

IN RECOGNITION OF MARC  
CATALANO

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Ms. SPEIER. Mr. Speaker, I rise to honor Police Commander Marc Catalano for 31 years of service to the City of San Bruno.

He joined the San Bruno Police Department on June 1, 1979 and spent his first two years as a community service officer. He served as a patrol officer from 1981 to 1984, a detective from 1984 to 1985, a field training officer from 1985 to 1997, an acting sergeant from 1990 to 1991 and again a detective from 1991 to 1994. In 1994 he became involved with D.A.R.E., the Drug Abuse Resistance Education, and was instrumental in expanding that program from elementary schools to middle schools and high schools.

In 1997 Mr. Catalano was promoted to the rank of Sergeant and four years later to the rank of Lieutenant Sergeant. In 2001 he received his final promotion to Commander.

Marc Catalano is a true Bay Area native, born in San Francisco and raised in San Bruno and Burlingame. He graduated from Mills High School and received an Associate Degree from the College of San Mateo. At Notre Dame de Namur University he earned his Baccalaureate Degree in Human Services.

Commander Catalano is anything but complacent; he always thrives to learn more and better himself. He attained advanced supervisory and management certificates from the State of California, the Commission on Peace Officer Standards and Training, and awards from the San Mateo County Trial Lawyers Association and from MADD, Mothers Against Drunk Driving.

In addition to a law enforcement career, Marc Catalano is the loving husband to his wife Laurie, his wife of 26 years. The couple has two daughters Danielle and Lindsay.

Mr. Speaker, it is right to honor Commander Catalano for his 31 years of service to the San Bruno Police Department on December 27, 2010, the day of his retirement.

HONORING FORMER GUAM COM-  
MISSIONER JOSE ESPINOSA  
SANTOS

**HON. MADELINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life and service of Jose Espinosa Santos, former Commissioner of the Guam villages of Mongmong-Toto-Maite. Mr. Santos passed away at the age of 77 on March 9, 2011 at Parkview Community Hospital in Riverside, California.

Mr. Santos was born in Guam on June 23, 1933 to Tomas Taitano and Joaquina Mata Espinosa Santos. In 1973, he was elected to serve as Commissioner for the villages of Mongmong-Toto-Maite, in Guam. After serving for four years as Commissioner, Mr. Santos continued to serve Guam in several capacities within the Mayors' Council of Guam, including Special Assistant to the Chief Commissioner,

Deputy Chief Executive Officer, Chief Executive Officer, and Executive Director. In addition to his public service, Mr. Espinosa was also active in the Catholic Community as an ordained Deacon for the Archdiocese of Agaña at the Dulce Nombre De Maria Cathedral-Basilica.

I join our community in mourning the loss of Jose Espinosa Santos, and I offer my condolences to his wife, Pilar Rosario Cepeda Santos, his 10 children, 27 grandchildren, 2 great grandchildren, and his many families, friends, and loved ones. May God bless the family and friends of Jose Espinosa Santos, God bless Guam, and God bless the United States of America.

RECOGNIZING MS. MELANIE PE-  
TERS AS THE 2011 HURLBURT  
AFA CHAPTER 398 ELEMENTARY  
SCHOOL TEACHER OF THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Ms. Melanie Peters as the 2011 Hurlburt AFA Chapter 398 Elementary School Teacher of the Year. Ms. Peters is an inspiration to her students and colleagues, and I am honored to recognize her achievements.

Successfully getting a class of kindergarteners to construct and fly Styrofoam planes to test Bernoulli's Principle is an accomplishment worthy of recognition in itself. Ms. Peters surpassed this feat and also taught her five- and six-year olds about rocket propulsion using balloons.

Her creative techniques coupled with her passion for flight continues to provide an enjoyable and unique learning experience for her fourth graders. In her classroom, also known as TOP FUN, Ms. Peters incorporates math, science, and technology into her student's curriculum by utilizing her knowledge of aviation. TOP FUN's doors open into a world where students learn that living and learning coexist as a combined adventure.

Through her hard work and dedication, Melanie Peters continues to provide her students a solid foundation, upon which her students are able to grow, as their love for learning continues to soar. Teaching, a love Melanie credits to her mother, comes naturally to her, and is evidenced in the positive impact she has made on the lives of her students.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize Ms. Peters for this great achievement and her commitment to excellence. Ms. Peters has earned the title of Elementary School Teacher of the Year. My wife Vicki joins me in congratulating Melanie Peters, and we wish her continued success.

THE HAMP TERMINATION ACT OF  
2011

SPEECH OF

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 29, 2011*

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 839) to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis:

Mr. GUTIERREZ. Mr. Chair, I rise today in strong opposition to the HAMP Termination Act, or H.R. 839, a bill to eliminate the Home Affordable Modification Program (HAMP). This is just another attempt by my Republican colleagues to do away with important and necessary programs that help our struggling families and communities cope with the devastation of the housing crisis. Our families are dealing with real emergencies and they want real solutions, yet the Republicans offer no meaningful replacement to help families during this housing and foreclosure epidemic.

