

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Martha L. Franco, Senior Executive Assistant, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MARTHA L. FRANCO,
Senior Executive Assistant.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINTYRE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CAMERAS, COURTS, AND JUSTICE

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

Mr. POE. Mr. Speaker, Americans have a right to a public trial. This right dates back to the founding of this Nation, and it is based on our values of fairness and impartiality. The more open and public a trial is, the more likely that justice will occur. That's why in this country we don't have the secret STAR Chamber. This is a right reserved for defendants, but the public also sees it as their right to be informed. Cameras enhance the concept of fairness and openness.

Any American could walk into a courtroom and observe that proceeding. But if a person does not physically sit inside that courtroom, that person is denied the ability to see and observe the proceedings. This doesn't make any sense.

Placing a camera in a courtroom would allow the trial to be more public, more just, just like a trial is supposed to be. While Federal court hearings are open to the public, not everyone can actually attend Federal hearings. This is certainly true of appellate and Supreme Court hearings. And because of the impact that the United States Supreme Court and its rulings have on all Americans, those proceedings especially should be filmed. It is time to allow cameras in our Federal courts, at the discretion of the Federal judge.

I personally know how important it is to make courtroom proceedings in

trials accessible by camera to the public because I did it. For 22 years I served as a State felony court judge in Houston, Texas. I heard over 25,000 cases and presided over 1,000 jury trials. I was one of the first judges in the United States to allow cameras in the courtroom. I tried violent cases, corruption cases, murder cases, undercover drug cases, and numerous gang cases.

I had certain rules in place when a camera filmed in my courtroom. The media also always followed the rules that were ordered. Court TV even successfully aired an entire capital murder trial that was conducted in my courtroom. My rules were simple: No filming of sexual assault victims or children or the jury or certain witnesses such as informants. The unobtrusive camera filmed what the jury saw and what the jury heard. Nothing else.

After the trial juries even commented and liked the camera inside the courtroom because they, too, wanted the public to know what they heard instead of waiting to hear a 30-second sound bite from a newscaster, who may or may not have gotten the facts straight.

Those who oppose cameras in the courtroom argue that lawyers will play to the camera. No, Mr. Speaker, trial lawyers don't play to the camera. Lawyers play to the jury. They always have done so and always will whether a camera is present or not. I know. I played to the jury in my 8 years as a trial prosecutor.

Those who oppose cameras in the courtroom argue that it would infringe on a defendant's rights, but based on my experience, the opposite is actually true. Cameras in the courtroom actually benefit a defendant because a public trial ensures fairness. It ensures professionalism by the attorneys and the judge. A camera in the courtroom protects a defendant's right to that public trial.

And some members of the bar and judges may not want the public to see what is going on inside the courtroom because, frankly, they don't want the public to know what they are actually doing in the courtroom. Maybe these people shouldn't be doing what they are doing if they don't want the public to know by seeing their actions through a camera. A camera reveals the action of all participants in a trial.

If a judge fears that any trial participant's safety is in jeopardy or that the identity of an undercover agent or security personnel will be revealed by filming, the judge can refuse to have that camera in the courtroom and film that trial. I know how it is when you have certain undercover agents such as the DEA and informants testify. I had them testify in my courtroom, and we took the precautions to secure their identity.

Mr. Speaker, I am no law school academic, but I have 30 years experience as a trial prosecutor and a trial judge.

And based on those real experiences, cameras should be allowed in our courts.

The public has a right to watch courtroom proceedings and trials in person. America should not be deprived of this right to know just because they cannot physically sit inside the courtroom during those trials.

We have the best justice system in the world. We should not hide it. Many times citizens wonder why certain things happen in courts and why the results turned out the way they did. Openness, transparency, and cameras will help educate and inform a public that still continues to be enthralled with the greatest court system in the world.

And that's just the way it is.

WHY A SHORT-TERM WITNESS PROTECTION PROGRAM IS NECESSARY: THE CASE OF CARL LACKL

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

Mr. CUMMINGS. Mr. Speaker, I was motivated to address the issue of witness intimidation after the death of Angela and Cornell Dawson and their five children, ages 9 to 14. The entire family was killed, or should I say incinerated, in October 2002 when their home was firebombed in retaliation for Mrs. Dawson's repeated complaints to the police about recurring drug trafficking in her east Baltimore neighborhood.

Since this time, witness intimidation has become a plague on our justice system. According to the National Institute of Justice, 51 percent of prosecutors in large jurisdictions find witness intimidation to be a major problem. Additionally, prosecutors in large jurisdictions suspect that witness intimidation occurs in up to 75 to 100 percent of the violent crimes committed in gang-dominated neighborhoods. In my hometown of Baltimore, it is estimated that witness intimidation occurs in 90 percent of the cases that are prosecuted.

To make matters worse, the murder rate in the city is also at a record-breaking high. Today's Baltimore Sun reported that since January 1, there have been 229 homicides in Baltimore. At this pace, it is conceivable that the city will regrettably reach 300 homicides by the end of the year. While this figure is significantly lower than the record high of 353 homicides in 1993, the current situation is simply unacceptable. We need for our citizens to come forward by reporting crimes to law enforcement and testifying in court when appropriate. However, these simple acts have become a serious threat to one's life.

It is time to combat what is commonly referred to as a "conspiracy of silence," and this is why I am asking

my colleagues to cosponsor and to support the passage of H.R. 933, the Witness Security Protection Act of 2007, should it come to the House floor for a vote. Upon enactment, this legislation authorizes \$90 million per year over the next 3 years to enable State and local prosecutors to provide witness protection on their own or to pay the cost of enrolling their witnesses in the Short-Term State Witness Protection Program to be created within the United States Marshals Service.

