Rumsfeld since the beginning of this administration. The Secretary announced that the United States would no longer be bound by the Geneva Convention, that Army regulations on interrogation of prisoners would not be observed, and that many detainees would be held incommunicado and without any independent mechanism for review.

□ 1615

As the Post stated, "Abuses will take place in any prison system, but Mr. Rumsfeld's decision helped create a lawless regime in which prisoners in both Iraq and Afghanistan have been humiliated, beaten, tortured and murdered, and which until recently, no one has been held accountable."

It was only when photographs of these incidents made it into the press that Secretary Rumsfeld paid much attention. According to media reports, he had not even read the reports on these abuses that was completed in March.

I find it very troubling that our own Secretary of Defense was so dismissive of the abuses that may have taken place under U.S. oversight in Iraq and Afghanistan.

Again, I call upon the President to fire Mr. Rumsfeld, and I call upon the House of Representatives to hold hearings about the role private contractors and the intelligence community may have played in these incidents.

#### NATIONAL DAY OF PRAYER AND THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the

House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I rise to address this body on the National Day of Prayer.

The Constitution—in a word—is the document that defines the values and principles of America.

Nearly 220 years ago, a few men, with extraordinary vision, used the lessons that history taught us to create this binding document that has served as the burning touch of our Nation's freedom. But over time, that flame has been dimmed, and its power has been mitigated, and before we know it, it will be a dull light that is indecipherable.

You see, over time, Mr. Speaker, we have let the Judiciary, slowly chip away the freedoms that are guaranteed to us under the constitution—chipping away so much that some of our liberties are unrecognizable.

For example, Mr. Speaker, the First Amendment to the Constitution says, "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof . . ." It says that those of us who have faith in a Higher Power have the right to pray, express our beliefs.

Yet, our Federal Judges have ruled out prayer in schools. They have ruled that the Pledge of Allegiance, particularly, ". . . one Nation, under God . . ." is a violation of separation of state doctrine. Those who would ban our inalienable right to express our beliefs in a higher power selectively choose to cite the first part of the clause that says "Congress shall make no laws respecting an establishment of religion . . ." They leave the second part, which says ". . . or prohibiting free exercise thereof . . ."

Congress opens up every session with a prayer, the President of the United States uses a Bible when he is sworn into office by the Chief Justice of the Supreme Court. The Declaration of Independence, arguably the single most powerful political document in world history, mentions God in the first paragraph and "divine Providence" in the last.

Religion in the public sector is not prohibited by the Constitution, the Constitution is what makes our ability to freely exercise our belief possible!

The Second Amendment to the Constitution says, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Some would argue, and unfortunately some have successfully done so, that this is not an individual right, but a collective right associated with service in a militia, or in modern terms the National Guard.

The Founders had a profound understanding that individuals and their rights were the only true check against an overzealous government. After all, they had just defeated one that sought to control access to arms.

Just a moment ago I added emphasis on the "people." I did so because right belongs to them, not the President and most assuredly not the Federal Government.

The Fifth Amendment says unequivocally that no person shall ". . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without due compensation."

Yet Mr. Speaker, in my district of Southern New Mexico, we can't water our crops be-

cause our water is being diverted for a minnow based on science that only a writer of fiction could love. We have people who are prevented from using their God-given resources to feed, clothe, house and provide energy for their neighbors.

The Endangered Species Act, Mr. Speaker, was noble in its intent and just in its cause. Not one of us would seek the termination of a species. Yet the law has been twisted, turned and implemented in ways that directly violate our constitutional rights. Simply stated, and directly supported by the plain wording of the 5th Amendment, Uncle Sam can't take our property without due process. He definitely can't take it without compensating for the loss. So we must ask ourselves, when does it matter to us enough to make a difference?

And the Tenth Amendment says that we have States Rights, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Yet the Federal government, at the behest of highly objectionable rulings by the courts over the last 100 years, has intruded on every aspect of our lives and ignored those rights reserved for the states and the people.

We know that we live under a constitution, but we are living in a time when the Constitution only means what the Judiciary says it means—simply stated, we can't let that happen.

The constitution has been tyrannized by people who honestly believe that we are incapable, as a free people, of living our lives in the manner that best serves us and our families. The courts have been willing accomplices and many of the core freedoms that are guaranteed to us under the constitution have been slowly but continuously taken from us.

I believe that the Constitution has been treated unjustly by the courts, and I believe we need to take a look at how our Constitution—this symbol of freedom—can be returned to its rightful place as the foundation of our freedom—instead of being just another document that tourists visit at the National Archives in Washington.

Thomas Jefferson, James Madison and the Framers of the Constitution feared tyranny from the judiciary more than from the other two branches, so they placed deliberate limitations on the judiciary.

As a result, under their plan, "the Judiciary is beyond comparison the weakest of the three departments of power . . . [and] the general liberty of the people can never be endangered from the quarter."

These are not my words, but taken directly from the Federalists Papers. Can there be any doubt that our forefathers saw a danger to our way of life and intentionally erected a wall of separation to protect us from it?

There shouldn't be a doubt, but it stares us in the face every day.

The bottom line is, Americans should not have to fear "judge-made laws" as a reality of life. We elect our legislators to make our laws, we elect the executive branch to implement those laws, and the judiciary is charged with holding people accountable to these laws and determining the constitutionality of laws.

There should be no doubt, either, that government is the greatest, if not only, threat to individual liberty. Neither the United States, nor any of the branches of the government, nor the states, is the ultimate authority of the

Constitution. The ultimate authority of the Constitution is the people of the Union, just like Thomas Jefferson said.

We need to make sure that the Constitution doesn't just stay locked up in a display case at the National Archives on Pennsylvania Avenue. We need to bring it into our homes, our schools, our businesses, and our courtrooms.

