

Paris and to dispatch them to dungeons in Belarus if they were suspected of Chechen sympathies.

The vice president has maintained that the entire world is a battlefield. Accordingly, he contends that military power may be unleashed to kill or capture any American citizen on American soil if suspected of association or affiliation with al-Qaida. Thus, Mr. Cheney could have ordered the military to kill Jose Padilla with rockets, artillery, or otherwise when he landed at O'Hare Airport in Chicago, because of Padilla's then-suspected ties to international terrorism.

Mr. Cheney has championed a presidential power to torture in contravention of federal statutes and treaties.

He has advocated and authored signing statements that declare the president's intent to disregard provisions of bills he has signed into law that he proclaims are unconstitutional, for example, a requirement to obtain a judicial warrant before opening mail or a prohibition on employing military force to fight narco-terrorists in Colombia. The signing statements are tantamount to absolute line-item vetoes that the Supreme Court invalidated in the 1998 case *Clinton v. New York*.

The vice president engineered the National Security Agency's warrantless domestic surveillance program targeting American citizens on American soil in contravention of the Foreign Intelligence Surveillance Act of 1978. He concocted the alarming theory that the president may flout any law that inhibits the collection of foreign intelligence, including prohibitions on breaking and entering homes, torture, or assassinations. As a reflection of his power in this arena, today the Senate Judiciary Committee subpoenaed Cheney's office, as well as the White House, for documents that relate to the warrantless eavesdropping.

The vice president has orchestrated the invocation of executive privilege to conceal from Congress secret spying programs to gather foreign intelligence, and their legal justifications. He has summoned the privilege to refuse to disclose his consulting of business executives in conjunction with his Energy Task Force, and to frustrate the testimonies of Karl Rove and Harriet Miers regarding the firings of U.S. attorneys.

Cheney scorns freedom of speech and of the press. He urges application of the Espionage Act to prosecute journalists who expose national security abuses, for example, secret prisons in Eastern Europe or the NSA's warrantless surveillance program. He retaliated against Ambassador Joseph Wilson and his wife, Valerie Plame, through Chief of Staff Scooter Libby, for questioning the administration's evidence of weapons of mass destruction as justification for invading Iraq. Mr. Cheney is defending himself from a pending suit brought by Wilson and Plame on the grounds that he is entitled to the absolute immunity of the president established in 1982 by *Nixon v. Fitzgerald*. (Although this defense contradicts Cheney's claim that he is not part of the executive branch.)

The Constitution does not expressly forbid the president from abandoning his chief powers to the vice president. But President Bush's tacit delegation to Cheney and Cheney's eager acceptance tortures the Constitution's provision for an acting president. The presidency and vice presidency are discrete constitutional offices. The 12th Amendment provides for their separate elections. The sole constitutionally enumerated function of the vice president is to serve as president of the Senate without a vote except to break ties.

In contrast, Article II enumerates the powers and responsibilities of the president, including the obligation to take care that the

laws be faithfully executed. A special presidential oath is prescribed. Section 3 of the 25th Amendment provides a method for the president to yield his office to the vice president, when "he is unable to discharge the powers and duties of his office." There is no other constitutional provision for transferring presidential powers to the vice president.

Yet without making a written transmittal to Congress, President Bush has ceded vast domains of his powers to Vice President Cheney by mutual understanding that circumvents the 25th Amendment. This constitutional provision assures that the public and Congress know who is exercising the powers of the presidency and who should be held responsible for successes or failures. The Bush-Cheney dispensation blurs political accountability by continually hiding the real decision-maker under presidential skirts. The Washington Post has thoroughly documented the vice president's dominance in a four-part series running this week. It is quite a read.

In the end, President Bush regularly is unable to explain or defend the policies of his own administration, and that is because the heavy intellectual labor has been performed in the office of the vice president. Cheney is impeachable for his overweening power and his sneering contempt of the Constitution and the rule of law.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the Vice President.

□ 1930

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

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

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

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

tleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

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

#### WELCOME BACK SIMMONS COLLEGE OF KENTUCKY

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

Mr. YARMUTH. Madam Speaker, I rise in recognition of one of the most storied institutions in Louisville's rich history on this day of its rebirth as an independent liberal arts institution, as it was intended.

Shortly after the end of the Civil War, 12 forward-thinking former slaves gathered in Louisville, united by the understanding that education would be key to prosperity as free people in America. The institution of higher learning that opened its door 14 years later in 1879 was unique in its commitment to African American education.

While many similar institutions were the result of the efforts of white missionaries working to give recently freed people the advantages of American society, Simmons, known at that time as the Kentucky Normal Theological Institute in Louisville, was created in a collaboration that bridged the racial divide. Black Baptists and white Baptists, recently freed and those born of privilege, worked hand in hand in pursuit of equality in education.

Early leaders at the school came with impressive Ivy League pedigrees, but as the strength of the institution increased, they turned more and more to alumni that came from within. By the early part of the 20th century, it was difficult to find a finer education than that offered at Simmons College, earning it the nickname: "The Black Harvard of the South."

Within four decades of its inception and a half century removed from slavery, Simmons embodied the dream and exceeded the expectations of the dozen visionaries who foresaw education as the tools for equality. Louisville's Simmons College was a liberal arts college of national renown.

But like so many others, the economic hardships of the Great Depression devastated the school. The properties succumbed to foreclosure and the institution lost its independence. Despite meeting tremendous adversity, the determination that led Simmons' inception and incredible ascent drove its journey onward.

For decades and under several names, the school continued to exist. Most recently, the school specialized in theology, expertly training pastors at Simmons Bible College at 18th Street and Dumesnil.

