

friend, for the treasured moments I shared with you, for your soaring spirit, and for the marvelous work you accomplished.

THE CIVIL LIBERTIES  
RESTORATION ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. BERMAN. Mr. Speaker, today, I am joined by my colleague BILL DELAHUNT (D-MA) in introducing the Civil Liberties Restoration Act.

Three and a half years ago, following the attacks of Sept. 11th, the Attorney General asked Congress for a long list of new powers he felt were necessary to protect the United States from future terrorist attacks. Six weeks later, Congress granted those powers in the USA PATRIOT Act.

I voted for the PATRIOT Act in 2001 because I felt that a number of its provisions provided essential tools to fight terrorism. I did so expecting that Congress would undertake diligent oversight of the Attorney General's use of the tools we provided. Unfortunately, that has not been the case.

The Civil Liberties Restoration Act (CLRA) is our effort to return oversight to our legal system and restore the kind of checks and balances that are the foundation of our government.

Since we enacted the PATRIOT Act almost, there has been tremendous public debate about its breadth and implications on due process and privacy. I do believe that there are some misperceptions about the law and its effects, but I also believe that many of the concerns raised are legitimate and worthy of review by Congress.

The CLRA does not repeal any part of the PATRIOT Act, nor does it in any way impede the ability of agencies to share information. Instead, it inserts safeguards in a number of PATRIOT provisions.

The bill addresses two pieces of the PATRIOT Act in particular. First, it ensures that when the Attorney General asks a business or a library for personal records, he must have reason to believe that the person to whom the records pertain is an agent of a foreign power. Second, the bill would make clear that evidence gained in secret searches under the Foreign Intelligence Surveillance Act (FISA) cannot be used against a defendant in a criminal proceeding without providing, at the very least, a summary of that evidence to the defendant's lawyers. One of my biggest concerns when we passed the PATRIOT Act was that the changes we made in FISA would encourage law enforcement to circumvent the protections of the 4th Amendment by conducting searches for criminal investigations through FISA authority rather than establishing probable cause. This provision in the CLRA does not take away any of the powers we provided in the PATRIOT Act. It simply requires that if the government wants to bring the fruits of a secret search into a criminal courtroom it must share the information with the defendant under existing special procedures for classified information.

The Civil Liberties Restoration Act deals with more than the PATRIOT Act. It also ad-

resses a number of unilateral policy actions taken by Attorney General Ashcroft both before and after enactment of the PATRIOT Act without consultation with or input from the Congress. For example, the Administration has undertaken the 'mining' of data from public and non-public databases. Left unchecked, the use of these mining technologies threatens the privacy of every American. The CLRA requires that any federal agency that initiates a data-mining program must report to Congress within 90 days so that the privacy implications of that program can be monitored.

The Attorney General unilaterally instituted a number of policies dealing with detention of noncitizens that we address. For example, the AG ordered blanket closure of immigration court hearings and prolonged detention of individuals without charges. The CLRA would permit those court hearings to be closed to protect national security on a case by-case basis and requires that individuals be charged within 48 hours, unless they are certified as a threat to national security by the AG as mandated under the Patriot Act.

The CLRA also addresses the special tracking program (known as NSEERS) created by the Attorney General, which requires men aged 16 and over from certain countries to be fingerprinted, photographed and interrogated for no specific cause. This program creates a culture of fear and suspicion in immigrant communities that discourages cooperation with antiterrorism efforts. The CLRA terminates this program and provides a process by which those individuals unjustly detained could proceed with interrupted immigration petitions. This is the only provision of the CLRA that eliminates a program outright, but this program has already been partially repealed by the Department of Homeland Security and largely replaced by the US VISIT system.

When I voted for the PATRIOT Act, I understood that my vote carried with it a duty to undertake active oversight of the powers granted by the bill and carefully monitor their use. When Congress passed this law, Mr. Speaker, we included a sunset provision that would require us to reconsider and evaluate the policies we adopted. This afternoon, the House Judiciary Committee held its first hearing to consider these sunset provisions, and we heard testimony from Attorney General Alberto Gonzales asking that we make the sunset provisions of the PATRIOT Act permanent.

In light of the many policies implemented unilaterally by this Administration since passage of the PATRIOT Act, our review of this Congress must go beyond just the sunset provisions in order to fulfill our duty of oversight. The review started today by the House Judiciary Committee must encompass the whole of our anti-terrorism policies. Congress should continue to examine whether the policies pursued by the Attorney General are the most effective methods to protect our nation from terrorists, whether they represent an efficient allocation of our homeland security resources, and whether they are consistent with the foundations of our democracy.

Fortunately, the 9/11 Commission laid out a standard by which we can evaluate our current policies. First, Congress should not renew any provision unless the government can show, "(a) that the power actually materially enhances security and (b) that there is adequate supervision of the executive's use of the powers to ensure protection of civil liberties."

Second, the Commission advises that "if the power is granted, there must be adequate guidelines and oversight to properly confine its use." This is the standard that we ought to apply across the board. It is the standard that Mr. Delahunt and I applied in drafting this legislation.