Only then can we make sure that our schools are symbols of freedom—that our families are symbols of freedom . . . that our businesses are symbols of freedom . . . that our state legislatures, and local governments are symbols of freedom.

When its all said and done, my greatest desire is for my grandchildren to look back on their grandfather and their neighbors and say, "They left us a better country than they inherited. They cared enough to protect freedom for the generations to come."

Mr. Speaker, I was in Vietnam in 1971, 1972, the early part of 1973, and the early part of 1974. I was in Vietnam flying when Jane Fonda made her visit to the north giving aid and comfort to the enemy.

Mr. Speaker, I was in Vietnam, or on my way there, when the presumptive Democrat candidate threw his ribbons across the fence into the dumpster or his friends or his medals, or some similarity of that representation, of our country.

Mr. Speaker, as I listen to the comments from the floor of the House that said that this war is not winnable, I would remind my colleagues that all wars are unwinnable in the heart; and as they seek to undermine the will of the American people, they should consider carefully what they are doing.

Mr. Speaker, we must complete the job that we started before the terrorists complete the job that they started.

Mr. Speaker, I was in France on 9-11. So I was compelled to fly to come back to this country as soon as flight service was restarted. I came through Dallas-Ft. Worth about 10 days after the attacks.

Mr. Speaker, when I came through Dallas-Ft. Worth regional airport, that bustling busy hub of much of the traffic, the air traffic in the western United States, I think that our plane was the only one deplaning. I looked up and down the corridors and walked the full distance to the baggage check without seeing one other plane deplaning. Mr. Speaker, when I went to get a cab to go to the hotel, there was not one cab available because there were no passengers to ask for cabs.

As I finally got a transport van from the hotel, arrived at the hotel to find that there were very, very few customers in the hotel. Mr. Speaker, our economy was this close to collapsing. If we first lose the airlines and the cab industries and the hotel industries and the hospitality industries, we are looking at losing banks and financial institutions and insurance companies.

Mr. Speaker, the terrorists set out to do a job a decade ago first attacking the twin towers of the World Trade Center. Mr. Speaker, they did that attack in 1993 and then again in 2001. If

we are going to sit on our heels trying a policy of appeasement to deal with the terrorists, I will tell you that the terrorists will win because we cannot sustain repeated attacks on our economy and of the civilian population of America like occurred on September 11, 2001. There are estimates that that cost alone, that one day, exceeded \$2 trillion, Mr. Speaker.

Our economy is \$11 trillion. So we took over 15 percent, close to 20 percent of our economy out in one day, not to mention the 2,000 lives.

Mr. Speaker, what I hear from the House floor and what I hear from my friends on the other side of the aisle sounds more partisan when I put it in context of the many complaints that I should have heard from them under the deployments that President Clinton had. We went into Bosnia in the early part of the 1990s, and President Clinton said we would be out by the end of that year. Instead, troops are still there today. Yet, I do not hear one comment about his deployment into Bosnia.

If the names Kosovo, Somalia, Haiti, and Macedonia do not mean anything to my colleagues, those are additional areas in which the previous President dispatched our troops to try to stabilize a very unstable region.

Mr. Speaker, Mr. Clinton launched cruise missiles into Sudan and Iraq, into Haiti with no U.N. resolution. Yet I hear no comments from the floor of this House.

So when I hear my colleagues saying that this war is unwinnable, I think that they are engaged in partisan politics which strikes at the very desire of this country to fight its war. And when I watched the aid and comfort of 1971 and 1972 by the presumptive Democrat candidate for President and Jane Fonda, I am beginning to hear a similar tone.

I will tell you, Mr. Speaker, as one of the Vietnam vets who returned to this country without one public or private official saying thank for your time, Mr. Speaker, I caution our friends to be careful of the rhetoric they use.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair admonishes Members to heed their time limits and to refrain from improper references to Presidential candidates.

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

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

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to

claim the time of the gentleman from Michigan (Mr. CONYERS).

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

There was no objection.

#### MISMANAGEMENT OF WAR IN IRAQ

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

Mr. FRANK of Massachusetts. Mr. Speaker, I was appalled at the comments that just preceded me.

JOHN KERRY is a brave man today, and he was a brave man 35 years ago when he answered his country's call and was wounded on its behalf. And to hear one say that he came close to giving aid and comfort, of course, that is part of a phrase that describes treason, is unworthy of this House. And to couple that sort of wholly unjustified attack on this brave man because he challenges the President and then to say, well, let us avoid partisan rhetoric, there are no words to describe that that would be acceptable under the rules of the House.

I do want to talk about what is going on in Iraq, and I do it with great sadness. Six months ago if someone had told me that American military personnel and civilians employed by the United States Government had engaged in the kind of outrageous dehumanizing behavior that we have recently seen public, I would have been indignant. I would have said, look, I disagree with the Iraq policy. I did not vote to go to war with Iraq, but I think it is unfair to accuse Americans of this.

And we now say that we have to acknowledge that Americans empowered by the United States Government, not specifically to do that, but they were there because of American government policy, committed these outrageous acts. But it is not enough simply to blame a handful of individuals as the majority tried to do earlier today with a resolution.

I want to stress again how absolutely wrong it was for the Republican majority in the House to bring forward today a resolution on this extraordinarily important question. I am told the President just apologized, as he should have. He should have done it earlier.

We have got a major set-back in American policy but more importantly, a revelation that Americans did things in the name of the country that should not have been contemplated, much less done. And we were only given an hour to discuss it? And the majority used its automatic submissive majority of its Members to prevent any amendment, to prevent any proposal. Many of us believe it is not enough for the military to investigate itself. They have known about this for some time.

First of all, this is the military's failing. Though the Secretary of Defense did not do this in this prison, but the