The Home Affordable Modification Program was put in place by the Obama Administration to provide critical assistance to American homeowners who are working tirelessly to save their homes. While it wasn't meant to save every home on the brink of foreclosure, this program has helped over 600,000 homeowners since it was first launched. This means that because of HAMP, over 600,000 families were given an opportunity they otherwise wouldn't have had to save their home. Approximately 30,000 homeowners are assisted through HAMP each month. If we eliminate this program now, we would be doing a great disservice to these homeowners and to the recovery of our fragile housing market.

The ineptitude and noncompliance of banks and mortgage servicers have created a laundry list of mistakes and missteps in handling homeowner mortgages that led us into this devastating housing situation. HAMP has been criticized by all parties because it did not meet its initial projected goals. This is partly because HAMP sets strict requirements for homeowners to qualify for a modification to ensure that American taxpayer dollars are not wasted or misused. Modifications that continue to be made outside of HAMP are done by servicers who avoid meeting the strict requirements and rules under this program which are put in place to protect homeowners. We have a responsibility to our constituents and we can't simply leave the fate of homeowners and struggling families to the banks and mortgage servicers when their bad mortgage lending practices contributed to our nation's housing crisis in the first place.

HAMP is not perfect, but there is no question that HAMP has provided critical assistance to homeowners facing avoidable foreclosures. The HAMP program has set affordability standards and, more importantly, this program has created a framework for the private sector to provide assistance. The political theater put together by my Republican colleagues to eliminate HAMP and other valuable housing programs and replace them with nothing, doesn't do anything to alleviate the dire circumstances hundreds of thousands of American families are facing today.

Mr. Chair, ending HAMP now would undoubtedly hamper our nation's economic recovery efforts. Many of my colleagues have mentioned throughout this debate something we all know to be true: not a single witness—including the Government Accountability Office and the Special Inspector General for the

Troubled Asset Relief Program—who was invited by Republicans at the hearing we held earlier this month in the Housing Subcommittee, over which I serve as Ranking Member, supported shutting down any of the housing programs Republicans propose to terminate, including HAMP.

Eliminating HAMP would leave American homeowners with fewer options for coping with the worst housing crisis of our generation and would leave our fragile housing market in worse condition than when we started. I urge my colleagues to support American homeowners and vote no on this bill.

LEGALITY FOR THE USE OF  
FORCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 2011

Mr. CONYERS. Mr. Speaker, I would like to submit the following article:

IS BUSH'S WAR ILLEGAL?—LET US COUNT THE  
WAYS

(By Francis Boyle)  
THE "BLOWHARD ZONE"

On September 13, 2001 I got a call from FOX News asking me to go on the O'Reilly Factor program that night, two days after the tragic events of September 11, to debate O'Reilly on War v. Peace. It is pretty clear where I stood and where he stood. I had been on this program before. I knew what I was getting in to. But I felt it would be important for one lawyer to get up there in front of a national audience and argue against a war and for the application of domestic and international law enforcement, international procedures, and constitutional protections, which I did.

Unfortunately, O'Reilly has the highest ranked TV news program in the country. I thought someone should be on there on September 13. I think most people agree that I beat O'Reilly. By the end of the show he was agreeing with me. But the next night he was saying that we should bomb five different Arab countries and kill all their people. But let me review for you briefly some of the international law arguments that I have been making almost full time since September 13. They are set forth in the introduction in my new book, *The Criminality of Nuclear Deterrence*.

TERRORISM V. WAR

First, right after September 11 President Bush called these attacks an act of terrorism, which they were under the United States domestic law definition at that time. However, there is no generally accepted definition of an act of terrorism under international law, for reasons I explain in my book. Soon thereafter however and apparently after consultations with Secretary of State Powell, he proceeded to call these an act of war, ratcheting up the rhetoric and the legal and constitutional issues at stake here. They were not an act of war as traditionally defined. An act of war is a military attack by one state against another state. There is so far no evidence produced that the state of Afghanistan, at the time, either attacked the United States or authorized or approved such an attack. Indeed, just recently FBI Director Mueller and the deputy director of the CIA publicly admitted that they have found no evidence in Afghanistan linked to the September 11 attacks. If you believe the government's account of what

happened, which I think is highly questionable, 15 of these 19 people alleged to have committed these attacks were from Saudi Arabia and yet we went to war against Afghanistan. It does not really add up in my opinion.

But in any event this was not an act of war. Clearly these were acts of terrorism as defined by United States domestic law at the time, but not an act of war. Normally terrorism is dealt with as a matter of international and domestic law enforcement. Indeed there was a treaty directly on point at that time, the Montreal Sabotage Convention to which both the United States and Afghanistan were parties. It has an entire regime to deal with all issues in dispute here, including access to the International Court of Justice to resolve international disputes arising under the Treaty such as the extradition of Bin Laden. The Bush administration completely ignored this treaty, jettisoned it, set it aside, never even mentioned it. They paid no attention to this treaty or any of the other 12 international treaties dealing with acts of terrorism that could have been applied to handle this manner in a peaceful, lawful way.