It is my hope Mr. Speaker, that this standard will guide us in our work and that we will enjoy an active debate on these issues and this legislation.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. VAN HOLLEN. Mr. Speaker, I am honored to rise today and join the millions of my fellow Americans in commemorating Greek Independence Day which, on March 25th celebrated the 184th anniversary of the rebellion and the struggle of the Greek people against the Ottoman Empire.

What makes Greek Independence Day so special here in America is that it reminds us of the strong principles and bonds that the U.S. and Greece share. In looking into the struggles of our two nations, we realize how much our struggles have in common, and how much each country has been influenced by the other.

Greece and the United States are bound by an absolute commitment to the democratic ideals of justice and freedom and continue to be strong allies. By commemorating Greek Independence Day, we also celebrate the strength and the resolve of the human spirit that has been the inspiration of us all.

I am very pleased to place into the record a statement made on this 184th anniversary of Greek independence written by one of my constituents, Constantinos Nicolaou.

The greatness of the human spirit, regardless of any efforts to suppress it, will always rise against tyranny and oppression and will start revolutions where heroism will pay any price, even the ultimate sacrifice of life, in order to gain freedom and independence.

Every time we commemorate heroism such as the one exhibited by the Greeks on March 25, 1821 and during the ensuing struggle for their freedom, we cannot help but think of our great founding fathers, who were so much influenced by the ancient Greeks in their struggles for freedom and the creation of what had become the freest, most democratic country in history, the United States of America.

Thomas Jefferson looked to the ancient Greek philosophers and their teachings as an inspiration in trying to create a fair, strong, democratic state. And it was not accidental that many of the Greek leaders of the 1821 revolution, turned to America for inspiration as they were embarking in their struggle for freedom.

Both nations were faced with seemingly insurmountable struggles, rising against empires to claim their rights to life, liberty and the pursuit of happiness. Both nations became triumphant at the end, because of their love of freedom. The great American Patriot, Patrick Henry, proclaimed, "Give me liberty or give me death." The Greek patriots went to battle proclaiming, "Eleftheria I Thanatos" —liberty or death.

As with the American Revolution, the Greek revolution is filled with stories of heroism and sacrifice. News of such heroism and sacrifice met with strong feelings of support by the American public and by their politicians, including President James Monroe and John Quincy Adams, who expressed their support for the Greek revolution through their annual messages to congress. Henry Clay, our secretary of state in 1825, was very vocal in his support of Greece's fight for independence. Daniel Webster, more often than not, influenced his colleagues in looking into the Greek struggle with sympathetic interests.

It is, of course, no surprise that our Founding Fathers and other prominent Americans were supportive of the Greek struggle for independence. As mentioned, they themselves had been inspired by the ancient Greeks. Thomas Jefferson, of all the Founding Fathers, had a particular affinity for Greece, not only because of its classical republican philosophy but also because of his studies of the origins of languages. He expressed that affinity many times, as in a letter to John Brazier on August 24, 1819. In that letter, Thomas Jefferson address "Mr. Pickering's Memoir of the Modern Greek," and the Memoirs review by Brazier. He tells Brazier, "I had been much pleased with the memoir, and was much also with your review of it. I have little hope indeed of recovery of the ancient pronunciation of the finest of human languages, but still I rejoice to the attention the subject seems to excite with you, because it is evidence that our country begins to have a taste for something more than merely as much Greek as will pass a candidate for clerical ordination . . . Among the values of classical learning, I estimate the luxury of learning the Greek and Roman authors in all the beauties of their originals. And why should not this innocent and elegant luxury take its preeminent stand ahead of all those addressed merely to the senses? I think myself more indebted to my father for this that for all other luxuries his cares and affections have placed within my reach."

Jefferson expressed his empathies with Greece revolting against its Ottoman rulers. In an 1823 letter to Adamantios Coray, the Greek patriot and scholar that he had met in Paris years earlier, he stated:

. . . You have certainly began at the right end towards preparing them [the Greek people] for the great object they are now contending for, by improving their minds and qualifying them for self-government. For this they will owe you lasting honors. Nothing is more likely to forward this object than a study of the fine models of science left by their ancestors; to whom we also are all indebted for the lights which originally led ourselves out of Gothic darkness.

No people sympathize more feelingly than ours with the suffering of your countrymen; none offer more sincere and ardent prayers to heaven for their success. And nothing indeed but the fundamental principle of our government never to entangle us with the broils of Europe could restrain our generous youth from taking some part in this holy cause. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which she first of civilized nations presented examples of what man should be.

The ties that bind America and Greece go, of course, far beyond their parallel and noble struggles for freedom. The philosophical and

cultural connections, although little known to the public at large, could not be stronger or better assimilated. Such connections were born almost at the same time with the birth of our nation, if not before. In his excellent study of "Lincoln at Gettysburg," Gary Wills tells us:

America as a second Athens was an idea whose moment had come in the nineteenth century . . . In the early 19th century, an era that became known as America's Greek Revival was taking shape. Archaeological discoveries in Greece at the time brought the ancient democracy to mind just as modern Greece began its struggle for freedom from the Turks.

