

Chief to unilaterally seize steel production plants. Justice Douglas' concurring opinion contained an important recognition of the importance of separation of powers during war:

"All executive powers—from the reign of ancient kings to the rule of modern dictators—has the outward appearance of efficiency. Legislative power, by contrast, is slower to exercise . . . We therefore cannot decide this case by determining which branch of government can deal most expeditiously with the present crisis. The answer must depend on the allocation of powers under the Constitution."

No one in this Congress argues that the military must diminish their role in fighting against attacks on the United States. However, if the armed conflict is not defensive, the federal constitution has, unmistakably provided that the Congress shall have power to declare war.

This war has continued for almost 10 years and it is time to call it to a stop until Congress declares a clear objective to engage the nation in war. The Framers granted Congress the authority to make the decision to go to war because Congress could best assess whether the country was behind a war, which is a key element to any victory.

Therefore, we must remember our constitutional duty to represent the voice of the American people. The cost of war comes at the expense of their lives, their sons, and their daughters.

Second, the war in Afghanistan exceeds the scope of the authorization of the AUFMA resolution.

The authorization for Use of Military Force (AUMF), is not a general anti-terrorism bill. The resolution never gave the President perpetual authority to use military force after 9/11 to any acts or plans of terrorism. Instead, the AUMF resolution reads:

"The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future act of international terrorism against the United States by such nations, organizations, or persons."

The AUMF cannot be used as a cover for a full-blown war, which is what has occurred in Afghanistan. We are now almost 10 years into a full-blown war under the claim that the AUMF continues to authorize this war cannot be upheld. For this claim to be upheld, Congress must then declare war.

The United States cannot engage in national building type activities that are not connected to the scope of the authorization under the AUMF. Should Congress determine that the military needs more or less authority than it has been given under the AUMF, we will act accordingly.

Thirdly, the armed unmanned drones in Pakistan are unlawful.

Another concern is that the Afghanistan action has paved the way for unauthorized military actions in neighboring Pakistan, including the use of military drones.

The military continues to use armed unmanned drones operated by the CIA and conducts exercises on the ground in order to tar-

get Al Qaeda and the Taliban and additional terrorist groups. How can the administration pursue the use of drones without abandoning America's hallmark commitment to civil liberties?

The use of drones has placed the United States military in a bad light internationally for the killings of innocent people from the use of drones. The New America Foundation, reportedly, estimates that between 867 and 1,281 deaths from drone strikes, with 277 to 435 being noncombatants that have died since 2004.

The use of drones by the United States has been called "one of Washington's worst-kept secrets." American drones may well have attacked jihadist groups not connected to the supporters and members Al Qaeda or the Taliban. This combat can not be justified under the AUMF authorization because the attacks exceed the scope the authorization.

Our actions may well be increasing the rush of Pakistan jihadist gaining greater influence in combat in Pakistan. Increased military presence in Afghanistan has inflamed anti-American resentment in the region. Pakistan, reportedly, also has hundreds of nuclear weapons. Our troops may be in more danger because of the effects of compromised U.S. efforts in the region and the greater Middle East.

Expansion of executive war power beyond the AUMF is precisely the kind of momentous decision making the Framers conferred upon the Congress. We must put a stop to this war in Afghanistan or else it will send a message to the world that our Executive Branch may pick and choose wherever they want to send troops or to start a war.

The United States military is in a dozen different locations all over the world engaged in combat. Even now, our military is fighting in Libya, yet there has been no authorization or declaration from this Congress nor has there been any meaningful consultation with Congress.

The burden caused by the decision to expand military activities into Pakistan exceeds the scope of the AUMF. Congress must support H. Con. Res. 28 in order keep this Country dedicated to the way the Framers of the Constitution structured our nation on how to commit to armed conflict.

Finally, the military action appears to violate international legal norms.

H. Con. Res. 28 will place the United States in a better position in light of our international obligations under the U.N. Charter. None of the mandates from the two resolutions passed in the wake of the tragedy on 9/11 decided that any state should engage in war.

Instead, for example, Resolution 1373 directs member states to root out terrorism through means that affect the financing, harboring, investigating, and collaborating of terrorist groups while Resolution 1268 strongly condemned the attacks on 9/11 and called for international cooperation to find the perpetrators of 9/11.

Without a clear objective or credibility that the United States is acting in self defense, our country may be violating our obligation as a member state in the U.N. to refrain from acts of aggression that are unauthorized by the Charter.