WAR OF AGGRESSION AGAINST AFGHANISTAN

Bush, Jr. instead went to the United Nations Security Council to get a resolution authorizing the use of military force against Afghanistan and Al Qaeda. He failed. You have to remember that. This war has never been authorized by the United Nations Security Council. If you read the two resolutions that he got, it is very clear that what Bush, Jr. tried to do was to get the exact same type of language that Bush, Sr. got from the U.N. Security Council in the late fall of 1990 to authorize a war against Iraq to produce its expulsion from Kuwait. It is very clear if you read these resolutions, Bush, Jr. tried to get the exact same language twice and they failed. Indeed the first Security Council resolution refused to call what happened on September 11 an "armed attack"—that is by one state against another state. Rather they called it "terrorist attacks." But the critical point here is that this war has never been approved by the U.N. Security Council so technically it is illegal under international law. It constitutes an act and a war of aggression by the United States against Afghanistan.

NO DECLARATION OF WAR

Now in addition Bush, Jr. then went to Congress to get authorization to go to war. It appears that Bush, Jr. tried to get a formal declaration of war along the lines of December 8, 1941 after the Day of Infamy like FDR got on Pearl Harbor. Bush then began to use the rhetoric of Pearl Harbor. If he had gotten this declaration of war Bush and his lawyers knew full well he would have been a Constitutional Dictator. And I refer you here to the book by my late friend Professor Miller of George Washington University Law School, *Presidential Power*, that with a formal declaration of war the president becomes a Constitutional Dictator. He failed to get a declaration of war. Despite all the rhetoric we have heard by the Bush, Jr. administration Congress never declared war against Afghanistan or against anyone. There is technically no state of war today against anyone as a matter of constitutional law as formally declared.

BUSH, SR. V. BUSH, JR.

Now what Bush, Jr. did get was a War Powers Resolution authorization. Very similar to what Bush, Sr. got. Again the game plan was the same here. Follow the path already pioneered by Bush, Sr. in his war against Iraq. So he did get from Congress a War Powers Resolution authorization. This is what law professors call an imperfect declaration

of war. It does not have the constitutional significance of a formal declaration of war. It authorizes the use of military force in specified, limited circumstances.

That is what Bush, Sr. got in 1991. It was to carry out the Security Council resolution that he had gotten a month and one-half before to expel Iraq from Kuwait. But that is all the authority he had—either from the Security Council or from Congress. And that is what he did. I am not here to approve of what Bush, Sr. did. I do not and I did not at the time. But just to compare Bush, Jr. with Bush, Sr. So Bush, Jr. got a War Powers Resolution, which is not a declaration of war.

Indeed, Senator Byrd, the Dean of the Senate, clearly said this is only a War Powers authorization and we will give authority to the president to use military force subject to the requirements of the War Powers Resolution, which means they must inform us, there is Congressional oversight, in theory, (I do not think they are doing much of it), controlled funding, and ultimately we decide, not the Executive branch of the government—we are the ones who gave the authorization to use force.

Again very similar to what Bush, Sr. got except the Bush, Jr. War Powers Resolution is far more dangerous because it basically gives him a blank check to use military force against any state that he says was somehow involved in the attack on September 11. And as you know that list has now gone up to 60 states. So it is quite dangerous, which led me to say in interviews I gave at the time this is worse than the Tonkin Gulf Resolution. Better from our perspective than a formal Declaration of War, but worse constitutionally and politically than the Tonkin Gulf resolution. But still subject to the control of Congress and the terms of the War Powers Resolution. Indeed you might be able to use that War Powers Resolution and the authorization in litigation that might come up. Keep that in mind.

NO WAR AGAINST IRAQ!

For example, on Iraq. Right now they cannot use that War Powers Resolution to justify a war against Iraq. There is no evidence that Iraq was involved in the events on September 11. So they are fishing around for some other justification to go to war with Iraq. They have come up now with this doctrine of preemptive attack. Quite interesting that argument, doctrine was rejected by the Nuremberg Tribunal when the lawyers for the Nazi defendants made it at Nuremberg. They rejected any doctrine of preemptive attack.

NAZI SELF-DEFENSE

Then what happened after failing to get any formal authorization from the Security Council, the U.S. Ambassador Negroponte—who has the blood of about 35,000 people in Nicaragua on his hands when he was U.S. Ambassador down in Honduras—sent a letter to the Security Council asserting Article 51 of the U.N. Charter to justify the war against Afghanistan. And basically saying that we reserve the right to use force in self-defense against any state we say is somehow involved in the events of September 11. Well, the San Francisco Chronicle interviewed me on that and asked what is the precedent for this? I said that the precedent again goes back to the Nuremberg Judgment of 1946 when the lawyers for the Nazi defendants argued that we, the Nazi government had a right to go to war in self-defense as we saw it, and no one could tell us any differently. Of course that preposterous argument was rejected by Nuremberg. It is very distressing to see some of the highest level of officials of our country making legal arguments that were rejected by the Nuremberg Tribunal.