But, Dr. Kevin W. Cosby, the latest in a great tradition of Simmons leadership dating back to Elijah Marrs, William Simmons, and Charles Parish, has led the way to a full restoration of

Simmons' early success as, in his words, "the mother of black higher education in the State of Kentucky." Through his work as president of the school and as pastor at St. Stephen Baptist Church, Dr. Cosby has worked to expand the school to its original home at 7th Street and Kentucky, where, in conjunction with the current campus, it will once again operate as a fully independent liberal arts university.

In this capacity, Simmons will again offer students from around the country a chance to realize their potential and excel, giving hope to those who need it. I applaud the vision and fortitude that Dr. Cosby has shown in restoring this indispensable treasure, which is not just a shining light in Kentucky's history, but to the Commonwealth's present and future as well.

I hope that it is Simmons, not recent decisions in Washington that could indicate a slow retreat from our strides in civil rights, that portends the course our Nation now treads. It is my great honor to stand on the House floor in recognition of the tremendous national significance and benefit of Simmons College of Kentucky and to say: Welcome back.

#### IRAQ

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

Ms. KAPTUR. Madam Speaker, President Bush finds himself increasingly isolated on the issue of Iraq. Public support continues to evaporate. This week in a devastating blow to the President's policy, Indiana Senator RICHARD LUGAR, ranking member of the Foreign Relations Committee, a respected voice and, I might say, a very experienced voice on foreign policy for the past 30 years, publicly broke with the Bush administration on Iraq.

In remarks on the Senate floor which are prominently featured on the home page of his Web site, Senator LUGAR said: "Our course in Iraq has lost contact with our vital national security interests in the Middle East and beyond. Our continuing absorption with military activities in Iraq is limiting our diplomatic assertiveness there and elsewhere in the world. The prospects that the current "surge" strategy will succeed in the way originally envisioned by the President are very limited within the short period framed by our own domestic political debate. And the strident, polarized nature of that debate increases the risk that our involvement in Iraq will end in a poorly planned withdrawal that undercuts our vital interests in the Middle East. Unless we recalibrate our strategy in Iraq to fit our domestic political conditions and the broader needs of U.S. national security, we risk foreign policy failures that could greatly diminish our influence across that region and the world."

Senator LUGAR framed the debate in terms of U.S. interests in the Middle

East and the world. He is correct to note that: "The current surge strategy is not an effective means of protecting those interests. Its prospects for success are too dependent on the actions of others who do not share our agenda. It relies on military power to achieve goals that it cannot achieve. It distances allies that we will need for any regional diplomatic effort. Its failure, without a careful transition to a backup policy would intensify our loss of credibility. It uses tremendous amounts of resources that cannot be employed in other ways to secure our objectives. And it lacks domestic support that is necessary to sustain a policy of this type."

I would add several other observations: Rising casualties signal a strategy that is not working.

The U.S. death toll has risen to over 3,555 and there are that many Iraqis dying every month. President Bush himself has admitted his surge will result in more American casualties, a phenomenon we in Ohio know well as last week we lost another airman, F-16 pilot Kevin Sonnenburg, who was laid to rest.

Madam Speaker, I would like to place in the RECORD other important information about the situation in Iraq. Flexibility is not the President's strong suit, and it is time for President Bush to get in touch with reality before he does more damage to the position of the United States in the Middle East and before we lose more of our sons and daughters and the nation of Iraq loses more of its sons and daughters.

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#### RISING CASUALTIES SIGNAL A STRATEGY THAT IS NOT WORKING

When a U.S. soldier was killed recently by a roadside bomb in the southwestern section of Baghdad, the death toll for American service personnel reached 3,500 over the four years of this war.

The U.S. death toll has risen over 3555.

President Bush himself admitted his "surge" will result in more American casualties—a phenomenon that has become all too frequent as a result of the Administration's conduct of the war. Even now, Northwest Ohio is mourning the loss of an F-16 pilot from the 180th Fighter Wing out of Toledo.

We stand foursquare behind our troops. We will support them in every possible way.

Sooner or later, President Bush has to face the facts: the American people will not sacrifice their sons and daughters in a failed strategy.

#### SOLDIERS BECOMING INCREASINGLY DISILLUSIONED

Our armed forces are being stretched too thin, but the White House just won't listen. Senator LUGAR said in his speech: "The window during which we can continue to employ American troops in Iraqi neighborhoods without damaging our military strength or our ability to respond to other national security priorities is closing."

Tour after tour in Iraq are taxing the best troops in the world, our American soldiers, leaving them increasingly disillusioned with the mission.

Soldiers are home no longer than 24 hours before they receive a phone call telling them to change their plans because they are going back to Iraq.

Our troops have stepped up to the plate, they have served with honor, and now it is time for their Iraqi counterparts to step up.

Our unit has already sent two soldiers in a box. My soldiers don't see the same level of commitment from the Iraqi Army units they're partnered with.—Captain Douglas Rogers of Delta Company.

Meanwhile, the line between ally and foe is continuing to be blurred as soldiers watch shadowy militia commanders installed as Iraqi Army officers, which places all our forces in a vulnerable position, heavily susceptible to internal as well as external terrorist attacks.

#### THE WAR IS CAUSING NEUROPSYCHIATRIC ILLNESS AMONG OUR TROOPS

The war in Iraq is taking a hidden toll on the American forces:

38 percent of soldiers, 31 percent of our Marines, 49 percent of our Army National Guard and 43 percent of our Marine reservists have reported symptoms of neuropsychiatric illnesses—PTSD, anxiety, depression.

Mental health care stigma remains pervasive and is a significant barrier to care.

Mental health professionals are not sufficiently accessible to service members and their families.

There are significant gaps in the continuum of care for psychological health.