The use of drones and military operations by the CIA also conflicts with both article 51

and article 2. Combat for the purposes of article 51 only authorizes the right of the use of military force if the force is in self-defense in the event an armed attack occurs. Article 2 of the Charter also prohibits the use or threatened use of force against another state.

Article 51 does not grant the right of bombing, unmanned armed drones, nor does it describe armed force as self-defense. Unfortunately we have engaged in such force and accepted the risks associated with the use of such force. The U.S. must comply with our obligations under these Articles.

The attacks on the United States on 9/11 were horrific. However, the horror we experienced on that tragic day does not provide any legal justification to use deadly force against people believed to be hiding in regions throughout Afghanistan. There is no justification for the Afghan war to be transformed into an authorization to use force anywhere we think terrorism exists.

#### HONORING MAYOR PETE DAMES

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Pete Dames as he celebrates 17 years of dedication to the people of La Mirada, California. Pete began his service to La Mirada as a member of the La Mirada Parks and Recreation Commission in 1980 and has been involved in numerous civic, service, and educational organizations and programs ever since.

Throughout his time on the City Council, Pete has focused on keeping La Mirada a safe, family-friendly, and thriving community. Pete was instrumental in maintaining a low crime rate and keeping La Mirada business-friendly.

Pete's involvement in public service reaches far beyond the confines of the City Council's Chamber. His broad community service includes serving as President of the La Mirada Athletic Council, as an active, lifetime member of the Veterans of Foreign Wars Post 9148 and Knights of Columbus, and as a Board member of the La Mirada Youth Foundation and the Beatitudes of Our Lord School. He has received many prestigious awards including the Kiwanis Administrator of the Year, and the Kiwanis Governor's Award for Distinguished Service. He also received the Parent Teacher Association Honorary Service and Continuing Service Award, which honors those who have made significant contributions to the welfare of children and youth in the community.

Today, Pete continues his dedication as a Delegate to the Southern California Joint Powers Insurance Authority and to the Southern California Association of Governments. He also serves as the City's liaison to the La Mirada Chamber of Commerce.

From one public servant to another, please join me in honoring Mayor Pete Dames for his service and dedication to the City of La Mirada and the community.

HONORING THE ACCOMPLISHMENTS OF COLONEL D. GRAY HEPPNER, JR., M.D.

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor the extraordinary accomplishments of Colonel D. Gray Heppner, Jr., M.D., upon his retirement as the Deputy Director for the Walter Reed Army Institute of Research, WRAIR.

For over 100 years, scientists at WRAIR have expanded the frontiers of military medicine, taking the road less-travelled, from jungles, deserts, and battlefields to the laboratory and back, intent upon protecting the health of America's soldiers in harm's way. Undaunted by danger, WRAIR scientists developed the first vaccines for hepatitis and Japanese encephalitis, and the means to diagnose and treat deadly malaria. Today, on the battlefields of Asia, WRAIR's work mitigates the stress of combat, the fatigue of sustained operations and the fear of insidious Leishmaniasis, a parasitic disease spread by the bite of a sandfly. WRAIR's success in infectious diseases and military psychiatry is due to the resolve and dedication of an exceptional cadre of men and women, military and civilian.

Today, I salute a distinguished alumnus of WRAIR, Colonel D. Gray Heppner, Jr., a physician-scientist who dedicated his extraordinary 20-year career at WRAIR to developing malaria vaccines and biochemical defense in Asia, Africa, the Middle East, Europe, and the United States.

After earning his B.A. and M.D. from the University of Virginia, and studying Internal Medicine at the University of Minnesota, Col. Heppner worked in the lab of Professor John Eaton, researching antimalarial drugs and treating patients with tropical diseases at Joint Task Force Bravo in Honduras. When he was 34, he volunteered for active duty on the condition that he would be placed in the malaria vaccine research program at WRAIR.

While serving as an Infectious Disease Officer in the Department of Immunology, Col. Heppner, then a Major, suffered from a case of acute malaria, a known side effect from working with the potential vaccine. This experience gave Col. Heppner a unique perspective on the disease and fostered in him a renewed belief in the critical need for a vaccine.