Edward Everett, President of Harvard, founder of Mount Auburn, congressman, Massachusetts's governor, minister to the Court of St. James's in London, senator, secretary of state and principal speaker at Gettysburg years later, was the leader of the Greek Revival. Harvard established its new chair of ancient Greek studies for him. While studying in Germany, Everett went to Greece, "to walk over the battlefields where the first democracy of the West won its freedom." He returned to America convinced that a new Athens was rising here. His appearances, "prompted rallies for Greek independence"—a favorite cause of Everett.

Everett's prestige influenced others, including historian George Bancroft, whose "main interest was Greek history." . . . Bancroft was ahead of the wave of histories that would glorify Periclean Athens in Victorian England. Direct democracy, a flawed system in republican theory, was rehabilitated, for its usefulness in the parliamentary reform movement, by British historians like George Grote. In America, a similar motion toward government by the people, not just for the republic, was signaled by an enthusiasm for Greek symbols. Bancroft became a Jacksonian Democrat when he began to apply historical skills formed on the Attic democracy to America's development. Walter Savage Landor recognized what was happening in America when he dedicated the second volume of his *Pericles and Aspasia* to President Andrew Jackson.'

Greece and the United States, bound by their absolute commitment to freedom and justice, have always been the strongest of the allies. Greece stood by us and fought with us in every single war or conflict since we both gained our freedom. And we always stood by Greece, and although at times we appeared to have forgotten how loyal and valuable the Greeks had been to us, our ultimate commitment to their freedom and wellbeing never wavered.

And as we commemorate and fight to free all people, let us remember that some other friends of ours are still agonizing and asking for our help in fighting forces of evil still occupying their land and their homes. The people of the Republic of Cyprus, Greeks and Turks and all others, should be given more active support by our great nation in their efforts to reunite the island and get rid of the occupying forces. U.S. leadership is essential, and now it is the time that we should remember that the Cypriot people are where we had been, and they are striving for what we have earned long time ago, that is, their right to freedom, liberty and the pursuit of happiness.

It is essential that American leadership urges Turkish and Turkish Cypriot leaders towards peace. These are the two sides that hold in their hands, to the largest extent, the peaceful solution to the Cyprus problem. A solution that undoubtedly will benefit all the peo-

ple of Cyprus, but it will also benefit the nations of Greece and Turkey, will stabilize the region, and will strengthen the bonds and relationships between the United States and the countries involved in the conflict.

As we commemorate Greek Independence Day, we are celebrating the strength and the resolve of the human spirit as well as man's unbending will in the pursuit of freedom. The people of ancient Greece gave us values and ethics and showed us how to fight for freedom and democracy. Our country, more than any other country, shares those values and ethics, and in days such as this we reaffirm our common democratic heritage with the Greek people. The commemoration and celebration remind us also that we should stay forever vigilant in fighting for and protecting our freedom and our democracy, least we loose the right to determine our lives and our future.

Dionisios Solomos was the great poet who transformed in his poetry the unparalleled struggle and the sacrifices of Hellenism in the pursuit of Freedom. The Revolution so much influenced his poetry that he is considered the national poet of Greece. One of his most inspired poems, *Hymn to Liberty*, has almost become synonymous to that Revolution and it became Greece's National Anthem. The poem was published in 1825, along with translations in Italian, French and English.

The Revolution would have never been the same without Solomos. The enthusiasm of the fighters, as well as the international sympathy among the Philhellenes would have definitely been smaller without the *Hymn to Liberty*.

Probably nowhere has Solomos's vision of Liberty depicted better than here, in the United States. Here, in the Rotunda of our own Capitol Hill, we see a most wonderful painting of Liberty, with the sword in hand chasing her enemies, exactly the way Solomos envisioned her in his *Hymn to Liberty*. This figure was painted by another son of Greece, one who really grasped Solomos's vision of Liberty, Constantino Brumidi.

And as a tribute to the United States, Solomos envisions our country rejoicing in seeing Greece fighting for Freedom. He describes the American feelings this way:

Most heartily was gladdened  
George Washington's brave land:  
For the iron bonds remembered,  
Her old slavery's cruel brand.

We live today in a great, free country. Our country became great, and will always be so, because the spirit and the morals that we share with Greece, as so eloquently expressed by Solomos, will always be with us.

#### TRIBUTE TO MARY NELL PORTER

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 6, 2005*

Mr. HULSHOF. Mr. Speaker, I rise today in recognition of a Missourian who has devoted countless hours promoting the arts in my hometown of Columbia, Missouri. She is in every sense a true Renaissance woman. Mr. Speaker, I am referring to Mary Nell Porter.

After graduating from Chillicothe Business College, Mary Nell moved to Washington, D.C. to support her country in the effort that yielded victory in World War II. It was during this time