In closing, I will highlight a recent case that exemplifies the need for this type of program.

On his way to lunch in March 2006, Carl Stanley Lackl, Jr., walked through a Baltimore City alley and witnessed Patrick Byers shoot Larry Haynes. Not only did Carl Lackl call the police, he stayed with the dying victim, comforting and reassuring him as paramedics arrived. Mr. Lackl was prepared to testify as a key witness in Byers' trial.

Unfortunately, Carl Lackl will not get the opportunity to carry out his civic duty. He was killed 8 days before the trial, gunned down in front of his home. Police have accused Byers of sending a text message to an associate giving Lackl's name and address and offering \$1,000 to have him killed. According to police, Lackl was at home at about 8:45 when he received a call about a Cadillac that he was selling. As he stood next to the Cadillac, a dark-colored car drove up, and a 15-year-old inside shot him three times, in the arm, chest and leg. Carl Lackl was pronounced dead soon after arriving at a nearby hospital.

Mr. Lackl deserved better. By all accounts, he was a hard worker and a devoted father. My prayers go out to his mother, his daughter, and his entire family. We can and should do better.

Mr. Speaker, witness intimidation is a growing national problem jeopardizing the criminal justice system's ability to protect the public. This issue must be addressed because without witnesses there can be no justice.

Therefore, I ask my colleagues to support H.R. 933, the Witness Security and Protection Act of 2007.

□ 1845

ADJOURNMENT TO MONDAY,
OCTOBER 1, 2007

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion pursuant to this order, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

CONSTITUTIONAL WAR POWERS
RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, earlier this week I introduced H.J. Res. 53, the Constitutional War Powers Resolution. Today, every Member of Congress received a Dear Colleague letter on this resolution. I hope that all Members and their staffs will take the time to review this legislation.

Too many times, this Congress has abdicated its constitutional duty by allowing Presidents to overstep their executive authority. Our Constitution states that, while the Commander in Chief has the power to conduct wars, only Congress has the power to authorize war.

As threats to international peace and security continue to evolve, the Constitutional War Powers Resolution re-dedicates Congress to its primary constitutional role of deciding when to use force abroad.

In 1793, James Madison said: "The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature. The executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war." And that was James Madison, 1793.

The Framers of our Constitution sought to decentralize the war powers of the United States and construct a balance between the political branches. Because this balance has been too often ignored throughout American history, the Constitutional War Powers Resolution seeks to establish a clear national policy for today's post-9/11 world.

The War Powers Resolution of 1973 aimed to clarify the intent of the constitutional Framers and to ensure that Congress and the President share in the decisionmaking process in the event of armed conflict. Yet, since the enactment of the resolution, time and again Presidents have maintained that the resolution's consultation reporting and congressional authorization requirements are unconstitutional obstacles to executive authority.

By more fully clarifying the war powers of the President and the Congress, the Constitutional War Powers Resolution improves upon the War Powers Resolution of 1973 in a number of ways. It clearly spells out the powers that the Congress and the President must exercise collectively, as well as the defensive measures that the Commander in Chief may exercise without congressional authority.

It also provides a more robust reporting requirement that would enable Congress to be more informed and have greater oversight. This resolution is the result of the dedicated work of the Constitutional Project and its War Powers Initiative. And it protects and preserves the checks and balances the Framers intended in the decision to bring our Nation into war.

Mr. Speaker, I hope many of my colleagues will consider cosponsoring this

legislation. It is time for Congress to meet its constitutional duty, and it is long overdue.

And with that, Mr. Speaker, before I yield back my time, I want to ask God to continue to bless our men and women in uniform and to bless their families, and for God to continue to bless America.

THE HEALTH OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this week, the World Health Organization released a report that can only be called shocking and appalling. Cholera is on the rise in Iraq and spreading to urban areas like Baghdad and Basrah, and some of the northern provinces as well.

As most of you know, cholera is a diarrheal illness caused by infection of the intestine. People get cholera from drinking water or food contaminated with the cholera bacteria, and it spreads rapidly in areas with inadequate treatment of sewage and drinking water.

This sounds like a disease of the Third World, not one of a developed and wealthy country, certainly not a country where the United States is propping up the health care system, right? Then why have the confirmed number of cases of cholera risen to more than 2,000? In one week alone, 616 new cases were discovered. The WHO estimates that more than 30,000 people have fallen ill with similar symptoms which may later be confirmed as cholera.

This is a shocking epidemic. As a result, the Iraqi Government is considering travel restrictions to limit the spread of this often deadly disease, particularly for children.

In a country already crippled by refugees and internally displaced people, the situation grows more severe every single day. Why, as we are spending more than \$13 million an hour for the occupation of Iraq, \$13 million an hour, 24 hours a day, 7 days a week, can we not join with the international community to provide for the most basic human needs? We are talking clean drinking water and proper sanitation. This is not reinventing the wheel or putting a man on the Moon.

Clean water and sanitary conditions, is that too much to ask? I guess it might be for our leader at the other end of Pennsylvania Avenue, because the administration spews a lot of rhetoric about liberating the Iraqi people. Does that mean crumbling infrastructure, sectarian fighting, a massive refugee crisis, and on top of that, a possible epidemic of cholera?

Iraqi families need to start their lives over again. They need their kids to be able to go to school. And they need to start their businesses and re-open them. They want real sovereignty