From 1993–97, Col. Heppner and his family lived in Bangkok, where he served as the Chief of the Department of Immunology and Medicine for the Armed Forces Research Institute of Medicine. In this position, Col. Heppner was the principal investigator for Phase 1 and Phase 2 malaria vaccine trials on the Thai-Burmese border. In 1997, Col. Heppner returned to WRAIR to conduct pre-clinical, clinical, and field trials of malaria vaccines in Kisumu, Kenya.

In 1999, Col. Heppner became Chief of WRAIR's Department of Immunology, and in 2006 was promoted to Director of WRAIR's Division of Malaria Vaccine Development. In these positions, he led teams of dedicated scientists and physicians at organizations and institutions around the world—including USAID, the Gates Foundation, the Kenya Medical Research Institute, NIH/NIAID, and the Malaria Vaccine Initiative at PATH, among others to conduct human trials of innovative malaria vaccines in the United States, Europe, and East and West Africa. During this time, he also served as a member of the Special Medical Augmentation Response Team in Doha, Kuwait, working to develop countermeasures to biological weapons.

In 2008, Col. Heppner became Deputy Director of WRAIR. As an executive of the Defense Department's largest biomedical research institute, Col. Heppner was responsible for overseeing some of the most important vaccinal research in the world. In this position, he also supported WRAIR's transformation to the Department of Defense's Center of Excellence in Infectious Diseases and Psychiatry and Neurosciences.

As a member of the Council on Foreign Relations, Col. Heppner has advocated for vaccines to improve health, economic development, and political stability. Through his work with the Order of St. John, Col. Heppner has supported the St. John Eye Hospital in East Jerusalem in its mission to heal the blind of all faiths. Col. Heppner's work has been published in more than 100 peer-reviewed scientific publications and book chapters.

There is a long-standing tradition that WRAIR officers continue to develop vaccines in their retirement. Col. Heppner will be following in that tradition as he serves as Vice President for Clinical Development at Crucell, a global biotechnology company that specializes in vaccinal development for tuberculosis, Ebola, HIV, influenza, polio, rabies, and malaria—the very diseases that threaten soldier and world health. As journalist Michael Leahy observed in his 2006 Washington Post Magazine article, "Breaking the Cycle," "Gray Heppner . . . does not give up easily on a dream."

Mr. Speaker, it is my honor to recognize the exceptional career of Colonel D. Gray Heppner, Jr., M.D., and his extraordinary efforts in making our world a healthier and safer place.

AFGHANISTAN WAR POWERS  
RESOLUTION

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 17, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I appreciate the sentiment behind this resolution.

American and other NATO forces have been in Afghanistan for 10 years. That is a long haul and at times it seems that we are making little progress in achieving our objective. Like many Americans, I have serious questions about our strategy in Afghanistan. That being said, I oppose this resolution for three reasons.

First, the foundational argument of this resolution is simply wrong. Section 5(c) of the War Powers Act, the provision referenced in this resolution, states that Congress may, by concurrent resolution, require the President to re-deploy troops out of the line of fire if the President had never received congressional authorization for the deployment. But the Congress did authorize military operations in Afghanistan in 2001. Consequently, there is no sound legal basis for this resolution.

Second, the Secretary of Defense has indicated that an ill-timed and precipitous draw-down of forces could threaten the progress and the sacrifices we have made in Afghanistan. A withdrawal of troops in 9 months, as this resolution requires, could create a total power vacuum and be a recipe for anarchy in Afghanistan. The likely result could be a bloodbath with a high probability that al Qaeda will once again establish itself in Afghanistan.

Third, the President has announced that the United States will begin to re-deploy its forces in Afghanistan this Summer. Last week, General Petraeus indicated that the re-deployment would begin as planned. The goal is to steadily, but responsibly, withdraw U.S. and NATO forces as we accelerate the training of the Afghan National Security Forces. I will closely monitor the progress of that effort in order to ensure that we follow through as planned.

Our decision to forcibly remove the Taliban regime in 2001 was the right one. The Taliban regime had allowed Afghanistan to become a safe haven for al Qaeda and a launching pad for the September 11, 2001 attacks on the United States. The United Nations, the Atlantic Alliance and the entire international community agreed that the U.S. response was appropriate and justified.

Although that decision was justified, serious questions remain about the best way forward in Afghanistan. I oppose this resolution. I will review similar future resolutions with a fresh eye based on the consideration of the situation in Afghanistan. We must see greater evidence that the Afghan National Security Forces are steadily assuming greater responsibility.